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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates.

Application 12-04-019
(Filed April 23, 2012)

ADMINISTRATIVE LAW JUDGE'S RULING UPDATING SCHEDULE

In order to allow the Draft Environmental Impact Report (DEIR) for the Monterey Peninsula Water Supply Project (MPWSP) to incorporate more complete data, the procedural schedule for Phase 1 of this proceeding is modified. The primary changes are that the DEIR may be issued later than previously scheduled, and that there will be a comment period on the DEIR of 60 days, rather than the previous 45 days.

In addition, given the large number of parties in this proceeding, a ban on *ex parte* communications with decisionmakers is effective immediately. Two all-party meetings will be added to the revised schedule to allow for parties to present their views to the Commissioners in a fair and controlled manner.

In a previous ruling issued by Administrative Law Judge Minkin on August 21, 2014, parties' Opening Briefs on legal and policy issues were due 60 days after issuance of the DEIR. To accommodate the revised comment period on the DEIR, Opening Briefs are now due 75 days after issuance of the DEIR, with Reply Briefs due 15 days after Opening Briefs.

California-American Water (Cal-Am) has drilled a number of boreholes to provide stratigraphic data that will be useful in performing hydrologic analysis for the DEIR. In addition, Cal-Am is drilling a test well at the Cemex site. In the process of drilling the test well, additional stratigraphic data will be obtained that could be useful in the DEIR's hydrologic analysis.¹ Incorporation and analysis of this data, such as its use in modeling runs, is taking more time than allowed for in the current schedule.

Our DEIR preparation process also needs to remain coordinated with the DEIR being prepared by the Monterey Regional Water Pollution Control Agency (MRWPCA) for their Groundwater Replenishment Project, and recent revisions to the Groundwater Replenishment Project (such as the identification of new source water) must also be analyzed and incorporated into the California Public Utilities Commission's DEIR. In order to include this data and the related analysis in the DEIR, more time is needed than is provided by the current schedule. Because of the scope of the EIR, and its relationship to the Groundwater Replenishment Project, we will be allowing for a 60-day, rather than a 45-day, comment period on the DEIR.

Finally, it is important that the DEIR (and Final Environmental Impact Report (FEIR)) provide adequate information and analysis of the possible effects of the MPWSP on groundwater. The State Water Resources Control Board (SWRCB) has indicated that this is a topic that is important for the Commission to address, and has given us some guidance on how to do so. Commission staff

¹ Because of the duration required for a pump test from the test well, it is unlikely that significant pump test data from the test well will be available for the DEIR. In addition, the test well is subject to litigation that could delay its drilling and operation.

has consulted with SWRCB on this issue, and it appears that the potential value of the additional data and analysis that hopefully will become available outweighs the cost of the minor delay that is contemplated.

Accordingly, the schedule is modified to be as follows:

April 2015 - DEIR issued for comment.

60 days from DEIR - Comments on DEIR.

75 days from DEIR - Opening Briefs filed and served.²

15 days from Opening Briefs - Reply Briefs filed and served.³

July 2015 - All-party meeting.

October 2015 - FEIR published.

December 2015 - Proposed Decision issued.

January 2016 - All-party meeting.

February 2016 - Proposed Decision on Commission Agenda.

The schedule for Phase 2 of this proceeding may also need to be modified, but we will not modify it at this time. As the proceeding progresses, we will evaluate the need to modify the Phase 2 schedule.

IT IS RULED that:

1. The schedule for this proceeding is modified as described above.

² Briefs shall use a common outline. Cal-Am shall consult with parties to develop a common outline, and shall serve the common outline no later than 15 days after issuance of the DEIR.

³ Reply Briefs will follow the same common outline as the Opening Briefs.

2. *Ex parte* communications with decisionmakers in this proceeding are prohibited.

Dated January 23, 2015, at San Francisco, California.

/s/ GARY WEATHERFORD
Gary Weatherford
Administrative Law Judge