

Decision 91-07-036 July 24, 1991

JUL 24 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH FARAJ, dba
 Century Interiors,
 Complainant,
 vs.
 SAN JOSE WATER COMPANY,
 a California corporation,
 (U-168-W)
 Defendant.

ORIGINAL

(ECP)
Case 91-03-029
(Filed April 15, 1991)

OPINION

Statement of Facts

The dispute which precipitated this complaint is over payment for water usage significantly higher at the time in question than the previous average usage for this commercial complainant.

An evidentiary hearing was duly noticed for 10:00 a.m., Friday, May 17, 1991 in the Council Chambers at the San Jose City Hall. Defendant's representative and witnesses appeared on time ready to proceed. Complainant did not appear. After waiting a half hour without complainant appearing, the Administrative Law Judge (ALJ) submitted the matter.

At approximately 10:35 a.m. that morning a woman stating she was the wife of the complainant telephoned the Calendar Clerk in San Francisco to state that the claimant was "involved in an audit" and would not appear. Later she also left a message on the ALJ's office recorder asking that the matter be reset for another day.

Discussion

Lost time wastes resources and costs money. While audits are usually scheduled in advance, even if here it was not, the failure of the complainant to telephone the Calendar Clerk early enough to permit cancellation of the hearing and notice to the defendant and the ALJ, thereby saving defendant's representative and several witnesses, and the ALJ, the morning's time, is inexcusable. The Commission's time and resources are limited.

ORDER OF DISMISSAL

IT IS ORDERED that Case 91-03-029 (ECP) is dismissed for lack of prosecution.

This order is effective today.

Dated July 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director