



**FILED**

06-24-11  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Application of the GOLDEN STATE WATER COMPANY (U133W) for an order authorizing it to increase rates for water service by \$2,911,400 or 29.9% in 2011 and by \$321,200 or 2.5% in 2012 in its Arden Cordova Service Area; to increase rates for water service by \$1,782,400 or 33.2% in 2011 and by -\$66,200 or -0.9% in 2012 in its Bay Point Service Area; to increase rates for water service by \$409,100 or 22.6% in 2011 and by \$23,300 or 1.0% in 2012 in its Clearlake Service Area; to increase rates for water service by \$1,467,000 or 48.5% in 2011 and by \$50,100 or 1.1% in 2012 in its Los Osos Service Area; to increase rates for water service by \$1,647,900 or 38.8% in 2011 and by \$343,200 or 5.9% in 2012 in its Ojai Service Area; to increase rates for water service by \$2,350,700 or 25.2% in 2011 and by \$363,200 or 3.1% in 2012 in its Santa Maria Service Area and; to increase rates for water service by \$799,500 or 6.5% in 2011 and by \$213,000 or 1.6% in 2012 in its Simi Valley Service Area.

Application 10-01-009  
(Filed January 13, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING THE CITY OF OJAI PARTY STATUS FOR THE LIMITED  
PURPOSE OF PARTICIPATING IN THE REVIEW OF THE PROPOSED  
SETTLEMENT BETWEEN GOLDEN STATE WATER COMPANY AND  
THE COMMISSION'S DIVISION OF WATER AND AUDITS**

## **Summary**

We grant the City of Ojai (Ojai) party status in this proceeding.

## **Background**

On January 13, 2010, Golden State Water Company (Golden State) filed its general rate case<sup>1</sup> for Region I which includes the City of Ojai (Ojai). A new issue arose in this proceeding when the Commission's Division of Water and Audits (Water & Audits) filed a motion for party status to present a proposed settlement between Golden State and Water & Audits.

In a Modified Scoping Memo dated April 22, 2011, Water & Audits was granted party status. Golden State was ordered to notify Region I customers of the proposed settlement and settlement conference, and to notify by electronic service and hardcopy letter every county, city attorney, and city manager in Region 1 of the proposed settlement and the settlement conference. Golden State did so. Customers, the counties, and cities were allowed 14 days to file a motion to request party status.

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<sup>1</sup> There was a prehearing conference on March 3, 2010 (Rule 7.2), and an Assigned Commissioner's Scoping Memo and Ruling (Rule 7.3) was issued on March 11, 2010 which adopted a schedule and defined the scope of the proceeding. Public Participation Hearings were held in various locations including Ojai, California. Decision (D.) 10-12-059 was issued on December 16, 2010 adopting a settlement on most of the issues for the test year revenue requirement. The decision resolved all litigated or otherwise contested issues, except it deferred to a separate decision the ratemaking treatment for the abandonment of Hill Street and the replacement water agreement with the Contra Costa Water District. That item is still pending.

Ojai timely filed on June 8, 2011. Rule 1.4(a)2 of the Commission's Rule of Practice and Procedure (Rules)<sup>2</sup> provides that one way a person may become a party is by filing a protest. In the Modified Scoping Memo, interested persons were more specifically directed that they may file a motion for party status. (Modified Scoping Memo at 4.)

On June 10, 2011 Golden State and Water & Audits filed a joint response (Response) opposing Ojai's filing. On June 13, 2011 the Division of Ratepayer Advocates, the only other active party, telephonically informed the assigned judge that it takes no position on Ojai's request.

### **Discussion**

Golden State and Water & Audits correctly respond that Ojai is untimely in filing because Ojai captioned its filing as a protest to the application. Ojai's filing is styled like a protest, captioned as a protest, and it lists many issues that it objects to in Golden State's original general rate case application. Such a protest of the application is over a year late: the Commission, in D.10-12-059, decided every issue raised by Ojai. And finally, Ojai had timely notice of the application and failed to intervene when the general rate case was being litigated.

It is clear that Ojai's filing is imperfect as a protest and overreached the Modified Scoping Memo's requirement to simply file a motion for party status and then participate in the proposed settlement.

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<sup>2</sup> The Rules may be found on the Commission's web site at: [http://docs.cpuc.ca.gov/WORD\\_PDF/RULES\\_PRAC\\_PROC/136861.pdf](http://docs.cpuc.ca.gov/WORD_PDF/RULES_PRAC_PROC/136861.pdf). The Rules were revised effective June 8, 2011. All parties should ensure they cite to the current version.

Ojai was only required to ask for party status and it did. We will grant Ojai party status. However, Ojai must abide by the Modified Scoping Memo. The schedule for this proceeding was specifically extended solely to consider a proposed settlement between Golden State and Water & Audits and does not envision revisiting the already decided matters in the application except as they may be affected by the proposed settlement.

As a party to the proceeding Ojai may participate in the settlement conference ordered by the Modified Scoping Memo. Settlements are filed pursuant to the Commission's Rules. After Ojai participates in the settlement conference (pursuant to Rules 12.1 - 12.7) it may: join the proposed settlement; negotiate for modifications with Golden State and Water & Audits; serve timely comments supporting or opposing the proposed settlement (after it is filed); or decide not to participate further.

Therefore, **IT IS RULED** that the City of Ojai is granted party status in Application 10-01-009. The scope of the proceeding is limited to consideration of a proposed settlement pursuant to the Modified Scoping Memo dated April 22, 2011.

Dated June 24, 2011, at San Francisco, California.

/s/ DOUGLAS M. LONG  
Douglas M. Long  
Administrative Law Judge