

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY & COMPLIANCE DIVISION
Water Utilities Branch

RESOLUTION NO. W-3544
February 21, 1991

RESOLUTION

(RES. W-3544) CALIFORNIA WATER SERVICE COMPANY (CWS).
ORDER RE: WATER RATIONING PLANS AND CONSERVATION RULE FOR
WESTLAKE DISTRICT.

CWS, by Advice Letter 1169, filed January 22, 1991 requests Commission authority to add Rule 14.1, Mandatory Water Conservation/Rationing Plan to the tariffs of its Westlake District. This district of CWS serves approximately 6,400 customers in Ventura County. This action is required by the action of The Metropolitan Water District of Southern California (MWD) in response to the severe drought conditions in California.

MWD supplies about two-thirds of all water used in Southern California, receiving most of it from the Colorado River and the State Water Project and supplies it to 27 member agencies. Due to the State of Arizona's increase in its use of its share of the Colorado River, in 1991 MWD expects to receive 25-percent less water from that source. This and the unprecedented fifth year of drought in California resulting in a severe reduction in supply from the State Water Project and local sources, have limited the amount of water MWD will be able to deliver to its member agencies. MWD held public meetings in 1990 and 1991 concerning the expected shortfall and on December 20, 1990 ordered an "Incremental Interruption and Conservation Plan" (MWD Plan) to go into effect on February 1, 1991.

The MWD Plan includes use restriction and quantity reductions ranging from voluntary use restrictions and cutbacks to 20-percent rationing for noninterruptible customers and 50-percent rationing for interruptible customers. On February 1, MWD began requiring mandatory reductions of 10-percent for noninterruptible customers and 30-percent for interruptible customers.

The MWD Plan penalizes agencies using more than allotted quantities and rewards agencies using less than allotted quantities. At present the penalty is \$394 per acre-foot and the reward is \$99 per acre-foot. In September, 1991 MWD will compare each agency's total use for the rationing period with its total allocation for that period. Agencies having used more than their allotted amount will be charged the penalty for each excess acre-foot, and those which have used less than their allocation will be credited the rewarded for each acre-foot saved.

CWS purchases all of its water supply for its Westlake District from MWD. Under rationing by MWD, CWS will be unable to supply the normal water demand of its Westlake District customers. CWS has therefore requested authorization from the Commission to impose water use restrictions and rationing. In order to coordinate the implementation of rationing plans with the City of Thousand Oaks and California-American Water Company, CWS requests that its Rule 14.1 become effective on March 1, 1991.

CWS has proposed a three-phase water use restriction and rationing plan. Phase I consists of mandatory use restrictions and voluntary conservation of less than 10-percent. Phase II consists of mandatory water use restrictions and mandatory water rationing of at least 10-percent. Phase III consists of mandatory water use restrictions and mandatory water rationing of at least 20-percent. The actual rationing percentage in Phases II and III will be the reduction requested by MWD.

CWS's proposed plan is essentially the same as the rationing plans adopted by the Commission on February 6 for use by CWS in its East Los Angeles, Hermosa-Redondo, and Palos Verdes Districts. All provide for use restrictions and rationing. Use restrictions affect: washing walkways and driveways; washing motor vehicles, trailers, boats, and so forth without a positive automatic shut off valve; landscape watering; decorative pools, fountains, and other aesthetic uses; serving water in restaurants, hotels, cafes, cafeterias and other places where food is served; and, use of water for construction purposes. For violating the restrictions on use, the utility may warn the customer the first time and install a temporary flow restrictor in the customer's service line the second time. For a third violation, a restrictor may be installed for the duration of the drought, and service may be discontinued for persistent violation. CWS will charge established amounts of \$25, \$50, or the actual cost for removing restrictors, depending on the size of the particular service. Both plans also provide for penalties when more than the allocated amount of water is used. CWS's plan calls for a penalty of \$2.00 per one-hundred-cubic-feet (ccf) for use of water in excess of the allocated amount in Phase II and \$3.00 per ccf in Phase III.

Any monies collected by CWS through penalty charges will not be accounted for as income, but will be accumulated in a separate reserve account for disposition as directed from time to time by the Commission. CWS has asked that it be authorized to use any penalty monies collected from its customer to offset penalties assessed by MWD.

The Water Utilities Branch (Branch) understands that some utilities subject to the penalties and rewards of MWD will seek to flow rewards as well as penalties through to their customers in each billing. CWS has chosen to pass only penalties in each billing. The Branch believes this is acceptable with the condition that immediately following each September accounting made by MWD to its member agencies, CWS be required to report to the Commission the

charges and/or credits made to it by MWD, and the monies that have accumulated in the penalties reserve account. Further, that such reporting to the Commission should be accompanied by a request for Commission authorization for specific disposition of any credits made to CWS by MWD as a result water usage lower than MWD's allocation, and any monies accumulated in CWS's penalties reserve account.

