STATE OF CALIFORNIA GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



January 6, 2022

Ronald K. Moore Senior Regulatory Analyst Golden State Water Company 630 East Foothill Blvd. San Dimas, CA 91773

Dear Mr. Moore,

The Water Division of the California Public Utilities Commission has approved Golden State Water Company's Advice Letter No. 1868, filed on December 7, 2021, regarding authorization to establish the Drinking Water Fee Expense Memorandum Account.

Enclosed are copies of the following revised tariff sheets, effective December 7, 2021, for the utility's files:

P.U.C.	
Sheet No.	Title of Sheet
9004-W	Preliminary Statement
	Drinking Water Fees MemorandumAccount, Part QQQQ
9005-W	Table of Contents, Page 2
9006-W	Table of Contents, Page 1

Please contact Eustace Ednacot at ERE@cpuc.ca.gov or 415-703-1492, if you have any questions.

Thank you.

Enclosures

CALIFORNIA PUBLIC UTILITIES COMMISSION DIVISION OF WATER AND AUDITS

Advice Letter Cover Sheet

Date Mailed to Service List: 12/7/2021

Utility Name: GOLDEN STATE WATER COMPANY

District: COMPANY-WIDE

CPUC Utility #:	133 W	Protest Deadline (20th Day): 12/27/2021
Advice Letter #:	1868-W	Review Deadline (30th Day): 1/6/2022
Tier	$\Box 1 \boxtimes 2 \Box 3 \Box $ Compliand	Requested Effective Date	e: 9/22/2021
Authorization		Pata Impa	t: n/a
Description:	Establish the Drinking Water Fee Memorandum Account	Expense	i7"
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	: Gladys Estrada	Utility Contact: Jon Piero	tti
Phone	: (909) 394-3600 x 527	Phone: (909) 394	-3600 x 656
Email	grosendo@gswater.com	Email: Jon.Piero	tti@gswater.com
DWA Contact: Phone: Email:	Tariff Unit (415) 703-1133 Water.Division@cpuc.ca.go	<u>ov</u>	
	DWA	A USE ONLY	
<u>DATE</u>	STAFF	COMMENTS	
[] APPROVED	[]	WITHDRAWN [] REJECTED
		Comments:	



December 7, 2021

Advice Letter No. 1868-W

(U 133 W)

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Golden State Water Company (Golden State) hereby transmits the following tariff sheets applicable to its water operations:

		Canceling
CPUC Sheet No	<u>Title of Sheet</u>	CPUC Sheet No.
Revised No. 9004-W	Preliminary Statement	
	Drinking Water Fees Memorandum	
	Account, Part QQQQ	
Revised No. 9005-W	Table of Contents, Page 2	Revised No. 9002-W
Revised No. 9006-W	Table of Contents, Page 1	Revised No. 9003-W

Subject: Establish a Drinking Water Fees Memorandum Account

<u>Purpose</u>

Golden State is seeking authorization to establish a Drinking Water Fees Memorandum Account (DWFMA) to track the difference between increased drinking water fees charged by the State Water Resources Control Board (State Board) and the drinking water fees authorized in rates.

Background

On September 22, 2021, the State Water Board adopted emergency regulations that adjusted drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2021-22. The proposed emergency regulation will adjust the fee schedule in FY 2019-20 to increase the fees approximately 26.6 percent on average for community water systems, including Golden State.

The State Board's adopted emergency regulations result in a significant increase in drinking water fees to Golden State for the same level of service. The new and higher expenses are not included in presently-authorized rates nor will they be included in rates authorized by Application 20-07-012 once a decision is granted. The requested memorandum account will track the actual difference between drinking water fees charged by the State Board under its

adjusted drinking water fees and those authorized in Golden State's proceedings. Golden State will incorporate the adjusted drinking water fees under the new State Board emergency regulations, and any future increases, into its next general rate case (to be filed in 2023).

Memorandum Account Justification

In accordance with the Commission's Standard Practice U-27-W, establishing a memorandum account is conditional and must meet each of the following five criteria.

1. The event is not under the utility's control.

On September 22, 2021, the State Water Board adopted emergency regulations that adjusted drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2021-22. The proposed emergency regulation will adjust the fee schedule in FY 2019-20 to increase the fees approximately 26.6 percent on average for community water systems. The State Board is not under Golden State's control, making the new, higher expenses both exceptional in nature and not under Golden State's control.

