

*July*

**ORIGINAL**

Decision 93831 DEC - 11981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Berry Creek Water Company, a )  
California Corporation, to borrow )  
funds under the Safe Drinking Water )  
Bond Act, and to add a surcharge to )  
water rates to repay the principal )  
and interest on such loan. )

Application 60513  
(Filed May 4, 1981)

ORDER GRANTING HEARING

A petition for rehearing of Decision (D.) 93534 has been filed by Darwin Datwyler, a property owner on Berry Creek who participates with the applicant in a water right. In reviewing Mr. Datwyler's filing, we have determined that under Public Utilities Code § 1731, he lacks standing to file a petition for rehearing of D.93534.

Although Mr. Datwyler may not effect a rehearing of D.93534 under § 1731, he may be accorded a hearing by the Commission, under Public Utilities Code § 1708, for an order rescinding, altering or amending such decision. (Cf. So. Pac. Transportation Co., 76 PUC 2, 6 (1973)). Accordingly, we have decided to grant a hearing under § 1708 to determine whether the order in D.93534 should be rescinded, altered or amended. The hearing shall be limited to determining the adequacy of applicant's water supply to serve additional customers and to any matter related to such determination, as the presiding officer shall deem appropriate. Therefore,

IT IS ORDERED that a hearing shall be held at such time and place and before such Commissioner or Administrative Law Judge as shall hereafter be determined, limited to determining the adequacy of applicant's water supply to serve additional customers and to any matter related to such determination, as the presiding officer shall deem appropriate.

A.60513 L/mbh.

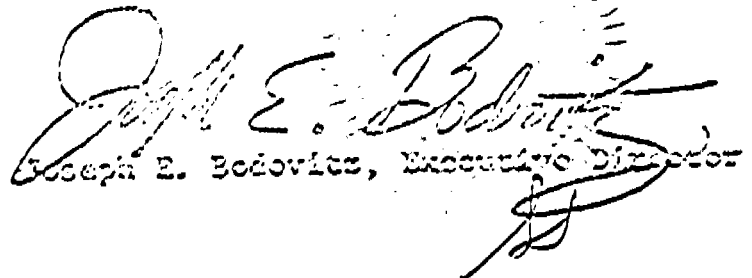
The Executive Director shall serve notice of such hearing upon the parties in accordance with the Commission's Rules of Practice and Procedure.

This order is effective today.

Dated DEC 1 1981, At San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. CRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director