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ORIGINALDecision No. 86051

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations,  
practices, service, equipment,  
facilities, rules, regulations,  
contracts and water supply of  
the MONTEREY PENINSULA DISTRICT  
OF CALIFORNIA-AMERICAN WATER  
COMPANY, a corporation.

Case No. 9530  
(Filed April 3, 1973)

FOURTH INTERIM ORDERBackground

At the urgent request of the California-American Water Company (Cal-Am), the Commission held three days of hearings in this proceeding before Commissioner Holmes and Examiner Boneysteele at Seaside on June 28, 29, and 30, 1976. The hearings were called pursuant to Sections 350 through 358 of the Water Code for the purpose of determining whether a water shortage emergency condition exists within the area served by Cal-Am's Monterey District such that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the utility to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

The hearings were also for the purpose of adducing evidence upon which the Commission could adopt such regulations and restrictions on the delivery and consumption of water supplied for public use as would, in the discretion of the Commission, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection, and for the purpose of affording consumers an opportunity to be heard to protest against any declaration of a water shortage emergency by the Commission and to present their respective needs to the Commission.

The hearing of June 29 was scheduled for from 5:00 to 9:00 p.m. to allow people employed during the day an opportunity to protest and to present their needs.

Notice

The Executive Director of the Commission, on June 11, 1976, mailed a notice of the hearings to all appearances and known interested parties and also to the chiefs of the various fire protection agencies depending on Cal-Am's Monterey District to supply water for fire fighting purposes.

Section 352 of the Water Code requires that notice of the time and place of the hearing be published at least seven days prior to the date of hearing in a newspaper in the area. Such notice was published on June 20, 1976 in the Monterey Peninsula Herald, and the hearings were publicized by newspapers and by radio and television stations in the area.

Water Shortage Emergency Condition

A registered professional engineer employed by Cal-Am's Monterey Peninsula District, Steve Lonhart, testified that during the summer months Cal-Am would be unable to meet the demands of that part of its system below pumping plant 10A, located at the mouth of the Carmel Valley. Because of inadequate capacity of the transmission main<sup>1/</sup> Cal-Am was able to transmit only 1,100 acre-feet per month

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<sup>1/</sup> The limited capacity of the Carmel Valley transmission main is described in our Decision No. 84527, mimeo pages 24 and 25.

(equivalent to 18.1 cubic feet per second) past pumping plant 10A. In addition to the 1,100 acre-feet per month that can be transmitted from the Carmel Valley, Cal-Am can pump up to 500 acre-feet from the wells drawing on the Seaside aquifers,<sup>2/</sup> for a total of 1,600 acre-feet per month available below pumping plant 10A.

Against this 1,600 acre-feet per month that can be supplied by Cal-Am, Mr. Lonhart estimated that monthly demand for the months of July and August would be 1,885 acre-feet, for a deficit of 285 acre-feet per month.

Any deficit can be met temporarily from water stored on Forest Lake and Pacific Grove Reservoirs,<sup>3/</sup> but on June 27 the water available in these two reservoirs amounted to only 95 acre-feet.

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2/ In Decision No. 84527 we found the maximum amount of water that could be prudently produced from the Seaside aquifer to be 2,000 acre-feet per year.

3/ Forest Lake has a maximum capacity of 340 acre-feet and Pacific Grove 60 acre-feet.

It was obvious that consumption must be cut back below demand and there was no protest against the declaration of a water shortage emergency. Testimony, statements, and comments at the hearings were confined to a plan for water rationing which had been drafted by representatives of Cal-Am, the Monterey Peninsula Water Management Agency, the Commission staff, and other interested parties.

During recesses and the time available between hearings, the parties met informally and revised the plan several times to meet problems brought out at the hearings. A final draft was presented in the afternoon of the June 29 hearing as Exhibit 80. Exhibit 80 was discussed informally in an off-the-record conference and several changes were accepted unanimously. These changes were noted in the record and made on the face of the exhibit. Parties were then afforded an opportunity to object to any of the aspects of the plan.

While many of the participants noted that the plan would cause them inconvenience and even hardship, there were only three specific objections to the plan. A representative of a group of professional maintenance gardeners objected that the members of his group would be unable to complete their watering during the proscribed period. A landscape contractor protested that he would be unable to complete his contracts now in progress, and a purveyor of irrigation systems noted that drip irrigation could not be accomplished under the terms of the order.