2. The event could not have been reasonably foreseen in the utility's last general rate case.

Golden State's most recent general rate case Decision 19-05-044 authorized the drinking water fees in Test Years 2019-2021. Golden State's last general rate case Application No. 20-07-012 was filed July 1, 2020 (A.20-07-012) for Test Years 2022-2024. On November 23, 2021, Golden State and the Commission's Public Advocates Office filed a joint motion to adopt a settlement agreement. The State Board's emergency regulation rulemaking was issued on September 22, 2021, therefore the expenses could not have been reasonably foreseen in Golden State's prior general rate case (A.17-07-010) and its current pending general rate case (A.20-07-012) and will be incurred before the next scheduled general rate case filing in 2023.

3. The event occurred before the utility's next scheduled rate case.

Golden State's next general rate case application is not scheduled to be filed until July 2023 for Test Years 2025-2027. The expenses will be incurred before the next scheduled general rate case.

4. The event is of a substantial nature in that the amount of money involved is worth the effort of processing a memo account.

Previously, Golden State was billed \$748,000 in drinking water fees for fiscal year 2020/2021. The annual drinking water fees will increase by 26.6 percent or approximately \$208,000 due to the new emergency regulations adjustment. This is a substantial increase over both currently authorized drinking water fee expenses in D. 19-05-044 and those

projected in A.20-07-012 (which are based upon normal increases and not the substantial increase in drinking water fee expenses that will result from the recent State Board action).

5. The Memorandum Account has ratepayer benefits.

Payment of drinking water fees provides funding to the State Board for issuing permit amendments, reviewing compliance data, and conducting sanitary inspections, all of which are activities directly benefitting ratepayers by ensuring a safe drinking water supply.

Memorandum Account Treatment

Golden State is aware that a memorandum account is not a guarantee of eventual recovery of expenses, nor is it carried as a regular account under the uniform system of accounts for water utilities. It is carried "off the books", as a memorandum account. Further, it is also known that Commission policy on memorandum account treatment has always been that the burden of proof of the reasonableness of expenses charged to the account is the responsibility of the utility requesting reimbursement of such expenses.

Additional Authority for Requested Memorandum Account

The Commission approved an identical (in nature) request for DWFMA for San Jose Water Company pursuant to its Advice Letter 497-W and Great Oaks pursuant to its Advice Letter 263-W. Golden State requests similar treatment under General Order 96-B, Industry Rule 8.2.

Terms and Conditions of DWFMA

Golden State has patterned the terms and conditions of its requested DWFMA after the authorized terms and conditions of San Jose Water Company's and Great Oaks' previously authorized DWFMA. The requested terms and conditions are provided in the proposed Preliminary Statement, Part QQQQ, attached to this advice letter.

Tier Designation

This advice letter is submitted with a Tier 2 designation. Golden State is requesting that this filing become effective on September 22, 2021, the date of the State Board emergency action.

Customer Notice

Pursuant to Water Industry Rule No. 3.2 in the Commission's General Order 96-B, this advice letter does not require a customer notice nor a customer notice verification.

Response or Protest

Anyone may submit a response or protest for this Advice Letter (AL). 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 AL. A **protest** objects to the AL 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 AL;
- 2. The relief requested in the AL 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 AL contain material error or omissions;
- 4. The relief requested in the AL is pending before the Commission in a formal proceeding; or
- 5. The relief requested in the AL requires consideration in a formal hearing, or is otherwise inappropriate for the AL process; or
- 6. The relief requested in the AL is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require re-litigating a prior order of the Commission.

A protest may not rely on policy objections to an AL where the relief requested in the AL follows rules or directions established by statute or Commission order applicable to the utility. A protest shall provide citations or proofs where available to allow staff to properly consider the protest.

The Water Division (WD) must receive a response or protest via email (<u>or</u> postal mail) within 20 days of the date the AL is filed. When submitting a response or protest, **please** include the utility name and advice letter number in the subject line.

The addresses for submitting a response or protest are:

Email Address: Mailing Address:

Water.Division@cpuc.ca.gov CA Public Utilities Commission

Division of Water and Audits

505 Van Ness Avenue San Francisco, CA 94102

On the same day the response or protest is submitted to WD, the respondent or protestant shall send a copy of the protest to Golden State Water Company at:

Email Address:

regulatoryaffairs@gswater.com

Mailing Address:

Gladys Estrada Golden State Water Company

630 East Foothill Blvd.

San Dimas, CA 91773

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform WD, 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. Any reply must be received by WD within five business days after the end of the protest period, and shall be served on the same day on each person who filed the protest or response to the AL.

