

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND
COMPLIANCE DIVISION
Water Utilities Branch

RESOLUTION W-3559
April 24, 1991

R E S O L U T I O N

(RESOLUTION W-3559) CALIFORNIA WATER SERVICE COMPANY/SUBURBAN-
LOS ALTOS DISTRICT (CWS) AND SAN JOSE WATER COMPANY (SJWC).
REQUEST TO REVISE MANDATORY WATER CONSERVATION AND RATIONING
PLANS.

CWS BY ADVICE LETTER 1181 FILED ON MARCH 29, 1991
SJWC BY ADVICE LETTER 232 FILED ON MARCH 29, 1991

SUMMARY

CWS and SJWC request authority to revise their respective Rule 14.1, Mandatory Water Rationing Plans (Rationing Plan) to accommodate Santa Clara Valley Water District's (District) call for its retail customers to increase mandatory water delivery reductions to 25-percent. This Resolution grants the request.

BACKGROUND

CWS and SJWC together serve about 204,000 customers in Santa Clara County.

The District has no retail customers of its own; however, it manages most of the area's water supplies. It receives, treats and distributes water from the Federal Bureau of Reclamation's San Felipe Project and the State Water Project through aqueducts from the Delta and the San Joaquin Valley, provides for groundwater recharge, and collects a pump tax for all water drawn from local aquifers.

Because of the prolonged drought situation in California the District reinstated a call for mandatory reductions in water consumption on April 1, 1990. To accommodate this requirement the Commission by Resolution No. W-3485 dated February 23, 1990 authorized both CWS and SJWC to implement their respective Rationing Plans.

The drought continues and on March 26, 1991 the Board of Directors of the District recommended an overall conservation goal of 25-percent for 1991. To accomplish this goal, the District staff recommended a conservation level of 30-percent during the summer months (April thru October), and 15-percent during the winter months (November thru March).

Section 357 of the Water Code requires that suppliers that are subject to regulation by the Commission shall secure its approval before imposing water consumption regulations and restrictions required by water shortage emergencies.

DISCUSSION

Currently authorized Rationing Plans for CWS and SJWC include specific percentages for water use reduction. Each time the District has changed its water use reduction percentage it has been necessary for these utilities to seek Commission authorization to conform with the new level. Both Rationing Plan revisions would allow the utilities to change the reduction level as necessary to conform with the level requested by the District at any particular time, without specific approval of the Commission.

The Water Utilities Branch (Branch) recently supported and the Commission authorized such provisions in Rationing Plans for water utilities affected by rationing requirements of the Metropolitan Water District of Southern California.

The Rationing Plans for both CWS and SJWC as revised, are attached to this Resolution as Appendix A and B respectively.

NOTICE

The District's rationing requirements are given considerable attention in the news media serving the Santa Clara County area. CWS has not given notice to its customers but has assured the Branch that it will, and provide evidence of such to the Branch by the effective date of the revised Rationing Plan. SJWC notified its customers by newspaper notice on April 2, 1991.

PROTESTS

No protests have been received by the Commission.

FINDINGS

1. District manages water delivered to retail entities within its jurisdiction including CWS and SJWC.
2. Drought conditions in California continue, and District has called for increased reduction in water consumption by retail entities within its jurisdiction.
3. Increased reduction in water use called for by District require revision of the currently Commission authorized Rationing Plans of CWS and SJWC.
4. The Rationing Plan revisions proposed by CWS and SJWC are appropriate.

