

Decision 99-11-032 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Sierra Club
for Rehearing of Resolution W-4154.A.99-08-051
(Filed August 31, 1999)

**ORDER CLARIFYING AND CORRECTING
RESOLUTION W-4154 AND DENYING REHEARING
OF THE RESOLUTION, AS CORRECTED**

We have reviewed the Application for Rehearing filed by the Angeles chapter of the Sierra Club. The Sierra Club contends that the Commission committed error in that it: (1) failed to consider Sierra Club's timely comments to the draft of Resolution W-4154; (2) failed to require Valencia to meet its burden of proof; and (3) failed to hold an evidentiary hearing to resolve factual issues raised by the Sierra Club and other interested parties relating to the adequacy of the water supply.

Our review of this matter revealed that the Sierra Club's comments to the draft Resolution either were not received by the Commission, or were overlooked due to administrative error. We note that the Commission was not required to entertain comments to the draft Resolution. See Public Utilities Code section 311(g). Nevertheless, because we invited and received comments on the draft, we have carefully considered the comments submitted by the Sierra Club dated June 28, 1999.

We do not believe that we committed error in approving Resolution W-4154. On the basis of the record as a whole, we are persuaded that Valencia met its burden of proving that it has adequate water to serve the additional areas in question. We also believe that it was within our discretion to rule on Advice Letters 84 and 85 without an evidentiary hearing. See PUC Rules of Practice and Procedure 44.4 (filing a protest to an application does not ensure that an evidentiary hearing will be held).

Accordingly, the Application for Rehearing and the request for an evidentiary hearing in this proceeding are denied.

We agree with the Sierra Club, however, that certain factual issues concerning future demand and future availability of water in the Santa Clarita basin must be resolved before further extensions of Valencia's service area can be approved. In Resolution W-4154, we ordered Valencia to file an updated Water Management Plan by January 3, 2000. (Ordering paragraph 2). The Water Management Plan approval process will, in this case, provide the opportunity for a more comprehensive evaluation of the evidence relating to future supply and demand. An evidentiary hearing will be held and interested parties such as Sierra Club will have an opportunity to participate.

We wish to correct several errors in the August 5, 1999 Resolution, as set forth below.

IT IS HEREBY ORDERED that Resolution W-4154 shall be corrected as follows:

Page 2, second full paragraph, second sentence, shall be deleted and replaced with the following sentence:

In D. 99-04-061, the Commission dismissed the Sierra Club's complaint and request for a moratorium on all new connections, but stated that it will "adjudicate Valencia's capacity to serve additional customers in the proceedings where Valencia seeks authorization to serve those customers." (Conclusion of Law # 4.)

Page 3, fourth paragraph, second sentence, shall be deleted and replaced by the following sentence:

Comments were submitted by Friends of the Santa Clara River (Friends), dated June 22, 1999; the Santa Clarita Organization for Planning the Environment (SCOPE), dated June 25, 1999; the United Water Conservation District

(United), dated June 28, 1999; Ventura County Supervisor Kathy I. Long (Long), dated June 28, 1999; the Angeles Chapter of the Sierra Club, dated June 28, 1999; and VWC, dated June 30, 1999.

Rehearing of W-4154, as corrected and clarified above, is denied.

This order is effective today.

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

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners