

WEST SAN MARTIN WATER WORKS, INC.
Santa Clara County

January 23, 2020

ADVICE LETTER No. 71

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WEST SAN MARTIN WATER WORKS (WSMWW) hereby transmits for filing one original and one copy each of the following tariffs schedules which are attached hereto:

<u>CPUC SHEET No.</u>	<u>TITLE OF SHEET</u>	<u>CANCELING CPUC SHEET No.</u>
369-W - 370-W	Rule No. 1, Definitions	173-W - 174-W
371-W - 373-W	Rule No. 5 Special Information Required on Forms	351-W - 353-W
374-W - 376-W	Rule No. 8, Notices	306-W - 307-W
377-W - 378-W	Rule No. 10, Disputed Bills	354-W - 355-W
379-W - 388-W	Rule No. 11, Discontinuance & Restoration of Service	271-W, 208-W, 272-W - 277-W
389-W	Table of Contents	368-W

The present rates of WSMWW became effective on April 11, 2019 through Advice Letter No. 70, under which the Commission approved a CPI increase of \$8,412 or 1.9%. The last general rate increase was effective on February 16, 2012 pursuant to Resolution No.W-4905, which authorized a general rate increase of \$97,219 or 29.59% for test year 2011.

Summary

This advice letter is filed to update WSMWW' Rules No. 1, 5, 8, 10, and 11 to conform with tariff rules pursuant to Senate Bill 998.

Background

Senate Bill 998 adding Chapter 6, Discontinuance of Residential Service, commencing with Section 116900 of the Health and Safety Code was signed into law in September 2018 and is referred to as the Water Shutoff Protection Act. The Water Shutoff Protection Act provides additional procedural protections and expands upon the procedural safeguards contained in the Public Utilities Code and provided for in the water utility Tariff Rules as it relates to utility service disconnections.

This necessitates amendments and edits to various Tariff Rules, including: Rule 1 - Definitions; Rule 5 - Special Information Required on Forms; Rule 8 - Notices; Rule 10 - Disputed Bills; and Rule 11 - Discontinuance and Restoration of Service. WSMWW is filing this advice letter to conform with these amended and edited tariff rules.

Requested Effective Date

Advice Letter No. 71 is a Tier 1 advice letter and may be effective the date of filing. Therefore WSMWW respectfully requests this advice letter be effective on January 23, 2020.

Notice

In compliance with Section 4.3 of General Order No. 96-B, a copy of this advice letter has been mailed to all parties listed on the enclosed service list. In conformance with Ordering Paragraph No. 3 of Resolution No. W-4664, WSMWW will provide notice to its customers of the increase in dollar and percentage terms with the first bill that includes the increase.

This filing is made under the provisions of General Order No. 96-B.

This filing will not cause withdrawal of service nor conflict with any other schedule or rule.

Response or Protest

Anyone may respond to or protest this advice letter. 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 that 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
E-Mail: water_division@cpuc.ca.gov

On the same day the response or protest is submitted to the Water Division, the respondent or protestant shall send a copy of the protest by mail or e-mail to us, addressed to:

West San Martin Water Works, Inc.
1005 Highland Avenue
San Martin, CA 95046
Fax No. (408) 686-9633
E-Mail: b.ukestad@wsmwater.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Water Division, within the 20 day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

Replies: The utility shall reply to each protest and may reply to any response. Each reply must be received by the Division of Water and Audits within five 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.

West San Martin Water Works, Inc.

By Robert D. Ukestad
Robert D. Ukestad
General Manager

Attachments

Rule No. 1

DEFINITIONS

Applicant: The person, association, corporation or governmental agency applying for water service.

Business Service: Provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks or courts, service stations and the like.

Commercial Service: Provision of water to residential premises or business premises.

Customer: Any person, association, corporation or governmental agency supplied or entitled to be supplied with water service. However, account information can only be discussed with the Customer of Record or their authorized representative. (C)
(C)

Customer of Record: The person, association, corporation or governmental agency who is obligated to pay the water bill. (N)
(N)

Date of Presentation: The date upon which a bill or notice is mailed or delivered by the utility to the Customer of Record. (C)

Disabled Customer: Any residential customer whose certified health or physical condition may qualify her or him for special consideration. Proof of disability must be by certification from any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or any primary care clinic, rural health clinic, community clinic or hospital outpatient clinic currently enrolled in the Medi-Cal program, which agrees to provide case management to Medi-Cal beneficiaries as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code. (N)

Electronic Transfer: Paperless exchange of data and /or funds, usually involving computer and telecommunications technology. (N)

Flat Rate Service: Service for which the charges are based upon the types and number of units served.