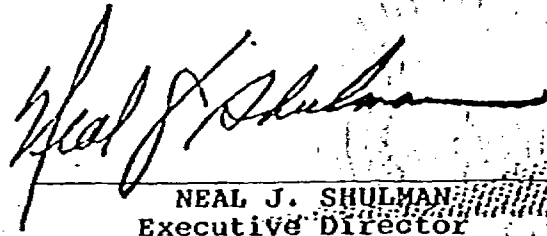
Resolution No. W-3559
CWS AL1181/SJWC AL232/REPimem

IT IS ORDERED THAT:

1. California Water Service Company/Suburban-Los Altos District and San Jose Water Company are authorized to revise their Rule 14.1, Mandatory Water Plans as proposed by Advice Letters No. 1181 and No. 232 respectively. The effective date of these revisions shall be five (5) days from the date of this resolution.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on April 24, 1991. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OGANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

CALIFORNIA WATER SERVICE COMPANY
1720 North First Street, San Jose, CA 95112
(408) 453-8414

Revised Cal. P.U.C. Sheet No. 4128-W
Cancelling Original Cal. P.U.C. Sheet No. 3951-W

Rule No. 14.1

MANDATORY WATER RATIONING PLAN FOR
LOS ALTOS-SUBURBAN DISTRICT

A. DEFINITIONS

As used in this water rationing plan, the words:

1. "Company" means the California Water Service Company;
2. "Person" means any individual, person, firm, partnership, association, corporation, company, organization or governmental entity;
3. "Customer" means any person who uses water supplied by the Company in its Los Altos-Suburban District;
4. "Process Water" means water used to manufacture, alter, convert, clean, grow, heat or cool a product, including water used in laundries and car wash facilities that recycle the water used;
5. "Water" means water supplied by the Company;
6. "Historical base period" means the twelve (12) month period preceding January 1, 1988.
7. "Residential" means one or two dwelling units per service.
8. "Authorizing agency" means any agency who supplies to, controls or allocates the water supply to the Company or any governmental body which authorizes the Company to produce and sell water in the service area.

(N)
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(N)

B. PROHIBITION OF NONESSENTIAL OR UNAUTHORIZED WATER USE

1. No customer shall use water for nonessential or unauthorized uses, as such uses are hereinafter defined.
2. The following uses of water are hereby determined to be, and are defined as, nonessential or unauthorized, except as further provided herein:
 - a. Any use of water in excess of the following allocations*:

(1) The allocation for each customer shall be the percentage shown below of the quantity of water used by such customer during the comparable billing period in 1987:

$$\text{Monthly Allocation Percentage} = 100\% \text{ minus the authorizing agency percentage reduction}$$

(C)
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(C)

A 30% reduction by the authorizing agency would result in a 70% allocation.

Notwithstanding the above-listed allocations, no customer will receive a monthly allocation of less than 6 Ccf.

* Allocations falling between full hundreds of cubic feet will be rounded upward to the larger amount.

(continued)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice Letter No. 1181

ISSUED BY

Date Filed _____

FRANCIS S. FERRARO
Vice President

Decision No. _____

Effective _____

Resolution No. W-3559

CALIFORNIA WATER SERVICE COMPANY
 1720 North First Street, San Jose, CA 95112
 (408) 453-8414

Revised Cal. P.U.C. Sheet No. 4129-W

Cancelling Original Cal. P.U.C. Sheet No. 3952-W

Rule No. 14.1

MANDATORY WATER RATIONING PLAN FOR
LOS ALTOS-SUBURBAN DISTRICT
 (continued)

B. PROHIBITION OF NONESSENTIAL OR UNAUTHORIZED WATER USE (continued)

- (2) The allocation for each customer using process water shall be 90% of the quantity of water used by such customer during the comparable billing period in 1987. (L)
- (3) For any customer without a prior period billing record, or where unusual circumstances dictate a change in allocation, the customer's monthly allocation shall be determined by the Company on the basis of usage by similar customers or on such other basis as may be fair and equitable under the circumstances. (L)
- b. Use of water for more than minimal landscaping in connection with any new construction.
- c. Use of water through any meter when the Company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within 5 days after receipt of such notice.
- d. Use of water which results in flooding or runoff in gutters or streets.
- e. Use of water through a hose for washing cars, buses, boats, trailers or other vehicles without a positive automatic shut-off valve on the outlet end of the hose.
- f. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas.
- g. Use of water to clean, fill or maintain levels in decorative fountains.
- h. Use of water for construction purposes, such as consolidation of backfill, unless no other source of water or other method can be used.
- i. Service of water by any restaurant except upon the request of a patron.
- j. Hydrant flushing, except where required for public health or safety.

