



**FILED**  
6-30-17  
04:59 PM

# EXHIBIT A

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
1	California-American Water Company; Sarah Leeper; sarah.leeper@amwater.com; 415-863-2960	Updated cost estimates for the project.	The <i>Administrative Law Judge's Ruling Requesting Parties to Identify Issues for Further Evidentiary Hearings</i> ("Ruling") states that updated evidence on cost estimates may be needed. This may be due to the passage of time since costs were last updated, refinement of the project, and the issuance of the Decision on California American Water Company's Application for Approval of the Monterey Peninsula Supply Project Specifically in Regards to Phase 2, D.16-09-021 ("Phase 2 Decision"), approving the Monterey Pipeline and Pump Station ("MPPS") and a cost cap of \$50.3 million for the MPPS.	The Ruling states that updated evidence on cost estimates may be needed. This may be due to the passage of time since costs were last updated, refinement of the project, and the issuance of the Phase 2 Decision.	Cal Am will provide testimony updating costs for the project.
2	California-American Water Company; Sarah Leeper; sarah.leeper@amwater.com; 415-863-2960	Updated financing details for the project.	The Ruling states that updated evidence on financing details may be needed. This may be due to the passage of time since financing details were last updated, refinement of the project, and the issuance of the Phase 2 Decision.	The Ruling states that updated evidence on financing details may be needed. This may be due to the passage of time since financing details were last updated, refinement of the project, and the issuance of the Phase 2 Decision.	Cal Am will provide testimony updating financing details for the project.
3	California-American Water Company; Sarah Leeper; sarah.leeper@amwater.com; 415-863-2960	Assessment of the forecast demand that bears upon the justification for and the sizing of the Monterey Peninusal Water Supply Project.	The Ruling states that updated evidence on the forecasted demand may be needed. This may be due to the passage of time since financing details were last updated, refinement of the project, and the issuance of the Phase 2 Decision.	The Ruling states that updated evidence on the forecasted demand may be needed. This may be due to the passage of time since financing details were last updated, refinement of the project, and the issuance of the Phase 2 Decision.	Cal Am will provide testimony on updated forecast demand numbers.
4	California-American Water Company; Sarah Leeper; sarah.leeper@amwater.com; 415-863-2960	A project alternative that includes the desalination plant energized by a combination of purchased electricity and on site solar panels.	The Ruling states that evidence on a project alternative that includes the desalination plant energized by a combination of purchased electricity and on site solar panel is necessary. This option has not been formally addressed in this proceeding.	The Ruling states that evidence on a project alternative that includes the desalination plant energized by a combination of purchased electricity and on site solar panel is necessary. This option has not been formally addressed in this proceeding.	Cal Am will provide testimony on the cost and design issues associated with this project alternative.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
5	California-American Water Company; Sarah Leeper; sarah.leeper@amwater.com; 415-863-2960	The feasibility and costs of the desalination plant being constructed in modular increments, with the potential for the Commission to authorize a smaller plant now (even smaller than 6.4 million gallons per day, if feasible) but with the option for applicant to later request authority to add increments if and as demand increases.	The Ruling states the evidence on construction of the desalination plant in modular increments is necessary. This option has not been formally addressed in this proceeding.	The Ruling states the evidence on construction of the desalination plant in modular increments is necessary. This option has not been formally addressed in this proceeding.	Cal Am will provide testimony on whether or not this proposed alternative would provide any savings or efficiencies to the project.
6	Citizens for Just Water, Margaret-Anne Coppernoll Ph.D., ph. 831-578-7877	New Airborne Electro-Magnetic (AEM) subsurface imaging data is available to evaluate groundwater resources, including fresh water reserves and salt water intrusion.	The recently acquired AEM data must be incorporated into the ground water modeling to more accurately prove whether "no harm" has occurred to Marina groundwater basin, MCWD's current only source of water. This action will provide sound science.	Groundwater modeling in the DEIR is inadequate to prove "no harm" and AEM provides significant new baseline information to test the accuracy of the current model.	MCWD would be directed to present its new AEM data to show locations of fresh water, salt water intrusion and permeability between aquifers. Cal-Am needs to incorporate this valuable data into an analysis of the Salinas Valley Groundwater Basin.
7	Citizens for Just Water	The Monterey Peninsula Water Supply Project ("Project") description is fundamentally misrepresented, deceiving, and misleads the public into a belief that it is a sub-surface ocean intake.	This "Project" primarily draws from the Perched Dune Sand Aquifer and the 180-Foot Aquifer. This deception is a betrayal of the public trust.	This "Project" negatively impacts the groundwater of Marina and harms the sole source of public water to citizens.	CPUC must require more research on the harm and impacts to the Salinas Valley Groundwater Basin because the "Project" is a ground water intake project.
8	Citizens for Just Water	Cal-Am has no water rights in the Salinas Valley Groundwater Basin.	The City of Marina has proven and established water rights. There are multiple legal agreements and water allocations between the City of Marina, MCWD, FORA, the U.S. Army, and the Ord Communities that are omitted and disregarded. This issue constitutes social and legal injustice.	The "Project" is not feasible without legal water rights.	There should be no approval for the DEIR until legal water rights for this "Project" have been resolved. Certification for a smaller desalination project and any modular components cannot be approved until the issue of water rights has been legally established.
9	Citizens for Just Water	The Monterey Peninsula Water Supply Project violates state and federal ground water laws and agreements.	The "Project" violates the California State Agency Act and victimizes citizens and entities with existing legal water rights. This "Project" will contribute to depletion of ground water supplies, will increase saltwater intrusion, and will increase water rates for residents of the City of Marina and the Ord Communities.	Water from our Salinas Valley Groundwater Basin cannot be exported to the Peninsula, nor can return water be exported and sold to Castroville.	Cal-Am must show how this "Project" can be approved when it violates relevant laws regarding export of ground water. CPUC must ensure conformance to all relevant laws regarding the export of ground water.

	Party & Contact	A A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	B An explanation of why the issue is disputed or requires further evidence.	C An explanation of why the issue is material or requires further evidence.	D A brief statement of what the party's proposed additional testimony on the issue will show.
10	Citizens for Just Water	The Monterey Peninsula Water Supply Project disregards current and future water demands of the citizens of the City of Marina and the Ord Communities.	No assessment has been documented for current and future water demand needs of the 21,000 residents in the City of Marina and the growing 12,000 residents in the Ord Communities.	Marina and Former Fort Ord land's growth are dependent on the ground water allocations and availability of water for current and future developments.	Cal-Am must evaluate and document current and future water demand needs in Marina and Ord lands mirroring the detailed analyses provided for the Peninsula residents in the DEIR.
11	Citizens for Just Water	The Monterey Peninsula Water Supply Project deprives the citizens of the City of Marina due consideration for civic equity between municipalities.	This "Project" serves to provide water to affluent Peninsula communities using Marina groundwater with no discussion as to the long term detrimental impacts to our community. Marina's low-income, diverse working class population should not be housing yet another regional industrial need of the region. The "Project" invades the City of Marina and MCWD water jurisdiction.	The regional burdens must be shared for true civic equity. Marina is currently home to both the Monterey Regional Waste Management District (landfill) and the Monterey Regional Pollution Control Agency (sewage treatment) that serves the Peninsula. Our community will bear all the risks and consequences, and will receive no benefits from the Monterey Peninsula Water Supply Project.	CPUC must give added considerations for the Peninsula needs to locations other than Marina. The two other viable direct ocean uptake desalination projects that are being considered are credible alternatives that do not use precious ground water from our region.
12	Citizens for Just Water	The Monterey Peninsula Water Supply Project will create long term harm to community values, recreation, and quality of life of the citizens of the City of Marina, the Ord Communities, and Monterey Bay coastal cities.	There are strong regional community values for protecting and preserving scenic coastal resources. This "Project" misuses this valuable resource. If approved there will be loss of recreational access, adverse outcomes for tourism and quality of life, while degrading community identity and restricting approximately a quarter of Marina's limited four-mile coastline.	Recent widespread protest against the CEMEX sand mining plant shows public outrage over an industrial project negatively impacting the coast line. Our community does not need another disruptive harmful industrial project in its place. This type of commercial/industrial use poses a violation of the City of Marina's Local Coastal Plan (LCP).	The "Project" cannot be approved while there are pending legal challenges from state and local governmental agencies on the CEMEX property. The industrial nature of the Monterey Peninsula Water Supply Project may conflict with the desires of the entire Monterey Bay community for the preservation of open space along a cherished National Marine Sanctuary.
13	Citizens for Just Water, Margaret-Anne Coppernoll, Ph.D., ph. 831-578-7877; email: mcopperma@aol.com	The "Project" will create long term economic harm to the citizens of the City of Marina, and the Ord Communities.	Long term economic harm includes impacts to our ethnically diverse 'mom and pop' businesses, reduced city revenues, and physical infrastructure damages to the two main thoroughfares of the City of Marina (Del Monte Blvd. and Reservation Rd.). The DEIR states that worker and heavy equipment vehicles will make approx. 19,500 trips per month during some peak phases of construction on the main arteries of the City of Marina's central business district.	Economic recovery for the City of Marina has been elusive in the wake of the 1995 Fort Ord Base closure and the 2008 Great Recession. All planned economic development came to an abrupt stop with base closures and resulting population declines. Small businesses with narrow margins will not withstand two years of decreased business, and thus be at risk for bankruptcy. The City of Marina is currently struggling with funding for basic repairs to city streets.	Cal-Am to provide testimony on specific monetary adverse impacts to the City of Marina mentioned in the DEIR but not accurately assessed. What are the adverse economic impacts on the small business community that will experience a reduced customer base, and on taxpayers who will shoulder the burden of infrastructure maintenance and repair?

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
14	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	What is the true water demand for the Project?	The customer water demand figures presented in the Draft EIR/EIS are outdated, incomplete, based on incorrect assumptions and would result in a prohibited "waste" of exported groundwater.	A current and objective assessment of the true water demand is critical to establish accurate Project sizing and to identify Project alternatives, including those that do not involve a desalination plant.	CalAm's total existing customer water demand is approximately 9,500 afy and steadily declining. CalAm expects approximately 6,000 afy each year in the future from other sources and should have approximately 3,500 afy available from Pure Water Monterey. There is a serious question as to whether any water is needed from a desalination project. CalAm should provide testimony regarding customer water demand and supply.
15	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	What is a reasonable range of small alternatives for the Project?	Current Project sizing is based solely on a desalination Project of 9.6 or 6.4 mgd -- no smaller alternatives have been evaluated. A range of smaller alternatives must be explored.	A reasonable range of Project alternatives must be calibrated to CalAm's true Project demand, which appears to be substantially less than previously believed.	There are reasonable and significantly smaller alternatives for this project, including those that do not involve a desalination plant. CalAm and other interested parties should provide testimony on this issue.
16	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	Can CalAm show that the Project is feasible by demonstrating that it has water rights to extract groundwater from the Salinas Valley Groundwater Basin (Basin)?	If CalAm does not hold or have a confirmed and fully viable path forward to obtain such groundwater rights, the current proposed Project cannot move ahead. To date, there have not been any factual findings regarding the availability of and process for obtaining such groundwater rights.	This is a threshold feasibility issue that fundamentally affects the size, location, water source and viability of the Project that must be factually assessed.	It appears that CalAm has no current groundwater extraction rights in the Basin and no confirmed and fully viable path forward to obtain such rights. CalAm should provide testimony to carry its burden on this feasibility issue. Marina will likely present expert and other testimony on this issue.
17	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	Can CalAm show that the Project is feasible given the direct legal prohibitions on appropriating and exporting groundwater in this particular Basin?	The Project proposes to extract and export groundwater from the Basin in direct contravention of the Agency Act and MCWRA Ordinance No. 3709. A factual inquiry is necessary to inform a decision on whether the Project will contravene these laws.	This issue is material because these legal impediments will make the Project infeasible.	It appears that the Project's planned groundwater extraction from the Basin directly violates these laws. CalAm should provide testimony to carry its burden on this feasibility issue. Marina will likely present expert and other testimony on this issue.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
18	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	Can CalAm demonstrate that the Project is feasible given enactment of the new Sustainable Groundwater Management Act and the subsequent designation of the Basin as "critically overdrafted," which is resulting in expedited management under SGMA?	The recent enactment and implementation of SGMA is a new development that fundamentally undermines Project viability. The factual implications of this development need to be assessed.	If the new SGMA developments will likely result in a significant limitation or prohibition on the planned Project groundwater extractions, the Project would not be feasible.	Given the high current and expected future Basin water demands, it appears extremely unlikely that this new groundwater extraction will be allowed under SGMA. CalAm should provide testimony to carry its burden on this feasibility issue. Marina will likely present expert and other testimony on this issue.
19	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	What quantity of groundwater will CalAm extract given the latest Project location, water source and scientific research data?	In the last two years, CalAm has shifted the slant wells landward and increased its proposed extraction of Basin groundwater. At the same time, the scientific research and models for assessing groundwater location, quantity and extraction amounts have advanced substantially. The amount of groundwater proposed to be extracted is an important disputed factual issue for this Project.	This issue has not been examined since the new location and scientific information and models have become available.	The amount of Basin groundwater that would be extracted has been significantly understated. CalAm should provide testimony to carry its burden on this feasibility issue. Marina will present expert and other testimony on this issue.
20	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	Can CalAm demonstrate that the Project will not cause injury to current and future Basin groundwater users as a result of groundwater depletion, seawater intrusion impacts, water storage interference or other potential impacts?	No Basin groundwater extraction can occur if any such injuries may occur. There is new Project and scientific information available to inform this factual analysis. CalAm bears the burden of proof to demonstrate no injury.	No groundwater extraction right could ever be established if such injury could occur to Basin groundwater users.	It appears that a range of such injuries will likely occur under current Project plans. CalAm should provide testimony to carry its burden on this feasibility issue. Marina will present expert and other testimony on this issue.
21	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	What are the track record, performance, feasibility and costs of the new and unproven slant well technology, and in what coastal locations within the CalAm customer service area could they be installed?	These factual issues have not been addressed and have come to the forefront given the groundwater injury issues these wells currently pose.	These key factors are material in determining Project feasibility and appropriate alternatives.	The slant well technology is new, has no track record and is not currently used in any commercial desalination plant in the world. CalAm should provide testimony on this issue.



	<b>Party &amp; Contact</b>	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
22	City of Marina; Layne P. Long; llong@cityofmarina.org; (831) 884-1278	What are the full adverse and disproportionate impacts of the Project on minority and low-income communities such as the City of Marina?	A credible environmental justice analysis is necessary to properly evaluate Project alternatives and viability.	The CPUC is legally required to assess the potential disproportionate impacts of the Project on communities such as Marina.	The City of Marina would bear a huge disproportionate and unfair share of Project burdens, with no benefit, and this factual analysis is necessary to formulate and select among Project alternatives. Marina will present expert and other testimony on this issue.
23	LandWatch Monterey County; John Farrow; jfarrow@mrwolfeassociates.com; 415 369 9400; Planning and Conservation League; Jonas Minton; jminton@pcl.org; (916) 719-4049	The timing and sizing of the proposed desalination facility should be adjusted to accommodate potential expansion of the Pure Water Monterey water recycling project to provide CAW greater than 3,500 acre feet annually.	Previous planning has assumed that the Pure Water Monterey project would not be developed any sooner than the desalination facility and that it could only deliver 3,500 afy of water. It now appears that the Pure Water Monterey project will be completed prior to the desalination facility. There may be a potential to increase the amount of water that can be supplied to CAW.	If additional recycled water can be provided to CAW, that would reduce the required capacity for the desalination project. If Pure Water Monterey can provide additional capacity sooner than the desalination facility, impacts to the Carmel River could be reduced sooner and CAW could get into compliance with the CDO sooner.	CAW, Monterey Peninsular Water Management District, and Monterey Regional Water Pollution Control Agency should be requested to provide information on whether more than 3,500 acre feet annually could be provided from the Pure Water Monterey project to CAW. If so, information should be presented about the amount, timing, and cost of increased deliveries from Pure Water Monterey.
