

Decision 00-03-041 March 16, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Cannery Row Marketplace, LLC, a California Limited Liability Corporation, for a Certificate of Public Convenience and Necessity to Construct a Public Utility Water System in the City of Monterey, Monterey County and to Establish Rates for Service.

Application 99-08-005
(Filed August 4, 1999)

**ORDER PURSUANT TO RULE 6.5 OF
THE RULES OF PRACTICE AND PROCEDURE**

Rule 6.5(b) of the Rules of Practice and Procedure concerning changes in the need for hearing or preliminary categorization of a proceeding provides:

If the assigned Commissioner, pursuant to Rules 6(a)(3), 6(c)(2), or 6(d), changes the preliminary determination on need for hearing, the assigned Commissioner's ruling shall be placed on the Commission's Consent Agenda for approval of that change.

Pursuant to Rule 6.1, the Commission in Resolution ALJ 176-3022 preliminarily determined the above-entitled matter to be a ratesetting proceeding not expected to go to hearing. The application was subsequently protested and a prehearing conference held. After considering the application, the protest and the prehearing conference statements of the parties, Commissioner Duque issued an Assigned Commissioner's Ruling dated January 19, 2000 finding that the need for hearing determination should be changed.

We have considered our preliminary determination and the Assigned Commissioner's Ruling, and we agree with the assigned Commissioner that a hearing is needed.

The draft of this decision was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were received.

O R D E R

IT IS ORDERED that a hearing is needed in this proceeding.

This order is effective today.

Dated March 16, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners