

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



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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.

A.12-04-019

(Filed April 23, 2012)

**MOTION TO DISMISS THE PROCEEDING
ON THE MONTEREY PENINSULA WATER SUPPLY PROJECT**

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I. INTRODUCTION

Pursuant to Rules 11.1 and 11.2 of the Rules of Practice and Procedure, I submit this motion on behalf of Water Plus to dismiss the proceeding on the Monterey Peninsula Water Supply Project (“MPWSP”),

On 1 October 2015, on behalf of Water Plus, I made a motion to dismiss the proceeding on A.12-04-019 because of data tampering discovered in the evaluation of the model developed to evaluate the environmental impact of the proposed project. Data tampering by a consultant to the Public Utilities Commission (“the Commission”) appeared to be sufficient grounds for dismissal not only because it is fraudulent, as was the alleged conflict of interest leading to the abandonment of the Regional Desalination Project, but also because it was a clear violation of Rule 1.1 of the Rules of Practice and Procedure, which requires anyone “who transacts business with the Commission . . . never to mislead the Commission or its staff by an artifice or false statement of fact or law.” The proceeding consists of separate California Environmental Quality Act (“CEQA”) and Certification of Public Convenience and Necessity (“CPCN”) tracks. Without dismissing or even investigating the allegation of data tampering in the model’s evaluation, ALJ Gary Weatherford, who oversees the CPCN track, denied the motion largely because the alleged data tampering occurred on the CEQA and not the CPCN track and was resolvable there via remodeling ordered by the Commission. Water Plus contends that this handling of the problem fails to deal with the issue of fraud.

That issue remaining alive, I am filing this new motion to dismiss based not only on the fraud of data tampering and the conflict of interest motivating it but also on the revisions in the MPWSP proposed by California-American Water (“Cal Am” or “the

company”) in its 14 March 2016 Amended Application, revisions that violate water-rights law and the state Agency Act. If data tampering alone constituted insufficient grounds for project dismissal, these new violations, added to it, clearly surmount the hurdle of sufficiency and constitute abundant and incontrovertible grounds for project dismissal.

II. THE DESAL EXPERIMENT

Cal Am’s recent Amended Application to change the project description in A.12-04-019 proposes now to obtain the project’s source water from aquifers that are a part of the Salinas Valley Groundwater Basin (“SVGB”). That proposed action is in direct violation of the state Agency Act, which prohibits the exportation of groundwater from the Salinas Valley. Previously, in this application, Cal Am planned to draw its source water via slant wells from under the seafloor because the company lacked water rights to draw water from the SVGB. This earlier planned action was also supposed to avoid violation of the state Agency Act, the assumption being that the water was not going to be drawn from the SVGB despite the well-known fact that the basin extends miles out to sea.¹ Now, the source water being affirmed to be groundwater within the SVGB, the Agency Act, as well as the water-rights issue, definitely comes into play.

Recognizing that the groundwater it now plans to use for source water contains a component of potable water, Cal Am is proposing to satisfy the Agency Act by returning that component to the SVGB, as the company planned to do in the abandoned Regional Desalination Project. No one at that time formally (in court or in a Commission proceeding) questioned whether such a return of water could satisfy the Agency Act, which

¹California State University Capstone Project: Salinas Valley Water Table “Elevations: A Visualization Using GIS, by April McMillian, 8 May 2003.

was assumed then to apply only to the potable-water component of the groundwater. The case is different in the current application. In D.12-10-030 (p. 15), filed on 31 October 2012, ALJ Gary Weatherford invalidated that assumption by his clear recognition of groundwater as source water containing both potable and non-potable components from which desalination filters out the non-potable component: the “treatment of seawater (including desalination) does not make the treatment plant the source of the water” and “the source of water would be the ocean (or possibly groundwater).” (The 25 July 2013 order [D.13-07-048] modifying D.12-10-030 does not alter this definition of groundwater as filterable source water.) That makes groundwater unfiltered water under the ground containing, in addition to a potable component, a non-potable component, including in the case of desalination the salt that desalination filters out. The Agency Act distinguishes groundwater only from surface water and explicitly prohibits the exportation of groundwater, not only the potable component of groundwater, from the Salinas Valley. Even logically, groundwater used for desalination cannot also be potable water because, if that were so, desalination would be unnecessary. Therefore, within the proceeding on A.12-04-019, in accordance with D.12-10-030 and the Agency Act, Cal Am must return all groundwater it proposes to draw, potable and non-potable, from the SVGB to the basin. In other words, Cal Am cannot legally draw and export, to the ocean or anywhere else, any groundwater from that basin. The Monterey County Water Resources Agency (“MCWRA”) must enforce the act that created it. To date, it has failed to do so. The Commission must not abet or join in the agency’s failure.²

² Public Utilities Code Section 2106:

Cal Am is not only planning to violate the Agency Act by returning only a fraction of its withdrawn groundwater to the SVGB, it is already doing so in its operating test well. In that operation, the company is exporting all of the millions of gallons of groundwater the well is pumping each day into the Pacific Ocean, the fraction of potable water returned to the valley being zero.³ The California Coastal Commission has issued a permit to the company to commit the violation on condition that the test well be disassembled upon completion of the testing to prohibit the well's use in the proposed project.⁴ The intent of imposing that condition was to free the company from the need to obtain a certified state Environmental Impact Report ("EIR") to operate the well. The permit required the company to deposit \$1 million subject to forfeiture if the test well in fact becomes a part of the full project. In its Amended Application, Cal Am proposes to do precisely that, the new plans including the test well as one of the project's back-up wells. Though clearly a permit violation—and a serious one to avoid CEQA requirements—this is unfortunately far from the only one.

In a settlement (the so-called "The Large Settlement Agreement" of 31 July 2013) with representatives of Salinas Valley growers and other parties to the MPWSP proceeding, the company agreed to operate the test well for over two years with the operation monitored by a four-member group of hydrogeologists, two chosen by Cal Am and the Commission and two by the growers' representatives. What the test well is supposed to

³ MPWSP Progress Report, 1 May 2015.

⁴ Permit A-3-MIRA-14-0050, Special Condition 6: ". . . Upon project completion, and no later than February 28, 2018, the Permittee shall cut off, cap, and bury the slant well head at least 40 feet below the ground surface, and shall completely remove all other temporary facilities approved by this coastal development permit. To ensure timely removal, the Permittee shall post the bond or other surety device as required by Special Condition 17 to ensure future removal measures would be appropriately supported and timed to prevent any future resurfacing of the well casing or other project components."

test during this period is unclear. According to the writings of at least one of the hydrogeologists (Timothy Durbin), the well's purpose is to test the model predicting the project's environmental impact.⁵ According to local political supporters of the well, it is to show that only a tiny fraction of the source water is potable and so necessary to return to the SVGB. The well clearly has failed to achieve the first purpose but equally clearly has achieved the second one at the cost of harming the SVGB by exacerbating saltwater intrusion.

Since it began operation in April 2015, cessation of pumping due to both well failure and failure to meet permit requirements has occurred on different occasions for many weeks at a time. What little the testing has been able to show in model evaluation is that the model has failed to predict the effect of pumping on either groundwater elevation or the percentage of total dissolved solids ("TDS") in the source water for the monitoring wells.

These failures, applicable to both of the only categories of measurement publicly reported for the testing, are traceable at least partly to faulty model assumptions, including (as noted by hydrogeologist Timothy Durbin⁶) an assumption that sea level is eight inches higher than it actually is. (That assumption reflects the prediction that the sea will rise 16 inches in the next 60 years, and eight is a sort of midpoint for that period.) The model as evaluated on historical water-elevation data, even with data tampering, and applied to

⁵ Timothy Durbin: Initial technical comments on groundwater models and effects analysis in April 2015 draft EIR for MPWSP, 18 September 2015: "A long-term slant-well test is needed to test the theory expressed by the modeling."

⁶ Ibid.

current test-well data is simply not a good model. The Commission has hired consultants to try to improve it.

With respect to its other putative purpose, reduction of the percentage of potable water in the well's source water, the story is quite different. That percentage has gone down from about 35 percent to about five-to-ten percent and is hoped by project proponents to go down even further, a trend reflecting saltwater intrusion into the SVGB. As the well draws water from basin aquifers near the shoreline, it creates a zone of depression reflecting a drop in water elevation within the aquifers. As water elevation drops in aquifers near the sea, sea water tends to supplement fresh water in the aquifers inland to the point where the fresh-water elevation equals the sea level, the percentage of sea water increasing as the fresh-water elevation drops. That is how substantial test-well pumping exacerbates saltwater intrusion and reduces the percentage of potable water in the well's source water. The problem of this "success" story is that valley growers have spent tens of millions of dollars to prevent and reverse the very saltwater intrusion that project proponents are rooting for. That is only one sad ending of this story. The other is that the whole idea of "return water" rests on the faulty premise that the water's return will satisfy the Agency Act prohibition of the exportation of groundwater from the valley. As noted earlier, only return of all the exported groundwater would satisfy the act. Operating with fits and starts that compromise the data it produces, in addition to violating the Agency Act, the test well should be shut down permanently.

