

Decision 11-11-013 November 10, 2011

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joan E. Richardson, Steve Pegram, Carl J. Meir,  
Kathleen Thayer, Tracey Raybon, John L. Barnes,  
Donald H. Dawson, Patricia O. King, Jerry Amiss,  
James H. Pelley, Dorothy Reed, James Vitale, and  
others similarly situated,

Complainants,

vs.

Phillip and Linda Shuey, doing business as Shell  
Canyon Water Company, an unregulated water  
company,

Defendants.

Case 08-03-018  
(Filed March 24, 2008)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Pub. Util. Code § 1701.2(d) provides that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline was October 20, 2011.

A final decision in this complaint case is not expected until early 2012. There have been numerous continuances at the request of the parties to explore the possibility of settlement. Settlement discussions proved fruitless and a hearing was scheduled and removed from the calendar at parties' request. To

prevent shut off of water service, the assigned Administrative Law Judge (ALJ) issued a Ruling on November 9, 2010, releasing \$446.48 from the impounded funds and disbursing the money to Phillip Shuey, owner of Shell Canyon Water Company. Decision (D.) 10-11-014 extended the statutory deadline to October 20, 2011. An extension to April 20, 2012 is necessary to address parties' negotiations.

### **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 proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

### **Assignment of Proceeding**

Mark J. Ferron is the assigned Commissioner and Robert Barnett is the assigned ALJ and presiding officer in this proceeding.

### **Findings of Fact**

1. This adjudicatory proceeding commenced on March 24, 2008.
2. D.10-11-014 extended the statutory deadline to October 20, 2011.
3. An extension for resolving this proceeding is required to April 20, 2012.

### **Conclusion of Law**

Effective immediately, the statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended to April 20, 2012.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is further extended until April 20, 2012.

This order is effective today.

Dated November 10, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners