

Decision 08-02-032 February 28, 2008

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Golden State Water Company (U 133 W) for an Order pursuant to Public Utilities Code Section 851 approving a Settlement in a Water Rights Adjudication, and for an Order pursuant to Section 454 approving the proposed Ratemaking Treatment of the costs of the Adjudication and Settlement.

Application 06-02-026  
(Filed February 24, 2006)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.5(a)<sup>1</sup> requires the Commission to resolve issues identified in a proceeding categorized as ratesetting within 18 months of the date the Commission issued its scoping memo in the proceeding. In certain circumstance, § 1701.5 authorizes the Commission to deviate from this 18-month time frame for cause. The Commission may either extend this time frame in its scoping memo or extend this time frame by a written order. *See*, § 1701.5(a) and (b).

**1. Background**

The Commission issued the scoping memo in this proceeding on June 27, 2006. This scoping memo confirmed the categorization of this proceeding as ratesetting. Accordingly, as set forth in § 1701.5, the 18-month time frame for

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<sup>1</sup> All subsequent section references are to the Public Utilities Code unless otherwise noted.

resolution of the issues in this proceeding applies to this case. This time period expired on December 27, 2007.

On May 29, 2007, the Commission issued Decision (D.) 07-05-041 which extended this statutory deadline by 60 days under § 1701.5(a). The Commission found cause to issue this extension on the basis that additional time would allow for the “uncertainties in the superior court settlement to be removed, while avoiding the time and expense of a new proceeding to address these same issues.” D.07-05-041, *mimeo.*, p. 6.

The Commission intends to issue a proposed decision in this proceeding soon. This proposed decision will, among other things, rule on several motions which are pending in this proceeding, including the October 23, 2007, motion filed by Jerry Trimble for dismissal of the Application 06-02-026 with prejudice and the January 31, 2008, motion by Golden State Water Company to extend the statutory deadline for resolving this proceeding under § 1701.5(a).

This decision does not address any substantive matters in this proceeding. Today we rely upon § 1701.5(a) to again extend the statutory deadline for this proceeding. We will extend this deadline for an additional 60 days, until April 28, 2008, to allow time for the parties to file comments pursuant to § 1701.2(d) on the proposed decision and for the Commission’s consideration of these comments.

## **2. Waiver of Comments**

Under Rule 14.6(c)(10) of the Commission’s Rules of Practice and Procedure (Rules), the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, pursuant to Rule 14.6(c)(10), the otherwise

applicable § 1701.2(d) statutory deadline for public review and comment is waived.

### **3. Assignment of Proceeding**

John A. Bohn is the assigned Commissioner and Regina DeAngelis is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The scoping memo in this proceeding was issued on June 27, 2006. Based on § 1701.5(a) and D.07-05-041, this proceeding must be resolved on or before February 25, 2008, unless this date is extended.

2. A further extension under § 1701.5(a) is needed to accommodate a comment period on the proposed decision and time for Commission consideration.

### **Conclusions of Law**

1. The 18-month statutory deadline imposed by § 1701.5(a), as extended by D.07-05-041, should be further extended, effective immediately, until April 28, 2008.

2. Pursuant to Rule 14.6(c)(10), the otherwise applicable § 1701.2(d) statutory deadline for public review and comment is waived.

**IT IS ORDERED** that the 18-month statutory deadline in this proceeding, Application 06-02-026, as previously extended by Decision 07-05-041, is further extended until April 28, 2008, to permit comments on the proposed decision and consideration by the Commission.

This order is effective today.

Dated February 28, 2008, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
Commissioners

Commissioner Timothy Alan Simon, being necessarily absent, did not participate.