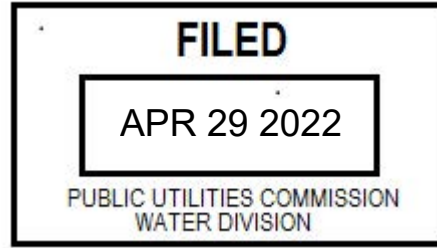




CALIFORNIA WATER SERVICE COMPANY
 1720 NORTH FIRST STREET
 SAN JOSE, CA 95112 ☎ (408) 367-8200 ☒ F (408) 367-8428

April 29, 2022



Advice Letter No. 2450

CALIFORNIA WATER SERVICE COMPANY (U 60 W)

To The Public Utilities Commission of the State of California:

California Water Service Company (“Cal Water”) respectfully submits this Tier 1 advice letter requesting authority to make the changes to the tariff sheets in Rule 15 applicable to all regulated ratemaking areas in California.

Consistent with the Commission’s guidelines during the COVID-19 pandemic, this advice letter is only being distributed electronically to the Water Division and the attached service lists.

C.P.U.C.		Canceling
		C.P.U.C.
<u>Sheet No.</u>	<u>Title of Sheet</u>	<u>Sheet No.</u>
XXXXX-W	Rule No. 15 Water Main Extensions (Page 8)	XXXXX-W
XXXXX-W	Rule No. 15 Water Main Extensions (Page 9)	XXXXX-W
XXXXX-W	Rule No. 15 Water Main Extensions (Page 10)	XXXXX-W
XXXXX-W	Rule No. 15 Water Main Extensions (Page 13)	XXXXX-W
XXXXX-W	Table of Contents (Page 13)	XXXXX-W
XXXXX-W	Table of Contents (Page 1)	XXXXX-W

Summary

Cal Water requests approval to modify language for the Income Tax Component (“ITC”) of the “Contribution” provisions in Tariff Rule 15 related to grants and fire services. This advice letter is submitted as a Tier 1 filing requesting an effective date of May 1, 2022.

Background

Recently, Cal Water filed AL 2440 to reflect IRS law changes related to the income tax component for the “Contribution” provision in H.R. 3684. With the passage of H.R. 3684, now only water and sewer “services” are treated as taxable income. H.R. 3684 also eliminated the taxability of grants received from governmental agencies, except for grants related to water services. The state of California did not conform its laws to the federal 2018 Tax Cuts and Jobs Act (“TCJA”), so no changes to Rule 15 are needed with respect to state taxation. The tariffs approved in AL 2440 were retroactive back to January 1, 2021.



Discussion

In AL 2440, Cal Water modified its Rule 15 tariffs to reflect the changes made in H.R. 3684 that only Contributions in Aid of Construction (“CIAC”) received from developers for water and sewer services (“Services”) are considered federal taxable income subject to the ITC component of Rule 15. Cal Water also made few miscellaneous text changes in Section F of Rule 15.

Modifications relating to fire services and grants: Cal Water’s tax department determined that fire services are not subject to California franchise taxes, therefore an ITC is no longer necessary for fire services. Cal Water has stopped assessing developers an ITC for fire services back to January 1, 2021. Also, Cal Water discovered that the miscellaneous text changes made in the Rule 15 text erroneously included grants received from government agencies which are also no longer taxable with H.R. 3684 law changes.

Therefore, Cal Water requests approval to update its Tariff Rule 15 to make a few miscellaneous text changes in Section F, as identified below (strikeouts of deleted material).

In Section F.1 –

Contributions in Aid of Construction shall include, but are not limited to, cash, services, ~~facilities, CIAC—facilities fees,~~ labor, property, ~~grants received from government agencies,~~ and income taxes thereon provided by applicant to the utility. The value of all contributions shall be based on the utility's estimates. Contributions shall consist of two components for the purpose of recording transactions as follows:

- a. Income Tax Component gross-up (ITC), and*
- b. The balance of the contribution.*

In Section F.2 –

The ITC shall be calculated by multiplying the balance of the contribution by the ITC factor of:

<i>Type of Contribution</i>	<i>ITC Factors</i>
<i>For service connections (state and federal taxes are applicable)</i>	<i>20.0%</i>
<i>For fire services (only State tax is applicable)</i>	<i>5.0%</i>

Non-substantive modifications: Cal Water also takes this opportunity to make corrections to pages 8, 9, and 10 of Tariff Rule 15 as described below.

1. On page 8 where currently it reads “*Applicable to all subdivisions within a half-mile of the existing system, except those extensions serving four or fewer residential lots or equivalent single-family dwelling units. This fee is in addition to the source of supply fee in Section C.1.e. above it. It is for the installation of 12” transmission main in ¼ section roads in the Visalia district. If the subdivisions are more than a half mile from the existing system, the



applicant shall pay the cost of transmission extension in lieu of the above fee.” Cal Water proposes to change the word “subdivisions” to “developments.”

2. On pages 9 and 10, Cal Water proposes to fix the format of a percentage from “21/2 percent” or “2 1/2 percent,” to “2.5%,” in the following locations: in the third line of section 2.c, in the last row on page 9, and in the seventh line on page 10.