Industrial Service: Provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

Irrigation Service: Provision of water for commercial agricultural, floricultural or horticultural use and billed under distinct irrigation rates.

(continued)

(To be inserted by utility)

Issued by

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

Advice Letter No. 71

Robert D.Ukestad

Date Filed _____

Decision No. _____

Name
General Manager
Title

Effective _____

Resolution No. _____

Rule No. 1

DEFINITIONS

(continued)

Main Extension: The extension of water distribution mains beyond existing facilities in accordance with the provisions of the rule applicable to main extensions filed as part of these tariff schedules.

Metered Service: Service for which the charges are computed on the basis of measured quantities of water. (L)
(L)

Occupant: Any adult person demonstrably residing on premises actively served by the utility. (N)
However, account information can only be discussed with the Customer of Record or their authorized representative.

Older Adult Customer: Any residential customer who is age 62 or over. (N)

Premises: The integral property or area, including improvements thereon, to which water service is, or is to be, provided. (L)
(L)

Public Utilities Commission: In these rules the word "Commission" or words "Public Utilities Commission" shall be construed to mean the Public Utilities Commission of the State of California.

Residential Service: Water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing. (C)(L)
(C)(L)
(C)(L)

Service Address: Address of the property to which water service is provided. (N)

Service Connection: The point of connection of the customer's piping or ditch with the meter, service pipe or ditch owned by the utility.

Service Pipe: The connection between the utility's mains and the service connection, including all the pipe, fittings and valves necessary to make the connection.

Tariff Schedules or Tariff Schedule Book: The entire body of effective rates, rentals, charges, rules, and sample forms collectively, as set forth herein.

Tariff Sheet: An individual sheet of the tariff schedule book.

Utility: The public utility named herein. (L)

(To be inserted by utility)

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Rule No. 5

SPECIAL INFORMATION REQUIRED ON FORMS

A. Contracts

Each contract for service will contain substantially the following provisions: (C)

1. Unless exempted by the Public Utilities Commission: (N)

“This contract shall at all times be subject to such changes or modifications by the Public Utilities Commission of the State of California as said Commission may, from time to time, direct in the exercise of its jurisdiction.”

2. Unless otherwise not required by the Public Utilities Commission: (N)

“It is the understanding of the parties to this contract that it shall not become effective until the authorization of the Public Utilities Commission of the State of California has been first obtained.”

B. Bill for Service

On each bill for service will be printed substantially the following language: (C)

“This bill is due and payable upon date of presentation. It will become past due if not paid within 19 days from the date of mailing.”

“If you believe there is an error on your bill or have a question about your service, please call West San Martin Water Works’ customer support at (408) 683-2098.”

If after contacting us you are still not satisfied with West San Martin Water Works’ response, submit a complaint to the California Public Utilities Commission (CPUC) by visiting <http://www.cpuc.ca.gov/complaints/>. Billing and service complaints are handled by the CPUC’s Consumer Affairs Branch (CAB), which can be reached by the following means if you prefer not to submit your complaint online: (C)

Telephone 1-800-649-7570 (8:30 AM to 4:30 PM, Monday through Friday)
Mail California Public Utilities Commission, Consumer Affairs Branch,
505 Van Ness Avenue, Room 2003, San Francisco, CA 94102

If you have limitations hearing or speaking, dial 711 to reach the California Relay Service, which is for those needing direct assistance relaying telephone conversations, as well for their friends, family and business contacts.

(continued)

(To be inserted by utility)

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Advice Letter No. 71

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Name
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Resolution No. _____

Rule No. 5
(continued)

SPECIAL INFORMATION REQUIRED ON FORMS

If you prefer having your calls immediately answered in your mode of communication, dial one of the toll-free language-specific numbers below to be routed to the California Relay Service provider. (L)
(L)

Type of call	Language	Toll-free 800 Number
TTY/VCO/HCO to Voice	English	1-800-735-2929
	Spanish	1-800-855-3000
Voice to TTY/VCO/HCO	English	1-800-735-2922
	Spanish	1-800-855-3000
From or to Speech to Speech	English & Spanish	1-800-854-7784

To avoid having service turned off while you wait for the outcome of a complaint to the CPUC **specifically regarding the accuracy of your bill**, please contact CAB for assistance. If your case meets the eligibility criteria, CAB will provide you with instructions on how to mail a check or money order to be impounded pending resolution of your case. However, CAB will not accept an impounded deposit when the dispute appears to be over matters that do not directly relate to the **accuracy of the bill**. Such matters include the quality of a utility's service, general level of rates, pending rate applications, and sources of fuel or power. You must continue to pay your current charges while your complaint is under review to keep your service turned on." (C)

