

**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 (U210W) for an Order
Authorizing Collection and Remittance of the
Monterey Peninsula Water Management District
User Fee

A. 10-01-012
(Filed January 5, 2010)

NOTICE OF EX PARTE COMMUNICATION

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WATER MANAGEMENT DISTRICT

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NOTICE OF EX PARTE COMMUNICATION

Pursuant Rule 8.3 of the Commission’s Rules of Practice and Procedure, Monterey Peninsula Water Management District (“MPWMD” or “District”) an interested party in the above-captioned matter, hereby files the following notice of ex parte communication. On Friday September 9, 2016, Thomas J. MacBride, Jr., counsel for MPWMD, met with James Ralph, advisor to President Michael Picker. The meeting took place at the Commission’s offices at 505 Van Ness Avenue in San Francisco, California. The meeting began at 9:00 AM and lasted approximately forty-five minutes. No written materials were employed.

During the conversation Mr. MacBride reviewed the history of the seven-year proceeding. He noted that over the seven years, the above-captioned parties to it had remained unwavering in their unanimous support for a resumption by the California American Water Company (“Cal-Am”) of collection of the District’s User Fee for the District. Mr. MacBride expressed the District’s concern over the fact that in the over seven months since the California Supreme Court (“Court”) remanded the matter to the Commission (after vacating the orders that interrupted the 30-year collection of the User Fee) the Commission itself has done nothing in response to the Court’s decision. In particular, Mr. MacBride expressed the District’s disappointment with the “Joint Ruling Of Assigned Commissioner And Administrative Law Judge Adopting Procedural Process For Third-Party Billing Contract As Required By Remand From California Supreme

Court” (“Ruling”), which requires pursuit of a complex procedural path to engage in the same activity every other public utility in California undertakes for myriad local government bodies virtually daily (without going through the process detailed in the Ruling). He also noted that during the 30 years that the District collected its User Fee through Cal-Am, neither Cal-Am nor the District had ever been required to undertake the course outlined in the Ruling. (Mr. MacBride also stated that over the seven years the proceeding has been pending at the Commission, no party has ever opposed Cal-Am’s collection of the User Fee for the District.)

Mr. MacBride also noted that local government collects roughly \$1.5 Billion annually through a process the Ruling now seeks to subject to a form of scrutiny (1) developed to prevent fraudulent charges on telephone bills and (2) never applied to any other utility collecting government charges for any other government entity. Mr. MacBride noted that, despite suggestions to the contrary at page 4 of the Ruling, the Court had done absolutely nothing to alter the legal framework governing the collection by Cal-Am (or any other utility) of a charge originating with the District (or any other local government body).

To obtain a copy of this notice, please contact Wendy Peña at Goodin, MacBride, Squeri & Day, LLP, 505 Sansome Street, 9th Floor, San Francisco, California 94111, or telephone at (415) 392-7900.

Respectfully submitted September 13, 2016 at San Francisco, California.

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By /s/ Thomas J. MacBride, Jr.

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