

ALJ/WRI/mrj

Decision 99-02-012 February 4, 1999

Mailed 2/4/99

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARROLL S. HAYES,

Complainant,

vs.

R. R. LEWIS SMALL WATER COMPANY,

Defendant.

(ECP)

Case 98-09-022

(Filed September 15, 1998)

O P I N I O N

Carroll S. Hayes (Hayes or Complainant) filed this complaint under the Commission's Expedited Complaint Procedure (ECP Rule 13.2, Rules of Practice and Procedure). Hayes owns lots located within defendant's service area which he seeks to develop, but his application for new hookups has been denied by defendant because it has imposed a moratorium on new water service connections.

At a duly noticed public hearing, without a reporter, two facts become apparent: first, the complaint required a hearing record not available as an ECP; and second, the Commission's Small Water Branch was studying the dispute so as to make a recommendation to the parties.

Given these facts, the Administrative Law Judge advised the parties that he would recommend that the complaint be dismissed without prejudice to its being re-filed as a formal complaint in the event that informal resolution under the guidance of the Small Water Branch was unsuccessful. (See Rule 10, Rules of Practice and Procedure.)

Findings of Fact

1. Hayes filed an ECP complaint alleging that defendant refuses him new water service connections within its certificated water service territory.
2. Resolution of the complaint requires a hearing record not available in an ECP.
3. The Commission's Small Water Branch has the matter under study so as to make a recommendation to the parties.
4. The matter is referred to staff for informal resolution.

Conclusion of Law

The complaint should be dismissed without prejudice.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed without prejudice.
2. Case 98-09-022 is closed.

This order is effective today.

Dated February 4, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners