

CALIFORNIA PUBLIC UTILITIES COMMISSION

DIVISION OF WATER AND AUDITS

Advice Letter Cover Sheet

Utility Name: California Water Service Company Date Mailed to Service List: 06/07/2022
District: Bayshore and Bear Gulch Service Areas
CPUC Utility #: U-60-W Protest Deadline (20th Day): 06/27/2022
Advice Letter #: 2453 Review Deadline (30th Day): 07/07/2022
Tier: [] 1 [x] 2 [] 3 [] Compliance Requested Effective Date: 06/07/2022
Authorization: N/A Rate Impact: \$ None % None
Description: Update Rule 15 to reflect a Developer Offset Fee

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

Utility Contact: Natalie Wales Utility Contact:
Phone: (408) 367-8566 Phone:
Email: nwales@calwater.com Email:

DWA Contact: Tariff Unit
Phone: (415) 703-1133
Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

Table with 3 columns: DATE, STAFF, COMMENTS. Contains horizontal lines for data entry.

[] APPROVED [] WITHDRAWN [] REJECTED

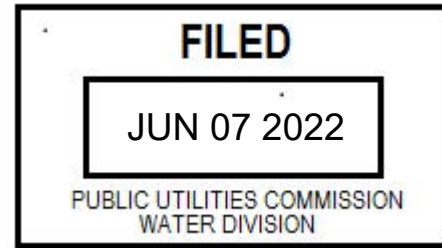
Signature: _____ Comments: _____
Date: _____



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

June 7, 2022

Advice Letter No. 2453



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 2 advice letter requesting authority to make changes to the tariff sheets in Rule 15 applicable to the Bayshore and Bear Gulch service areas shown in **Attachment 1**. ***Please note that this advice letter will only be distributed electronically to the Water Division and the attached service lists.***

Summary

Cal Water requests approval to modify Rule 15 to implement a new special facilities fee (named a “developer offset fee”) for the Bear Gulch and Bayshore service areas that would apply to any new construction, addition, or expansion of development that is projected to increase demand by more than fifty (50) acre feet (“AF”) per year.

Background

During dry years, the supply of water in the Bayshore and Bear Gulch areas over the next twenty years is insufficient to meet currently projected baseline demands and the additional demands of development, absent the implementation of the Water Shortage Contingency Plan and unless Cal Water responsibly engages in short- and long-term plans to improve system resilience. The anticipated future water shortages are documented in Cal Water’s Urban Water Management Plans filed with the State of California pursuant to California Water Code, §§10610-10656 and §10608.

In the absence of a program such as that proposed herein, continuing to add new development would increase the demand on Cal Water’s water supply and water infrastructure, thus impacting supply reliability during dry years.

Discussion

Cal Water proposes a Development Offset Program for the Bayshore and Bear Gulch service areas (together, the “Peninsula Districts” or “districts”) in order to manage increases in water usage due to development in the areas to the best extent practicable.¹ Such a program is needed to ensure

¹ The Bayshore service area consists of the Mid-Peninsula and the South San Francisco systems, and was previously a ratemaking area known as the Bayshore District. In 2017, the Bayshore District and the Redwood Valley District were consolidated for ratemaking purposes into the Bay Area Region.



the availability of water for residential, commercial, and other purposes for future use in the Peninsula Districts, and to be consistent with the districts' Urban Water Management Plans.

The proposed Development Offset Program is part of a comprehensive strategy to ensure that overall customer demand for water does not exceed available current or future supply under a range of hydrologic conditions. This encompasses projects and actions identified through the Bay Area Water Supply Reliability Study and other planning documents, which would include additional actions to further maintain and increase supply reliability.

As noted in the workpapers, "Cal Water is working independently and with other BAWSCA member agencies to identify regional mitigation measures to improve supply reliability. In light of the projected RWS shortfalls in dry years, Cal Water anticipates it will need to implement additional demand management and accelerate development of alternate supplies of water in order to reliably serve existing and new customers."²

Program details.

- The Development Offset Program would require the payment of a new, non-refundable special facilities fee, referred to as a developer offset fee, consisting of a fee of **\$15,400 per acre-foot** of "net demand increase."
- The fee would only apply to developments with a "net demand increase" that is **50 acre-feet per year or more**. For developments that do not meet this trigger, the existing facilities fees (or lot fees) identified in Section C.1.e continue to apply.
- The net demand increase is defined as the expected total potable water use for the development once it is completed, minus the average annual existing potable water use on the property over the previous five years.
- The non-refundable fee must be paid before the developer's water connection is tied into Cal Water's system.
- Cal Water will report on the program in each general rate case.

Fee calculation and use.

- Support for the fee of \$15,400 per acre-foot is provided in a memo prepared by M.Cubed (available as a workpaper for this advice letter). From a technical perspective, the fee represents the *30-year present value, average incremental cost of water* based on an analysis of five representative alternative supply and conservation projects.
- The representative projects identified by Cal Water (through its Bay Area Water Supply Reliability Study) for use in the calculation can reasonably be brought online within the next decade, and include groundwater development, brackish water desalination, recycled water, water transfers, and expanded customer conservation programs (with a

² M.Cubed Memo on Development Offset Program (June 1, 2022), at 2.



30-year useful life assumed for all except expanded conservation).

- The fees from the Peninsula Districts will be co-mingled, and may be used for projects in any of the Peninsula Districts.³ This is because Cal Water's Individual Supply Guarantee (ISG) from the SFPUC covers all of the Peninsula Districts, so a project in any one service area benefits the other areas by freeing up SFPUC water.
- If a water supply project becomes viable and can be fully funded by the collected developer offset fees, Cal Water will complete the project (in the same manner as when Cal Water constructs facilities that are funded by developers and turned over to Cal Water) and apply the collected funds to the project.
- If a water supply project cannot be fully funded by collected developer fees (and demonstrably provides benefits to existing customers), Cal Water will seek Commission approval for the project (likely through a rate case).

Requested tariff modifications. To implement the Development Offset Program, text changes are proposed in the below sections of Rule 15. In addition, non-substantive corrections and re-formatting has been applied to the entire rule.

- Section A.3 (Definitions);
- Section C.1.e (referring to the Development Offset Program in the discussion of lot fees); and
- A new subsection h under Section C.1 (laying out the terms of the Program).

Requested Effective Date

Cal Water is submitting this advice letter as a Tier 2 filing because the developer offset fee is a "new service offering" as described in GO 96-B, Water Industry Rule 7.3.2(4).

Cal Water requests that this advice letter become effective on **June 7, 2022**, the filing date of this advice letter. If the Commission determines that the Development Offset Program is reasonable and appropriate, it is in the public interest to give Cal Water the authority to collect developer offset fees without delay. An effective date of June 7, 2022, would eliminate uncertainties as to the applicability of the fee to a project.⁴

There would be no harm to developers because, by the time the Commission renders its decision on this advice letter, the several developers who have expressed interest in the program will be aware of both the nature of the fees requested, and Cal Water's proposal to have the fees applied back to June 7, 2022.

³ The fees will be put into USOA Account 2420 for "other deferred credits."

⁴ It is unclear how the timing of final Commission approval may interact with the timeline of a developer's project, so while uncertainty regarding Commission approval is unavoidable, uncertainty as to when the fee can be enforceable if approved provides a benefit.



Notice

Customer Notice: Because this new service offering is a charge on developers, rather than customers, Cal Water is not aware of any relevant specific notice requirements. As required by General Order 96-B, Water Industry Rule 3.3, Cal Water will publish on its website a copy of this advice letter as a pending item.

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 **June 7, 2022** to competing and adjacent utilities and other utilities or interested parties having requested such notification. ***Please note that this advice letter will only be distributed electronically.***

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 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:



CALIFORNIA WATER SERVICE COMPANY

Advice Letter 2453, Rule 15 Update for Developer Offset Fee

Page 6

Natalie Wales
California Water Service Company
1720 North First Street
San Jose, CA 95112
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

A handwritten signature in cursive script, appearing to read "Natalie Wales".

Natalie Wales,
Director, Rates

Enclosures

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

ATTACHMENT 1

Tariff Schedule Changes

Attachment 1 - Tariff Schedule Changes

New/Revised CPUC	Advice Letter 2453 Title of Sheet	Cancelling CPUC
XXXXX-W	Rule 15 Water Main Extension (p. 1)	12257-W
XXXXX-W	Rule 15 Water Main Extension (p. 2)	12258-W
XXXXX-W	Rule 15 Water Main Extension (p. 3)	12259-W
XXXXX-W	Rule 15 Water Main Extension (p. 4)	12260-W
XXXXX-W	Rule 15 Water Main Extension (p. 5)	12261-W
XXXXX-W	Rule 15 Water Main Extension (p. 6)	12262-W
XXXXX-W	Rule 15 Water Main Extension (p. 7)	12263-W
XXXXX-W	Rule 15 Water Main Extension (p. 8)	12943-W
XXXXX-W	Rule 15 Water Main Extension (p. 9)	12944-W
XXXXX-W	Rule 15 Water Main Extension (p. 10)	12945-W
XXXXX-W	Rule 15 Water Main Extension (p. 11)	12267-W
XXXXX-W	Rule 15 Water Main Extension (p. 12)	12268-W
XXXXX-W	Rule 15 Water Main Extension (p. 13)	12946-W
XXXXX-W	Rule 15 Water Main Extension (p. 14)	12270-W
XXXXX-W	Rule 15 Water Main Extension (p. 15)	NEW
XXXXX-W	Rule 15 Water Main Extension (p. 16)	NEW
XXXXX-W	Rule 15 Water Main Extension (p. 17)	NEW
XXXXX-W	Table of Contents (Page 13)	XXXXX-W
XXXXX-W	Table of Contents (Page 1)	XXXXX-W

Rule No. 15
Main Extensions

A. General Provisions and Definitions

1. Applicability

- a. All extensions of distribution mains, from the utility's basic production and transmission system or existing distribution system, to serve new customers, shall be made under the provisions of this rule unless specific authority is first obtained from the Commission to deviate therefrom. A main extension contract shall be executed by the utility and the applicant or applicants for the main extension before the utility commences construction work on said extensions or, if constructed by applicant or applicants, before the facilities comprising the main extension are transferred to the utility.
- b. The cost of extensions primarily for fire hydrant, private fire protection, resale, temporary, standby, or supplemental service and any related installations, shall be borne by the applicant, with no refund, as further affirmed in Section D.
- c. The utility may, but will not be required to, make extensions under this rule in easements or rights-of-way where final grades have not been established, or where street grades have not been brought to those established by public authority. If extensions are made when grades have not been established and there is a reasonable probability that the existing grade will be changed, the utility shall require that the applicant or applicants for the main extension deposit, at the time of execution of the main extension agreement, to include the estimated net cost of relocating, raising or lowering facilities upon establishment of final grades. Adjustment of any difference between the amount so deposited and the actual cost of relocating, raising or lowering facilities shall be made within ten days after the utility has ascertained such actual cost. The net deposit representing actual cost is not subject to refund. The entire deposit related to the proposed relocation, raising or lowering shall be refunded when such displacements are determined by proper authority to not be required.

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2. Limitation of Expansion

- a. Whenever the outstanding advance contract balances reach 40 percent of total capital (defined for the purpose of this rule, as proprietary capital, or capital stock and surplus, plus debt and advances for construction) the utility shall so notify the Commission within thirty days.

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(To be inserted by utility)	Issued By	(To be inserted by CPUC)
Advice Letter <u>2453</u>	<u>Greg A. Milleman</u>	Date Filed _____
Decision	<u>Vice President</u>	Effective _____
		Resolution _____

Rule No. 15
Main Extensions

A. General Provisions and Definitions (continued)

2. Limitation of Expansion (continued)

...

- b. Whenever the outstanding advance contract balances plus the advance on a proposed new extension would exceed 50 percent of total capital, as defined in Section A.2.a. plus the advance on the proposed new extension, the utility shall not make the proposed new extension of distribution mains without authorization of the Commission. Such authorization may be granted by a letter from the Executive Director of the Commission.
- c. Whenever the outstanding advance contract balances reach the above level, the utility shall so notify the Commission within thirty days.