The actions requested in this advice letter are not now the subject of any formal filings with the California Public Utilities Commission, including a formal complaint, nor action in any court of law.

Sincerely,

<u>/s/ Gladys Estrada</u> Gladys Estrada Regulatory Analyst

c: Jim Boothe, CPUC - Water Division Victor Chan, CPUC- CalPA Richard Rauschmeier, CPUC- CalPA Jeremy Ho, CPUC- Water Division 630 E. FOOTHILL BLVD. – P.O. BOX 9016 SAN DIMAS, CALIFORNIA 91773-9016

<u>Preliminary Statement</u> <u>Drinking Water Fees Memorandum Account</u>

QQQQ. Drinking Water Fees Memorandum Account

(N)

1. Purpose

The purpose of the Drinking Water Fees Memorandum Account (DWFMA) is to track the difference between actual drinking water fees charged by the State Water Resources Control Board (State Board) (based upon the revised fee schedule adopted by the State Board on September 22, 2021) and the drinking water fees authorized in rates.

2. Applicability

GSWC shall maintain the DWFMA by making entries at the end of each month as follows:

- a. A debit entry shall be made to the DWFMA at the end of each month to record the expenses.
- b. Interest shall accrue to the DWFMA on a monthly basis by applying a rate equal to one-twelfth of the 3-month non-financial Commercial Paper Rate, as reported in the Federal Reserve Statistical Release, to the average of the beginning-of-month and the end-of-month balances.

3. Effective Date

The DWFMA shall go into effect on the effective date of Advice Letter 1868-W. The DWFMA will sunset with the effective date of GSWC's rates from its 2023 General Rate Case application.

4. Disposition

Disposition of amounts recorded in the DWFA shall be determined in GSWC's next General Rate Case application, or as otherwise determined by the Commission if the account's cumulative balance exceeds 2% of GSWC's adopted gross revenues. The recovery of over/under collections will be passed on to the customers through volumetric surcredits or surcharges.

(N)

(To be inserted by utility)

Advice Letter No. 1868-W

Decision No.

Issued By
R. J. Sprowls
President

Date Filed December 7, 2021
Effective December 7, 2021
Resolution No.

GOLDEN STATE WATER COMPANY (U 133 W)

630 E. FOOTHILL BLVD. – P.O. BOX 9016 SAN DIMAS, CALIFORNIA 91773-9016 Revised Cal. P.U.C. Sheet No. 9005-W Cancelling Revised Cal. P.U.C. Sheet No. 9002-W

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RRR	Aerojet Water Litigation Memorandum Account	7747-W	
TTT	Clearlake Supply Expense Balancing Account	7750-W	
AAAA	Bay Point Hills Street Water Treatment Plant	7756-W	
DDDD	Catastrophic Event Memorandum Account – Emergency Consumer Protection	7994-W	
FFFF	2018 Cost of Capital Interim Rate True-Up Memorandum Account	8007-W	
GGGG	2019 Interim Memorandum Account	8246-W	
HHHH	Conservation Expenses One-Way Balancing Account - 2019	8365-W	
IIII	General Ratemaking Area Balancing Account	8366-W	
JJJJ	San Luis Obispo Valley Groundwater Basin Memorandum Account	8367-W	
KKKK	Public Safety Power Shut-Offs Memorandum Account		
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	Page 2	8419-W	
NNNN	Robbins Tax Memorandum Account	8965-W	
0000	2021 Water Conservation Memorandum Account	8967-W	
PPPP	Sutter Pointe General Rate Case Memorandum Account	9001-W	(P)
QQQQ	Drinking Water Fees Expense Memorandum Account	9004-W	(N)

(Continued)

(To be inserted by utility)

Advice Letter No. 1868-W

Decision No.

R. J. Sprowls

President

Effective

December 7, 2021

Resolution No.

