PUBLIC UTILITIES COMMISSION 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



April 21, 2023

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. 1892, filed on January 6, 2023, regarding authorization to Update the Drinking Water Fee Expense Memorandum Account.

The memo account request is approved effective, January 6, 2023, the date the advice letter was submitted.

Enclosed are copies of the following revised tariff sheets for the utility's files:

Title of Sheet
Preliminary Statement
Drinking Water Fees Memorandum Account, Part QQQQ
Table of Contents, Page 2
Table of Contents, Page 1

Please contact Jeremy Ho at JRY@cpuc.ca.gov or 415-703-1905, if you have any questions.

Thank you.

Enclosures

CALIFORNIA PUBLIC UTILITIES COMMISSION DIVISION OF WATER AND AUDITS

Advice Letter Cover Sheet

Utility Name:	GOLDEN STATE WATER COMPANY	Date Mailed to Service List:	1/6/2023
District:	COMPANY-WIDE		
CPUC Utility #:	133 W	Protest Deadline (20th Day):	1/26/2023
Advice Letter #:	1892-W	Review Deadline (30th Day):	2/5/2023
Tier	$\Box 1 \boxtimes 2 \square B \Box$ Compliance	Requested Effective Date:	7/1/2022
Authorization			\$0.00
Description:	Update the Drinking Water Fee Expense Memorandum Account	Rate Impact:	90.00 0%

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:	Brad Powell
Phone:	(909) 394-3600 x 527	Phone:	(909) 394-3600 x 422
Email:	grosendo@gswater.com	Email:	Brad.Powell@gswater.com

DWA Contact: Tariff Unit

Phone: (415) 703-1133

Email: <u>Water.Division@cpuc.ca.gov</u>

DWA USE ONLY					
DATE	<u>STAFF</u>			COMMENTS	
[] APPROVED		[] WITHDR	RAWN		[] REJECTED
Signature:		Comm	ents:		
Date:					



January 6, 2023

Advice Letter No. 1892-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:

CPUC Sheet No	Title of Sheet	Canceling <u>CPUC Sheet No.</u>
Revised No. 9138-W	Preliminary Statement Drinking Water Fees Memorandum Account, Part QQQQ	Revised No. 9004-W
Revised No. 9139-W	Table of Contents, Page 2	Revised No. 9055-W
Revised No. 9140-W	Table of Contents, Page 1	Revised No. 9137-W

Golden State is seeking authorization to modify its approved Drinking Water Fees Memorandum Account (DWFMA) to include the most recent increase in drinking water fees charged by the State Water Resources Control Board (State Board).

Background

On December 7, 2021, GSWC filed Advice Letter No. 1868-W with the California Public Utilities Commission (Commission) to establish a memorandum account to track the increase in Drinking Water Fees adopted by State Water Board on September 22, 2021 for fiscal year (FY) 2021-22, which increased by 26.6 percent for water systems, including Golden State. Advice Letter No. 1868-W, was approved with an effective date of December 7, 2021.

On September 20, 2022, the State Water Board proposed adopting emergency regulations that will adjust the drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2022-23. The proposed emergency regulation will increase the fees approximately 14.1 percent on average for community water systems, including Golden State.

<u>Request</u>

As directed by the Water Division, GSWC shall submit an advice letter requesting to modify the DWFMA to account for the increase in drinking water fees for the next fiscal year. The 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.

GSWC requests to modify the DWFMA to include the FY 2022-23 increase in drinking water fees of 14.1% percent for community water systems. 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).

The DWFMA tracks 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, into its next general rate case (to be filed July 2023).

Tier Designation

This advice letter is submitted with a Tier 2 designation. Golden State is requesting that this filing become effective on July 1, 2022, the effective date of the State Board emergency action fee adjustment.

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.

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 is:

California Public Utilities Commission Water Division 505 Van Ness Avenue San Francisco, CA 94102 **E-mail:** <u>Water.Division@cpuc.ca.gov</u>

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, addressed to:

Golden State Water Company Attn: Gladys Estrada 630 East Foothill Blvd. San Dimas, CA 91773 **E-mail:** <u>regulatoryaffairs@gswater.com</u>

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform DWA, 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.

<u>Replies</u>

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.

No individuals or utilities have requested notification of filing of tariffs. Distribution of this advice letter is being made to the attached service list in accordance with General Order No. 96-B.

Sincerely,

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

cc: Jim Boothe, CPUC – Water Division Victor Chan, CPUC- CalPA Richard Rauschmeier, CPUC- CalPA Jeremy Ho, CPUC- Water Division

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Preliminary Statement Drinking Water Fees Memorandum Account

QQQQ. Drinking Water Fees Memorandum Account

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 20, 2021, and subsequently revised on September 20, 2022) and the drinking water fees (T) 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 onetwelfth 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 indicated in 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.