D. Discontinuance of Service for Non Payment - Notice (D)
(C)

Every written notice of discontinuance of service for non-payment of bills shall include all of the following information. (C)

- (1) The name and address of the customer whose account is delinquent. (L)
- (2) The amount of the delinquency. |
- (3) The date by which payment or arrangements for payment is required in order to avoid discontinuance. (L)
- (4) A description of the process to apply for an extension of time to pay delinquent charges. (C)
- (5) The procedures to petition for bill review an appeal to the Commission. (C)

(continued)

(To be inserted by utility)

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Effective _____

Resolution No. _____

Rule No. 5
(continued)

SPECIAL INFORMATION REQUIRED ON FORMS

- (6) The procedure by which the customer pay request a deferred (paying at a later date), reduced (spreading payments out over an agreed upon period of time not to exceed 12 months), or some other alternative payment schedule, including an amortization of unpaid charges. (C)
- (7) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable. (C)
- (8) The name, address, and telephone number of a representative of the water utility who can provide additional information and assist users in continuing service or in making arrangements for payment. (T)
- (9) The telephone number of the Commission (Consumer Affairs Branch) (800) 649-7570 or TTY (800) 735-2929/22 English or (800) 855-3000 Spanish or (800) 854-7784 to which inquiries by the customer may be directed. (C)

Residential Customers: Where water service is provided to residential occupants in a detached single-family dwelling, multi-unit residential structure, mobile home park, or permanent residential structures in a labor camp where the owner, manager or operator is listed by the utility as the customer of record but is not the occupant, the notice of discontinuance shall further include: (C)

- a. The date on which the service will be discontinued. (T)
- b. What the occupants are required to do in order to prevent the discontinuance or to re-establish service. (C)
- c. The estimated monthly cost of service (where service is master-metered). (C)
- d. The address and telephone number of a legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association, which will assist the occupants (where service is master-metered). (T)

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Rule No. 8

NOTICES

A. Notice to Customers

1. In Writing

Notice to a customer will normally be in writing. Depending on the type of notice, written notice will either be delivered or mailed to the customer's last known address, except as otherwise specified by the utility's tariffs. (C)

2. Exception

In emergencies or when circumstances warrant, the utility, where feasible, will endeavor to promptly notify the customer affected and may make such notification orally, either in person or by telephone.

3. Notice of Discontinuance of Residential Water Service for Nonpayment (C)

a. The utility shall contact the residential customer of record at least 10 days prior to discontinuance by telephone or written notice.

(1) Written notice shall be mailed to the address of the customer of residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice also shall be sent to the service address with "Occupant" as the addressee. The notice shall include the information prescribed in Rule No. 5. C.

(2) Telephone notice shall be to the customer named on the account. In providing such notice by telephone, the utility shall offer to: (i) provide customer with a written copy of the utility's policy on discontinuation of service due to nonpayment; and (ii) discuss options available to customer to avert discontinuance including alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and procedures to petition for bill review and appeal.

(3) If the utility is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned as undeliverable, the utility will make a good faith effort to visit the residence and leave (or make other arrangements for placement in a conspicuous place) a notice as prescribed herein, along with a written copy of the utility's policy on discontinuation of service for nonpayment. (C)

(continued)

(To be inserted by utility)

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Decision No. _____

General Manager
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Resolution No. _____

Rule No. 8
(continued)

NOTICES

A. Notice to Customers (Continued)

3. Notice of Discontinuance of Residential Water Service for Nonpayment (Continued) (C)

b. The utility shall contact the residential occupants of a detached single-family dwelling, multi-unit residential structure, mobilehome park, or permanent residential structures in a labor camp, where the owner, manager, or operator is listed by the utility as the customer of record, as follows:

(1) Where individually metered water service is provided, the utility will make every good faith effort to inform the occupants by means of a notice at least 10 days prior to any discontinuance, when the account is in arrears, that service will be discontinued. In addition to including the information prescribed in Rule No. 5, the notice will inform the occupants that, if the utility's verification and other requirements are met, they have the right to become a customer, to whom the service will then be billed, without being required to pay any amount which may be due to the delinquent account.

(2) Where master metered service is provided, the written notice will be at least 15 days prior to discontinuance of service. The notice will be posted on the door of each residential unit. If it is not reasonable or practical to post the notice on the door of each residential unit, the utility will post two copies of the notice in each accessible common area and at each point of access to the structure or structures.

(3) Notice to occupants shall be independent of, and in addition to, other notice(s) as may be prescribed in the utility's tariffs.

c. All notices of discontinuance for nonpayment relating to residential services will be in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the utility's service area. The notice will include the information prescribed in Rule No. 5.C.

d. Procedures for the discontinuance and restoration of service are specified in Rule No. 11.

