

FEB 19 1998

Decision 98-02-101 February 19, 1998

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

SECOND 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 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. With the initial Order of Investigation and Suspension's 120-day period due to expire December 2, 1997, the Commission issued Decision (D.) 97-11-063 extending the period of suspension to March 2, 1998. The parties agreed on a course of action aimed at reaching agreement on the issues within that time.

By letter of December 18, 1997, the Commission's Water Division informed the assigned Administrative Law Judge (ALJ) that the parties had been unable to resolve their differences, and recommended that the matter be set for hearing. At the prehearing conference held January 12, 1998, the ALJ announced he would propose a further three-month extension as permitted under § 455, and established a hearing and submission schedule to meet that time limit.

Findings of Fact

1. By D.97-11-063, the Commission extended the period of suspension of San Jose Water Company's Advice Letters 287 and 287-A to March 2, 1998 after learning of the parties' agreement on a course of action aimed at resolving the issues within that time.
2. The parties have been unable to resolve their differences.
3. An additional three-month extension is needed to meet the hearing and submission schedule established by the assigned ALJ at the prehearing conference of January 12, 1998.

Conclusions of Law

1. Absent further extension by the Commission, Advice Letters 287 and 287-A would go into effect March 2, 1998.
2. PU Code § 455 allows the Commission to extend the suspension for an additional three months.

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 June 2, 1998.

This order is effective today.

Dated February 19, 1998, at San Francisco, California.

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