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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

**RESPONSE OF  
GERALD TRIMBLE, RATE PAYER ACCOUNT #317879-5,  
TO THE GOLDEN STATES WATER COMPANY  
MOTION TO EXTEND TIME FOR APPLICATION 06-02-026 AND  
TO SET SCHEDULE FOR PHASE II**

1 Pursuant to Rule 11.1(e) of the Commission's Rules of Practice and  
2 Procedure, Gerald Trimble hereby responds to the motion of Golden State  
3 Water Company (GSWC) filed on January 31, 2008 to extend time for  
4 Application 06-02-026 and to set schedule for phase II.

### 6 **Referencing Comments of GSWC**

7  
8 The motion by GSWC refers to the "*need for more time to allow parties to*  
9 *resolve issues through settlement discussions*". GSWC could have  
10 suggested specific issues here and they did not. In their motion, a new  
11 scoping was mentioned, yet no suggestion on its expansion was included.  
12

13 The last paragraph on page 3 of the motion appears to place Court delays at  
14 the feet of the Commission with the statement "*and the expediency with which*  
15 *the Commission renders a decision on GSWC's Application impacts the ability*  
16 *of the superior court to manage the underlying litigation. Failure to obtain*  
17 *prompt Commission approval could significantly impact the underlying*  
18 *litigation.*"  
19

20 In the December 4, 2007 answer to the request for information, no such  
21 inference of Commission caused delay was mentioned. The request seems  
22 devoid of substance.  
23

### 24 **Nipomo Pipeline Delay Comments**

25  
26 Although not separately identified in Interim Decision 07-05-041, there are two  
27 problems with the Stipulation mandated Nipomo pipeline as follows:  
28

29  
1) This Stipulation includes pipeline infrastructure costs for the conveyance of  
State water, which are to be passed on to Santa Maria District rate payers.

1 CPUC [Decision 93-03-066](#)<sup>1</sup> of March 24, 1993 specifically denies GSWC  
2 (SCWC) from passing on to rate payers costs related to the Santa Maria State  
3 Water Project via Decision Order #3, which denied Finding #3, et. al., of  
4 [Application 92-06-044](#)<sup>2</sup>.

5  
6 2) The Stipulation mandated actions for the Nipomo Community Services  
7 District, namely the construction of the above mentioned pipeline, was halted  
8 during its consideration due to excessive costs.

9  
10 If the pipeline is built, stipulation problem #1 exists and if it is not built,  
11 stipulation problem #2 is present. The first is a matter of CPUC precedent.

### 12 13 **Court Finality Delay Comments**

14  
15 Both the application and the scoping refer to the “approval of the stipulation”  
16 and neither references a need for “finality of the Superior Court proceeding”.

17  
18 Interim Decision 07-05-041 often refers to the “stipulation” using the words  
19 “superior court settlement”. Any intent therein to expand the scope of this  
20 proceeding to include “Court finality” would likely have been made explicit.

### 21 22 **Stipulation Change Comment**

23  
24 Significantly changing the originally presented Stipulation during the course of  
25 this proceeding would undermine the CPUC process.

### 26 27 **Reasons for Denial of the Motion to Extend Time and Set Schedule**

28  
29 Denial of this time extension is appropriate for the following reasons:

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<sup>1</sup> Attachment 1

<sup>2</sup> Attachment 2 (relevant pages only)

1) The Nipomo pipeline proposal was part of the Stipulation on June 30, 2005. Over 30 months later, it still eludes GSWC control. Even if it is built, CPUC precedent must be addressed.

2) Decision 07-05-041 permits GSWC to continue to charge rate payers for all efforts relative to the adjudication and Stipulation approval efforts, regardless of its merit as the following excerpt from that decision notes:

*c. To amortize, with interest, litigation costs that have been incurred, and will continue to be incurred, after December 31, 2005, in rates over a ten-year period, subject to Commission review of such costs as to their reasonableness (interest to be calculated as set forth in 2(b), supra);*

Perpetuation of this “free ride” is no longer reasonable.

3) The Motion for Dismissal filed on 10/23/07 relates detailed wholesale failures of this Stipulation to be consistent with California Law, et al. The GSWC response to this dismissal motion did not dispute any of the reasons therein nor contain any objections to the exhibits providing evidence in support of the facts behind those reasons. GSWC’s contest of relevance is the purview of the Commission rather than hearings.

4) The Stipulation content is the only issue that is in question. Neither the Application nor the scoping of June 27, 2006 references any dependency on finality relative to the associated Superior Court Case.

5) While extraordinary, it appears advantageous that the decision of the California Public Utilities Commission on the matter of this Stipulation be made before a final judgment of the Superior Court is handed down, due to the language in the Stipulation about it and all rulings based on it being *invalid and void* if Commission approval is denied as follows:

Stipulation page 32

**D. Stipulating Parties Under Public Utilities Commission Regulation**

1 1. To the extent allowed by law, SCWC and RWC shall comply with this  
2 Stipulation, prior to obtaining California Public Utilities Commission ("PUC") approval. If the  
3 PUC fails to approve SCWC's and RWC's participation or fails to provide approval of the  
4 necessary rate adjustments so that SCWC and RWC may meet their respective financial  
5 obligations, including the participation in Developed Water projects, Monitoring Programs, TMA  
6 and as otherwise provided in this Stipulation, shall render the entirety of the Stipulation and  
7 those terms of any judgment based on this Stipulation invalid, void and unenforceable, as to any  
8 Stipulating Party who files and serves a notice of rescission within sixty days of notice by SCWC  
9 or RWC of a final PUC Order.


10  
11 The Superior Court which incorporated the total Stipulation within the  
12 proposed final judgment of 7/17/07 implies, forthwith, acceptance of such  
13 unusual terms. The Court may appreciate such.

14 6) The seriousness of the consequences of this Stipulation fully deserves  
15 immediate consideration.

16 For the above stated reasons Trimble respectfully requests that the GSWC  
17 requested time extension be denied.

18 Date: February 4, 2008

19 respectfully submitted,

20 

21  
22 Gerald Trimble  
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1 APPENDIX A

2 **Notice of Availability**

3 **Title:**

4 **RESPONSE OF**  
5 **GERALD TRIMBLE, RATE PAYER ACCOUNT #317879-5,**  
6 **TO THE GOLDEN STATES WATER COMPANY**  
7 **MOTION TO EXTEND TIME FOR APPLICATION 06-02-026 AND**  
8 **TO SET SCHEDULE FOR PHASE II**

9 **Contents:**

10 The response includes a single file in PDF/A format at the following link/URL.

11 **Link/URL**

12 <http://personal.linkline.com/trimble/Response/Response-A0602026.pdf>

13 **Date available:**

14 02/04/08

15 **Name and contact information:**

16 Gerald Trimble

17 805-937-2518

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## Certificate of Service

I hereby certify that I have this day served a copy of the

**RESPONSE OF  
GERALD TRIMBLE, RATE PAYER ACCOUNT #317879-5,  
TO THE GOLDEN STATES WATER COMPANY  
MOTION TO EXTEND TIME FOR APPLICATION 06-02-026 AND  
TO SET SCHEDULE FOR PHASE II**

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 February 4, 2008 at Santa Maria, California.



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Gerald Trimble

**Proceeding: A0602026 - Golden State Water Company  
Last changed: November 5, 2007**

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