

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND
COMPLIANCE DIVISION
Water Utilities Branch

RESOLUTION W-3563
May 8, 1991

R E S O L U T I O N

RESOLUTION W-3563. CALIFORNIA WATER SERVICE COMPANY/
LIVERMORE DISTRICT. REQUEST FOR AUTHORIZATION TO FILE
A MANDATORY WATER CONSERVATION PLAN FOR ITS LIVERMORE
DISTRICT.

BY ADVICE LETTER 1183, FILED ON APRIL 2, 1991

SUMMARY

California Water Service Company (CWS) requests authority to add Rule 14.1, Mandatory Water Conservation Plan (Conservation Plan) to the tariffs of its Livermore District located in Alameda County. This action is required by the action of the Alameda County Flood Control and Water Conservation District Zone 7 (Zone 7). This resolution grants the request.

BACKGROUND

CWS purchases about 65-percent of the water it distributes to its Livermore District customers from Zone 7. A water shortage emergency condition exists within the area to which Zone 7 provides water. Zone 7 on February 23, 1991, approved a water conservation plan that calls for all resale customers, including CWS, to reduce commercial and residential water use by at least 25-percent. Additionally, Zone 7 is considering further reductions contingent upon the availability of water from the State Water Project.

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

Because of the drought and Zone 7's action, the ordinary demands and requirements of CWS's customers in its Livermore District cannot be satisfied without either depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation or fire protection.

The rules, regulations and restrictions shown in the Conservation Plan are intended to conserve CWS's water supply for the greatest public benefit, with particular regard to domestic use, sanitation and fire protection.

The actions contained in the proposed Conservation Plan are necessary to prevent or mitigate an emergency, and were prepared pursuant to Section 353 of the Water Code.

CWS's proposed Conservation Plan would be implemented in response to Zone 7's notification that a shortage of potable water supplies exists. It would be implemented in two phases as follows:

Phase I:

Phase I consists of mandatory water use restrictions and voluntary water conservation of less than or equal to 25-percent, and becomes effective upon notification by Zone 7 that water usage should be reduced by 25-percent or less.

Phase II:

Phase II consists of mandatory water use restrictions and mandatory water allocations, and becomes effective upon notification by Zone 7 that water usage should be reduced by more than 25-percent.

Customer classes will have differing allocations under Phase II. Specific details can be found in the Conservation Plan which is attached to this resolution as Appendix A.

No customer will receive a monthly allocation of less than 6 Ccf (600 cubic feet), and no dwelling unit will receive a monthly allocation of less than 4 Ccf.

During Phase II use reduction conditions, residential and water-for-resale customers will be charged an excess use penalty of \$2 per 100 cubic feet of water used in excess of the applicable water allocation during each billing period. For all other customers the penalty will be \$4 per 100 cubic feet. The penalty will apply to only those customers whose total consumption as of a particular billing date during the period Phase II is in effect, exceeds the customer's total allocation to that date.

Any monies collected by CWS through penalty charges will not be accounted for as income, but will be accumulated by CWS in a separate reserve account for disposition as directed or authorized from time to time by the Commission.

NOTICE

Notice of public hearing was published and the hearing was held in Livermore on March 26, 1991. About 50 customers attended and approximately 15 commented on the water emergency or the proposed Conservation Plan. No one at the hearing disputed the existence of a water shortage emergency.

PROTESTS

No protests have been received by the Commission.

FINDINGS

1. CWS purchases approximately 65-percent of the water supply for its Livermore District from Zone 7.
2. Drought conditions in California have caused Zone 7 to impose mandatory water conservation on retail entities to which it supplies water.
3. Section 357 of the Water Code requires CWS to seek Commission approval of its proposed tariff Rule 14.1, Mandatory Water Conservation Plan before implementing use restriction and rationing called for by Zone 7.
4. 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.
5. CWS's proposed Rule 14.1, Mandatory Water Conservation Plan for its Livermore District should be authorized.

IT IS ORDERED THAT:

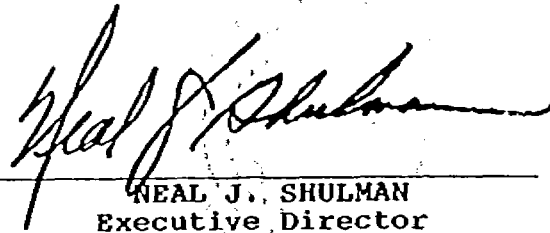
1. California Water Service Company is authorized to add Rule 14.1, Water Conservation Plan to its tariffs as proposed by Advice Letter No. 1183 for its Livermore District. The effective date of Rule 14.1 shall be the same as the effective date of this resolution.
2. Rule 14.1 shall continue in force until such time as the Alameda County Flood Control and Water Conservation District Zone 7 rescinds its mandatory water conservation requirement, or until such time as the Commission directs its modification or repeal.
3. California Water Service Company shall establish a reserve account in which overuse penalty charges imposed upon its Livermore District 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.

This resolution is effective today.

Resolution W-3563
CalWtr Service/AL1183/REP:mem

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on May 8, 1991. The following Commissioners approved it:

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



NEAL J. SHULMAN
Executive Director

Rule No. 16.1

MANDATORY WATER CONSERVATION PLAN FOR
LIVERMORE DISTRICT

A. DEFINITIONS

As used in this water plan, the word:

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 Livermore 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.
9. "Water shortage condition" means the conditions which constitute a determination by the authorizing agency that deliveries of potable water supplies have reached a level such that all water suppliers are being requested to reduce the use of water by a given amount.