630 E. FOOTHILL BLVD. – P.O. BOX 9016 SAN DIMAS, CALIFORNIA 91773-9016 Revised Cal. P.U.C. Sheet No. 9006-W Cancelling Revised Cal. P.U.C. Sheet No. 9003-W

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

Subject Matter of Sheet Title Page		CPUC Sheet No. 4905-W
		9006-W, 9005-W, 8998-W 8997-W, 8996-W, 8995-W
Preliminar	y Statements:	
A	Territory served by Utility	8370-W
B-E	Types and Classes of Service, Description of Service, Procedure to	7005-W
	Obtain Service and Symbols	
F	Income Tax Component of Contribution Provision	
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G	Contaminant Remediation Memorandum Account	8994-W
M	Santa Maria Water Rights Memorandum Account	5096-W
Q	Customer Assistance Program (CAP) Balancing Account	8888-W
W	Water Revenue Adjustment Mechanism/Modified Cost Balancing	
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GG	Water Cost of Capital Adjustment Mechanism	5607-W
MM	Omega Chemical Corporation Superfund Site Memorandum Account	5848-W
00	Pension And Benefits Balancing Account	5937-W
TT	Los Osos Groundwater Adjudication Memorandum Account	6101-W
UU	Santa Maria Steelhead Recovery Plan Memorandum Account	6103-W
VV	Randall-Bold Balancing Account	6123-W
ZZ	Low-Income Customer Data Sharing Memorandum Account	6225-W
EEE	Credit Card Payment Program Memorandum Account	6559-W
GGG	Tangible Property Regulations Collateral Consequences Memorandum	6652-W
	Account	
HHH	Catastrophic Event Memorandum Account	8484-W
JJJ	American Recovery And Reinvestment Act Balancing Account	6938-W
KKK	2016 Interim Rates Memorandum Account	7368-W
LLLL	Polyfluoroaklyl Substances Memorandum Account	8494-W
MMM	Los Osos Basin Management Committee Memorandum Account	_,,,===
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NNN	Basin Pumping Rights Litigation Memorandum Account	7451-W
000	School Lead Testing Memorandum Account	7481-W

(To be inserted by utility)	Issued By		(To be inserted by P.U.C.)
Advice Letter No. 1868-W	R. J. Sprowls	Date Filed	December 7, 2021
Decision No.	President	Effective	December 7, 2021
		Resolution No.	

Sacramento Suburban Water Dist.

3701 Marconi Avenue – Suite 100 Sacramento, CA 95821 HHernandez@sswd.org DYork@sswd.org

Carmichael Water District

7837 Fair Oaks Blvd. Carmichael, CA 95608-2405

Cypress Ridge Owner's Association

Attn: President
1400 Madonna Road
San Luis Obisbo, CA 93405
Cory.Bauer@managementtrust.com

City of Folsom

50 Natoma Street Folsom, CA 95630

Director

Sacramento County Water Agency

827-7th Street, Room 301 Sacramento, CA 95814 <u>DWRexecsecretary@saccounty.net</u>

Bay Point Municipal Advisory Council

3105 Willow Pass Road Bay Point, CA 94565-3149

Contra Costa Water District

P. O. Box H2O Concord, CA 94520

Diablo Water District

P. O. Box 127
Raley's Shopping Center – 2107 Main Street
Oakley, CA 94561-0127
Dmuelrath@diablowater.org
cbelleci@diablowater.org

City of Martinez

525 Henrietta Avenue Martinez, CA 94553 **Citrus Heights Water District**

6230 Sylvan Road Citrus Heights, CA 95610

California-American Water Co.

4701 Beloit Drive Sacramento, CA 95838-2434 ca.rates@amwater.com

Fair Oaks Water District

10317 Fairoaks Blvd. Fairoaks, CA 95628

Orange Vale Water Co

P. O. Box 620800 9031 Central Avenue Orange Vale, CA 95662 swilcox@orangevalewater.com

City of Antioch

P. O. Box 5007 Antioch, CA 94531

City of Brentwood Public Works Operations

James Wolfe, Water Operations Manager 2201 Elkins Way Brentwood, CA 94513 jwolfe@brentwoodca.gov

Contra Costa County
Chief Assistant Clerk of the Board

651 Pine Street, Room 106 Martinez, CA 94553 Jami.napier@cob.cccounty.us

Richard Lou, Principal Management Analyst East Bay Municipal Utility District

375 – 11th Street, MS#804 Oakland, CA 94607

Rlou@ebmud.com

Highlands Water Company

14580 Lakeshore Drive Clearlake, CA 95422-8100

Konocti County Water District

15844 – 35th Street Clearlake, CA 95422 kcwd@mchsi.com

Arroyo Grande Municipal Water Dept.