24	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Demand: What is CAW's current annual demand volume for its Monterey District, in AFY and MGD?	CAW claims it requires a 9.6 MGD or 6.4 MGD MPWSP to serve its customers and cease its unlawful diversions from the Carmel River, but its existing legal supply plus its minimum estimated GWR and expanded ASR supply appears sufficient to achieve that objective.	The Commission may only approve the MPWSP if it is shown to be necessary to ensure CAW's ability to satisfy the needs of its existing customers.	CAW would be asked to provide sworn testimony as to its current annual demand volume

	<b>Party &amp; Contact</b>	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
25	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Demand: How much of CAW's current annual demand volume is non-revenue water, and what are the percentages of non-revenue water attributable to categories of (a) leaks and (b) firefighting, repairs, maintenance and other necessary uses?	There does not appear to be evidence in the record concerning non-revenue volume or the future prospects of reducing non-revenue volume	Non-revenue volume contributes to overall demand volume and/or, alternatively, reduces available supply for CAW's customers.	CAW would be asked to provide sworn testimony as to its current and projected volume and categories of non-revenue production, including its plan and projection for continuing to reduce system leaks and other non-revenue volumes in the future.
26	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Demand: What is an accurate and realistic projection of demand volume as of 2017 for Lots of Record (LOR)?	Testimony concerning LOR demand is outdated	Projected LOR volume contributes to overall demand volume for future years	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to an accurate and realistic projection of LOR demand
27	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Demand: What is an accurate and realistic projection of demand volume as of 2017 for the Pebble Beach (PB) allotments?	Testimony concerning PB demand is outdated	Projected PB volume contributes to overall demand volume for future years	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to an accurate and realistic projection of PB demand



	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
28	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Demand: What is an accurate and realistic projection as of 2017 of demand volume, if any, for the purported "tourism bounce-back" after the 2008 economic downturn?	Testimony on any "tourism bounce-back" is outdated; any such "bounce-back" from nine years ago is unlikely to be relevant for present and future demand calculations	Additional tourism demand, if realistically expected, would contribute to overall demand volume for future years	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to an accurate and realistic projection of PB demand
29	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: What is the volume of CAW's existing and already-approved supply sources for its Monterey District, pre- and post-December 31, 2021?	CAW claims it requires a 9.6 MGD or 6.4 MGD MPWSP to serve its customers and cease its unlawful diversions from the Carmel River but its existing legal supply plus its minimum estimated GWR and expanded ASR supply appear sufficient to satisfy that objective.	The Commission may only approve the MPWSP if it is necessary to ensure CAW's ability to satisfy its existing customers' needs.	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to CAW's existing and already-approved supply sources for its Monterey District, pre- and post-December 31, 2021.
30	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: Considering the answers to MCWD's foregoing demand and supply questions, and allowing for peak demand period coverage (which CAW has already testified exists for its current demand volume), what will be the amount, if any, of CAW's supply shortfall without the MPWSP on January 1, 2022?	CAW claims it requires a 9.6 MGD or 6.4 MGD MPWSP to serve its customers and cease its unlawful diversions from the Carmel River but its existing legal supply plus its minimum estimated GWR and expanded ASR supply appear sufficient to satisfy that objective.	The Commission may only approve the MPWSP if it is necessary to ensure CAW's ability to satisfy its existing customers' needs.	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to their views on the shortfall, if any, in CAW's supply sources for its Monterey District post-2021 and without the MPWSP.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
31	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply and Project Cost: Should a desalination project operating 24/7, 365 days per year, and with a return water obligation, be sized based on annual demand to satisfy 12 peak demand months (which sizing would be unnecessary and wasteful in months in which peak demand does not exist), or should periods of peak demand be satisfied by utilizing GWR, ASR or other sources and/or other non-desalination water supply projects, as needed?	Size testimony and demand testimony are outdated; the priority of use of particular supply sources is not present in the record. CAW's proposed operation of the project would result in increased costs to inject and recover excess non-peak demand water using new proposed injection wells #5 and #6.	If alternate sources can provide sufficient supply to CAW that could significantly reduce the capacity or perhaps eliminate the need for desalination altogether, there is no need for this project	CAW, MPWMD, MRWPCA, ORA and other parties with information relative to sizing and source priorities would be asked to provide sworn testimony on the cost and prudence of operating a desalination project 24/7, 365 days per year, in light of current demand and supply information.