Some MPWSP proponents may disagree with that observation because, believing that return water can resolve the Agency Act issue, they focus their attention on water rights. Although no one disputes that Cal Am lacks water rights in the Salinas Valley, the

SWRCB in a report requested by the Commission⁷ opined that Cal Am may not need water rights because, in the words of the report (p. 36), “If Cal-Am shows it is extracting water that no Basin user would put to beneficial use, Cal-Am could show its proposed desalination MPWSP develops new water in the Basin, water that could not have been used absent Cal Am’s efforts to make it potable.” That might be true if Cal Am were drawing its source water from under the seafloor, as previously planned, but not from groundwater, which is the current plan. According to ALJ Weatherford, as noted earlier, desalination of groundwater does not produce new water but merely extracts the already-existing potable component of groundwater by filtering out the non-potable component that contains salt. Which opinion is correct? Within the quasi-judicial world of the Commission and, particularly, the proceeding on the MPWSP, ALJ Weatherford’s must be the correct one. That being the case, lacking water rights and violating the Agency Act, Cal Am has no excuse—no cover from the SWRCB—to continue its test-well operation.

Worth noting in passing is that if the SWRCB opinion were correct—Cal Am’s desal plant would produce new water—then the Commission could lose regulatory authority over the project because the Commission’s authority is to regulate a utility that supplies or purveys existing water, not a company that produces new water. The MPWSP treads on thin ice.

The use of slant wells to draw SVGB water in the absence of water rights is only one of two MPWSP proposals that require objective and thorough examination before they can become incorporated into a serious and expensive project. The other is groundwater

⁷ SWRCB: Final Review of California American Water Company’s Monterey Peninsula Water Supply Project, 31 July 2013.

replenishment (“GWR”). The Commission should dismiss the entire proceeding involving both of these proposals as faulty experiments more than likely to fail at great ratepayer expense. Water Plus has no doubt that shareholders in Cal Am’s parent company would find such experiments too risky to fund.

III. THE GWR EXPERIMENT

GWR is one of those ideas that sound too good to resist for everyone, not just for staunch environmentalists. Who in California can deny the value of recycling a scarce resource like water? Like all ideas that look good at first, this one requires a closer look to make sure it is ready for implementation in the real world. That closer look for GWR reveals problems that may be insurmountable for its implementation in Monterey County.

Originally, the idea of GWR arose locally because of its apparent successful implementation in Orange County. There, sewer water underwent recycling that began with percolation in settlement ponds down to an aquifer leading miles downstream to a treatment plant that filtered the water using reverse osmosis along with other processes. The result was potable water.

Proceeding on that experience, proponents of GWR in Monterey County faced an initial problem that did not exist in Orange County. Sewer water here was available only during the winter months because Salinas Valley growers were using it, treated especially to be suitable for irrigation, the rest of the year. To achieve the locally-set goal of producing 3,500 acre-feet of potable water a year solely during the four winter months when the source water was available would thus require a desal plant that could produce 10,500 (3 times 3,500) acre-feet annually. That, of course, would triple the cost here

relative to Orange County. Another, related problem unique to Monterey County is that growers had contracted and paid for the right to access the sewer water for the entire year, including the winter months when it now goes out to sea because of the lack of a nearby storage facility. Local GWR proponents have no right to access the sewer water for the project they envisioned.

Realization of these problems led to an expansion of the initial vision to use only sewer water to a new vision including, in addition, the use of agricultural and urban runoff water in the Salinas Valley, water that would be available particularly in months when the sewer water would not be available. Another advantage of accessing the runoff water is that much of it contained pesticide contaminants that local growers were obligated to remove. GWR proponents could trade taking that obligation off the hands of growers for access to the winter sewer water, as well as the runoff water. Both sides appear to be working on an agreement to do just that. Capping off these positive developments for GWR, the Monterey Regional Water Pollution Control Agency (“PCA”) certified the project’s final EIR on 8 October 2015. Problems solved?

No. Like treating sewer water, treating urban or agricultural runoff water to make it potable sounds like a good idea when first considered because it can contribute to the conservation of natural resources. On occasion, it may well be a good idea, but not everywhere, and particularly not here in Monterey County, for three reasons: reliability, cost, and safety.