P.O. Box 550 Arroyo Grande, CA 93420 staylor@arroyogrande.org

Cambria Community Services Dist.

1316 Tamson Drive – Suite 201 P.O. Box 65 Cambria, CA 93428

Los Osos CSD

2122 - 9th Street Los Osos, CA 93402

S & T Mutual Water Co.

P.O. Box 6391 Los Osos, CA 93412 STMutualwater@gmail.com

Nipomo Community Services Dist.

147 S. Wilson Street Nipomo, CA 93444-0326 Mlglesias@ncsd.ca.gov

Calleguas Municipal Water District

2100 Olsen Road Thousand Oaks, CA 91360 staylor@calleguas.com

City Clerk

City of Clearlake 14050 Olympic Drive Clearlake, CA 95422 mswanson@clearlake.ca.us

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City of Santa Maria
110 East Cook Street
Santa Maria, CA 93454
rwhite@cityofsantamaria.org
jpatrick@cityofsantamaria.org
sspringer@cityofsantamaria.org

County Clerk

County of Sacramento 720 9th Street Sacramento, CA 95814 **Local Agency Formation Commission**

P. O. Box 2694 Granite Bay, CA 95746 <u>j.benoit4@icloud.com</u>

Avila Beach Community Service District

P O Box 309 191 San Miguel Street Avila Beach, CA 93424 avilacsd@gmail.com

Community Services District

P. O. Box 6064 Los Osos, CA 93412

Morro Bay City Water (City Hall)

595 Harbor Blvd. Morro Bay, CA 93442 rlivick@morrobayca.gov

San Luis Obispo City Water

879 Morro Street San Luis Obispo, CA 93403

City of Santa Maria

2065 East Main Street Santa Maria, CA 93454 Imlong@ci.santa-maria.ca.us

City Attorney
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

City Clerk & City Attorney City of Guadalupe 918 Obispo Street Guadalupe, CA 93434

City Clerk & City Attorney City of Simi Valley 2929 Tapo Canyon Road Simi Valley, CA 93065

County Clerk

County of San Luis Obispo 1055 Monterey Street - #D-120 San Luis Obispo, CA 93408

Department of Water Resources Steve Pedretti. Division Chief 827 7th Street, Room 301 Sacramento, CA 95814 DWRexecsecretary@saccounty.net

County Counsel

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LAFCO

1042 Pacific Street, Suite A San Luis Obispo, CA 93401

City of Bellflower **Water Department**

16600 Civic Center Drive Bellflower, CA 90706 tsais@bellflower.org

City of Downey **Director of Public Works**

P. O. Box 90241-7016 Downey, CA 90241

City of Huntington Park **Water Department**

6550 Miles Street Huntington Park, CA 90255

City of Lakewood Water Department

P.O. Box 220 Lakewood, CA 90714-0220

Honorable Mayor Eric Garcetti City of Los Angeles

200 N. Spring Street - Room 303 Los Angeles, CA 90012

City of Norwalk **Water Department**

12700 Norwalk Blvd. - Room #5 Norwalk, CA 90650

City of Santa Fe Springs **Water Department**

11736 E. Telegraph Road Santa Fe Springs, CA 90670 County Counsel County of San Luis Obispo County Government Center - #D-320 San Luis Obispo, CA 93408

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Santa Barbara LAFCO

105 E. Anapamu - Room 406 Santa Barbara, CA 93101 lafco@sblafco.org

City of Cerritos Water Department

P.O. Box 3130 Cerritos, CA 90703 bortega@cerritos.us

City of Hawthorne 4455 W. 126th Street Hawthorne, CA 90250

City of Inglewood

One Manchester Blvd. - Suite 900 P. O. Box 6500 Inglewood, CA 90301

Long Beach Water Department Chris Garner, General Manager 1800 E. Wardlow Road

Long Beach, CA 90807

City of Los Angeles **Department of Water & Power**

P O Box 51111 Los Angeles, CA 90051-0100

City of Paramount **Water Department**

16420 Colorado Street Paramount, CA 90723 sho@paramountcity.com

City of South Gate **Water Department**

8650 California Street South Gate, CA 90280 rdickey@sogate.org

dtorres@sogate.org

City of Torrance Water Department

3031 Torrance Blvd. Torrance, CA 90503

California Water Service Co.

