Decision **DRAFT DECISION OF ALJ WALKER (Mailed 1/14/2005)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lariat Corporation, Complainant, vs. Grand View Properties, Inc., Defendant.	Case 04-05-022 (Filed May 13, 2004)

OPINION DISMISSING COMPLAINT

1. Summary

The complaint is dismissed because the defendant, through its representative, has committed to provide satisfactory relief, as described below.

2. Background

Complainant seeks an order directing Grand View Properties, Inc. (Grand View) either to supply water service to complainant's property in Tulare County or to execute a will-not-serve letter so that complainant can obtain county approval to drill its own well.

On behalf of Grand View, David Lane responded that the owner of the water company, his brother Joseph Lane, died in December 2003, and the property has been in probate. He added that the water system is in disrepair and

cannot add additional hookups. He indicated that Grand View would cooperate with complainant's desire to obtain county approval to dig its own well.

By Ruling of the assigned Administrative Law Judge (ALJ), dated October 26, 2004, complainant was directed to prepare a will-not-serve letter that conforms to the requirements of Tulare County, and Grand View was directed to have the letter executed by its representative if the letter correctly stated the position of the water company. On December 15, 2004, Grand View reported that it had not yet received any documents from complainant.

By today's decision, we confirm the ALJ's ruling that memorializes Grand View's commitment. Specifically, at such time as complainant prepares the will-not-serve letter, Grand View will execute the letter through its representative. Since relief satisfactory to complainant has been arranged, no further action is required and this complaint may be dismissed.

We note that Grand View is not listed among the small water companies regulated by this Commission. Accordingly, the Water Division has begun an independent investigation to determine whether the system is or should be classified as a public utility and whether it should seek a certificate of public convenience and necessity from the Commission.

3. Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. By letter dated January 29, 2005, complainant stated that a will-not-serve letter had been prepared and sent to Grand View on that date.

4. Assignment of Proceeding and Other Procedural Matters

Geoffrey F. Brown is the Assigned Commissioner and Glen Walker is the ALJ for this proceeding.

In the Instructions to Answer notice dated May 25, 2004, this proceeding was deemed adjudicatory, and a hearing was deemed necessary. As explained above, a hearing became unnecessary because the parties' written submissions provided sufficient information to arrange to grant the relief requested.

Findings of Fact

1. Complainant seeks water service or a will-not-serve letter from Grand View.

2. The owner of Grand View died in December 2003, and the water system became the subject of probate proceedings in Tulare County.

3. Grand View's representative states that Grand View is unable to provide water service to complainant but does not object to execution of a will-not-serve letter.

4. By ALJ Ruling, complainant on October 26, 2004 was directed to prepare, in conformity with the requirements of Tulare County, a will-not-serve letter applicable to its property for execution by Grand View's representative.

5. As of December 15, 2004, complainant had not presented a will-not-serve letter to Grand View.

6. The Commission's Water Division has begun a separate investigation to determine whether Grand View is a public utility subject to the jurisdiction of this Commission.

Conclusions of Law

1. The ALJ Ruling should be confirmed.

2. Since defendant has committed to provide the requested relief through one of the alternative means specified by the complaint and memorialized in the ALJ Ruling, this complaint should be dismissed, effective immediately.

O R D E R

IT IS ORDERED that:

1. The October 26, 2004 Ruling of the Administrative Law Judge assigned to this proceeding is confirmed.

2. The complaint of the Lariat Corporation against Grand View Properties, Inc., is dismissed.

3. An evidentiary hearing is not required.

4. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.