Requested Effective Date

Cal Water requests an effective date of May 1, 2022.

Notice

Customer Notice: This is a compliance advice letter that does not require customer notice, as provided in under Water Industry Rule 3.2 of General Order 96-B.

Service List: In accordance with General Order 96-B, General Rules 4.3 and 7.2, and Water Industry Rule 4.1, a copy of this advice letter will be **electronically** transmitted on **April 29, 2022** to competing and adjacent utilities and other utilities or interested parties having requested such notification. ***Consistent with the Commission’s guidelines during the COVID-19 pandemic, this advice letter is only being distributed electronically to the Water Division and the attached service lists.***

Response or Protest

Anyone may respond to or protest this advice letter. When submitting a response or protest, please include the utility name and advice letter number in the subject line. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (1) The utility did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions;
- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding; or
- (5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or
- (6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided such a protest may not be made where it would require relitigating a prior order of the Commission.)

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received



CALIFORNIA WATER SERVICE COMPANY

Advice Letter 2450, Rule 15 Corrections for CIAC Tax Changes

Page 5

by the Water Division within 20 days of the date this advice letter is filed. The address for mailing or delivering a protest is:

Tariff Unit, Water Division, 3rd floor
California Public Utilities Commission,
505 Van Ness Avenue, San Francisco, CA 94102
water.division@cpuc.ca.gov

On the same date the response or protest is submitted to the Water Division, the respondent or protestant shall send a copy by mail (or e-mail) to Cal Water at the following address:

Natalie Wales
California Water Service Company
1720 North First Street,
San Jose, California 95112
E-mail cwsrates@calwater.com

Cities and counties requiring Board of Supervisors or Board of Commissioners approval to protest should inform the Water Division within the 20-day protest period so a late-filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on. The advice letter process does not provide for any responses, protests or comments, except for the utility's reply, after the 20-day comment period.

Replies: The utility shall reply to each protest and may reply to any response. Each reply must be received by the Water Division within 5 business days after the end of the protest period and shall be served on the same day to the person who filed the protest or response. If you have not received a reply to your protest within 10 business days, contact California Water Service Company at (408) 367-8200 and ask for the Rates Department.

CALIFORNIA WATER SERVICE COMPANY

/s/

Priya Rawal, Sr. Rates Analyst

Enclosures

cc: Syreeta Gibbs (Public Advocates Office), PublicAdvocatesWater@cpuc.ca.gov

Rule No. 15
Main Extensions

District	Facilities Fee	District	Facilities Fee
Bakersfield	\$5,500	Marysville	\$2,350
Bayshore	\$4,500	Salinas	\$2,200
Bear Gulch	\$4,500	Selma	\$2,100
Chico	\$2,000	Visalia	\$1,500
Dixon	\$2,800	Willows	\$4,250
King City	\$1,500		

This fee is per equivalent 1-inch service and is applicable to all subdivisions requiring a main extension except those extensions serving four or fewer residential lots or equivalent single-family dwelling units.

The following factors are used to determine equivalents for larger service connections:

Service Size	Factor	Service Size	Factor
1-inch	1	6-inch	20
2-inch	3.2	8-inch	32
4-inch	10	10-inch	46

f. Advances – Transmission Backbone Installation Fee

District	Unitized Transmission Fee
Visalia*	\$1,400 Per residential lot not to exceed 12,000 square feet
Visalia*	\$5,350 Other development, per acre

*Applicable to all developments within a half-mile of the existing system, except those extensions serving four or fewer residential lots or equivalent single-family dwelling units. This fee is in addition to the source of supply fee in Section C.1.e. above. It is for the installation of 12" transmission main in 1/4 section roads in the Visalia District. If the developments are more than a half mile from the existing system, the applicant shall pay the cost of transmission extension in lieu of the above fee. (T)

(Continued)

(To be inserted by utility)
 Advice Letter 2450
 Decision

Issued By
Greg A. Milleman
Vice President

(To be inserted by CPUC)
 Date Filed _____
 Effective _____
 Resolution _____

Rule No. 15
Main Extensions

g. Contribution – Facility Fee

This fee is applicable to all new services in the following districts:

District	Facilities Fee
Antelope Valley	\$1,000 Per residential lot
Kern River Valley	\$1,000 Per residential lot

2. Refunds

a. The amount advanced under Section C.1.a., C.1.b., C.1.c., C.1.e., and C.1.f. shall be subject to refund by the utility, in cash, without interest, to the party or parties entitled thereto as set forth in the following two paragraphs with the exception of extensions funded wholly or in part by State or Federal grants, the portion of which that is covered by grant funds is non-refundable. The total amount so refunded shall not exceed the total of the amount advanced and for a period not to exceed 40 years after the date of the contract.

b. Payment of refunds shall be made not later than June 30 of each year, beginning the year following execution of contract, or not later than 6 months after the contract anniversary date if on an anniversary basis.

c. Whenever costs of main extensions and/or special facilities have been advanced pursuant to Section C.1.a., C.1.b., C.1.c., C.1.e. or C.1.f., the utility shall annually refund to the contract holders an amount equal to 2.5% of the advances until the principal amounts of the contracts have been fully repaid.