2632 West 237th Street Torrance, CA 90505-5272 mduque@calwater.com

Liberty Utilities

9750 Washburn Road Downey, CA 90241 AdviceLetterService@libertyutilities.com

Maywood Mutual Water - No. 2

3521 East Slauson Street Maywood, CA 90270

Orchard Dale County Water District

13819 East Telegraph Road Whittier, CA 90604 rsilvett@odwd.org ecastaneda@odwd.org Mliskey@odwd.org

San Gabriel Valley Water Co.

11142 Garvey Avenue El Monte, CA 91733 dadellosa@sqvwater.com

Tract 180 - Mutual Water Co.

4544 E. Florence Avenue Cudahy, CA 90201 Tract180@hotmail.com

Central Basin MWD General Manager

6252 Telegraph Road Commerce, CA 90040-2512

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13230 Penn Street Whittier, CA 90602

California Water Service Rancho Dominguez District

2632 West 237th Street Torrance, CA 90505-5272 hwind@calwater.com

Maywood Mutual Water - No. 1

5953 Gifford Street Huntington Park, CA 90255 MaywoodWater1@aol.com

Maywood Mutual Water - No. 3

6151 Heliotrope Avenue Maywood, CA 90270-3418

Pico County Water District

P. O. Box 758 Pico Rivera, CA 90660-0768

Robert Kelly, VP of Regulatory Affairs Suburban Water Systems

1325 N. Grand Avenue, Suite 100 Covina, CA 91724-4044

Water Replenishment District General Manager

4040 Paramount Blvd. Lakewood, CA 90712-4127 Tjohnson@wrd.org

West Basin MWD

Julie Frazier-Mathews – Executive Asst.
Uzi Daniels – Manager of Operations
E. J. Caldwell – Interim General Manager
17140 S. Avalon Blvd. – Suite 210
Carson, CA 90746-1296
JulieF@westbasin.org
UziD@westbasin.org
EdwardC@westbasin.org

Holly Mitchell – 2nd District L. A. County Board of Supervisors

Room 866 - Hall of Administration 500 West Temple Street Los Angeles, CA 90012 HollyJMitchell@bos.lacounty.gov Imuraida@bos.lacounty.gov

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7100 S. Garfield Avenue
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ssimonian@bellgardens.org
joropeza@bellgardens.org
aclark@bellgardens.org

City Attorney & City Clerk City of Cerritos P.O. Box 3130 Cerritos, CA 90703

Acting City Manager & City Clerk City of Cudahy
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Cudahy, CA 90201
HGarcia@cityofcudahyca.gov

City Attorney & City Clerk
City of Downey
11111 Brookshire Avenue
Downey, CA 90241
cityclerk@downeyca.gov

City Clerk

City of Gardena

1700 W. 162nd Street
Gardena, CA 90247
cityclerk@ci.gardena.ca.us

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City of Hawthorne
4460 W. 126th Street
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City Attorney, Clerk & Manager

City of Bell
6330 Pine Avenue
Bell, CA 90201

Daleshire@awattorneys.com – Dale Aleshire

ABustamonte@CityofBell.org – City Clerk
jchoi@cityofbell.org – Jackie Choi

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Culver City, CA 90230
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City.attorney@culvercity.org

City Attorney & City Clerk City of El Segundo 350 Main Street El Segundo, CA 90245

City Attorney & City Clerk

City of Hawaiian Gardens
21815 Pioneer Blvd.

Hawaiian Gardens, CA 90716

City Clerk

City of Huntington Park
6550 Miles Avenue

Huntington Park, CA 90255

City Clerk
City of Lakewood
5050 N. Clark Avenue
Lakewood, CA 90714
CityClerk@LakewoodCity.org

City Attorney & City Clerk

City of La Mirada

13700 La Mirada Blvd.

La Mirada, CA 90638

AHaraksin@CityofLaMirada.org

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333 Ocean Boulevard
Long Beach, CA 90802
cityclerk@longbeach.gov

City Attorney & City Clerk
City of Paramount
16400 S. Colorado Avenue
Paramount, CA 90723
JCavanaugh@Cavanaughlaw.net

City Attorney & City Clerk City of South Gate 8650 California Avenue South Gate, CA 90280