(To be inserted by utility) Advice Letter No. <u>1892-W</u> Decision No. _____

Issued By **R. J. Sprowls President** (To be inserted by P.U.C.) Date Filed January 6, 2023 Effective January 6, 2023 Resolution No. GOLDEN STATE WATER COMPANY (U 133 W)

630 E. FOOTHILL BLVD. – P.O. BOX 9016 SAN DIMAS, CALIFORNIA 91773-9016

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Subject Matte	CPUC Sheet No.	
Preliminary S	tatements:	
QQQ	First 5 Sacramento Memorandum Account	7730-W
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
IIII	General Ratemaking Area Balancing Account	8366-W
]]]]	San Luis Obispo Valley Groundwater Basin Memorandum Account	8367-W
KKKK	Public Safety Power Shut-Offs Memorandum Account	
	Page 1	8418-W
	Page 2	8419-W
LLLL	Polyfluoroaklyl Substances Memorandum Account	8494-W
0000	2021 Water Conservation Memorandum Account	8967-W
PPPP	Sutter Pointe General Rate Case Memorandum Account	9001-W
QQQQ	Drinking Water Fees Expense Memorandum Account	9138-W
RRRR	2022 Interim Rates Memorandum Account	9007-W

(C)

(Continued)

(To be inserted by utility) Advice Letter No. <u>1892-W</u> Decision No. _____

Issued By **R. J. Sprowls President** (To be inserted by P.U.C.) Date Filed January 6, 2023 Effective January 6, 2023 Resolution No.

GOLDEN STATE WATER COMPANY (U 133 W)

630 E. FOOTHILL BLVD. – P.O. BOX 9016 SAN DIMAS, CALIFORNIA 91773-9016

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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:

<u>Subject M</u> Title Page	atter of Sheet	<u>CPUC Sheet No.</u> 4905-W	
Table of C	ontents	9140-W, 9139-W, 9128-W 9136-W, 9133-W, 9125-W	(C)
Prelimina	ry Statements:		
А	Territory served by Utility	8370-W	
B-E	Types and Classes of Service, Description of Service, Procedure to Obtain Service and Symbols	7005-W	
F	Income Tax Component of Contribution Provision		
	Page 1	3140-W	
	Page 2	3141-W	
	Page 3	3142-W	
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 Account (WRAM/MCBA)		
	Page 1	6477-W	
	Page 2	6478-W	
	Page 3	6479-W	
	Page 4	7075-W	
	Page 5	7076-W	
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 Account	n 6652-W	
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	
MMM	Los Osos Basin Management Committee Memorandum Account		
	Page 1	7441-W	
	Page 2	7442-W	
NNN	Basin Pumping Rights Litigation Memorandum Account	7451-W	
000	School Lead Testing Memorandum Account	7481-W	

Issued By **R. J. Sprowls President**





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 20, 2022, the State Water Board will consider adopting emergency regulations that adjust drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2022-23. The proposed emergency regulation will adjust the fee schedule by increasing the fees approximately 14.1 percent 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 through adoption of a regulation and to adopt by emergency regulation amendments thereto or subsequent adjustments to the annual schedule of fees. (Health & Saf. Code, § 116565, 116590) Health and Safety Code section 116565, subdivision (e)(1) states 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," while subdivision (e)(2)(B) states 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, which is set forth in section 64305 of title 22 of the California Code of Regulations.

This emergency regulation ensures that the State Water Board has sufficient funds to administer the California Safe Drinking Water Act, as required by law. 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 \$64,582 and estimated increase to local agencies of about \$3,603,331. Additionally, there is no cost or savings in federal funding to the state.

§ 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 to the public 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.

Community Water System \$\$00.00\$570.00 or \$8.34\$9.52 per service connection, whichever is greater. 100 or fewer service connections \$\$250.00\$285.00 (disadvantaged community) \$\$250.20\$285 plus \$2.78\$3.17 per each service connection greater than 100 101 to 1,000 service connections \$\$250.2285 plus \$2.78\$3.17 per each first 1,000 service connections greater than 100 1,001 to 5,000 service connections \$\$250.2285 plus \$2.78\$3.17 per each service connection greater than 100 1,001 to 5,000 service connections \$\$250.2285 per each of first 1,000 service connection greater than 100 1,001 to 5,000 service connections \$\$250.2285 per each of first 1,000 service connection greater than 100 1,001 to 5,000 service connections \$\$250.2285 per each of first 1,000 service connection greater than 100 5,001 to 15,000 service connections \$\$250.2285 plus \$2.78\$3.17 per each service connection greater than 100 15,001 or more service connections \$\$250.2285 plus \$2.78\$3.17 per each service connection greater than 100 15,001 or more service connections \$\$250.2285 per each of first 1,000 service connections greater than 1,000 but less than 5,001 plus \$2.78\$3.17 per each service connection greater than 100 15,001 or more service connections \$\$250.2285 per each of first 1,000 service connection greater than 100 but less than 5,001 plus \$4.87\$5.56 per each service connection greater than 100 15,00	Water System Type	Fee
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\$1.90 <u>\$2.17</u> per each MG		

TABLE 64305-A – Public Water Systems Annual Fee

¹ "Million Gallons" (MG) means the annual average, rounded to the nearest million, as reported to the State Board by the wholesaler in the <u>Electronic Annual ReporteAR</u> 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.

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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 **Citrus Heights Water District** 6230 Sylvan Road Citrus Heights, CA 95610

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Maywood Mutual Water - No. 3 6151 Heliotrope Avenue Maywood, CA 90270-3418

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City Clerk, Patricia Vazquez **City of Stanton** 7800 Katella Avenue Stanton, CA 90680 <u>PVazquez@ci.stanton.ca.us</u>

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City Manager City of Temple City 9701 Las Tunas Drive Temple City, CA 91780

City Clerk **City of Yorba Linda** 4845 Casa Loma Avenue Yorba Linda, CA 92686

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LOCAL AGENCEY FORMATION COMMISSION

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