

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND  
COMPLIANCE DIVISION  
Water Utilities Branch

RESOLUTION W-3569  
May 22, 1991

RESOLUTION

(RESOLUTION W-3569) CALIFORNIA WATER SERVICE COMPANY.  
REQUEST FOR AUTHORIZATION TO FILE A MANDATORY WATER  
CONSERVATION/RATIONING PLAN FOR ITS STOCKTON DISTRICT.

BY ADVICE LETTER 1184, FILED ON APRIL 2, 1991

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SUMMARY

California Water Service Company (CWS) requests authority to add Rule 14.1, Mandatory Water Conservation/Rationing Plan (Rationing Plan) to the tariffs of its Stockton District located in San Joaquin County. This resolution grants the request.

BACKGROUND

California's drought continues. The March rains helped somewhat to lessen the fire danger and reduce water consumption, but surface water storage in most areas is still critically low. The Stockton East Water District (SEWD) and the County of San Joaquin (County) both declared the existence of a drought emergency on February 21, 1989. This emergency condition remains in effect. Storage reservoirs that serve the area are nearly dry, forcing users such as CWS, which purchases approximately 60-percent of its supply from SEWD, to depend on wells for virtually all of their supply. In some urban areas, groundwater levels have declined by an estimated 40 feet between 1988 and 1990, and chloride levels (an indication of saltwater intrusion) increased by 25-percent in monitoring wells in both North and South Stockton during this period. Studies have concluded that overuse of well supplies will cause irreversible damage to the groundwater basin from encroaching saltwater.

In April of 1990 the City of Stockton (City) and County both adopted a water conservation program that called for voluntary reductions in water use of 20-percent. Unfortunately, this program was only moderately successful in that water use was reduced overall by only 14-percent. Staff representatives of the City, CWS, SEWD, and County have met on numerous occasions to assess the situation, and discuss possible alternative approaches to dealing with the it. On February 7, 1991 this group recommended the adoption of mandatory water use reduction in addition to the conservation measures already in use.

The City, which serves approximately one-third of the urban area, has adopted a mandatory conservation/rationing plan that includes a mandatory 20-percent reduction in water use. This plan went into effect on May 1, 1991. CWS, which serves the remaining approximately two-thirds of the urban area, is requesting Commission approval of a conservation/rationing plan that closely parallels the City's.

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 drought conditions, the ordinary needs of the water consumers in CWS's Stockton District for human consumption, sanitation and fire protection cannot be satisfied without further overdraft of the area's groundwater. Water purveyors in the area agree that mandatory water use reduction is necessary.

To achieve the necessary reduction in water use, CWS proposes to allocate water for each customer on the basis of the customer's use in 1988. The allocations will be a percentage of the quantity of water used by a customer during the comparable billing period. For process water customers, this allocation will be 90-percent. For all other customers, the allocation will be 80-percent for the months of May through October, and 90-percent for the months of November through April. Use of water for a number of nonessential purposes such as washing buildings and sidewalks will be prohibited. Use of water for washing cars and other vehicles will be prohibited unless a positive automatic shut-off valve is on the outlet end of the hose.

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

Customers using more than their allocated amount of water will be assessed an excess use penalty of \$2 per 100 cubic feet for usage which exceeds their allocation but does not exceed the average base usage. A \$4 per 100 cubic feet penalty will be assessed for all usage which exceeds the average base usage. This penalty will not apply to any customer and/or dwelling unit whose use is less than the minimum allocation per billing period, nor to any customer whose total use to date during the period the plan has been in effect does not exceed their total allocated usage for the period.

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.

CWS's proposed Rationing Plan is attached to this resolution as Appendix A.

NOTICE

Notice of public hearing at which customers could be heard was published, and the hearing was held in Stockton on April 8, 1991. About 75 customers attended, and approximately 20 commented on the water emergency or the proposed Rationing Plan.

Customers were concerned about the adequacy of the water supply and the specifics of the Rationing Plan. There was considerable interest in the allocation and appeal process, water banking, the implementation of water restrictions, enforcement of the Rationing Plan, and its effective date. Customers also made statements about water wasting by residences and governmental agencies. In response to comments made by customers, CWS made revisions to its proposed Rationing Plan which make it more closely mirror the City's plan.

PROTESTS

No protests have been received by the Commission.

FINDINGS

1. Because of the continuing drought, reservoir supplies of water for water purveyors in the Stockton area, including CWS, are essentially depleted.
2. This has required CWS and others to turn to local groundwater in order to meet the needs of customers.
3. The overpumped groundwater basin is showing increased saltwater intrusion.
4. Area water purveyors have collectively agreed that mandatory water reduction must be implemented in order to reduce the demand on the groundwater basin.
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. CWS's proposed Rule 14.1, Mandatory Water Conservation/Rationing Plan for its Stockton District should be authorized.