3. Definitions

- a. A "bona-fide customer," for the purposes of this rule, shall be a customer (excluding any customer formerly served at the same location) who has given satisfactory evidence that service will be reasonably permanent to the property which has been improved with a building of a permanent nature, and to which service has commenced. The provision of service to a real estate developer or builder, during the construction or development period, shall not establish him as a bona-fide customer.
- b. A "real estate developer" or "builder," for the purposes of this rule, shall include any individual, association of individuals, partnership, or corporation that divides a parcel of land into two or more portions, or that engages in the construction and resale of individual structures on a continuing basis.
- c. The "adjusted construction cost," for the purposes of this rule, shall be reasonable and shall not exceed the costs recorded in conformity with generally accepted water utility accounting practices, and as specifically defined in the Uniform System of Accounts for Water Utilities prescribed by the Commission for installing facilities of adequate capacity for the service requested.

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<small>(To be inserted by utility)</small>	<small>Issued By</small>	<small>(To be inserted by CPUC)</small>
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Rule No. 15
Main Extensions

A. General Provisions and Definitions (continued)

3. Definitions (continued)

c. (continued)

...

If the utility, at its option, should install facilities with a larger capacity or resulting in a greater footage of extension than required for the service requested, the "adjusted construction cost," for the purpose of this rule, shall be determined by the application of an adjustment factor to actual construction cost of facilities installed. This factor shall be the ratio of estimated cost of required facilities to estimated cost of actual facilities installed.

d. The "net demand increase," for the purposes of the Development Offset Program in section C.1.h of this rule, is the expected total potable water use in acre-feet per year due to the proposed development and expansion (once development is completed and excluding temporary demands such as for landscape establishment), minus the average annual amount of existing potable water use that occurred on the property over the previous five years prior to the current development request.

e. "Potable water," for the purposes of this rule, is drinking water that comes from surface or ground sources and is treated to levels that meet state and federal standards for consumption. Potable water does not include raw untreated water or recycled water.

4. Ownership, Design, and Construction of Facilities

a. Any facilities installed hereunder shall be the sole property of the utility. In those instances which title to certain portions of the installation, such as fire hydrants, will be held by a political subdivision, such facilities shall not be included as a part of the main extension under this rule, and will neither be owned by the utility nor subject to refund under the provisions of Section C.2. of this rule.

b. The size, type, quality of materials, and their location shall be specified by the utility; and the actual construction shall be done by the utility or by a constructing agency acceptable to it.

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Advice Letter 2453
Decision

Issued By
Greg A. Milleman
Vice President

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

Rule No. 15
Main Extensions

A. General Provisions and Definitions (continued)

4. Ownership, Design, and Construction of Facilities (continued)

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- c. Where the property of an applicant is located adjacent to a right-of-way, exceeding 70 feet in width, for a street, highway, or other public purpose, regardless of the width of the traveled way or pavement; or on a freeway, waterway, or railroad right of-way, the utility may elect to install a main extension on the same side thereof as the property of the applicant, and the estimated and adjusted construction costs in such case shall be based upon such an extension.
- d. When an extension must comply with an ordinance, regulation, or specification of a public authority, the estimated and adjusted construction costs of said extension shall be based upon the facilities required to comply therewith.
- e. Prevailing provisions for water conservation included in local building codes and/or ordinances shall apply.

5. Estimates, Plans, and Specifications

- a. Any applicant for a main extension requesting the utility to prepare detailed plans, specifications, and cost estimates shall be required to deposit with the utility an amount equal to the estimated cost of preparation of such material. The utility shall, upon request, make available within 45 days after receipt of the deposit referred to above and all required information to design the main extension, such plans, specifications, and cost estimates of the proposed main extension. If the extension is to include oversizing of facilities to be done at the utility's expense, appropriate details shall be set forth in the plans and cost estimates.
- b. In the event a main extension contract with the utility is executed within 180 days after the utility furnishes the detailed plans and specifications, the deposit shall become a part of the advance, and shall be refunded in accordance with the terms of the main extension contract. If such contract is not so executed, the deposit to cover the cost of preparing plans, specifications, and cost estimates shall be forfeited by the applicant for the main extension and the amount of the forfeited deposit shall be credited to the account or accounts to which the expense of preparing said material was charged.

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Rule No. 15
Main Extensions

A. General Provisions and Definitions (continued)

5. Estimates, Plans, and Specifications (continued)

...

- c. When detailed plans, specifications and cost estimates are requested, the applicant for a main extension shall furnish a map to a suitable scale showing the street and lot layouts and, when requested by the utility, contours or other indication of the relative elevation of the various parts of the area to be developed. If changes are made subsequent to the presentation of this map by the applicant, and these changes require additional expense in revising plans, specifications and cost estimates, this additional expense shall be borne by the applicant.

6. Timing and Adjustment of Advances

- a. Unless the applicant for the main extension elects to arrange for the installation of the extension himself, as permitted by Section C. the full amount of the required advance or an acceptable surety bond must be provided to the utility at the time of execution of the main extension agreement.
- b. If the applicant for a main extension posts a surety bond in lieu of cash, such surety bond must be replaced with cash not less than ten calendar days before construction is to commence; provided, however, that if special facilities are required primarily for the service requested, the applicant for the extension may be required to deposit sufficient cash to cover the cost of such special facilities before they are ordered by the utility.
- c. An applicant for a main extension who advances funds shall be provided with a statement of actual construction cost and adjusted construction cost showing in reasonable detail the costs incurred for material, labor, any other direct and indirect costs, overheads, and total costs; or unit costs; or contract costs, whichever are appropriate.
- d. Said statement shall be submitted within sixty days after the actual construction costs of the installation have been ascertained by the utility. In the event that the actual construction costs for the entire installation shall not have been determined within 120 days after the completion of construction work,

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Rule No. 15
Main Extensions

A. General Provisions and Definitions (continued)

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6. Timing and Adjustment of Advances (continued)

d. (continued)

...

a preliminary determination of actual and adjusted construction costs shall be submitted, based upon the best available information at that time.

e. Any differences between the adjusted construction costs and the amount advanced shall be shown as a revision of the amount of advance and shall be payable within thirty days of date of submissions of statement.

7. Assignment of Main Extension Contracts

Any contract entered into under Sections B and C of this rule, or under similar provisions of former rules, may be assigned, after settlement of adjusted construction costs, after written notice to the utility by the holder of said contract as shown by the utility's records. Such assignment shall apply only to those refunds which become due more than thirty days after the date of receipt by the utility of the notice of assignment. The utility shall not be required to make any one refund payment under such contract to more than a single assignee.

8. Interpretations and Deviations

In case of disagreement or dispute regarding the application of any provision of this rule, or in circumstances where the application of this rule appears unreasonable to either party, the utility, applicant or applicants may refer the matter to the Commission for determination.

B. Extensions to Serve Four or Fewer Individual Customers

1. Payment

Extensions of water mains to serve new individual customers shall be paid for and contributed to the utility by the individual customer requesting the main extension.

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<small>(To be inserted by utility)</small>	<small>Issued By</small>	<small>(To be inserted by CPUC)</small>
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Rule No. 15
Main Extensions

B. Extensions to Serve Four or Fewer Individual Customers (continued)

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1. Payment (continued)

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Calculation of payment shall be on the basis of a main from the nearest utility facility at least equal in size or capacity to the main required to serve both the new customers and a reasonable estimate of the potential customers who might be served directly from the main extension. The utility shall be responsible for paying for service pipes, meter boxes and meter to serve the new individual customer; provided, however, a Class C or Class D utility, or a Class A or Class B utility district or subsidiary serving 2,000 or fewer connections, may accept from individual customers amounts in contribution as a connection fee.

2. Reimbursements to Original Individual Customer from Subsequent Applicants

If subsequent applicants for water service are connected directly in the main extension contributed by the original individual customer, such subsequent applicants shall pay to the utility an amount equal to the cost of 100 feet of the original extension or 50% of the cost of the original extension if the length of the original extension is less than 200 feet. Such amounts shall be immediately reimbursed by the utility to the initial customer who originally paid for and contributed the main extension to the utility. Total payments to the initial customer by subsequent applicants for water service who are connected directly to the extension shall not exceed the original cost of the extension. No reimbursements shall be made after a period of ten years from completion of the main extension.

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers

1. Advances and Contributions

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a. Unless the procedure outlined in Section C.1.c. is followed, an applicant for a main extension to serve a new subdivision, tract, housing project, industrial development, or organized commercial district shall be required to advance to the utility, before construction is commenced, the estimated reasonable cost of the extension to be actually installed, from the nearest utility facility at least equal in size or capacity to

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Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

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1. Advances and Contributions (continued)

a. (continued)

...

the main required to serve both the new customers and a reasonable estimate of the potential customers who might be served directly from the main extension. The costs of the extension shall include necessary service stubs or service pipes, fittings, valves and housing thereof, and meter boxes, but shall not include meters. To this shall be added the cost of fire hydrants when requested by the applicant for the main extension or required by public authority, whenever such hydrants are to become the property of the utility.