C. EXCESS WATER USE PENALTY

1. An excess use penalty of \$2 per 100 cubic feet of water used in excess of the applicable allocation during each billing period shall be charged by the Company for all service rendered on and after the effective date of this tariff, except that such excess use penalty shall not apply to any customer and/or dwelling unit whose consumption is 600 cubic feet or less per billing period per dwelling unit, nor to any customer whose total consumption to date during the period this rationing plan has been in effect does not exceed his or her total allocated usage for said period.

(continued)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice Letter No. 1181

ISSUED BY

Date Filed _____

FRANCIS S. FERRARO
 Vice President

Decision No. _____

Effective _____

Resolution No. W-3559

CALIFORNIA WATER SERVICE COMPANY
1720 North First Street, San Jose, CA 95112
(408) 453-8414

Revised Cal. P.U.C. Sheet No. 4130-W
Cancelling Original Cal. P.U.C. Sheet No. 3953-W

Rule No. 16.1

MANDATORY WATER RATIONING PLAN FOR
LOS ALTOS-SUBURBAN DISTRICT
(continued)

C. EXCESS WATER USE PENALTY (continued)

2. Customers who had credit balances (actual usage was less than allocated usage) when the previous rationing plan was terminated on October 24, 1989, will be allowed to carry over such balances under this rationing plan. (L)
3. Any monies collected by the Company through penalty charges shall not be accounted for as income, but shall be accumulated by the Company in a separate reserve account for disposition as directed or authorized from time to time by the California Public Utilities Commission. (L)

D. ENFORCEMENT

1. The Company may, after one written warning, install a flow-restricting device on the service line of any customer observed by Company personnel to be using water for any nonessential or unauthorized use defined in Section B above. The restricting device may be removed only by the Company, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge set forth below. After the removal of such restricting device, if any such nonessential or unauthorized use of water shall continue, the Company may install a flow-restricting device which shall remain in place until this water rationing plan shall terminate and until the appropriate charge for removal hereinafter set forth shall have been paid to the Company. However, if despite installation of such flow-restricting device pursuant to the provisions of the previous sentence, any such nonessential or unauthorized use of water shall continue, then the Company may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the Company as a condition to restoration of service. It is the intent of the Company that restriction devices will not be installed in a customer's service due to exceeding a monthly quota if a customer's accumulated usage does not exceed his accumulated allocation beginning with bills rendered after the effective date of this tariff.
2. The charge for removal of a flow-restricting device shall be:

<u>Meter Size</u>	<u>Removal Charge</u>
5/8" to 1"	\$25
1-1/2 to 2"	50
3" and larger	Actual cost

E. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this water rationing plan shall notify the Company in writing, setting forth in detail the grounds therefor. The Company shall respond to each such request. Any customer not satisfied with the Company's response may file an appeal therefrom with the Staff of the Commission requesting relief. The customer and the Company will be notified of the disposition of such appeal by letter from the Executive Director of the Commission. If the customer shall disagree with such disposition, he shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, E, no person shall have any right or claim in law or in equity, against the Company because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water rationing plan.

End of Appendix A

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice Letter No. 1181

ISSUED BY

Date Filed _____

FRANCIS S. FERRARO
Vice President

Effective _____

Decision No. _____

SAN JOSE WATER COMPANY (U168W)
San Jose, California Canceling

Revised
Original

Cal. P.U.C. Sheet No. 709-W
Cal. P.U.C. Sheet No. 668-W

Rule No. 14.1

MANDATORY WATER RATIONING PLAN

A. DEFINITIONS

As used in this water rationing plan, the words:

- 1. "Company" means the San Jose Water Company;
- 2. "Person" means any individual, person, firm, partnership, association, corporation, company, organization or governmental entity;
- 3. "Customer" means any person who takes water service from the Company;
- 4. "Process Water" means water used to manufacture, alter, convert, clean, grow, heat or cool a product, including water used in laundries and car wash facilities that recycle the water used;
- 5. "Water" means water supplied by the Company;
- 6. "Authorizing agency" means any agency who supplies to, controls or allocates the water supply to the Company.