Discussion

We are convinced that a water shortage emergency as contemplated by Section 350 of the Water Code exists in Cal-Am's Monterey District, and we so find.<sup>4/</sup> We also believe that the plan proposed in Exhibit 80, as revised, is a reasonable course of action to curtail the use of water and we will order its implementation. We note the objections raised at the hearings, but suggest that the persons who are affected adversely make an attempt to adjust their activities to conform to the plan. Should such adjustment not prove feasible, the aggrieved persons can petition for an adjustment as permitted by Section 6 of the rationing plan.

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<sup>4/</sup> We here construe the term "emergency" to mean a combination of circumstances which calls for immediate action and not the definition given by Section 15025 of the "Guidelines" prescribed by the Secretary for Resources, "Emergency means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services." Exhibit 24 in this proceeding (Kennedy Engineers' conclusions and recommendations) shows that the transmission main was operating at capacity in 1968 and that the resulting water shortage is neither "sudden" nor "unexpected".

Findings

1. A water shortage emergency exists within the area served by the Monterey District of California-American Water Company such that ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

2. The water rationing plan attached hereto as Appendix A is, under the circumstances, a just and reasonable set of regulations and restrictions on the delivery and consumption of water.

3. Because of the urgent necessity of curtailing use of water in the Monterey District, this order should become effective on the date of signing.

FOURTH INTERIM ORDER

IT IS ORDERED that:

1. California-American Water Company shall on the date hereof file and institute the water rationing plan for its Monterey District attached to this decision as Appendix A as its Rule 11A and make such rule effective immediately upon filing.

2. The water rationing plan prescribed herein shall be effective until further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of JULY, 1976.

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President

Vernon L. Sturgeon  
VR  
Robert Bateman  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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MONTEREY DISTRICT WATER RATIONING PLAN

Section 1: Applicability

1. So long as any restriction required by Phases One, Two, and Three of this rationing Plan is in effect, the following uses of water by customers served from the water system of the Monterey District of California-American Water Company are hereby prohibited.

- (a) All watering of any outside landscape vegetation of any kind by hoses or sprinkling systems, except as expressly allowed during the unrestricted hours permitted during Phases One and Two as described in Section 2 below.
- (b) The washing of sidewalks, walkways, driveways, patios, parking lots, tennis courts, and other hard surfaced areas by hosing or by use of water directly from faucets or other outlets, except that it shall not be unlawful to wash such areas from water contained in a bucket or container not exceeding three gallons capacity.
- (c) The washing of motor vehicles, trailers, airplanes, or boats by hosing or by use of water directly from faucets or other outlets, except:
  - (1) It shall not be unlawful to wash such motor vehicles, trailers, airplanes, or boats from water contained in a bucket or container not exceeding three gallons capacity; and
  - (2) During Phase One only this subsection shall not be applicable to the washing of motor vehicles, trailers, airplanes, or boats at commercial vehicle washing facilities operated at fixed locations. Facilities which use recycled water may also operate during Phase Two.
- (d) Swimming pools will not be refilled if emptied. Newly constructed swimming pools may be filled in Phase One, but not Phase Two. All swimming pool water, whether for makeup, fill, or refill is banned during Phase Three.



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- (e) The use of water from hydrants for construction purposes or for fire drills.

2. During Phase One golf courses will coordinate their activities with one another and adjust their water usage to a maximum of 80 percent of the usage during comparable periods in 1972. During Phase Two, golf courses shall be restricted to use no more than 15 percent of their usage during comparable periods in 1972. Golf courses shall be limited to watering during the hours between 9:00 p.m. and 7:00 a.m. during Phases One and Two.

3. Large quantity users (e.g., military, commercial, and industrial) will be individually reviewed by representatives of California-American Water Company to determine other possible water use savings in addition to the curtailment of outdoor watering required by this Plan.

Section 2: Phases of Plan

The Plan shall be in four phases:

1. Phase Zero:

- (a) Shall commence when total usable water storage in the California-American Water Company's storage reservoirs at Forest Lake and Pacific Grove exceeds 200 acre feet.
- (b) During Phase Zero there shall be no mandatory restriction on the use of water.