A. Questionable Reliability. The frequency of years when sewer water is available is likely to decrease with the progression of global warming. In a dry winter, when growers will need their treated water, they will not be able to give permission to the

PCA to treat it further for use elsewhere. Similarly, local water conservation efforts, including customer diversion of gray water from sewers to outdoor use, decreases the amount of sewer water available for treatment to make it potable. Likewise, the availability of runoff water varies from year to year as a consequence of annual climate changes and from month to month as a result of stormy and other weather conditions that can interrupt the intake flow by roiling the feed water to such an extent that the concentrations of pollutants from the soil and sediment increase beyond permissible amounts. So dependence on treated sewer and runoff water as part of the overall Monterey Peninsula water supply could make that supply extremely unreliable.

Cal Am is well aware of GWR's unreliability. The company has taken it into account in its proposed Water Purchase Agreement ("WPA") with the PCA, proposed owner and operator of the local GWR project. Instead of a constant monthly payment for potable recycled water, the agreement is to pay monthly only for the water actually delivered.⁸ Though good for Cal Am, the agreement is not good for the PCA, which will have a constant monthly payment to make on the loans taken to finance the project. Unreliability, which is likely to make financing the GWR project both difficult and costly, is unfortunately not the only cost problem facing the project. Cost itself is one of the major challenges GWR has to face in Monterey County.

B. Questionable Cost. The cost of treating sewer water to make it drinkable is especially high here. One reason is that, if available at all, the water for treatment would be

⁸Draft Water Purchase Agreement for the Pure Water Monterey Project, dated 14 January 2016: "For Company Water furnished to the Company under this Agreement, the Company shall pay Company Water Payments to the District on a monthly basis determined as the Company Water Rate multiplied by the quantity of Company Water delivered the previous month."

available only during the four winter months. As noted earlier, that means the capacity of the treatment facility would have to be three times greater than normal for the yield of a specific amount of drinkable water each year. Whatever the reasons, however, the cost of treating sewer water is much greater than desalinating seawater locally. In fact, a study commissioned by the Monterey Peninsula Regional Water Authority showed that for Cal Am's project a combination of desalinated and treated sewer water would cost \$1,000 per acre-foot more here than the cost of desalinated water alone.⁹ According to 15 December 2015 testimony by Cal Am's Vice President of Operations, Richard Svindland, GWR would have to cost no more than \$1,325 per acre-foot (p. 7) for the portfolio project including it to be comparable in cost to the project using a larger desalination plant without GWR. In a table presented by Svindland (p. 7), the annual cost of GWR water to Cal Am would be \$8.75 million. For the 3,500 acre-feet of water proposed to be provided by GWR, that would amount to \$2,500 per acre-foot, much more than the maximum allowable of \$1,325. Even \$2,500 may be too low. A few years ago, in a 15 March 2012 Monterey County Weekly article by Kera Abraham, former pollution control agency general manager Keith Israel was quoted as saying GWR involving sewer-water recycling alone would cost about \$3,000 per acre-foot. Now, with the addition of recycled agricultural runoff water, the cost could hardly be lower. The certified EIR does not provide a solid cost estimate, but the information available to date suggests that \$3,000 could be a lower limit for that cost. That is at least \$1,675 more per acre-foot ratepayers would have to pay for a small desal plant coupled with GWR than for a large desal plant alone.

⁹ Separation Processes, Inc. & Kris Helm Consulting: Evaluation of Seawater Desalination Projects: Final Report Update, January 2013, Table ES 1-2, p. ES-6

Monterey Peninsula ratepayers are already paying an average of \$5,300 per acre-foot for water drawn mostly from the Carmel River with minimal treatment cost.¹⁰ Now, when we are going to have to pay for expensively-treated water via reverse osmosis, that cost, exorbitant as it is, is likely to skyrocket. Intentionally including GWR in the project, adding \$1,675 more to the cost, is unconscionable.

High cost is not only a problem for individuals. It is also a problem for the community. The Monterey Peninsula economy depends on tourism and the local military presence. Using treated sewer water could hardly contribute to our community's attractiveness as a tourist destination. Who would anyone want to visit Carmel by the Toilet? The cost of living is an important consideration in Base Realignment and Closure decisions by the Pentagon. The Monterey Peninsula must not let the cost of water increase the local cost of living to such an extent that it drives the Defense Language Institute and the Naval Postgraduate School elsewhere.