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b. If special facilities consisting of items not covered by Section C.1.a. are required for the service requested and, when such facilities to be installed will supply both the main extension and other parts of the utility's system, at least 50 percent of the design capacity (in gallons, gpm, or other appropriate units) is required to supply the main extension, the cost of such special facilities may be included in the advance, subject to refund, as hereinafter provided, along with refunds of the advance of the cost of the extension facilities described in Section C.1.a. above except as specified in Section C.1.e. below.

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c. In lieu of providing the advances in accordance with Sections C.1.a. and C.1.b., the applicant for a main extension 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. The cost, including the cost of engineering, inspection and supervision by the utility, shall be paid directly by applicant. The applicant shall provide the utility with a statement of actual construction cost in reasonable detail. The amount to be treated as an advance subject to refund shall be the lesser of (1) the actual cost or (2) the price quoted in the utility's detailed cost estimate. The installation shall be in accordance with the plans and specifications submitted by the utility pursuant to Section A.5.a.

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Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

1. Advances and Contributions (continued)

...

d. If, in the opinion of the utility, it appears that a proposed main extension will not, within a reasonable period, develop sufficient revenue to make the extension self supporting, or if for some other reason it appears to the utility that a main extension contract would place an excessive burden on existing customers, the utility may require a nonrefundable contribution of plant facilities from developers in lieu of a main extension contract.

If an applicant for a main extension contract who is asked to contribute the facilities believes such a request to be unreasonable, such applicant may refer the matter to the Commission for determination, as provided for in Section A.8. of this rule.

e. In some areas, in lieu of any domestic water supply requirement covered under Section C.1.b., a special facilities fee for water supply will be included in the advance to the utility. The special facilities fees for water supply, also referred to as lot fees or water supply fees, are shown below with the exception that, if the requested net demand increase exceeds 50 acre-feet per year or more in the Bear Gulch and Bayshore service areas, the Development Offset Program in Section C.1.h applies instead.

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.

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Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

(L)

1. Advances and Contributions (continued)

e. (continued)

...

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.

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

(L)

(Continued)

Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

(N)

1. Advances and Contributions (continued)

...

h. Development Offset Program – In lieu of the special facilities fee identified in Section C.1.e, this program applies to any new construction, addition, or expansion of development in the Bayshore and Bear Gulch service areas requiring a connection that is expected to result in a net increase in water demand (“net demand increase,” as defined in Section A.3) of **50 acre-feet or more** per year.

(1) Developer Offset Fee

- (i) Under this program, the builder shall pay a non-refundable special facilities fee to Cal Water to fully offset the net demand increase before the water service connection is used.
- (ii) The developer offset fee is equal to the net demand increase multiplied by **\$15,400 per acre-foot** per year.

(2) Determining the Net Demand Increase

- (i) The builder shall provide a detailed projection of its proposed net demand increase that shows the calculation of all potable water (as defined in Section A.3) uses proposed for the site and how those calculations were derived.
- (ii) The builder’s application shall not be approved until Cal Water confirms the net demand increase calculation.

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(To be inserted by utility)	Issued By	(To be inserted by CPUC)
Advice Letter <u>2453</u>	<u>Greg A. Milleman</u>	Date Filed _____
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		Resolution _____

Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

(L)

...

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.

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

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Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

(L)

2. Refunds (continued)

c. (continued)

...

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.

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.

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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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Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

3. Termination of Main Extension Contracts (continued)

a. (continued)

...

