

**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 Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates.

A.12-04-019
(Filed April 23, 2012)

**MARINA COAST WATER DISTRICT'S MOTION FOR
LEAVE TO FILE A REPLY TO THE RESPONSE OF
THE CALIFORNIA-AMERICAN WATER COMPANY TO
MARINA COAST WATER DISTRICT'S APPLICATION
FOR REHEARING OF D.12-10-030**

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Attorneys for Marina Coast Water District

Date: December 21, 2012

Marina Coast Water District (“MCWD”) respectfully requests leave to file its reply to the response of the California-American Water Company (“Cal-Am”) to MCWD’s Application for Rehearing (the “Application”) of the Commission’s Decision Declaring Preemption of County Ordinance and the Exercise of Paramount Jurisdiction (“D.12-10-030”).

The Commission issued D.12-10-030 on October 31, 2012. The Application was timely filed on November 30, 2012. Cal-Am filed its response to the Application on December 17, 2012. MCWD requests leave to reply to Cal-Am’s response to the Application by filing the accompanying reply pleading in order to assist the Commission in fully understanding the factual and legal assertions made by Cal-Am in its response. No prejudice will be suffered by any party if this motion for leave to file a reply is granted because if the motion is granted, the Commission will simply give the reply the weight to which the Commission, upon reviewing the reply, believes it is entitled.

The reply seeks to address and examine more closely the assertion by Cal-Am that its proposed project “is in furtherance of current State water policy and is consistent with relevant laws and regulations of agencies other than the Commission.” (Response of Cal-Am to the Application, p. 10.) Cal-Am’s assertion goes beyond responding to MCWD’s ripeness and preemption argument in the Application that the field of law that the local ordinance concerns is the field of the regulation of desalination. Indeed, as demonstrated in the reply, Cal-Am’s assertion raises matters not addressed in the Application. In addition, MCWD believes that permitting it to reply to Cal-Am’s response will assist the Commission in evaluating and distinguishing the specific ripeness and preemption authorities relied upon by Cal-Am in opposing the Application. Therefore, MCWD respectfully requests leave to reply to Cal-Am’s response to the Application.

DATED: December 21, 2012

Respectfully submitted,
FRIEDMAN & SPRINGWATER LLP

By: /s/ Mark Fogelman
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