(continued)

(To be inserted by utility)

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Advice Letter No. 71

Robert D.Ukestad

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Decision No. _____

Name
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Effective _____

Resolution No. _____

Rule No. 8
(continued)

NOTICES

A. Notice to Customers (Continued)

4. Notice of Discontinuance of All Other Services (Nonresidential) for Nonpayment (N)

The utility shall make a reasonable attempt to contact: (i) the customer of record by mailing a separate notice at least 10 days prior to discontinuance, or (ii) an adult person on the customer's premises by telephone or in person at least 24 hours prior to any discontinuance.

5. Discontinuance of Service for Reasons Other Than Nonpayment

The utility may discontinue service for reasons not related to payment. Rule No. 11 provides additional examples of circumstances resulting in discontinuation of service and related notice, if any, associated with the specific situation.

6. Third-Party Notification

Notice of availability of third-party notification shall be given annually to all residential customers.

(C)

B. Notice from Customers

1. A customer may make notification in person, by telephone or by letter to the utility at its commercial office, or to an authorized representative of the utility.

2. Customers who wish to qualify for consideration under Rule No. 11.B.1.e. must have presented evidence to the utility establishing their status. (C)

3. Older Adult or disabled customers who desire third-party notification must so inform the utility with certification of status and with a letter from the third party accepting the responsibility. (C)

4. Proof of age must be supported by certificate of birth, driver's license, passport or other reliable document. Proof of handicap must be by certification from a licensed physician, public health nurse or social worker.

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Effective _____

Resolution No. _____

Rule No. 10

DISPUTED BILLS

A. Correctness of Bill

Any customer (or adult occupant of a residential service address) who has initiated a complaint to the utility or requested an investigation by the utility within five days of receiving a contested bill shall be given an opportunity for review of such complaint or investigation by a review manager of the utility. The review shall include consideration of whether the customer should be permitted to amortize the unpaid balance of her or his account over a reasonable period of time. (C)

B. Notice of Deposit to Avoid Discontinuance

If an explanation satisfactory to the customer is not made by the utility and the bill is not paid within 19 days after its presentation, or at the time the explanation is made, whichever is longer, the utility will notify the customer in writing substantially as follows:

1. To avoid discontinuance of service, in lieu of paying the bill in question, the residential customer within 15 days and the non-residential customer within 7 days of the date of this notice, may deposit with the California Public Utilities Commission, Consumer Affairs Branch, Room 2003, 505 Van Ness Avenue, San Francisco, California 94102, the amount of the bill claimed by the utility to be due.

C. Commission Appeal

When a customer and the utility fail to agree on a bill for service:

1. To avoid discontinuance of service, in lieu of paying the disputed bill the customer may deposit, with the California Public Utilities Commission at its Consumer Affairs Branch, Room 2003, 505 Van Ness Avenue, San Francisco, California 94102, the amount claimed by the utility to be due.
2. Checks or other forms of remittance for such deposit should be made payable to the California Public Utilities Commission and should be accompanied with the bill in question and a statement setting forth the basis for the dispute of the amount of the bill.

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. PU.C.)

Advice Letter No. 71

Robert D.Ukestad

Date Filed _____

Name

Decision No. _____

General Manager

Effective _____

Title

Resolution No. _____

Rule No. 10
(continued)

DISPUTED BILLS

- C. 3. Upon receipt of the deposit, the bill and customer's statement of the dispute, the Commission will notify the utility, will review the basis of the billed amount, and will advise both parties of its findings and disburse the deposit in accordance therewith. (L)
| (L)
- 4. Service will not be discontinued for nonpayment of the disputed bill when deposit has been made with the Commission (Consumer Affairs Branch), pending the outcome of the Commission's review. (C)
- 5. Failure of the customer to make such a deposit prior to the expiration of the discontinuance of service notice as given in Rule 10, B.1. will warrant discontinuance of service.
- 6. If before completion of the Commission's review, additional bills become due which the customer wishes to dispute, she or he shall also deposit with the Commission the additional amounts claimed by the utility to be due for such additional bills before they become past due and failure to do so will warrant discontinuance of her or his service in accordance with Rule No. 11. (C)
(C)

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Advice Letter No. 71

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Decision No. _____

General Manager
Title

Effective _____

Resolution No. _____

Rule No. 11

DISCONTINUANCE AND RESTORATION OF SERVICE

A. Customer's Request for Discontinuance of Service

- 1. A customer may have service discontinued by giving not less than two days' advance notice thereof to the utility. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required two days' advance notice.
- 2. When such notice is not given, the customer may be required to pay for service until two days after the utility has knowledge that the customer has vacated the premises or otherwise has discontinued water service. (C)

B. Discontinuance of Service by Utility

1. For Nonpayment of Bills

a. Past-Due Bills.