C. Questionable Safety. The revised GWR project involves the use of agricultural runoff water that comes from, among other sources, the Blanco Drain and the Reclamation Ditch in the Salinas Valley. According to a toxicology report by a team of experts,¹¹ "The results indicated that Salinas River water downstream of the agricultural drain is acutely toxic to *Ceriodaphnia*, and toxicity to this species was highly correlated with combined toxic units of chlorpyrifos and diazinon." Diazinon is highly toxic in vertebrates (like us), with the following symptoms: colic, diarrhea and/or vomiting, vertigo, headaches, mitosis,

¹⁰ That is the result of dividing Cal Am's annual revenue of about \$53 million by 10,000 acre-feet of annual usage.

¹¹ Anderson, B. S., et al., Integrated assessment of the impacts of agricultural drain water in the Salinas River (California, USA), *Environ Pollut.* 2003;124(3):523-32.

bradycardia, sudden drop in blood pressure, convulsion, and apnea. Also an insecticide banned in the United States for home use, chlorpyrifos is moderately toxic to human beings, and exposure to it has been linked to neurological effects, persistent developmental disorders, and autoimmune disorders. Exposure during pregnancy retards the mental development of children. These may represent the least of the health hazards of GWR.

The Regional Desalination Project ruled out recycling using Blanco Drain and Reclamation Ditch feed water because of other toxins, as well, including elevated levels of highly toxic DDT, cited in a SWRCB study,¹² as well as others. The levels of all these toxins together in the Blanco Drain and other water sources proposed for use in the GWR project are high enough to render these sources unsuitable for use in agriculture even when subject to the same level of treatment that has been used for sewer water.

According to the SWRCB study just cited, the concentration of DDT in the Blanco Drain and elsewhere in the Salinas Valley is so high that its presence there in toxic form is likely to remain far into the current century. More recent studies¹³ have shown that “[b]abies and toddlers of California farmworkers exposed to the insecticide DDT have neurological effects that are severe enough in some cases to slow their mental and physical development, according to research by UC Berkeley scientists published today. The federally funded research [involved] children of women who recently emigrated from Mexico to the Salinas Valley.” Dominating the headlines this year is the toxic contamination of water in Flint Michigan as a result of motivation to reduce cost. Locally, motivation to reduce the carbon footprint or to delay implementation of the CDO must not be allowed to

¹² SWRCB: DDT in the Salinas Valley, Report No. 86-2 WQ.

¹³ Los Angeles Times, 5 July 2006.

turn the Salinas Valley into a Flint, Michigan. The consequences of implementing the CDO are far less serious than the consequences of implementing GWR. Fining Cal Am for over-pumping the Carmel River pales in comparison with endangering the public health for both residents and visitors on the Monterey Peninsula.

As noted earlier, an agreement may be in the works between Salinas Valley growers and GWR proponents to make feed water available for GWR in return for ridding the valley of DDT and other highly toxic pesticide pollutants. In response to concerns about such pollutants, the PCA commissioned an investigation by Trussell Technologies to put those concerns to rest, if possible. In a draft reply letter dated 31 December 2015, Rhodes Trussell indicated that water samples obtained from the Blanco Drain contained no DDT. That is indeed possible since the DDT resides in the soil and sediment of the drain. If feed water from the drain in fact will contain no DDT, as the PCA might like readers to infer from the Rhodes Trussell letter, then the GWR project would remove no DDT from the valley, in violation of the agreement with valley growers. That, of course, is not what is likely to happen. Any roiling of the water, due to pumping or weather events, will result in the suffusion of the feed water with DDT and other pollutants residing in the soil and sediment of the drain. Only a thorough investigation mimicking actual conditions likely to exist during the ongoing pumping operation can truly allay concerns about the occurrence of toxic pollutants in GWR product water.

The presence of DDT and other toxins in GWR feed water is extremely troublesome, especially since the only experience with using advanced treatment by reverse osmosis to purify water sufficiently to make it drinkable is with treated sewer water in Orange County. Nowhere has anyone had experience with the advanced treatment of toxic agricultural

runoff water to make it drinkable. Like saltwater slant wells, with no positive track record anywhere, GWR using toxic agricultural runoff water would essentially be treating Monterey Peninsula residents like Guinea Pigs. The CPUC should require Cal Am and the PCA to conduct true Independent, objective, scientific, and long-term experiments of these never-before-used procedures before even considering them for use in a project that can cost ratepayers hundreds of millions of dollars while exposing them to significant and irreversible health hazards.

