

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fred Sahadi, individually and as
Trustee of the Fred Sahadi Revocable
Living Trust,

Complainant,

vs.

Case 19-04-005

San Jose Water Company (U168W),

Defendant.

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline for completion of this proceeding to March 31, 2022.

1. Background

Public Utilities Code (Pub. Util. Code) § 1701.2(i) provides that the Commission shall resolve the issues raised in the scoping memo of an adjudicatory proceeding within 12 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met and issues an order extending that deadline. On October 7, 2021, the Commission issued Decision (D.) 21-10-013 and extended the statutory deadline of this proceeding to February 8, 2022. This decision further extends the statutory deadline for resolving this proceeding to March 31, 2022.

On April 5, 2019, the complainant, Fred Sahadi, acting in both his capacity as trustee of the Fred Sahadi Living Trust and as an individual (collectively referred to as Sahadi), filed a complaint for an order establishing a reasonable allocation of the costs for repositioning a portion of respondent San Jose Water Company's (SJWC) water main under Santella Drive in the Town of Los Gatos. The water main needed both repositioning and adaptation to accommodate the road plan and fire protection for a housing development that Sahadi is building adjacent to Santella Drive. Sahadi complains that certain acts and omissions by SJWC, related to the repositioning of the water main, violated the California Public Utilities Code, and he asks that SJWC be ordered to bear the entire cost of replacement. Three versions of the complaint were filed, each one modified to account for activities that had taken place since the prior version of the complaint was filed. An answer to the third and final version of the complaint was filed by respondent on June 27, 2019.

On November 26, 2019, the previously assigned Commissioner issued her Scoping Memo setting the January 27 - 28, 2020, as the dates for an evidentiary hearing (EH) and February 4 and 11, 2020, for concurrent opening and closing briefs to be filed. A prehearing conference (PHC) was held on January 9, 2020, at which the assigned Administrative Law Judge (ALJ) Charles Ferguson reset the dates for opening and closing briefs to February 7 and 14, 2020, respectively.¹

At the close of the evidentiary hearing on January 28, 2020, counsel for the Complainant Sahadi, requested a further continuance of the briefing schedule to accommodate a personal family matter of importance; the ALJ granted the request and extended the briefing schedule so that final post-hearing briefs from

¹ PHC Tr., January 9, 2020, at 34, lines 16-23.

the parties were due to be filed on February 28, 2020.² Thereafter, the Covid-19 pandemic appeared in California further delaying the completion of this matter.

On March 8, 2021, the proceeding was reassigned to Commissioner Darcie L. Houck. On August 5, 2021, the Presiding Officer's Decision (POD), was served on the parties, and Complainant Sahadi filed an appeal of the POD on September 7, 2021. On September 22, 2021, SJWC filed its response.

It is expected that this the Complainant's appeal will be addressed in the very near future. Therefore, an extension of the statutory deadline to March 31, 2022, is necessary and appropriate to allow enough time for the ALJ and newly assigned Commissioner to review the appeal and the response filed and to prepare a decision for Commission consideration. The extension will also allow enough time for the Commission to deliberate and to issue its final decision.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of the proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

3. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Charles Ferguson is the assigned ALJ and presiding officer in this proceeding.

² EH Tr., January 28, 2020, at 287, lines 1-10.

Findings of Fact

1. On April 5, 2019, this complaint was filed by Fred Sahadi, on his own behalf and on behalf of the Fred Sahadi Living Trust. The complaint was amended twice thereafter to take into account pertinent developments that occurred after each of the first two versions of the complaint were filed.
2. An answer to the third and final version of the complaint was filed on June 27, 2019.
3. On November 26, 2019, the originally assigned Commissioner issued her scoping memo and ruling.
4. Two days of evidentiary hearings were held on January 27- 28, 2020 in San Francisco, California.
5. On March 8, 2021, the proceeding was reassigned to Commissioner Darcie L. Houck.
6. The current statutory deadline is February 8, 2022, for this proceeding, which was set on June 7, 2021, by D.21-10-013, which extended the prior statutory deadline.
7. On August 5, 2021, the ALJ issued a POD.
8. On September 7, 2021, complainant Fred Sahadi appealed the POD.
9. On September 22, 2021, SJWC filed its response.
10. An extension of the statutory deadline to March 31, 2022, is necessary to allow enough time for the ALJ and newly assigned Commissioner to review the appeal and the response filed and to prepare a decision for Commission consideration. The extension will also allow enough time for the Commission to deliberate and to issue its final decision.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline for this proceeding should be extended to March 31, 2022.

IT IS ORDERED that the statutory deadline for this proceeding is extended until March 31, 2022.

This order is effective today.

Dated _____, at San Francisco, California.