When bills are rendered monthly or bimonthly, they will be considered past due if not paid within 19 days from the date of mailing.

(1) Residential Service

For the purposes of this rule, residential service means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing. When bills are rendered monthly or bimonthly, they will be considered past due if not paid within 19 days from the date of mailing. The utility shall allow every residential customer a total of 79 days from the date of mailing its bill for services, postage prepaid, to make payment of the bill prior to discontinuance of service. The utility shall not discontinue residential service for nonpayment of a delinquent account unless the utility first gives notice of the delinquency and impending discontinuance, in conformance with Rule No. 8.A.3, which establishes notice periods ranging from 7 to 15 days, depending on the occupancy type. The utility will provide notices timely to ensure that the applicable notice period is included in the total 79-day period referenced above and does not provide additional time to pay.

(2) All Other Service (nonresidential)

The utility shall not discontinue nonresidential service for nonpayment of a delinquent account unless the utility first gives notice of the delinquency and impending discontinuance in conformance with Rule No. 8.A.4.

(continued)

(To be inserted by utility)

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Title

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. b. When a bill for water service has become past due and a discontinuance of service notice for nonpayment has been issued, service may be discontinued if bill is not paid in full (or alternative payment arrangements acceptable to the utility have not been made) within the time required by such notice. The customer's service, however, will not be discontinued for nonpayment until the amount of any deposit made to establish credit for that service has been fully absorbed. (C)

c. Petition for Utility Review.

- (1) Any customer (or adult occupant of a residential service address) may petition the utility for review of a bill for water service in accordance with Rule Nos. 5 and 10.
- (2) Such customer shall not have the water service discontinued for nonpayment during the pendency of an investigation by the utility of a complaint or request and shall be given an opportunity for review of the complaint, investigation, or request by a review manager of the utility, if:
 - (i) The customer who has initiated a billing complaint or requested an investigation within 5 days of receiving a disputed bill, or
 - (ii) Before discontinuance of service, the customer made payment arrangements for a bill asserted to be beyond the means of the customer to pay in full within the normal period for payment.
- (3) The review shall include consideration of whether a customer shall be permitted to make installment payments on any unpaid balance of the delinquent account over a reasonable period of time, not to exceed 12 months.

Such service shall not be discontinued for nonpayment for any customer complying with an installment payment agreement entered into with the utility, provided the customer also keeps current her or his account for water service as charges accrue in each subsequent billing period.

If a customer fails to comply with an installment payment agreement the utility will give a discontinuance of service notice no less than 5 business days before discontinuing such service, but such notice shall not entitle the customer to further investigation or alternative payment arrangements by the utility. (C)

(continued)

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Name
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Effective _____

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. d. Appeal to the Commission.

(C)

Any customer (or adult occupant of a residential service address) whose complaint or request for an investigation pursuant to subdivision (c) has resulted in a determination by the utility adverse to such customer or adult occupant, may appeal the determination to the Commission in accordance with Rule Nos. 5 and 10 (including depositing the disputed amount with the Commission). Any such appeal of the disputed bill to the Commission shall be in accordance with the Commission's Rules of Practice and Procedure. Written documentation of an appeal filed and diligently pursued with the Commission will prevent discontinuation of residential water service during the official appeal process.

e. Residential Health and Safety Exception.

(1) Service to a residential water customer will not be discontinued for nonpayment when such customer establishes to the satisfaction of the utility that all three of the following conditions are met:

- (i) The residential customer submits certification from a primary care provider*, as defined by the Water Shutoff Protection Act, that discontinuation of residential water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided;

*Proof must be by certification from any internist, general practitioner, obstetrician-gynecologist, pediatrician, family practice physician, nonphysician medical practitioner, or primary care clinic, rural health clinic, community clinic or hospital outpatient clinic. A "nonphysician medical practitioner" means a physician assistant or certified nurse-midwife performing services under physician supervision, or a nurse practitioner performing services in collaboration with a physician. (See Section 14088(b)(1)(A) and (c) of the California Welfare and Institutions Code)

(C)

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(To be inserted by utility)

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Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

- B. 1. e. (1) (ii) The residential customer demonstrates that she or he is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level; and, (C)
- (iii) The residential customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment.
- (2) If all three of the above conditions are met, the utility shall offer the customer one or more of the following options:
- a. Amortization of the unpaid balance.
 - b. Participation in an alternative payment schedule.
 - c. A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
 - d. Temporary deferral of payment.
- (3) The utility may choose which of the payment options the customer undertakes and may set the parameters of that payment option. The repayment option offered should result in repayment of any remaining outstanding balance within 12 months.
- (4) Notwithstanding the above, residential service may be discontinued to any customer meeting the conditions above who:
- (i) Does not agree to or comply with an amortization agreement, an alternative payment schedule, or a plan for deferred or reduced payment after incurring delinquent charges for 60 days or more,
- OR
- (ii) After agreeing to an amortization agreement, an alternative payment schedule, or a plan for deferred or reduced payment for delinquent charges, the customer does not pay her or his current residential service charges for 60 days or more. (C)

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. PU.C.)