County Clerk
County of Orange
12 Civic Center Plaza
Santa Ana, CA 92702

County of LA Waterworks Dist. 23533 West Civic Center Way Malibu, CA 90265 Attn: Mark Carney drydman@dpw.lacounty.gov

Director of Public Services
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

California Department of Corrections
P. O. Box 5001
7018 Blair Road
Calipatria, CA 92233

California Dept. of Forestry Hdqtrs 3800 N. Sierra Way San Bernardino, CA 92405

Daggett Community Service P.O. Box 308 Daggett, CA 92327 City Attorney & City Clerk

City of Lawndale

14717 Burin Avenue

Lawndale, CA 90260

tvickrey@awattorneys.com

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City Attorney & City Clerk

City of Santa Fe Springs

11710 E. Telegraph Road

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State Water Resources Control Board

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Annual Drinking Water Fees

Amendments to Division 4, Chapter 14.5 of Title 22 of the California Code of Regulations

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. This document provides the required notice. Upon receiving the proposed emergency regulation, OAL shall publish the notice on their Website and allow interested persons five calendar days to submit comments on the proposed emergency regulation as set forth in the Government Code section 11349.6.

Proposed Emergency Action

SB 83 (2015) required the State Water Resources Control Board (State Water Board) to establish a fee schedule to support the Drinking Water Program. Effective July 1, 2016, the existing Health and Safety Code section 116565, which establishes annual fees for public water systems, became inoperative (Stats. 2015, Ch. 24, § 19), and a new section 116565 (added by Stats. 2015, Ch. 24, § 20), became operative. The law requires the fee regulations initially be set through the regular rulemaking process, which occurred on April 10, 2017. Thereafter, regulations, any amendment thereto, or subsequent adjustments to the annual fees shall be adopted as emergency regulations that are not subject to review by OAL.

On September 22, 2021, the State Water Board adopted emergency regulations that adjusted drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2021-22. The proposed emergency regulation will adjust the fee schedule in FY 2019-20 to increase the fees approximately 26.6 percent on average for community water systems, nontransient noncommunity water systems, transient noncommunity water systems, and wholesalers.

Proposed Text of Emergency Regulations

See the attached proposed text of the emergency regulation.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Finding of Emergency (Gov. Code, § 11346.1, subd. (b)(2).)

The State Water Board has a mandatory legal duty to assess fees and to adopt the regulations, any amendment thereto, or subsequent adjustments to the annual schedule of fees by emergency regulation. (Health & Saf. Code, §§ 116565, 116590) Health and Safety Code section 116565, subdivisions (e)(1)-(2) state that the "[t]he adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare," and that the emergency regulations shall remain in effect until revised by the State Water Board.

Moreover, the State Water Board finds that the proposed amendments to the Board's fee regulations must be adopted immediately in order to allow for the timely collection of fees to conform to amounts appropriated by the Legislature from the Safe Drinking Water Account for the support of drinking water program activities. Without fee revenue in the amounts appropriated, much of the drinking water program would be in danger of being shut down. Continued administration of the drinking water program is essential to the economy, public health and environment of the State of California.

The State Water Board is unable to address the situation through non-emergency regulations because, as discussed above, it has a mandatory, legal duty to adopt or change the fee schedules and language by emergency regulation.

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2).) Health and Safety Code sections 116271, 116350, 116375, and 116565 provide authority for the emergency regulation. The emergency regulation implements, interprets, or makes specific Health and Safety Code sections 116565 and 116590.

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3).) Under the Health and Safety code and existing regulations, each public water system shall pay an annual fee to the State Board in the amount provided in Table 64305-A.

The fees are consistent with existing state laws and regulations. Ensuring that public water systems meet minimum requirements helps safeguard protection of public health and safety and the environment.

There is no comparable federal statute or regulation. The proposed regulation is not inconsistent or incompatible with existing state regulations.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4).) No other matters are set by statute or regulation applicable to the State Water Board.

Local Mandate Determination (Gov. Code, § 11346.5, subd. (a)(5).)

The proposed emergency regulation does not impose a mandate on local agencies or school districts because it does not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. Public water systems can also increase the fees that they charge for their services to address the increased annual fee. No state reimbursement is required by part 7 (commencing with section 17500) of Division 4 of the Government Code.

