



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

**FILED**

07-03-12  
04:59 PM

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.

Application 04-09-019

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

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

MARK FOGELMAN  
RUTH STONER MUZZIN  
FRIEDMAN & SPRINGWATER LLP  
33 New Montgomery Street, Suite 290  
San Francisco, CA 94105  
Telephone: (415) 834-3800  
Facsimile: (415) 834-1044  
Email: [mfogelman@friedmanspring.com](mailto:mfogelman@friedmanspring.com)  
Email: [rmuzzin@friedmanspring.com](mailto:rmuzzin@friedmanspring.com)

Attorneys for Marina Coast Water District

Date: July 3, 2012

Pursuant to Article 8 of the Commission's Rules of Practice and Procedure, Marina Coast Water District ("MCWD") submits this Notice of Ex Parte Communication in the above-captioned proceedings. The communications occurred on July 2, 2012, in an in-person meeting held at the offices of the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California. The meeting was requested by MCWD.

The Commissioners' Advisors who participated in the meetings were Carol Brown and Lester Wong, Advisors to President Peevey. Present at the meeting for MCWD were Jim Heitzman, MCWD's General Manager and Mark Fogelman and Ruth Stoner Muzzin, MCWD's outside counsel. The meeting began at approximately 10:30 a.m. and ended at approximately 11:00 a.m. No materials were handed out at the meeting.

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, and recommended that the PD be modified or an alternate PD be prepared. 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") should reimburse MCWD for its project-related costs, pursuant to 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:

Celeste Alas  
FRIEDMAN & SPRINGWATER LLP  
33 New Montgomery Street, Suite 290  
San Francisco, CA 94105  
Telephone: (415) 834-3800  
Facsimile: (415) 834-1044  
Email: [calas@friedmanspring.com](mailto:calas@friedmanspring.com)

Respectfully submitted,

FRIEDMAN & SPRINGWATER LLP

Dated: July 3, 2012

By: /s/ Mark Fogelman

Mark Fogelman

Ruth Stoner Muzzin

Attorneys for MARINA COAST WATER DISTRICT