

The Mediation Process

Not much can be said about mediation for my complaints. It is structured to be confidential among the opposing parties and the PUC.

It began with a phone call from Aqua's lawyer in mid-November of 2023. He announced that Aqua was going to file a motion to move the complaints to mediation. He requested that I non-object to the motion. Essentially, he was requesting that I agree to mediation.

I was interested in what Aqua might offer and how a mediator might facilitate a settlement. Therefore, I agreed to the mediation. Two mediation sessions were held on January 23, 2024 and March 7, 2024. After that I realized that any result from mediation was going to be entirely unsatisfactory to me. Therefore, I withdrew from mediation on April 29, 2024. It was another month and a half before the PUC set a new hearing date.

To illustrate the confidentiality of the process, here is the closing statement from the PUC's mediator:

"REMINDER: WHAT HAPPENS IN MEDIATION STAYS IN MEDIATION. CONFIDENTIALITY IS THE RULE ...

All information gained, discussed, and/or shared from the date, is confidential and may not be used in any manner. Please destroy all your notes, settlement sheets, emails etc".

Reflecting on the mediation process:

This was my first experience with mediation. Based on news media information I expected the mediator to actively facilitate the two parties finding common ground. That was not what I experienced. Rather, the mediator basically provided a forum that enabled a conversation between the two parties.

I felt Aqua's objective was to get me to drop the complaints.

The process consumed eight months – a significant delay in coming to a conclusion.