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Decision 92-07-011 July 1, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY OF BRADBURY, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 California-American Water Co., )  
 )  
 Defendant. )

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Case 89-07-053  
(Filed July 31, 1989)

O P I N I O N

In this complaint, the City of Bradbury (City) appeared on behalf of actual and potential users of Defendant's irrigation system, which serves an area which lies wholly within the City.

Briefly, the complaint contended that the utility unlawfully refused to allow new irrigation services or to reactivate existing services which were allowed to lapse. City also alleged that the system was not adequately maintained.

Because the City was appearing on behalf of readily identifiable members of a group in the unlawful denial of service issue, the City was required to give notice in a manner similar to that which might be required in a consumer class action suit. (Administrative Law Judge's Ruling filed April 4, 1990.) None of the assertedly injured potential customers sought to represent themselves.

City subsequently decided not to pursue the complaint. On December 23, 1991, City provided notice to potentially affected consumers by Notice of Complainant's Intent to Terminate Participation in Adversary Proceeding and to Abandon Claim. On

February 6, 1992, City reported that there were no responses to the Notice.

For that reason, the City's attorney requested that its complaint be dismissed with prejudice.

Findings of Fact

1. Potentially affected individual consumers have been given adequate notice that City intends to abandon this complaint.
2. No consumers have indicated a wish to pursue the issues raised by the complaint.
3. It is not adverse to the public interest to dismiss the complaint with prejudice.

Conclusion of Law

The complaint should be dismissed with prejudice.

O R D E R

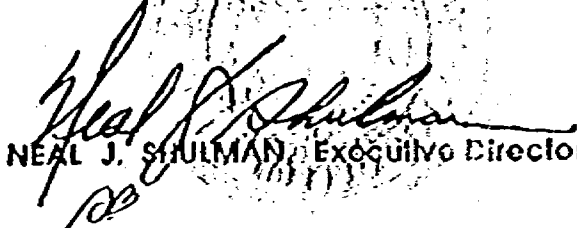
IT IS ORDERED that this complaint is dismissed with prejudice.

This order becomes effective 30 days from today.

Dated July 1, 1992, at San Francisco, California.

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

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

  
NEAL J. SHULMAN, Executive Director