



**BEFORE THE PUBLIC UTILITIES COMMISSION**  
**OF THE STATE OF CALIFORNIA**

**FILED**  
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In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates.

A.12-04-019

(Filed September 20, 2004;  
Amended July 14, 2005)

**MARINA COAST WATER DISTRICT'S  
NOTICE OF EX PARTE COMMUNICATIONS**

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Date: July 2, 2012

## **NOTICE OF EX PARTE COMMUNICATIONS**

Pursuant to Article 8 of the Commission's Rules of Practice and Procedure, Marina Coast Water District ("MCWD") submits this Notice of Ex Parte Communications in the above-captioned proceedings. The communications occurred on June 27, 2012, in three in-person meetings held at the offices of the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California. The meetings were requested by MCWD.

Present at each of the meetings for MCWD were Jim Heitzman, MCWD's General Manager; Lyndel Melton of RMC Water and Environment, environmental engineering consultant to MCWD; and Mark Fogelman and Ruth Stoner Muzzin, MCWD's outside counsel.

The Commissioners' Advisors who participated in the meetings were Michael Colvin, Advisor to Commissioner Ferron (first meeting); Lester Wong, Advisor to President Peevey (second meeting); and Marcelo Poirier, Advisor to Commissioner Florio (third meeting).

The first meeting began at 10:00 a.m. and ended at approximately 10:30 a.m.; the second meeting began at approximately 10:30 a.m. and ended at approximately 11:00 a.m.; and the third meeting began at approximately 2:00 p.m. and ended at approximately 2:30 p.m. No materials were handed out at the meetings.

During each of the meetings, MCWD discussed the severe prejudice that would result to MCWD if the Proposed Decision ("PD") in A.04-09-019 that was issued by assigned Administrative Law Judge Weatherford on June 12, 2012 should be adopted

without change. MCWD urged the full Commission to 1) render a clear decision regarding the fate of the Regional Desalination Project (“RDP”) that was approved in D.10-12-016; 2) clearly state whether it agrees with MCWD that, since A.12-04-019 relies on the same Commission-certified Environmental Impact Report approved in A.04-09-019, it is reasonable to continue defending the Ag Land Trust lawsuit; and 3) clearly state that the California American Water Company (“Cal-Am”) must reimburse MCWD for its project-related costs, as Cal-Am agreed to do in the contracts that the Commission approved in D.10-12-016. MCWD also stated that it would be submitting written comments to the PD outlining its position.

Mr. Fogelman emphasized that the PD as written could unnecessarily embroil MCWD in expensive and protracted litigation with Cal-Am and would prevent MCWD from going forward with its own water supply project, a project that will be necessary if MCWD will not receive the 1700 AFY of water that it was due to receive from the RDP. Mr. Heitzman reminded the Advisors that the Commission’s Division of Ratepayer Advocates recruited MCWD to participate in the RDP years ago and that, absent MCWD’s participation in Cal-Am’s Commission proceedings for the RDP over recent years, MCWD would have already built and brought on line its own project. Mr. Heitzman stressed that MCWD is only seeking fair treatment in front of the Commission and adherence to the contracts the Commission approved in D.10-12-016, regardless of whether or not the RDP is carried out, so that MCWD can provide for its own ratepayers’ stable future water supply.

Pursuant to Rule 8.3(a), this notice is being filed within three working days of the ex parte communication. Parties may request a copy of this notice by contacting:

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Respectfully submitted,

Dated: July 2, 2012

FRIEDMAN & SPRINGWATER LLP

By: /s/ Mark Fogelman

Mark Fogelman

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