Estimate of Cost or Savings (Gov. Code, § 11346.5, subd. (a)(6).)
Under the proposed emergency regulation there would be increases in annual fees for
public water systems. There is, however, no cost for reimbursement to any local
agency or school district, as the fee increase is not a state mandate. The amended fee
schedule will result in a total estimated increase to state agencies of about \$110,687
and estimated increase to local agencies of about \$5,265,047. Additionally, there is no
cost or savings in federal funding to the state

October 14, 2021	Geanine Townsend
Date	Jeanine Townsend
	Clerk to the Board

§ 64305. Schedule for Annual Fees.

- (a) Each public water system shall pay an annual fee to the State Board in the amount provided in Table 64305-A.
- (b) Except as provided in subsection (c), for each community water system, the number of service connections is equal to the number of service connections that the public water system reported on the electronic Annual Report (eAR) that the public water system filed with the State Board for the calendar year immediately preceding the year in which the invoice is submitted to the public water system. If the public water system did not file an eAR, or did not report the number of service connections, for the calendar year immediately preceding the year in which the invoice is submitted, the State Board will calculate the number of service connections by increasing the number of service connections most recently reported on the eAR by 10% for each year that the number of service connections was not reported, except that if the public water system did not file an eAR for the calendar year 2012 or any calendar year thereafter, the State Board will calculate the number of service connections.
- (c) For each community water system that serves a group quarters, the number of service connections for the group quarters is equal to the greater of the population for which the group quarters is designed or for which it is permitted divided by 3.3.

TABLE 64305-A – Public Water Systems Annual Fee

Water System Type	Fee
	11 66
Community Water System 100 or fewer service connections	\$275.00\\$500.00 or \$6.60\\$8.34 per service connection, whichever is greater.
100 or fewer service connections (disadvantaged community)	\$110.00 <u>\$250.00</u>
101 to 1,000 service connections	\$6.60\$8.34 per service connection
101 to 1,000 service connections	\$110\$250 plus \$2.20\$2.78 per each
(disadvantaged community)	service connection greater than 100
1,001 to 5,000 service connections	\$6.60\$8.34 per each of first 1,000
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	service connections plus
	\$3.85\$4.87 per each service
	connection greater than 1,000
1,001 to 5,000 service connections	\$110\$250 plus \$2.20\$2.78 per each
(disadvantaged community)	service connection greater than 100
5,001 to 15,000 service connections	\$6.60 <u>\$8.34</u> per each of first 1,000
	service connections plus
	\$3.85 <u>\$4.87</u> per each service
	connection greater than 1,000 but
	less than 5,001 plus \$2.20 <u>\$2.78</u> per
	each service connection greater
	than 5,000
5,001 to 15,000 service connections	\$110 <u>\$250</u> plus <u>\$2.20</u> <u>\$2.78</u> per each
(disadvantaged community)	service connection greater than 100
15,001 or more service connections	\$6.60 <u>\$8.34</u> per each of first 1,000
	service connections plus
	\$3.85 <u>\$4.87</u> per each service
	connection greater than 1,000 but
	less than 5,001 plus \$2.20\$2.78 per
	each service connection greater
	than 5,000 but less than 15,001
	plus \$1.49\$1.88 per each service
15 001 or more service connections	connection greater than 15,000
15,001 or more service connections (disadvantaged community)	\$110\$250 plus \$2.20\$2.78 per each service connection greater than 100
(uisauvaiitayeu community)	but less than 15,001 plus
	\$1.49\$1.88 per each service
	connection greater than 15,000
Nontransient Noncommunity Water System	\$2.20\$2.78 per person served, but
Tennandian Tendentinanty Water Cyclem	not less than \$502.00\$635.00.
Transient Noncommunity Water System	\$880.00 \$1,112.00.
Wholesaler	\$6,600.00 \$8,342.00 plus
	\$1.50 <u>\$1.90</u> per each MG

¹ "Million Gallons" (MG) means the annual average, rounded to the nearest million, as reported to the State Board by the wholesaler in the Electronic Annual Report for the four years immediately preceding the year in which the invoice is submitted to the public water system, of the total gallons of water that the wholesaler produced from surface water and from groundwater and gallons of finished water that the wholesaler purchased or received from another public water system.

Note: Authority cited: Sections 116271, 116350, 116375, and 116565, Health and Safety Code. Reference: Sections 116565 and 116590, Health and Safety Code.