

ORIGINAL

Decision No. 92224 <sup>ALJ</sup> SEP 8 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
 motion into the regulation of employment )  
 practices of THE PACIFIC TELEPHONE AND TELE- )  
 GRAPH COMPANY, PACIFIC GAS AND ELECTRIC )  
 COMPANY, GENERAL TELEPHONE COMPANY OF )  
 CALIFORNIA, SOUTHERN CALIFORNIA GAS )  
 COMPANY, SAN DIEGO GAS & ELECTRIC )  
 COMPANY, SOUTHERN CALIFORNIA EDISON )  
 COMPANY, CALIFORNIA WATER SERVICE COMPANY, )  
 SOUTHERN CALIFORNIA WATER COMPANY, )  
 SIERRA PACIFIC POWER COMPANY, SOUTHERN )  
 PACIFIC TRANSPORTATION COMPANY, WESTERN )  
 PACIFIC RAILROAD COMPANY, THE ATCHISON, )  
 TOPEKA AND SANTA FE RAILWAY COMPANY, )  
 PACIFIC POWER & LIGHT COMPANY, CP )  
 NATIONAL CORPORATION, SOUTHWEST GAS )  
 CORPORATION, CITIZENS UTILITIES COMPANY )  
 OF CALIFORNIA, and CONTINENTAL TELEPHONE )  
 COMPANY OF CALIFORNIA, )

Case No. 10308  
(Filed April 12, 1977)

Respondents. )

(See Appendix A for appearances.)

THIRD ORDER AMENDING ORDER INSTITUTING INVESTIGATION

The following order amends the order instituting investi-  
gation to delete certain utilities as respondents in this  
investigation.

Background

On July 30, 1980 Citizens Utilities Company of  
California filed a motion for clarification of its status as  
respondent. It was added as a respondent by our Decision No. 91963  
dated June 17, 1980. It requests clarification as to whether it

is a respondent to the Commission's investigation for its telephone utility service or for its water utility service, or both. It notes that it appears that the Commission is concentrating its investigation on the large utilities and that its water utility districts serve only approximately 40,000 customers. It requests an order from the Commission clarifying that Citizens Water is not a respondent in these proceedings.

On August 13, 1980 California Water Service Company filed a motion for an order dismissing it as a respondent in this proceeding. It alleges that it is the only utility named as a respondent which furnishes only water service and that while it is the largest water utility under Commission jurisdiction, its operations are small compared to the major utilities in this proceeding. It argues that any information to be furnished by it will be insignificant compared to other respondents and consequently of negligible aid in any overall evaluation of progress toward the Commission's stated goals in this proceeding.

It asserts that participation in these proceedings will be expensive and time-consuming and will be burdensome on its ratepayers without providing any significant addition to the information the Commission will receive from the much larger other respondents.

Pending a ruling on its motion to dismiss as a respondent, it asks that the Administrative Law Judge's prehearing conference order dated July 9, 1980 be stayed as to it.

#### Discussion

In Decision No. 92049 dated July 15, 1980, we dismissed three named railroads as respondents in this investigation for reasons of consistency in treatment of transportation utilities and for ease in the administrative conduct of this investigation.

It appears from examination of the remaining named respondents in this matter that it might be well to do the same thing with the water utilities. There are three utilities which furnish water utility service: Southern California Water Company, California Water Service Company, and Citizens Utilities Company of California. The Commission's annual report for the years 1978-1979 shows 354 water companies of which approximately 20 are Class A water utilities.

It is inconsistent to name some but not all water utilities as respondents in this matter unless there is a definite standard used for including some and not others. It does not appear that any such standard was applied here since Southern California Water Company and California Water Service Company are both Class A water utilities, and Citizens Utilities Company of California has nine districts and subsidiaries of which only two are Class A water utilities. No other Class A water utilities are named respondents and it would be administratively cumbersome to designate them respondents at this stage of the proceeding.

Accordingly, we will dismiss Southern California Water Company, California Water Service Company, and that portion of Citizens Utilities Company of California that furnishes water utility service as respondents in this matter. This will eliminate all water utilities from this investigation. We encourage their continued participation in these proceedings as interested parties, however, and point out that we may well decide at some later time to initiate a rulemaking proceeding involving any or all of the water utilities under our jurisdiction for the purpose of promulgating rules, regulations, or general orders based on the material developed in this proceeding.

IT IS ORDERED that California Water Service Company, Southern California Water Company, and Citizens Utilities Company of California (water utility activity only) are dismissed as respondents in this investigation. Citizens Utilities Company of California (telephone utility activity) remains a respondent.

The effective date of this order is the date hereof.

Dated SEP 3 - 1980, at San Francisco, California.

John E. Suran  
President  
Thomas P. Sturgeon  
Richard D. Swell  
Clare J. DeFuria  
Arnold H. Remick  
Commissioners

APPENDIX A

LIST OF APPEARANCES

Respondents: Heller, Ehrman, White & McAuliffe, by Robert T. Haslam, Attorney at Law, for Citizens Utilities Company of California; Katherine M. Griffin, Attorney at Law, for Western Pacific Railroad; Richard L. Rosett and Leland E. Butler, Attorneys at Law, for The Atchison, Topeka and Santa Fe Railway Company; Bruce E. Speidel, Attorney at Law, for Pacific Power & Light Company; Bernice Sanda and Connie Chen, for CP National Corporation; Gordon Pearce, Delroy M. Richardson, and Vincent Master, Attorneys at Law, for San Diego Gas & Electric Company; Gary Laakso, Attorney at Law, for Southern Pacific Transportation Company; Sharon G. Wrubel, John S. Fick, and Doug K. Porter, Attorneys at Law, for Southern California Gas Company; Daniel E. Gibson, John R. Low, and Robert Ohlbach, Attorneys at Law, for Pacific Gas and Electric Company; Orrick, Herrington, Rowley & Sutcliffe, by Gary R. Siniscalco and Robert J. Gloistein, Attorneys at Law, for Continental Telephone Company of California; John W. Evans, Attorney at Law, for Southern California Edison Company; Richard E. Potter and Susan E. Amerson, Attorneys at Law, for General Telephone Company of California; and Richard Siegfried, Attorney at Law, for The Pacific Telephone and Telegraph Company.

Interested Parties: Ruth Benson, Attorney at Law, for CWA District 11; M. A. Walters and M. A. Mederos, for International Brotherhood of Electrical Workers Local Union 1245; John Martinez, Attorney at Law, for Health and Welfare Agency; María J. Navarro, for Communications Workers of America and Concilio; William B. Hancock, for himself; Ted H. Carmack, for IBEW, Local Union 543 (w/Continental Telephone); Pedro Castro, for Communication Workers of America, Local 9421; Cornelius Steward, Attorney at Law, for MTTDC, Minority-Trucking Transportation Development Corporation; James D. Jefferson, for San Francisco Black Business Chamber of Commerce; Susan L. Drew, for Women Organized for Employment; Joel G. Contreras, Attorney at Law, for Mexican-American Political Association, et al.; Susan Tam, for Chinese for Affirmative Action; Patricia Cordero, for "Los Padrinos"; Robert Gnaizda, Attorney at Law, for Mexican-American Political Association, Oakland Concerned Citizens for Urban Renewal, Glide Memorial Methodist Church, League of United Latin American Citizens, and American G.I. Forum; Paul Cobb, for OCCUR; James S. Lee and William Ward, for State Building and Construction Trades Council of California; Al Lynn, for Minority Contractors Association Northern California; and Kenneth L. Crowell, for Communications Workers of America, AFL-CIO.

Commission Staff: Robert Cagen, Attorney at Law.