B. WATER SHORTAGE CONDITION

This mandatory water conservation plan shall become effective following notification by the authorizing agency that a shortage of potable water supplies exists. The plan will be implemented in two phases:

Phase I:

Phase I consists of mandatory water use restrictions and voluntary water conservation of less than or equal to 25%. This phase becomes effective upon notification by the authorizing agency that water usage should be reduced by 25% or less.

Phase II:

Phase II consists of mandatory water use restrictions and mandatory water allocations. This phase becomes effective upon notification by the authorizing agency that water usage should be reduced by more than 25%. The allocation percentages are based on the authorizing agency's percentage reduction. A 30% reduction by the authorizing agency would result in a 70% allocation for most of the Company's nonresidential customers. Residential customers would receive a 75% allocation for Tier 1 and a 50% allocation for Tier 2.

(continued)

(To be inserted by utility)

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

Advice Letter No. _____

ISSUED BY

Date Filed _____

FRANCIS S. FERRARO
Vice President

Decision No. _____

Effective _____

Rule No. 14.1

MANDATORY WATER CONSERVATION PLAN FOR
LIVERMORE DISTRICT
(continued)

C. PROHIBITION OF NONESSENTIAL OR UNAUTHORIZED WATER USE APPLICABLE TO ALL PHASES

The following uses of water are determined to be, and are defined as, nonessential or unauthorized:

1. Any use of water in excess of the following allocations:

- a. The allocation* for each customer is the percentage shown below of the quantity of water used by such customer during the comparable billing periods during the historical base period:

<u>Phase</u>	<u>Allocation</u>
I	Voluntary
II	Less than 75%
Residential:	
Tier 1	0 - 30 Ccf 105% minus the authorizing agency reduction
Tier 2	Over 30 Ccf 110% minus twice the authorizing agency reduction
Process water	90%
Irrigation	110% minus twice the authorizing agency reduction
All other customers:	100% minus the authorizing agent reduction

Notwithstanding the above-listed allocations, no customer will receive a monthly allocation of less than 6 Ccf and no dwelling unit will receive a monthly allocation of less than 4 Ccf.

Allocations for residential customers are divided into two tiers. The first tier allocation is based on the authorizing agency's percentage reduction less 5%. The second tier allocation is equal to twice the first tier reduction. A 30% reduction by the authorizing agency would result in a 75% allocation for Tier 1 and a 50% allocation for Tier 2.

- b. 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.

2. Use of water for more than minimal landscaping in connection with any new construction.
3. 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.
4. Use of water which results in flooding or runoff in gutters or streets.

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

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(To be inserted by utility)

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

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Vice President

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Effective _____

Rule No. 14.1

MANDATORY WATER CONSERVATION PLAN FOR
LIVERMORE DISTRICT
(continued)

C. PROHIBITION OF NONESSENTIAL OR UNAUTHORIZED WATER USE APPLICABLE TO ALL PHASES (continued)

5. Use of water through a hose for washing cars, buses, boats, trailers or other vehicles unless the authorizing agency has provided notification that water usage should be reduced by less than 30% and a positive automatic shut-off valve is on the outlet end of the hose.
6. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except as required for sanitary or safety purposes.
7. Use of water to clean, fill or maintain levels in decorative fountains; unless such water is part of a recycling system and the authorizing agency has provided notification that water usage should be reduced by less than 30%.
8. Use of water for construction purposes, such as consolidation of backfill; unless no other source of water or other method can be used and the authorizing agency has provided notification that water usage should be reduced by less than 30%.
9. Service of water by any restaurant except upon the request of a patron.
10. Use of water for lawn irrigation during the months of November through March unless the authorizing agency has provided notification that water usage should be reduced by less than 30%.
11. Use of water for landscape irrigation by process water customers with a 90% allocation unless the authorizing agency has provided notification that water usage should be reduced by less than 30%.
12. Use of water from fire hydrants except for fire fighting and related activities and other uses necessary to maintain the public health, safety, and welfare.
13. Use of water to irrigate lawns, landscape, or other turf areas which is not in accordance with local city and county ordinances.

D. EXCESS WATER USE PENALTY

Phase II:

1. For residential and water for resale 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 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.)

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FRANCIS S. FERRARO
Vice President

Decision No. _____

Effective _____

Rule No. 14.1

MANDATORY WATER CONSERVATION PLAN FOR
LIVERMORE DISTRICT

(continued)

D. EXCESS WATER USE PENALTY (continued)

2. for all customers except residential and water for resale an excess use penalty of \$4 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 whose consumption is 600 cubic feet or less per billing period, nor to any customer whose total consumption to date during the period this plan has been in effect does not exceed his or her total allocated usage for said period.
3. In addition to the excess water use penalty any process water customer observed by Company personnel using water for landscape irrigation may after one warning have his allocation percentage reduced to that of other commercial customers. This penalty is not applicable if the authorizing agency has provided notification that water usage should be reduced by less than 30%.

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.

E. 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 C above. The restricting device may be removed only by the Company, only after a two-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 for a period of not less than two weeks or until this water plan shall terminate and until the appropriate charge for removal set forth below 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

(continued)

(To be inserted by utility)

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

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ISSUED BY

Date Filed _____

FRANCIS S. FERRARO
Vice President

Decision No. _____

Effective _____

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

Original Cal. P.U.C. Sheet No. _____

Cancelling _____ Cal. P.U.C. Sheet No. _____

Rule No. 14.1

MANDATORY WATER CONSERVATION PLAN FOR
LIVERMORE DISTRICT
(continued)

F. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this water plan shall notify the Company in writing, setting forth in detail the grounds for a variance. Any customer not satisfied with the Company's response may file an appeal 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, F, 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 plan.

(To be inserted by utility)

Advice Letter No. _____

Decision No. _____

ISSUED BY

FRANCIS S. FERRARO
Vice President

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

Date Filed _____

Effective _____

Resolution No. _____