IV. THE MODEL EXPERIMENT

In the prior motion to dismiss this proceeding, Water Plus focused on data tampering in the evaluation of the model developed by Geoscience Support Services to determine the long-term environmental impact of slant-well pumping in the MPWSP. By failure to predict the effect of test-well pumping on water elevation in nearby monitoring wells, the model has already proved itself to be inadequate. The model is critical to EIR certification because the CDO leaves insufficient time for a long-term study of the effect of slant-well pumping on the environment. Recognizing this criticality, Geoscience reported a study putatively showing that the model provided a good fit to historical water-elevation data made available by the MCWRA. Examining the data underlying that study, I discovered data tampering in the model's evaluation. Simply put, the purpose of the model is to estimate the effect of pumping on water elevation at the pumping site and other sites at various distances from it. The model consolidates and optimizes all the wisdom and expertise of the hydrogeologists who participated in its development. Any fine-tuning of model estimates is ad hoc and opportunistic, as was the case when hydrogeologists attributed an unestimated drop in the water elevation of a monitoring well to agricultural

pumping at a distance farther from the monitoring well than the test well. A fair question is, how can a model that provided a good fit to historical data function so poorly on data from the test well?

The answer, as I discovered, is that the model only appeared to fit the historical data well because of data tampering that made a bad model look good. The historical data consisted of water elevations in wells pumping from the 180-foot, 400-foot, and 900-foot aquifers. Yet, the test well pumps only from the 180-foot aquifer and the Dune Sands Aquifer, which was not included in the historical data. For that reason, I examined the historical data only for the 180-foot aquifer, and it is in that examination that I encountered data tampering. Varying from well site to well site and from time to time, water elevation measurements consist of two separate components, a predicted and an unpredicted (error) component, each of which accounts for a percentage of the measurement variation, the two percentages adding up to 100, no more and no less. Otherwise, a portion of the measurement variation would be either both predictable and unpredictable (overlap) or neither predictable nor unpredictable (gap), illogical occurrences that could result only from data tampering. What I discovered is a gap of 30 percent resulting from manipulating the data to reduce the error variation without altering the measurements. What I discovered was data tampering to improve the appearance of the model.

In denying the prior Water Plus motion to dismiss this proceeding on the basis of alleged data tampering, ALJ Weatherford claimed that, even if such tampering existed, further modeling by a different consultant could remedy the problem. That is hardly possible. It assumes incompetence rather than fraud by Geoscience. The model was bad

not because of fraud, which made it only appear good, but because, as bad as it was, it was about as good as it could be based on the expertise and information available.

Data tampering is only one of a number of possible manifestations of the conflict of interest uncovered by a regular attendee of Water Plus weekly meetings (Charles Cech), but, even standing alone, it is a fraud forbidden by the Commission's Rules of Practice and Procedure (Rule 1.1). The Commission responded to the disclosure of the conflict of interest by discharging Geoscience as one of its EIR consultants. That action may have exculpated the Commission from participation in fraud, but it did not eliminate the conflict of interest. Geoscience still functions as both designer and evaluator of the test-well experiment under contract to Cal Am. The Commission must do more. It must dismiss the proceeding on the MPWSP. The MPWSP proceeding has been going on for four years now. Suffused with conflict of interest and infected by fraud, the proceeding has no fruitful end in realistic sight, but it must end before the wasteful expenditure of ratepayer money continues any further. The Commission must dismiss the proceeding with minimal delay.

V. THE PEOPLE'S ALTERNATIVE

Dismissal of the MPWSP proceeding will not leave the Monterey Peninsula without the new water supply it needs for Cal Am to be able to cease over-pumping the Carmel River. According to a 17 March 2016 notice by Kenneth Lewis of the Commission's Entergy Division, the draft EIR for the MPWSP is due to be released for public comment on 21 December of this year. On 30 March of this year, the draft EIR for the People's Desalination Project, already delivered to the Moss Landing Harbor District, will be presented to its board for review by its consultant, Aspen Environmental Group, the reviewed document expected to be circulated for public comment before summer, months

ahead of the MPWSP draft EIR release. Monterey Peninsula ratepayer financing of experiments that state agencies desire to conduct but lack the money to fund must end. The time has come to dismiss or terminate the proceeding on the MPWSP. It is the responsible thing to do.

VI. CONCLUSION

For these reasons, Water Plus moves that the Commission act as soon as possible to dismiss or otherwise terminate the proceeding on A.12-04-019.

Dated March 30, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Weitzman". The signature is written in a cursive, flowing style.

Ron Weitzman

President, Water Plus