BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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In the Matter of the Application of California-American Water Company (U 210 W) for an Order Authorizing the Transfer of Costs Incurred in 2008 for its Long-Term Water Supply Solution for the Monterey District to its Special Request 1 Surcharge Balancing Account.	)	Application No. 09-04-015 (Filed April 16, 2009)

MOTION OF MONTEREY PENINSULA WATER MANAGEMENT DISTRICT FOR LEAVE TO INTERVENE

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March 4, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Application of California-American Water Company (U 210 W) for an Order Authorizing the Transfer of Costs Incurred in 2008 for its Long-Term Water Supply Solution for the Monterey District to its Special Request 1 Surcharge Balancing Account.	)	Application No. 09-04-015 (Filed April 16, 2009)

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Pursuant to Rule 1.4(a)(4) and Rule 11.2(a) of the California Public Utilities Commission's ("CPUC" or "Commission") Rules of Practice and Procedure, the Monterey Peninsula Water Management District ("MPWMD" or "Water Management District") hereby moves for leave to intervene as a party in this proceeding.

The Water Management District is a public agency in Monterey County, California, and is an active participant in Application ("A.") 04-09-019, the application of the California-American Water Company (U 210 W) ("Cal-Am") for a certificate of public convenience and necessity ("CPCN") to construct a project that will provide a solution for the long-term water supply deficit in Cal-Am's Monterey District.

This proceeding involves the recordation of certain preconstruction development costs of the projects at issue in A.04-09-019 in the Special Request 1 Surcharge memorandum account and the Special Request 2 Surcharge memorandum account in order to facilitate recovery of those costs by Cal-Am.

On or about February 26, 2010, Marina Coast Water District ("MCWD") and the Monterey County Water Resources Agency ("MCWRA") filed a joint motion to intervene in this proceeding so as to participate in the approval of a Reimbursement Agreement. The Reimbursement Agreement would allow Cal-Am to advance funds to MCWD and the MCWRA, and record such sums as costs in the Coastal Water Project memorandum accounts.

The Water Management District seeks to intervene as a party in this proceeding. Pursuant to Rule 1.4(a)(4), a person may become a party to a proceeding by filing a motion to become a party. Rule 1.4(b) provides that a person may become a party to a proceeding by filing a motion, and fully disclosing the persons or entities on whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and demonstrate that the contentions will be "reasonably pertinent to the issues already presented."

In support of its motion to intervene as a party, the Water Management District states as follows:

I. Service of Communications

All correspondence, pleadings, orders and notices in this proceeding should be directed to the following:

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II. Water Management District Interests

The California Legislature created the Water Management District in 1977[1] and expressly granted it authority to regulate all local water systems, including the Cal-Am system. Presently, MPWMD regulates Cal-Am under a comprehensive water management program. Cal-Am is required by law to obtain a permit from the Water Management District to add the Coastal Water Project, or any project alternative, as a source of supply to its water distribution system. MPWMD is a responsible agency for the Coastal Water Project pursuant to the California Environmental Quality Act ("CEQA").

MPWMD and Cal-Am co-own and operate a permit from the State Water Resources Control Board ("SWRCB") to appropriate water from the Carmel River.[2] This water right ("SWRCB Permit 20808A") is used to provide water for the joint Cal-Am-MPWMD Aquifer & Storage Recovery ("ASR") project. The Coastal Water Project, or its alternative, may provide an additional source of supply for the ASR project.

Water Management District Rule 165, in concert with Cal-Am Rule 14.1 as authorized by the CPUC, regulates and imposes rationing and conservation measures upon Cal-Am and the customers that use water from the Cal-Am main system.

The District's interests are directly affected by the Coastal Water Project, and by any settlement of issues in this proceeding. In accord with Rules 1.4(b), the Water Management District has information that would be useful and pertinent to the Commission in acting in this proceeding.

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[1] Chapter 527 of the Statutes of 1977, as amended (Water Management District Law), found at West's Water Law Appendix Section 118-1, et. seq.

[2] SWRCB Permit 20808A derives from Decision 1632 (Application 27414) and SWRCB Permit 20808.

No other party can adequately represent the interests of the Water Management District in presenting the arguments regarding approval of the Reimbursement Agreement, and in protecting the rights and interest of the public.

CONCLUSION

For the reasons stated herein, the Water Management District respectfully requests the Commission grant the District's Motion for Leave to Intervene and allow the District to participate in these proceedings as a full party participant.

Dated: March 4, 2010

Respectfully submitted,

David C. Laredo
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Attorneys for Monterey Peninsula
Water Management District

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PROOF OF SERVICE

I, Lisa Andrew, declare as follows:

I am employed in the City of Pacific Grove, County of Monterey, California. I am over the age of eighteen years, and not a party to the within entitled cause. I am an employee of De LAY & LAREDO and my business address is 606 Forest Avenue, Pacific Grove, California 93950. On March 5, 2010, I served the within:

MOTION OF MONTEREY PENINSULA WATER MANAGEMENT DISTRICT FOR LEAVE TO INTERVENE

on the interested parties in this action addressed as follows:

Please see attached Service List

☒ (BY MAIL) By placing such envelope, with postage thereon fully prepaid for first class mail, for collection and mailing at De Lay & Laredo, Pacific Grove, California following ordinary business practice. I am readily familiar with the practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

☒ (BY E-MAIL SERVICE) By transmitting such document electronically from De Lay & Laredo, Pacific Grove, California, to the electronic mail addresses listed above. I am readily familiar with the practice of De Lay & Laredo for transmitting documents by electronic mail, said practice being that in the ordinary course of business, such electronic mail is transmitted immediately after such document has been tendered for filing.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 5, 2010, at Pacific Grove, California.

Lisa Andrew

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A. 09-04-015

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