(N)
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(N)

B. PROHIBITION OF NONESSENTIAL OR UNAUTHORIZED WATER USE

- 1. No customer shall use water for nonessential or unauthorized uses, as such uses are hereinafter defined.

(continued)

(To be inserted by utility)	Issued by	(To be inserted by Cal. P.U.C.)
Advice No. <u>232</u>	<u>Fred R. Meyer</u>	Date Filed _____
Dec. No. _____	<u>Vice President,</u>	Effective _____
	<u>Regulatory Affairs</u>	Resolution No. _____
	TITLE	

SAN JOSE WATER COMPANY (U168W)
 San Jose, California Canceling

Revised
Original

Cal. P.U.C. Sheet No. 710-W
 Cal. P.U.C. Sheet No. 669-W

Rule No. 14.1

MANDATORY WATER RATIONING PLAN

(continued)

2. The following uses of water are hereby determined to be, and are defined as, nonessential or unauthorized, except as further provided herein:

a. Any use of water in excess of the following allocations*:

(1) The allocation for each customer shall be the percentage shown below of the quantity of water used by such customer during the comparable billing period in 1987:

(T)

Monthly Allocation = 100% minus reduction
 Percentage requested by the authorizing
 agency

A 30% reduction by the authorizing agency
 would result in a 70% allocation

(T)

Notwithstanding the above allocation, no customer will receive a monthly allocation of less than 6 Ccf.

(2) The allocation for each customer using process water shall be 90% of the quantity of water used by such customer during the comparable billing period in 1987.

(3) For any customer without a prior billing record, or where unusual circumstances dictate a change in allocation, the customer's allocation shall be determined by the Company on the basis of usage by similar customers or on such other basis as may be fair and equitable under the circumstances.

*Allocations falling between full hundreds of cubic feet will be rounded up to the next full hundred.

b. Use of water for more than minimal landscaping in connection with any new construction.

(continued)

(To be inserted by utility)	Issued by	(To be inserted by Cal. P.U.C.)
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	Vice President,	Effective _____
Dec. No. _____	<u>Regulatory Affairs</u>	Resolution No. _____
	TITLE	

SAN JOSE WATER COMPANY (U168W) Original Cal. P.U.C. Sheet No. 670-W
 San Jose, Calif. Cancelling _____ Cal. P.U.C. Sheet No. _____

Rule No. 14.1

HANDATORY WATER RATIONING PLAN

(continued)

- e. Use of water through any meter 5 working days after receipt by the customer of written notice from the Company to repair broken or defective plumbing, sprinklers, watering or irrigation systems and the customer has failed to effect such repairs.
- d. Use of water which results in flooding or runoff in gutters or streets.
- e. Use of water through a hose for washing cars, buses, boats, trailers or other vehicles without a positive automatic shut-off valve on the outlet end of the hose.
- f. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas.
- g. Use of water to clean, fill or maintain levels in decorative fountains.
- h. Use of water for construction purposes, such as consolidation of backfill, unless no other reasonable source of water or other method can be used.
- i. Service of water by a restaurant except upon the request of a patron.
- j. Use of water to flush hydrants, except where required for public health or safety.

(continued)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice No. 224
 Dec. No. _____

Issued by _____
 Name FRED R. MEYER
Vice President
 Title Regulatory Affairs

Date Filed MAR 27 1990
 Effective APR 1 1990
 Resolution No. W-3485

SAN JOSE WATER COMPANY (U168W) Original Cal. P.U.C. Sheet No. 671-W
 San Jose, Calif. Cancellling _____ Cal. P.U.C. Sheet No. _____

Rule No. 14.1

MANDATORY WATER RATIONING PLAN

(continued)

C. CONSERVATION FEE

1. A conservation fee of \$2.00 per 100 cubic feet of water used in excess of the applicable allocation during each read to read billing period shall be charged by the Company on all read-month bills rendered on and after the effective date of this tariff which do not include any services rendered prior to the effective date of this plan, except that such conservation fee shall not apply to any customer and/or dwelling unit whose consumption is 600 cubic feet or less per billing period per dwelling unit, nor to any customer whose total consumption to date during the period this rationing plan has been in effect does not exceed the total allocated usage for said period.

