

Decision No. R14-0158

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13F-0946G

JOSE GUADALUPE SOTO RANGEL AND
ALFREDO SOTO ALVAREZ,

COMPLAINANTS,

V.

SADDLEBACK VALLEY COMMUNITIES, LLC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
DISMISSING COMPLAINT**

Mailed Date: February 10, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 27, 2013, Jose Guadalupe Soto Rangel and Alfredo Soto Alvarez (Complainants) filed a Formal Complaint with the Commission against Saddleback Valley Communities, LLC (Saddleback).

2. On September 3, 2013, the Commission's Director issued an "Order to Satisfy or Answer" to Saddleback.

3. By Decision No. R13-1224-I issued October 1, 2013, the Administrative Law Judge (ALJ) ordered Complainants to provide a more definite statement of their Complaint. The ALJ also extended the time for Saddleback to answer or satisfy the original Complaint and the Complaint as amended by the Complainants' more definite statement.

4. On October 21, 2013, Complainants made a filing to comply with Decision No. R13-1224-I. Saddleback filed its answer on November 6, 2013.

5. A hearing was scheduled for January 22, 2014 regarding the Complaint. At the date, time, and location designated, the ALJ convened the hearing. The parties appeared.¹ Pursuant to the parties' request, the ALJ recessed the hearing to permit the parties an additional opportunity to resolve their disputes. After giving the parties time to discuss a settlement, the ALJ again convened the hearing. The parties informed the ALJ that they reached an agreement to resolve the disputes in this case. As a part of that agreement, Complainants agreed to dismiss the complaint against Saddleback with prejudice, except for any claims relating to billing for gas for 2009 and 2010.

6. On February 3, 2014, the parties filed their Stipulation. The Stipulation states that the parties have resolved the disputes raised by the Complaint, but that Complainants wish to reserve the right to bring an action against Saddleback regarding billing for gas for 2009 and 2010. The ALJ construes the Stipulation as a motion to dismiss on the grounds that the parties have reached a settlement.

7. Because the parties have resolved their disputes, the ALJ will dismiss the Complaint. The ALJ will order that, except for claims relating to gas billing for 2009 and 2010, that all claims in the Complaint will be dismissed with prejudice. By doing so, the ALJ makes no assessment as to the merit of Complainants' claims relating to gas billing for 2009 and 2010.

¹ Mr. Ben Braband appeared for Saddleback. Complainants' counsel, Robert E. Keating, appeared and represented both complainants at the hearing. Jose Guadalupe Soto Rangel appeared at the hearing personally, but Mr. Alfredo Soto Alvarez did not. Counsel signed the Stipulation on behalf of both Complainants.

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the above-captioned Complaint is dismissed with prejudice, except for claims relating to gas billing for 2009 and 2010 which Mr. Jose Guadalupe Soto Rangel and Mr. Alfredo Soto Alvarez may have against Saddleback Valley Communities, LLC. Claims in the Complaint relating to gas billing for 2009 and 2010 are dismissed without prejudice.

2. Proceeding No. 13F-0946G is closed.

3. This Recommended Decision shall be effective on the date it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by §40-6-106, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the Recommended Decision is stayed by the Commission upon its own motion, the Recommended Decision shall become the Decision of the Commission and subject to the provisions of §40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse a basic finding of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in §40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge; the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits the limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director