Advice Letter No. 71

Robert D.Ukestad

Date Filed _____

Name

Decision No. _____

General Manager

Effective _____

Title

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. e. (4) Notice of discontinuation for either of these reasons will be posted in a prominent and conspicuous location no less than 5 business days before discontinuing such service, but such notice shall not entitle the customer to further investigation or alternative payment arrangements by the utility. (C)

f. Other Disconnection Terms

A customer's residential service may be discontinued for nonpayment of a bill for residential service previously rendered her or him at any location served by the utility.

A nonresidential service may be discontinued for nonpayment of a bill for residential as well as nonresidential service previously rendered her or him at any location served by the utility.

The discontinuance of service notice as set forth in subdivision (b) will be given in both cases stated above before discontinuance of service takes place.

Residential services will not, however, be discontinued for nonpayment of bills for separate nonresidential service.

g. Timing of Disconnection

Service will not be discontinued by reason of delinquency in payment for service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the utility are not open to the public. The utility will avoid disconnection of service on Fridays and a day prior to a holiday. The utility will inform customers of the option to reconnect during regular business hours to avoid the more costly fees associated with after-hours service.

h. Where the owner, manager, or operator of the dwelling, structure, or park is listed by the utility as the customer of record, and water service is provided to residential occupants in a detached single-family dwelling, a multi-unit residential structure, mobilehome park, or permanent residential structure in a labor camp the utility will make every good faith effort to inform the residential occupants, by written notice in conformance with Rule No. 8.A.3.b.

(1) Where said occupants are individually metered. (C)

(continued)

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Advice Letter No. 71

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Decision No. _____

Name
General Manager
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Effective _____

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. h. (1) The utility is not required to make service available to these occupants unless each user agrees to the terms and conditions of service and meets the requirement of the law and the utility's rules and tariffs. (C)

However, if one or more occupants are willing and able to assume responsibility for subsequent charges by these occupants to the account to the satisfaction of the utility, or if there is a practical physical means, legally available to the utility of selectively providing services to these occupants who have met the requirements of the utility's rules and tariffs, the utility will make service available to these occupants.

For these selected occupants establishment of credit may be as prescribed in Rule No. 6, except that where prior service for a period of time is a condition for establishing credit with the utility, proof that is acceptable to the utility of residence and prompt payment of rent or other credit obligation during that period of time is a satisfactory equivalent.

(2) Where said occupants are master metered

The utility is not required to make service available to these occupants unless each occupant agrees to the terms and conditions of service, and meets the requirements of the law and the utility's rules and tariffs and the following:

The same Rule No. 11, item B.1.h. (1) above which applies to individually metered occupants also applies to master metered occupants, except a representative may act on the behalf of a master metered occupant, and the utility will not discontinue service in any of the following situations:

- (a) During the pendency of an investigation by the utility of a master-meter customer dispute or complaint.
- (b) When the master-metered customer has been granted an extension of the period for repayment of a bill.
- (c) For an indebtedness owed by the master metered customer to any other person or corporation or when the obligation represented by the delinquent account or any other indebtedness was incurred with a person or corporation other than the utility demanding payment therefor. (C)

(continued)

(To be inserted by utility)

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General Manager

Effective _____

Title

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. h. (1) (d) When a delinquent account relates to another property owned, managed, or operated by the master-metered customer. (C)

(e) When a public health or building officer certifies that discontinuance would result in a significant threat to the health or safety of the residential occupants or the public. Proof of age or disability are described in Rule No. 11.B.1.e.

i. Residential Customer's Remedies Upon Receipt of Discontinuance Notice for Nonpayment.

(1) If upon receipt of a discontinuance notice, a residential customer is unable to pay, she or he must contact the utility before discontinuance of service to make payment arrangements to avoid discontinuance of service. Information pertaining to alternative payment options and other options for averting discontinuation of residential service for nonpayment will be provided on the discontinuance notice as described in Rule No. 5, or can be obtained by calling (408) 683-2098.