Referring to Paragraph C1 of Rule 14.1 (effective April 12, 1989 and terminated November 22, 1989), customers will have their balances carried forward to April 2, 1990, if their total consumption during the period April 12, 1989 through November 22, 1989 did not exceed their total allocated usage for that period.

Referring to Paragraph C1 of Rule 14.1 (effective April 12, 1989 and terminated November 22, 1989), customers will have zero balances carried forward to April 2, 1990, if their total consumption during the period April 12, 1989 through November 22, 1989 exceeded their total allocated usage for that period.

2. Any monies collected by the Company through conservation fees shall not be accounted for as income, but shall be accumulated by the Company in a separate account for disposition as directed or authorized from time to time by the California Public Utilities Commission.

(continued)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice No. 224
 Dec. No. _____

Issued by
 Name FRED R. MEYER
 Title Vice President
Regulatory Affairs

Date Filed MAR 27 1990
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SAN JOSE WATER COMPANY (U168W) Original Cal. P.U.C. Sheet No. 672-W
 San Jose, Calif. Cancellling _____ Cal. P.U.C. Sheet No. _____

Rule No. 14.1

MANDATORY WATER RATIONING PLAN
 (continued)

D. ENFORCEMENT

1. The Company may, after one written warning, install a flow-restricting device on the service line of any customer observed by Company personnel to be using water for any nonessential or unauthorized use defined in Section B above. The restricting device may be removed only by the Company, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge set forth below. After the removal of such restricting device, if any such nonessential or unauthorized use of water shall continue, the Company may install a flow-restricting device which shall remain in place until this water rationing plan shall terminate and until the appropriate charge for removal hereinafter set forth shall have been paid to the Company. However, if despite installation of such flow-restricting device pursuant to the provisions of the previous sentence, any such nonessential or unauthorized use of water shall continue, then the Company may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the Company as a condition to restoration of service. It is the intent of the Company that restriction devices will not be installed in a customer's service due to exceeding a monthly quota if a customer's accumulated usage does not exceed his accumulated allocation beginning with bills rendered after the effective date of this tariff.

(continued)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice No. 224
 Dec. No. _____

Issued by _____
 Name FRED R. MEYER
 Vice President
 Title Regulatory Affairs

Date Filed MAR 27 1990
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Resolution No. W-3559

SAN JOSE WATER COMPANY (U168W) Original Cal. P.U.C. Sheet No. 673-W
 San Jose, Calif. Cancelling _____ Cal. P.U.C. Sheet No. _____

Rule No. 14.1

MANDATORY WATER RATIONING PLAN
 (continued)

2. The charge for removal of a flow-restricting device shall be:

<u>Meter Size</u>	<u>Removal Charge</u>
5/8" to 1"	\$25
1-1/2 to 2"	50
3" and Larger	Actual Cost

E. APPEAL PROCEDURE

Any customer seeking a variance from any of the provisions of this water rationing plan shall notify the Company in writing, setting forth in detail the grounds therefore. The Company shall respond to each such request. Any customer not satisfied with the Company's response may file an appeal to the Staff of the Commission requesting relief. The customer and the Company will be notified of the disposition of such appeal by letter from the Executive Director of the Commission. If the customer shall disagree with such disposition, he shall have the right to file a formal complaint with the Commission. Except as set forth in this Section E, no person shall have any right or claim in law or in equity, against the Company because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water rationing plan.

(End of Appendix B)

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

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 Name FRED R. MEYER
 Title Vice President
Regulatory Affairs

Date Filed MAR 27 1990
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 Resolution No. W 3485