Branch believes that monies accumulated in the penalties reserve account should be first used to offset any penalties by MWD in the event customers of CWS use more than their allotted amount of water, and secondly to offset charges to the drought related memorandum account that was authorized by the Commission in Decision 90-07-067. In the event customers use less than their allotment and rewards are credited CWS, these credits should also be used to offset charges to the drought related memorandum account.

The California Water Code (Code), Sections 350 through 358, provides that the governing board of any public water supplier may declare a water shortage emergency within its service area whenever it determines that the ordinary demands and requirements of its consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. Before making a declaration of water shortage emergency, the supplier must notify its customers and hold a public meeting to give customers the opportunity to protest such declaration or make comments. After the supplier has declared a water shortage emergency, it must adopt such regulations and restrictions on water delivery and consumption as it finds will conserve its water supply for the greatest public benefit.

For the requirements of the Code, MWD is the governing body. It held widely publicized public hearings; received input from residential, commercial, agricultural and water agency customers; declared a water shortage emergency and adopted regulations and restrictions for the greatest public benefit. In addition, CWS conducted a public hearing in Thousand Oaks on January 16, 1991 at which customers had an opportunity to be heard regarding the water shortage emergency. Two attended the hearing and commented on the water emergency and the proposed rationing plan. The existence of a water shortage emergency was not disputed.

Section 357 of the Code requires that suppliers that are subject to regulation by the Commission shall secure its approval before making such regulations and restrictions effective.

FINDINGS

1. MWD provides CWS all of the water CWS delivers in its Westlake District.
2. Reduction in the availability of Colorado River water and the drought conditions in California have reduced the amount of water available to the Metropolitan Water District to distribute to its member agencies.
3. MWD implemented an Incremental Interruption and Conservation Plan on February 1, 1991, calling for mandatory water use restriction and rationing by member agencies.
4. Section 357 of the Water Code requires CWS to seek Commission approval of its proposed tariff Rule 14.1, Mandatory Water Conservation/Rationing Plan before implementing use restriction and rationing called for by MWD.
5. Requirements of the Water Code, Section 350 *et seq*, to notify customers and to hold public hearings before declaring a water shortage emergency have been met.
6. A penalty monies reserve account for each district to record penalty monies collected should be authorized.
7. CWS should be authorized to use any penalty monies collected from its customers to offset penalties assessed by MWD.
8. CWS should report to the Commission immediately following MWD's September accounting of overuse penalties and underuse credits. This report should include the amount charged or credited CWS by MWD, the total amount accumulated in CWS's penalty monies reserve account as well as any amount used from this account to offset penalties assessed by MWD. This report should be accompanied by a request for specific disposition authority for the monies remaining in the penalty reserve account.

IT IS ORDERED that:

1. California Water Service Company is authorized to add Rule 14.1, Mandatory Water Conservation/Rationing Plan to its tariffs as proposed by Advice Letter No. 1169 for its Westlake District. The effective date of Rule 14.1 shall be March 1, 1991.
2. Rule 14.1 shall continue in force until such time as the Metropolitan Water District rescinds its Incremental Interruption and Conservation Plan, or until such time as the Commission directs its modification or repeal.
3. California Water Service Company shall establish a penalties monies reserve account for each district subject to this resolution in which overuse penalty charges imposed upon its customers shall be

accumulated. These monies shall not be accounted for as income and shall be disposed of in ways to be determined by the Commission.

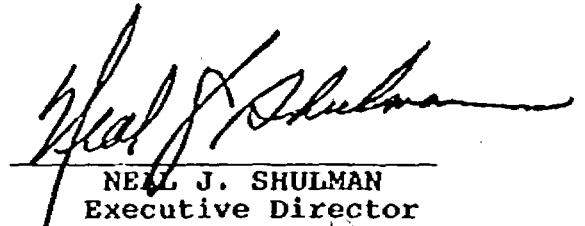
4. California Water Service Company is authorized to offset penalties assessed it by Metropolitan Water District from its penalties monies reserve accounts.

5. California Water Service Company shall, within thirty (30) days following the September accounting by the Metropolitan Water District to its member agencies of overuse charges and underuse credits, report this information to the Commission. This report shall include the amount of monies accumulated in its overuse penalty charges reserve account and monies used from this to offset charges to it by Metropolitan Water District.

6. California Water Service Company shall, within thirty (30) days following the September accounting by the Metropolitan Water District, file an application with the Commission proposing specific disposition of any monies accumulated in its overuse penalty charges reserve account, and any credits made to it by the Metropolitan Water District for underuse.

7. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on February 21, 1991. The following commissioners approved it:


NEAL J. SHULMAN
Executive Director

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. CHANIAN
Commissioners

I abstain.
DANIEL WM. FESSLER
Commissioner

I abstain.
NORMAN D. SHUMWAY
Commissioner