(2) If, after contacting the utility, the residential customer alleges to the Commission an inability to pay and that she or he is unable to make payment arrangements with the utility she or he should contact the Commission's Consumer Affairs Branch (CAB) to make an informal complaint. To maintain uninterrupted service this action must be taken prior to discontinuation of service as defined in the provided notice.

(3) The CAB's resolution of the matter should be reported to both the utility and the residential customer within ten business days after receipt of the informal complaint. If the customer is not satisfied with such resolution, such customer may file, within ten business days after the date of the CAB's letter, a formal complaint with the Commission under Public Utilities Code Section 1702 on a form provided by the CAB.

(4) Failure of any customer to observe these time limits prescribed herein shall entitle the utility to insist upon payment or, upon failure to pay, to proceed to discontinue the customer's residential water service in accordance with the utility's rules.

j. Designation of a Third-Party Representative (Older Adult or Disabled only)

(1) Customer must inform utility if she or he desires that a third party receive discontinuance or other notices on her or his behalf. (C)

(continued)

(To be inserted by utility)

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Advice Letter No. 71

Robert D.Ukestad
Name

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Decision No. _____

General Manager
Title

Effective _____

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 1. j. (2) Utility must be advised of name, address and telephone number of third party with a letter from third party accepting this responsibility. (C)

(3) Only customers who certify that they are older adults age 62 or over or disabled are entitled to third-party representation. Proof of age must be supported by certificate of birth, driver's license, passport or other reliable document. Proof of disability must be by certification from a licensed physician, public health nurse or social worker.

2. For Noncompliance with Rules

The utility may discontinue service to any customer for violation of these rules after it has given the customer at least five days' written notice of such intention. Where safety of water supply is endangered, service may be discontinued immediately without notice.

3. For Waste of Water

a. Where negligent or wasteful use of water exists on customer's premises, the utility may discontinue the service if such practices are not remedied within five days after it has given the customer written notice to such effect.

b. In order to protect itself against serious and unnecessary waste or misuse of water, the utility may meter any flat rate service and apply the regularly established meter rates where the customer continues to misuse or waste water beyond five days after the utility has given the customer written notice to remedy such practices.

4. For Unsafe Apparatus or Where Service is Detrimental or Damaging to the Utility or its Customers

If an unsafe or hazardous condition is found to exist on the customer's premise, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the utility or its customers, the service may be shut off without notice. The utility will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

(C)

(continued)

(To be inserted by utility)

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Advice Letter No. 71

Robert D. Ukestad

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Decision No. _____

Name
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Title

Effective _____

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

B. 5. For Fraudulent Use of Service (L)

When the utility has discovered that a customer has obtained service by fraudulent means, (L)
or has diverted the water service for unauthorized use, the service to that customer may be (L)
discontinued without notice. The utility will not restore service to such customer until that (L)
customer has complied with all rules and reasonable requirements of the utility and the (L)(C)
utility has been reimbursed for the full amount of the service rendered and the actual cost (L)
to the utility incurred by reason of the fraudulent use. (L)

C. Restoration of Service

1. Reconnection Charge

Where service has been discontinued for violation of these rules or for nonpayment of bills, (L)
the utility may charge \$25.00 for reconnection of service during regular working hours or (L)
\$40.00 for reconnection of service at other than regular working hours when the customer (L)
has requested that the reconnection be made at other than regular working hours, except as (C)
otherwise provided by the utility's tariffs. (C)

2. To be Made During Regular Working Hours

The utility will endeavor to make reconnections during regular working hours on the day (L)
of the request, if the conditions permit; otherwise reconnections will be made on the (L)
regular working day following the day the request is made. (L)

3. To Be Made at Other Than Regular Working Hours

When a customer has requested that the reconnection be made at other than regular (L)
working hours, the utility will reasonably endeavor to so make the reconnection if (L)
practicable under the circumstances. (L)

4. Wrongful Discontinuance

A service wrongfully discontinued by the utility, must be restored without charge for the (L)
restoration to the customer within 24 hours. (L)

(continued)

(To be inserted by utility)

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Advice Letter No. 71

Robert D.Ukestad

Date Filed _____

Decision No. _____

Name
General Manager
Title

Effective _____

Resolution No. _____

Rule No. 11
(continued)

DISCONTINUANCE AND RESTORATION OF SERVICE

C. 5. Limits on Certain Reconnection Charges

(N)

For a residential customer who demonstrates household income below 200 percent of the federal poverty line (or is otherwise deemed by the Water Shutoff Protection Act as having a household income of below 200 percent of the federal poverty line), charges shall be limited as follows:

- (i) For reconnections during regular working hours, the lesser of the actual cost or \$25.00; and
- (ii) For reconnections during other than regular working hours, the lesser of the actual cost or \$40.00. The cap on these reconnection fees (\$25 and \$40, respectively) shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(N)

D. Refusal to Serve

(L)

1. Conditions for Refusal

The utility may refuse to serve an applicant for service under the following conditions:

- a. If the applicant fails to comply with any of the rules as filed with the Public Utilities Commission.
- b. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers.
- c. If, in the judgement of the utility, the applicant's installation for utilizing the service is unsafe or hazardous, or of such nature that satisfactory service cannot be rendered.
- d. Where service has been discontinued for fraudulent use, the utility will not serve an applicant until it has determined that all conditions of fraudulent use or practice has been corrected.

