



**FILED**

06-08-07  
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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

**MOTION OF  
 GERALD TRIMBLE, RATE PAYER ACCOUNT #317879-5  
 SEEKING PERMISSION TO LATE-FILE PROTEST**

June 8, 2007

Gerald Trimble  
 4586 Cameo Place  
 Santa Maria, CA 93455-4247  
 805-937-2518 (Phone)  
[jerryT@linkline.com](mailto:jerryT@linkline.com)

## **MOTION OF GERALD TRIMBLE SEEKING TO LATE-FILE PROTEST**

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Gerald Trimble hereby moves for an order permitting the late filing of his limited protest to the application of Golden States Water Company (GSWC) for an Order Pursuant to Public Utilities Code Section 851 approving a Settlement in a Water Rights Adjudication.

The Protest is normally to be filed within thirty days of the date the notice of the filing of the application first appears in the Daily Calendar (Rule 2.6). The original thirty day period based on the Daily Calendar notice expired on or about March 26, 2006. Based on the Decision D0705041 on May 24, 2007 this Application is to be phased and extended 60 days to February 25, 2008 with phase two commencing May 24, 2007.

This protest has been delayed because the Superior Court, for Case CV770214 in which this Settlement (Stipulation) was conceived, issued its Proposed Final Judgment on May 29, 2007. Decisions in this proposed Final Judgment was deemed as essential evidence in this protest.

This Protest provides the facts and conclusions that show GSWC is not only receiving no value within the terms of the Settlement Agreement (Stipulation), but is actually putting the rate payer at risk if such is approved. The Superior Court awarded prescriptive right, which would be the only protection against a "no surplus" drought condition, would be lost by the terms of the Stipulation. The 10,000afy appropriative right provided in the Stipulation would be inferior to the overlying landowner right and GSWC would have no right to pump water under a "no surplus" water shortage condition. In fact, it is also shown that the 10,000afy water right is also a contractual misrepresentation. In the granting of those prescriptive rights the Superior Court has shown it is not hesitate to declare a "no surplus" water shortage condition.

Gerald Trimble submits that no party would suffer any hardship since all parties have agreed to the phasing of this Application in their Motion of February 16, 2007. This document further states that a separate scoping memo may be issued. Gerald Trimble will be serving this protest electronically to both the applicant and to all parties on the current service list. I am hopeful that this protest and my participation as an active party will serve the Commission's and other's interests in this complex matter.

In conclusion, for the above stated reason Trimble requests that the Commission accept for filing my proposed (late) protest.

Date: June 8, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Trimble". The signature is written in a cursive, flowing style with some loops and flourishes.

Gerald Trimble

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## Certificate of Service

I hereby certify that I have this day served a copy of the  
MOTION OF GERALD TRIMBLE, RATEPAYER ACCOUNT #317879-5,  
SEEKING PERMISSION TO LATE-FILE PROTEST.

on all known parties to A.06-02-026 by sending a Notice of Availability via  
electronic mail and by mailing a properly addressed CDROM copy by first-class  
mail with postage prepaid to each party named in the official service list without  
an electronic mail address.

Executed on June 8, 2007 at Santa Maria, California.



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Gerald Trimble

**SERVICE LIST**  
**Last Update on 29-MAY-2007**  
**by: SMJ**  
**A0602026 LIST**

\*\*\*\*\* APPEARANCES \*\*\*\*\*

Maria L. Bondonno  
Legal Division  
RM. 4008  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 355-5594  
[bon@cpuc.ca.gov](mailto:bon@cpuc.ca.gov)

Keith Switzer  
GOLDEN STATE WATER COMPANY  
630 EAST FOOTHILL BLVD.  
SAN DIMAS CA 91773  
(909) 394-3600 X 759  
kswitzer@gswater.com  
For: Golden State Water Company

E. Stewart Johnston  
1363 W. MAIN ST.  
SANTA MARIA CA 93458  
(805) 680-9777  
Stewartjohnston@mac.com  
For: Landowner Group Parties

Donald R. Ward  
ORCUTT AREA ADVISORY GROUP  
4689 MARLENE DRIVE  
SANTA MARIA CA 93455  
(805) 937-4860  
[luhintz2@verizon.net](mailto:luhintz2@verizon.net)

Joseph M. Karp  
Attorney At Law  
WINSTON & STRAWN, LLP  
101 CALIFORNIA STREET  
SAN FRANCISCO CA 94111  
(415) 591-1529  
jkarp@winston.com  
For: Golden State Water Company

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Diana Brooks  
Division of Ratepayer Advocates  
RM. 4102  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-1445  
[dsb@cpuc.ca.gov](mailto:dsb@cpuc.ca.gov)

Fred L. Curry 5  
Water Division  
RM. 3106  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-1739  
[flc@cpuc.ca.gov](mailto:flc@cpuc.ca.gov)

Regina DeAngelis  
Administrative Law Judge Division  
RM. 5022  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2011  
[rmd@cpuc.ca.gov](mailto:rmd@cpuc.ca.gov)

James Simmons  
Division of Ratepayer Advocates  
RM. 4108  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-3512  
[jjjs@cpuc.ca.gov](mailto:jjjs@cpuc.ca.gov)  
For: DRA