TERMINATION FACTORS

Years Remaining		Years Remaining		Years Remaining		Years Remaining	
Factor		Factor		Factor		Factor	
1	0.8929	11	0.5398	21	0.3601	31	0.2608
2	0.845	12	0.5162	22	0.3475	32	0.2535
3	0.8006	13	0.4941	23	0.3356	33	0.2465
4	0.7593	14	0.4734	24	0.3243	34	0.2399
5	0.721	15	0.4541	25	0.3137	35	0.2336
6	0.6852	16	0.4359	26	0.3037	36	0.2276
7	0.652	17	0.4188	27	0.2942	37	0.2218
8	0.621	18	0.4028	28	0.2851	38	0.2136
9	0.592	19	0.3877	29	0.2766	39	0.2111
10	0.565	20	0.3729	30	0.2685	40	0.2061

b. Any contract with refunds based upon percentage of revenues and entered into under Section C. of the former rule, may be purchased by the utility and terminated, provided the payment is not in excess of the estimated revenue refund multiplied by the termination factor in the following table, the terms are otherwise mutually agreed to by the parties or their assignees and Section C.3.c. and Section C.3.d. hereof are complied with. The estimated revenue refund is the amount that would otherwise be refunded, at the current level of refunds, over the remainder of the twenty-year contract period, or shorter period that would be required to extinguish the total refund obligation. It shall be determined by multiplying 22 percent of the average annual revenue per service for the immediately preceding calendar year by the number of bona-fide customers at the proposed termination date, times the number of years or fractions thereof to the end of the twenty-year contract period or shorter that would be required to refund the remaining contract balance.

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(Continued)

Rule No. 15
Main Extensions

C. Extensions to Serve Subdivisions, Tracts, Housing Projects; Industrial Developments, Commercial Buildings, or Shopping Centers (continued)

(L)

3. Termination of Main Extension Contracts (continued)

b. (continued)

...

TERMINATION FACTORS

Years Remaining		Years Remaining		Years Remaining	
Years	Factor	Years	Factor	Years	Factor
1	.8929	7	.6520	13	.4941
2	.8450	8	.6210	14	.4734
3	.8006	9	.5920	15	.4541
4	.7593	10	.5650	16	.4359
5	.7210	11	.5398	17	.4188
6	.6852	12	.5162	18	.4028
				19	.3877

c. The utility shall furnish promptly to the Commission the following information in writing and shall obtain prior authorization by a formal application under Sections 816-830 of the Public Utilities Code if payment is to be made other than in cash:

(1) A copy of the main extension contract, together with data adequately describing the development for which the advance was made and the total adjusted construction cost of the extension.

(2) The balance unpaid on the contract and the calculation of the maximum termination price, as above defined, as of the date of termination and the terms under which the obligation was terminated.

(3) The name of the holder of the contract when terminated.

d. Discounts obtained by the utility from contracts terminated under the provisions of this section shall be accounted for by credits to Acc. 265, Contributions in Aid of Construction.

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(Continued)

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

Rule No. 15
Main Extensions

D. Extensions Designed to Include Fire Protection

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1. The cost of distribution mains designed to meet fire flow requirements shall be paid to the utility as a Contribution in Aid of Construction.
2. The cost of private fire protection services, hydrants and other facilities in addition to distribution mains required to provide supply, pressure, or storage primarily for fire protection purposes, or portions of such facilities allocated in proportion to the capacity 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.

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Rule No. 15
Main Extensions

F. Income Tax Component of Contributions Provision (continued)

...

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

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

3. The ITC factors are established by using Method 5 as set forth in Decision No. 87-09-026 in I.86-11-019.

4. The formula to compute Method 5 includes the following tax-related rates:

	<u>Before 12/22/2017</u>	<u>After 12/22/2017</u>
a. Federal corporate tax rate of:	34%	21%
b. State franchise tax rate of:	8.84%	8.84%
c. A discount rate of:	11.25%	7.94%
d. A pretax rate of return of:	15.42%	9.96%

5. The ITC Factors have been derived from the tax-related rates in Section F.4 and will remain in effect until the utility's tax-related rates change to the extent the ITC Factors in Section F.2 would increase or decrease by five percentage points or more. When and if that occurs, the utility will modify this tariff to reflect the new tax-related rates and ITC Factors.

6. If a utility collects a gross-up calculated by using an incremental tax rate that is more than its actual incremental rate, the difference between what was collected and what should have been collected will be refunded to the contributor.

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(To be inserted by utility)
 Advice Letter No. 2453
 Decision No. _____

Issued by
 GREG A. MILLEMAN
 Name
 Vice President
 TITLE

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

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GREG A. MILLEMAN
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 Resolution No. _____



Bayshore District (Bay Area Region)

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