(L)

2. Notification to Customers

When an applicant is refused service under the provisions of this rule, the utility will notify the applicant promptly of the reason for the refusal of service and of the right of applicant to appeal the utility's decision to the Public Utilities Commission.

(To be inserted by utility)

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Advice Letter No. 71

Robert D.Ukestad
Name

Date Filed _____

Decision No. _____

General Manager
Title

Effective _____

Resolution No. _____

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information :

<u>Subject Matter of Sheet</u>	<u>Cal. P.U.C. Sheet No.</u>	
Title Page	263-W	
Table of Contents	389-W, 359-W	(T)
Preliminary Statement	151-W, 284-W - 286-W, 327-W - 330-W	
Service Area Map	242-W	
 Rate Schedules:		
Schedule No. 1, General Meter Service	366-W, 342-W	
Schedule No.2TR, Especial Temporary Flat Rate Service	227-W	
Schedule No. 4, Private fire Protection Service	367-W, 301-W	
Schedule No. 5, Public Fire Hydrant Service	70-W	
Schedule No. 6, Facilities Financing charge	101-W	
Schedule No. 6R, Resale Service	228-W	
Schedule No. F, Facilities fees	261-W	
Schedule No. UF, Surcharge to Fund PUC Reimbursement Fee	364-W	
 Rules:		
No. 1 Definitions	369-W, 370-W	(C)
No. 2 Description of Service	84-W	
No. 3 Application for Service	305-W	
No. 4 Contracts	9-W	
No 5 Special Information Required on Forms	371-W-373-W	(C)
No. 6 Establishment and Re-establishment of Credit	12-W	
No. 7 Deposits	267-W, 268-W	
No. 8 Notices	374-W-376-W	(C)
No. 9 Rendering and Payment of Bills	16-W, 17-W, 269-W	
No. 10 Disputed Bills	377-W, 378-W	(C)
No. 11 Discontinuance and Restoration of Service	379-W-388-W	(C)
No. 12 Information Available to Public	23-W- 24-W	
No. 13 Temporary Service	25-W- 26-W	
No. 14 Continuity of Service	27-W	
No. 14.1 Voluntary Water Conservation Plan	318-W-325-W	
No. 15 Main Extensions	117-W-119-W, 308-W, 121-W, 167-W, 309-W, 168-W, 125-W, 169-W, 170-W, 128-W, 129-W, 171-W, 362-W	
No. 16 Service Connections, Meters, and Customer's Facilities	218-W, 310-W, 311-W, 312-W, 221-W-224-W	
No. 17 Standards for Measurement of Service	158-W	
No. 18 Meter Tests and Adjustment of bills for Meter Error	159-W, 42-W, 43-W	
No. 19 Service to separate Premises and Multiple Units, and Resale of Water	191-W, 192-W	
No. 20 Water Conservation	161-W	
No. 21 Fire Protection	278-W	

(continued)

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West San Martin Water Works, Inc
1005 Highland Avenue
San Martin, CA 95046

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy via first class United States mail and E-mail of the following document, West San Martin Water Works, Inc. Advice Letter No. 71, upon the California Public Utilities Commission as shown on the Service List attached hereto, a copy thereof properly addressed to each party. Additionally, I hereby certify that I have this day served a true copy via first class United States mail of the following document, West San Martin Water Works, Inc. Advice Letter No. 71 upon all additional parties of record as shown on the Service List attached hereto, a copy thereof properly addressed to each party.

Executed in San Martin, California on the 23rd day of January, 2020.



Brian Ukestad
Secretary

West San Martin Water Works, Inc
1005 Highland Avenue
San Martin, CA 95046

WEST SAN MARTIN WATER WORKS, INC.
ADVICE LETTER No. 71
SERVICE LIST
(AS PER SECTION 4.3 OF GENERAL ORDER No. 96-B)

Via First Class United States Mail and E-mail

Rami Khalon, Director
Division of Water and Audits
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Via First Class United States Mail
Without Attachments

San Martin County Water District
P.O. Box 120
San Martin, CA 95046

Twin Valley Water Company
P.O. Box 433
Morgan Hill, CA 95038