2. Phase One:

- (a) Shall commence when the total usable water storage in the California-American Water Company's storage reservoirs at Forest Lake and Pacific Grove drops to a storage level of 150 acre feet.
- (b) During Phase One all of the outdoor uses of water, as described in Section 1, shall be limited to the hours of 5:00 a.m. to 7:00 a.m.

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- (c) The Phase One ban shall be lifted and normal water uses (Phase Zero) reinstated when the total usable water stored in the California-American Water Company storage reservoirs at Forest Lake and Pacific Grove rise to a storage level of 200 acre feet. Notice of such change from Phase One to normal conditions shall be given as hereinafter provided.

3. Phase Two:

- (a) Shall commence when total usable water storage in the California-American Water Company storage reservoirs at Forest Lake and Pacific Grove drops to 70 acre feet and remains at or below that level for 24 consecutive hours.
- (b) During Phase Two all of the outdoor uses of water, as described in Section 1, shall be limited to the hours of 6:00 a.m. to 7:00 a.m., on Tuesdays and Fridays only.
- (c) The Phase Two ban shall be lifted and the Phase One restriction reinstated only after the following two conditions are met:
  - (1) The total usable water stored in the California-American Water Company storage reservoirs at Forest Lake and Pacific Grove rises to a storage level of 100 acre feet, and remains at or above that level for 48 consecutive hours.
  - (2) Notice of such change from Phase Two to Phase One has been given as herein-after provided.

4. Phase Three:

- (a) Shall commence when the total usable water storage in the California-American Water Company storage reservoirs at Forest Lake and Pacific Grove drops to 60 acre feet.
- (b) During Phase Three all of those outdoor uses of water described in Section 1, including all golf courses, shall be terminated entirely.

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- (c) The Phase Three ban shall be lifted and the Phase Two restriction reinstated only after the following two conditions are met:
  - (1) The total usable water stored in the California-American Water Company storage reservoirs at Forest Lake and Pacific Grove rises to a storage level of 80 acre feet, and remains at or above that level for 48 consecutive hours.
  - (2) Notice of such change from Phase Three to Phase Two has been given as hereinafter provided.
- 5. The process of moving from phase to phase can be repeated as often as the criteria therefor are met.
- 6. With the exception of those outdoor uses of water as described by Section 1 and allowed by Paragraphs 1, 2, and 3 of this section, during Phases One, Two, and Three of this Plan all uses of water by any governmental agency shall be limited to those absolutely essential for human consumption, sanitation, and fire protection.

Section 3: Notice

- 1. Immediately upon the effective date of this Plan California-American Water Company shall mail notice of the terms of this Plan to all of its customers by first class mail, and cause the terms of this Plan to be publicized in the local news media on the Monterey Peninsula.
- 2. Notice of changes in the phases or of any other material changes in this water rationing Plan shall be accomplished by the Company using its best efforts to obtain the widest possible media coverage on the Monterey Peninsula of each such notice of change.

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Section 4: Enforcement

Violations of this Plan shall result in the following penalties:

1. First violation: Written warning that a further violation will result in possible water restrictions.
2. Second violation: California-American Water Company shall restrict the customer's water service by inserting a device to reduce the customer's water flow at his meter to that which will flow through a one-eighth inch orifice, and such restriction shall be removed only after a one-week period has elapsed, and upon payment by the customer to California-American Water Company of a \$25.00 reconnection fee.
3. Third violation: California-American Water Company shall restrict the customer's water service by inserting a device to reduce the customer's water flow at his meter to that which will flow through a one-eighth inch orifice, and such restriction shall be removed only when Phase Zero becomes effective and the customer pays to California-American Water Company a \$25.00 reconnection fee.

Section 5: Termination

The terms of this Plan shall remain in effect until further order of the Public Utilities Commission.

Section 6: Remedies

Any person aggrieved by any action taken or threatened to be taken pursuant to this Plan shall have the right to first petition the Public Utilities Commission staff, and such petition may include a request for interim relief. Any person not satisfied with the decision of the staff, which shall be by a letter from the executive director of the Commission, shall then have the right to file a formal

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complaint with the Commission and may include a request for interim relief. No other action at law or in equity shall accrue against California-American Water Company because of, or as a result of, any matter of thing done or threatened to be done pursuant to the provisions of this Plan.