(C)(L)
(L)

Whenever costs of special facilities have been advanced pursuant to Section C.1.b. or C.1.c., the amount so advanced shall be divided by the number of lots (or living units, whichever is greater) which the special facilities are designed to serve, to obtain an average advance per lot (or living unit) for special facilities. When another builder applies for a main extension to serve any lots for which the special facilities extension to serve any lots for which the special facilities are to be used, the new applicant shall, in addition to the costs of his proposed main extension, also advance an amount for special facilities. This amount shall be the average advance per lot for special facilities for each lot to be used less 2.5% of the average advance for each year in which

(C)

(Continued)

(To be inserted by utility)	Issued By	(To be inserted by CPUC)
Advice Letter <u>2450</u>	<u>Greg A. Milleman</u>	Date Filed _____
Decision	<u>Vice President</u>	Effective _____
		Resolution _____

Rule No. 15
Main Extensions

refunds have been due and payable on the original contract, prorated to June 30 on a monthly basis.

The amount advanced to the utility by the new applicant shall be immediately refunded to the holder of the original contract, which included the cost of the special facilities and the original contract advance will be reduced accordingly. The utility will thenceforth refund 2.5% annually on each of the contract amounts, as determined above, to the holders of the contracts.

(C)(L)
(L)

Advances and refunds based on additional builder participation will be determined in a similar manner.

In no case shall the refund on any contract exceed the amount advanced.

d. With respect to a contract entered into before the effective date of this tariff sheet if, at any time during the 20-year refund period, 80 percent of the bona fide customers for which the extension or special facilities were designed are being served therefrom, the utility may, with the approval of the contract holder, modify the contract so that the utility shall become obligated to pay, in cash, any balance which may remain unrefunded at the end of said 20-year period. Such balance shall be refunded in five equal annual installments, payable beginning 21 years after the date of the contract.

3. Termination of Main Extension Contracts

a. Any contract whose refunds are based on a percentage of the amount advanced may be purchased by the utility and terminated provided that the terms are mutually agreed to by the parties or their assignees and Section C.3.c. and Section C.3.d. are complied with.

The maximum price that may be paid by the utility to terminate a contract shall be calculated by multiplying the remaining unrefunded contract balance times the appropriate termination factor set out below. No contract that has been in effect for less than 10 years shall be terminated without prior Commission approval.

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(To be inserted by utility)	Issued By	(To be inserted by CPUC)
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		Resolution _____

Rule No. 15
Main Extensions

designed for fire protection purposes, shall be paid to the utility as a Contribution in Aid of Construction.

E. Facility Relocation or Rearrangement

Any relocation or rearrangement of utility's existing facilities, at the request of, or to meet the convenience of an applicant or customer, and agreed up on by the utility, normally shall be performed by the utility. Where new facilities can be constructed in a separate location, before abandonment or removal of an existing facilities, and applicant requests to perform the new construction work, the applicant shall be permitted, if qualified in the judgment of the utility, to construct and install the facilities himself, or arrange for their installation pursuant to competitive bidding procedures initiated by him and limited to qualified bidders. In all instances, utility shall abandon or remove its existing facilities at its discretion. The costs of all related relocation of mains, services, and hydrants, rearrangement, removal, and tie-in work shall be paid to the utility as a Contribution in Aid of Construction.

F. Income Tax Component of Contributions Provision

1. Contributions in Aid of Construction shall include, but are not limited to, cash, services, labor, property, and income taxes thereon provided by applicant to the utility. The value of all contributions shall be based on the utility's estimates. Contributions shall consist of two components for the purpose of recording transactions as follows:

- a. Income Tax Component gross-up (ITC), and
- b. The balance of the contribution.

2. The ITC shall be calculated by multiplying the balance of the contribution by the ITC factor of:

Type of Contribution	ITC Factors
For service connections (state and federal taxes are applicable)	20.0%

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(L)
(D)

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	Page 4	12561-W
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	Page 8	12565-W
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(To be inserted by utility)
 Advice Letter No. 2450
 Decision No. _____

Issued by
 GREG A. MILLEMAN
 Name
 Vice President
 TITLE

(To be inserted by CPUC)
 Date Filed _____
 Effective _____
 Resolution No. _____

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The following listed tariff sheets contain all effective rates and rules affecting the rates and service of the Utility together with information relating thereto:

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(To be inserted by utility)
 Advice Letter No. 2450
 Decision No. _____

Issued by
GREG A. MILLEMAN
 Name
Vice President
 TITLE

(To be inserted by CPUC)
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 Resolution No. _____



Antelope Valley District (Los Angeles Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bakersfield District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bayshore District (Bay Area Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bayshore District (Bay Area Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bear Gulch District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bear Gulch District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

ONLY FOR SERVICE AREA MAPS:

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Chico District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Dixon District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Dominguez District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Los Altos District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Palos Verdes District (Los Angeles Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Palos Verdes District (Los Angeles Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Stockton District

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Travis District

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Visalia District
ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Willows District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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