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Decision 97-11-063 November 19, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation and Suspension on the Commission's Own Motion of Tariff Filed by Advice Letter Nos. 287 and 287-A of San Jose Water Company in Santa Clara County.

(I&S)
Case 97-08-004
(Filed August 1, 1997)

ORIGINAL

INTERIM OPINION

The Order of Investigation and Suspension in this case suspended the tariff sheets filed by San Jose Water Company under Advice Letters 287 and 287-A until further Commission order, and required the Small Water Branch to conduct an informal meeting with W. Rocke Garcia (Garcia) and San Jose Water Company to attempt to resolve the issues raised by Garcia's protest.

Public Utilities (PU) Code § 455 states that, "...the period of suspension of the rate, classification, contract, practice, or rule shall not extend beyond 120 days beyond the time when it would otherwise go into effect unless the commission extends the period of suspension for a further period not exceeding six months." If not suspended, the tariff sheets filed under Advice Letters 287 and 287-A would have gone into effect August 4, 1997. The 120-day period would expire December 2, 1997.

By letter dated September 23, 1997, and distributed to San Jose Water Company and counsel for Garcia, the Water Division's project manager in this case informed the assigned Administrative Law Judge (ALJ) that the meeting had been conducted as ordered, and that the participants had agreed on a course of action aimed at resolving the issues. Given their proposed timeline, it appears very unlikely that they will complete the process within the 120-day limit specified in PU Code § 455. Accordingly, on October 8, 1997, the assigned ALJ issued a Ruling seeking comments on extending the period of suspension for an additional three months. Garcia and Water Division filed comments in support of an extension. San Jose Water Company did not file comments.

Findings of Fact

1. Absent an extension by the Commission, PU Code § 455 limits the period of suspension of the tariff sheets filed under San Jose Water Company's Advice Letters 287 and 287-A to 120 days beyond the August 4, 1997, date when they would otherwise have gone into effect.
2. Garcia, Water Division, and San Jose Water Company are working together toward a solution to the issues raised by Advice Letters 287 and 287-A.
3. Following the process now underway, additional time will be needed to resolve the issues.
4. Garcia and Water Division support extending the period of suspension for an additional three months. There is no known opposition to such an extension.

INTERIM ORDER

IT IS ORDERED that the period of suspension of San Jose Water Company's Advice Letters 287 and 287-A and the tariff sheets filed thereunder is extended to March 2, 1998.

This order is effective today.

Dated November 19, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners