

Decision No. 76428

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CITIZENS UTILITIES
COMPANY OF CALIFORNIA, a corporation,
for authority to increase its rates
and charges for its water system
serving the areas of Guerneville,
Rio Nido, East Guernwood, Guernwood
Park, Northwood, Monte Rio, Vacation
Beach, River Meadows and vicinity in
Sonoma County.

Application No. 48905

ORDER STRIKING AFFIDAVIT
AND DENYING PETITION FOR ORAL
ARGUMENT EN BANC

Weyman I. Lundquist, attorney for applicant, filed an affidavit with applicant's exceptions to the proposed report of the Examiner herein and petition for an oral argument before the Commission en banc. The affidavit states that "Certain factual matters extraneous to the record in these cases are critical to an assessment of these rate cases by the Commission" and contains matters which are extraneous to the record. Rule 84 of the Commission's Rules of Procedure provides:

"Petition to Set Aside Submission. After conclusion of hearings, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced."

We find that the affidavit of Weyman I. Lundquist, attorney for applicant, does not comply with Rule 84.

We conclude that the affidavit of applicant's attorney should be stricken from the record herein.

Applicant's petition for oral argument before the Commission en banc has been considered. This matter is not yet at issue since replies to exceptions have not been filed. The petition should be denied without prejudice.

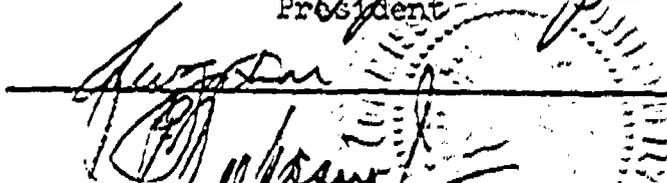
IT IS ORDERED that the affidavit of Weyman L. Lundquist is stricken from the record herein.

IT IS FURTHER ORDERED that applicant's petition for oral argument en banc herein is denied without prejudice.

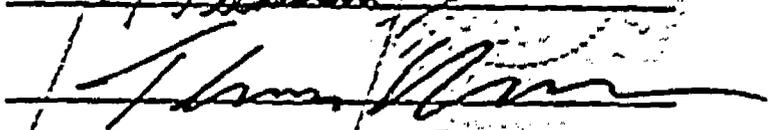
Dated at San Francisco, California, this 12th day of November, 1969.



President



Commissioner



Commissioner



Commissioners