

APPENDIX A



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED

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In the Matter of the Application of SAN JOSE WATER COMPANY (U 168 W) for an Order Determining That Authorization of Its Sale of Property #181, Site of the Doyle Road Station, Was Not and Is Not Required.

Application 09-12-026
(Filed December 21, 2009)

**JOINT STATEMENT OF STIPULATED FACTS BETWEEN
SAN JOSE WATER COMPANY
AND
THE DIVISION OF RATEPAYER ADVOCATES
REGARDING APPLICATION 09-12-026**

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April 12, 2010

**JOINT STATEMENT OF STIPULATED FACTS BETWEEN
SAN JOSE WATER COMPANY
AND THE DIVISION OF RATEPAYER ADVOCATES
REGARDING APPLICATION 09-12-026**

1. RECITALS

1.1. The Parties to this Stipulation are San Jose Water Company ("SJWC") and the Division of Ratepayer Advocates ("DRA"), hereafter collectively referred to as "the Parties". The term "Commission" means the California Public Utilities Commission. The Parties have addressed the issues in this proceeding and have negotiated the terms set forth in this Stipulation to resolve this proceeding.

1.2. The Parties agree and understand that Commission approval and adoption of this Stipulation may not be construed as an admission or waiver by any Party regarding any fact, matter of law, or issue thereof that pertains to this proceeding other than the specific admission of facts contained in this stipulation.

1.3. The Parties agree that the Commission has primary jurisdiction over any interpretation, enforcement, or remedies pertaining to this Stipulation, as provided by the California Constitution, Article XII, Section 8. No Party may bring an action pertaining to this Stipulation in any local, State or Federal court, or administrative agency without having first exhausted its administrative remedies at the Commission.

1.4 The Parties agree that this Stipulation is subject to approval by the Commission. As soon as practicable after all the Parties have signed the Stipulation, the Parties will jointly file a Motion for Commission Approval and Adoption of the Stipulation.

2. STIPULATION TERMS

2.1. Pursuant to D.09-11-032, ordering paragraph 15, the Commission required SJWC to file an application in compliance with California Public Utilities Code Section

851 because SJWC did not comply with the notice requirement set forth in D.06-05-041 prior to selling Property #181 ("the Doyle Drive property").¹

2.2. SJWC has complied with ordering paragraph 15 of D.09-11-032 by filing the Section 851 application.

2.3. DRA has examined the property designated by the name Lot #181 and concluded the parcel was not necessary or useful at the time of sale.

2.4. SJWC admits it inadvertently did not comply with the notice requirement set forth in D.06-05-041.

2.5. SJWC agrees to comply with the notice requirement for all real property sales in the future.

2.6. The Parties agree that the issues presented in this application have been resolved to the satisfaction of both parties and apply solely to SJWC and DRA.

2.7. This agreement represents the parties' complete and final agreement and supersedes all informal understandings and oral agreements relating to the subject matter of this agreement.

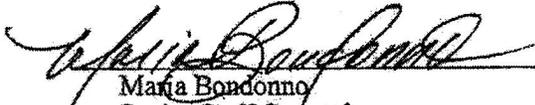
2.8. If approved, this agreement will remain in effect indefinitely unless modified with written consent from both of the parties.

3. CONCLUSION

The Parties agree that the terms of this Stipulation are reasonable, consistent with the law, and in the public interest.

¹ D.06-05-041, ordering paragraph 19, provides in part that water companies "shall provide the Director of the Water Division and the Director of the Division of Ratepayer Advocates 30 days' advance written notice whenever they plan to sell land, buildings, water rights, or all or part of a water system." The purpose of the 30 day notice requirement is to give the Commission an opportunity to assess whether companies are selling off key portions of their asset base.

Respectfully submitted,


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April 9, 2010

Respectfully submitted,


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April 9, 2010