IT IS ORDERED THAT:

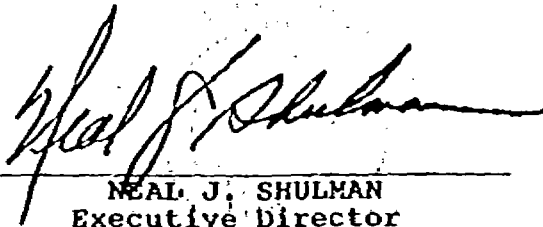
1. California Water Service Company is authorized to add Rule 14.1, Water Conservation/Rationing Plan to its tariffs as proposed by Advice Letter No. 1184 for its Stockton District. The effective date of Rule 14.1 shall be the same as the effective date of this resolution.

2. Rule 14.1 shall continue in force until such time as the Commission directs its modification or repeal.

3. California Water Service Company shall establish a reserve account in which overuse penalty charges imposed upon its Stockton 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.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on May 22, 1991. The following Commissioners approved it:



NEAL J. SHULMAN  
Executive Director

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

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

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

Original Cal. P.U.C. Sheet No. 4143-W

Cancelling \_\_\_\_\_ Cal. P.U.C. Sheet No. \_\_\_\_\_

Rule No. 14.1

MANDATORY WATER CONSERVATION RATIONING/PLAN FOR  
 STOCKTON 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 Stockton 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 preceeding January 1, 1988;
7. "Residential" means one or two dwelling units per service.

B. 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>For Billing Periods Ending:</u>	
	<u>May-Oct</u>	<u>Nov-Apr</u>
Process water	90%	90%
All other customers	80%	90%

Notwithstanding the above-listed allocations, no customer will receive a monthly allocation of less than 6 Ccf and no multi-family dwelling unit (more than 2 dwelling units per service) will receive a monthly allocation of less than 4 Ccf.

- 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.

\* 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. 1184

ISSUED BY

Date Filed \_\_\_\_\_

**FRANCIS S. FERRARO**  
 Vice President

Effective \_\_\_\_\_

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

CALIFORNIA WATER SERVICE COMPANY  
1720 North First Street, San Jose, CA 95112  
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Original Cal. P.U.C. Sheet No. 4144-W

Cancelling \_\_\_\_\_ Cal. P.U.C. Sheet No. \_\_\_\_\_

Rule No. 14.1

MANDATORY WATER CONSERVATION RATIONING/PLAN FOR  
STOCKTON DISTRICT

(continued)

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

- 2. 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 2 days after receipt of such notice.
- 3. Use of water which results in flooding or runoff in gutters or streets.
- 4. Use of water through a hose for washing cars, buses, boats, trailers or other vehicles unless a positive automatic shut-off valve is on the outlet end of the hose.
- 5. 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.
- 6. Use of water to clean, fill or maintain levels in decorative fountains; unless such water is part of a recycling system.
- 7. Use of water for construction purposes, such as consolidation of backfill; unless no other source of water or other method can be used.
- 8. Service of water by any restaurant except upon the request of a patron.
- 9. 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.
- 10. Use of water to irrigate lawns, landscape, or other turf areas which is not in accordance with local city and county ordinances.

**C. EXCESS WATER USE PENALTY**

- 1. For all customers 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.)

Advice Letter No. 1184

ISSUED BY

**FRANCIS S. FERRARO**  
Vice President

Date Filed \_\_\_\_\_

Decision No. \_\_\_\_\_

Effective \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

Original Cal. P.U.C. Sheet No. 4145-W

Cancelling \_\_\_\_\_ Cal. P.U.C. Sheet No. \_\_\_\_\_

Rule No. 14.1

MANDATORY WATER CONSERVATION RATIONING/PLAN FOR

STOCKTON DISTRICT

(continued)

C. EXCESS WATER USE PENALTY (continued)

2. For all customers an additional excess use penalty of \$2 per 100 cubic feet of water used in excess of the applicable average base usage 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.

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.

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 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.)

Advice Letter No. 1184

ISSUED BY

**FRANCIS S. FERRARO**  
 Vice President

Date Filed \_\_\_\_\_

Decision No. \_\_\_\_\_

Effective \_\_\_\_\_

Resolution No. \_\_\_\_\_

CALIFORNIA WATER SERVICE COMPANY  
1720 North First Street, San Jose, CA 95112  
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Original Cal. P.U.C. Sheet No. 4146-W

Cancelling \_\_\_\_\_ Cal. P.U.C. Sheet No. \_\_\_\_\_

Rule No. 14.1

MANDATORY WATER CONSERVATION RATIONING/PLAN FOR  
SIOCKTON DISTRICT  
(continued)

E. 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.

(End of Appendix)

(To be inserted by utility)

Advice Letter No. 1184

Decision No. \_\_\_\_\_

ISSUED BY

FRANCIS S. FERRARO  
Vice President

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

Date Filed \_\_\_\_\_

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