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C2511011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Bryan Yee,

Complainant,

vs.

San Jose Water Company (U168W),

Defendant.

Case 25-11-011

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This scoping memo and ruling (scoping memo) sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities (Pub. Util.) Code Section 1701.1 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

1. Background

On November 21, 2025, Bryan Yee (Complainant) filed this complaint against San Jose Water Company (Defendant). The complaint alleges that Defendant billed Complainant for usage that was physically impossible, inconsistent with field observations made by Defendant's employees, and unsupported by the documented leak rate. Complainant seeks an order requiring Defendant to adjust the bill to a reasonable amount that reflects actual, plausible water usage.

Defendant filed an answer to the complaint on February 6, 2026. An amended answer was filed on February 13, 2026.

A prehearing conference was held on March 4, 2026 to determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. After considering the complaint, answer, and discussion at the prehearing conference, I have determined the issues and initial schedule of the proceeding to be set forth in this scoping memo.

2. Issues

The issues to be determined or otherwise considered are:

- (1) Was the water meter at Complainant's residence functioning properly during the billing period of May 9-July 10, 2025?
- (2) Was the usage recorded by the water meter at Complainant's residence during the billing period of May 9-July 10, 2025 the accurate usage amount?
- (3) Does the complaint adequately state a claim upon which the Commission can grant relief, as required for the filing of a complaint pursuant to Rule 4.1 of the Commission's Rules of Practice and Procedure and Pub. Util. Code 1702?
- (4) What, if any, relief is Complainant entitled to?

3. Need for Evidentiary Hearing

At the prehearing conference, Complainant stated that an evidentiary hearing is necessary, and Defendant stated that a hearing is not necessary. At this time, I determine that a hearing is necessary.

4. Schedule

The following schedule is adopted here and may be modified by the Administrative Law Judge (ALJ) as required to promote the efficient and fair resolution of the complaint.

EVENT	DATE
Deadline to Complete Discovery	April 13, 2026
Prepared Testimony served	April 27, 2026
Prepared Rebuttal Testimony served	May 11, 2026
Joint Response stating whether Evidentiary Hearings are necessary and if so, providing lists of (1) all disputed material facts, (2) all witnesses and for each witness, the disputed material facts to which the witness will testify, and (3) direct and cross-examination estimate times for each witness a party proposes to conduct direct examination and cross-examination	May 18, 2026
Evidentiary Hearing	June 19, 2026
Opening Briefs due	TBD
Reply Briefs due	TBD

This proceeding will stand submitted upon the filing of reply briefs, unless the assigned ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 12 months from the issuance of this scoping memo as required by Pub. Util. Code Section 1701.2(i).

5. Alternative Dispute Resolution (ADR) Program and Settlements

The Commission's ADR program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer this proceeding to the Commission's ADR Coordinator. Additional ADR information is available on the Commission's website.¹

¹ <https://www.cpuc.ca.gov/PUC/adr/>

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

6. Categorization of Proceeding and Ex Parte Restrictions

The Commission determined in the Instructions to Answer Notice, issued on April 3, 2025, that the category of the proceeding is adjudicatory. This scoping memo confirms the categorization. Accordingly, *ex parte* communications are prohibited pursuant to Pub. Util. Code Section 1701.2(c) and Article 8 of the Commission's Rules of Practice and Procedure.

7. Response to Public Comments

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

8. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office> or contact the Commission's Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

9. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10 with one exception, that all parties are excused from the Rule 1.10 requirement to serve on the ALJ both the electronic and paper copy of filed or served documents. Therefore, when serving documents on Commissioners, their personal advisors, and the ALJ, parties must only provide electronic service, unless otherwise instructed by the ALJ. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service to occur.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

10. Receiving Electronic Service from the Commission

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive e-mails from the Commission. Please add “@cpuc.ca.gov” to your e-mail safe sender list and update your e-mail screening practices, settings and filters to ensure receipt of emails from the Commission.

11. Discovery

Discovery may be conducted by the parties consistent with Article 10 of the Commission’s Rules of Practice and Procedure. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJ. Deadlines for responses may be determined by the parties.

12. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Debbie Chiv is the assigned ALJ and Presiding Officer for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearings are deemed necessary.

4. The presiding officer is Administrative Law Judge Debbie Chiv.
5. The category of the proceeding is adjudicatory.

Dated April 3, 2026, at San Francisco, California.

/s/ KAREN DOUGLAS

Karen Douglas
Assigned Commissioner