

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

**(A)** Rita Benton - WRATES, Water Rate Advocates for Transparency, Equity & Sustainability, and ALL San Jose Water Company Customers

COMPLAINANT(S)

vs.

**(B)** San Jose Water Company

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

**(C)** Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

YES                       NO  
(with the Water Division - see attached)

Has staff responded to your complaint?

YES                       NO

Did you appeal to the Consumer Affairs Manager?

YES                       NO

Do you have money on deposit with the Commission?

YES                       NO

Amount \$ \_\_\_\_\_

Is your service now disconnected?

YES                       NO

COMPLAINT

**(D)** The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
Rita Benton - WRATES	[REDACTED]	[REDACTED]
ALL San Jose Water Company Customers (See attached signatures to comply with Rules of Practice & Procedure 4.1(b). This is not a representation of all SJWC customers.)		

respectfully shows that:

**(E)** Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
San Jose Water Company	110 W. Taylor Street, San Jose, CA 95110	408-279-7900

**(F)**

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

SJWC overcharged all of its customers on the Service Charge rates. SJWC increased the Service Charge rate prior to the CPUC's approved effective date. SJWC modified its billing practice at some point in the past from billing the service charge in advance to billing the service charge in arrears. For the billing period that included the effective date of that change, SJWC double-billed its customers. From the effective date forward, SJWC failed to prorate the service charge when a service charge rate increase occurred. See Attachments.

SJWC has discriminatory billing practices, excessive rate increases, record earnings, excessive use of advice letters, money and land transfers between SJWC, SJW Land, SJW Group and a general lack of transparency.

I am requesting the hearing be held within 10 miles of [REDACTED] Saratoga, CA 95070.

**(G) Scoping Memo Information (Rule 4.2(a))**

(1) The proposed category for the Complaint is (check one):

adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)?  YES  NO

(3)  Regular Complaint  Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

The CPUC must ascertain the *specific* date that this modification to the billing practice was implemented. The CPUC must then require SJWC to compensate its ratepayers not only for the double-billing charged during the billing period of transition, but also for the cumulative total of the difference between the new service charge and the appropriate prorated service charge for each service charge rate increase that occurred from the modification date until now plus interest.

The CPUC must also perform a thorough formal, forensic audit on SJWC, SJW Group, and all of its subsidiaries for the reasons stated in section F.

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.  
 Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

**(H)**

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

CPUC should require SJWC to refund all its customers the double-billing charged during the billing period of transition, and also refund the cumulative total of the difference between the new service charge and the appropriate prorated service charge for each service charge rate increase that occurred from the modification date until now plus interest. This is most likely in excess of \$13 million.

**(I)**

**OPTIONAL:** I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

rita\_benton@ymail.com

**(J)**

\* Dated Saratoga, California, this 30th day of May, 2017  
 (City) (date) (month) (year)

  
 \_\_\_\_\_  
 Signature of each complainant

See Attached

\*Formal Complaint was originally filed on April 17, 2017. See Attached.

**(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)**

**(K)**

**REPRESENTATIVE'S INFORMATION:**

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	
Address:	
Telephone Number:	
E-mail:	
Signature	

VERIFICATION  
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on 5/30/17, at Saratoga, California  
(date) (City)



(Complainant Signature)

VERIFICATION  
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on \_\_\_\_\_, at \_\_\_\_\_, California  
(date) (City)

Signature of Officer

Title

(N) **NUMBER OF COPIES NEEDED FOR FILING:**

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission  
Attn: Docket Office

505 Van Ness Avenue, Room 2001  
San Francisco, CA 94102

PRIVACY NOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission (“CPUC”) intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC’s website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.



\_\_\_\_\_  
Signature

5/30/17  
Date

Rita Benton  
\_\_\_\_\_  
Print your name