32	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: If CAW will experience a supply shortfall on January 1, 2022, what are the reasonable alternatives for desalination project size?	Project sizing testimony is outdated	The Commission may only approve the proposed 6.4 or 9.6 mgd MPWSP if it is necessary to ensure CAW's ability to satisfy its existing customers' needs	CAW and MPWMD would be asked to provide sworn testimony as to their views on the appropriate size for the MPWSP
33	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: If CAW will experience a supply shortfall on January 1, 2022, what are the reasonable alternatives for desalination project intake locations that will result in the least damage to the Salinas River Groundwater Basin, including the aquifers underlying and in the vicinity of the proposed CEMEX project site, as well as the Monterey Bay National Marine Sanctuary?	The record on impacts to groundwater is outdated, incomplete and hotly contested. Recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witness, Curtis Hopkins, concerning the quality and quantity of groundwater underlying the project area.	The Commission must consider all feasible locations for desalination intake, so as to avoid unmitigable harm to groundwater conditions, aquifers, and users in the vicinity of the proposed CEMEX project intake site.	MCWD will present updated sworn expert testimony and recent scientific research concerning the proposed location for MPWSP desalination intake wells

	Party & Contact	A A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	B An explanation of why the issue is disputed or requires further evidence.	C An explanation of why the issue is material or requires further evidence.	D A brief statement of what the party's proposed additional testimony on the issue will show.
34	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: If CAW will experience a supply shortfall on January 1, 2022, what are the reasonable alternatives for desalination project intake technologies that will result in the least damage to the Salinas River Groundwater Basin, including the aquifers underlying and in the vicinity of the proposed CEMEX project site, as well as the Monterey Bay National Marine Sanctuary?	The record on impacts to groundwater is outdated, incomplete and disputed. Recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witnesses, Curtis Hopkins and Erler & Kalinowski, Inc., concerning the quality and quantity of groundwater underlying the project area.	The Commission must consider all feasible technologies for desalination intake.	MCWD will present sworn expert testimony concerning viable alternative intake technologies for desalination
35	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: What are the feasible project alternative to the MPWSP that would provide CAW with the total supply portfolio necessary to serve its Monterey District post-2021? Or, are any or all of the following alternatives feasible, and if so what volume of supply would they provide? <ul style="list-style-type: none"> <li>• Additional ASR supply</li> <li>• Additional groundwater supply sources</li> <li>• Additional surface water supply sources</li> <li>• Additional GWR/Pure Monterey supply</li> </ul>	There is minimal record evidence concerning CAW's full portfolio of supply sources, particularly as of 2022; MCWD believes that multiple modestly-sized supply sources exist or can readily be brought on line in advance of 2022.	The Commission must consider all potentially competing, mutually exclusive and feasible projects that could satisfy demand, under the doctrine of <i>Ashbacker Radio Corp. v. FCC</i> ?	MCWD will present sworn testimony concerning the readiness and feasibility of several supply alternatives for CAW to purchase water in volumes ranging between 500 and 700 AFY of potable water from various sources available to MCWD. Other parties should be permitted to present evidence of other small water supply projects that may obviate any need for the MPWSP and better serve the public interest.
36	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: Will the MPWSP, as proposed, impair groundwater volume in the project area?	There is conflicting testimony concerning impacts to groundwater in the project area; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witness, Curtis Hopkins, concerning the quality and quantity of groundwater underlying the project area.	If the MPWSP as proposed is not legally feasible, the Commission may not approve the project.	MCWD will present updated sworn expert testimony and recent scientific research concerning the likely adverse impact of MPWSP desalination intake wells on groundwater in the project area

	Party & Contact	A	B	C	D
		A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	An explanation of why the issue is disputed or requires further evidence.	An explanation of why the issue is material or requires further evidence.	A brief statement of what the party's proposed additional testimony on the issue will show.
37	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: will the MPWSP, as proposed, impair groundwater quality in the project area?	There is conflicting testimony concerning impacts to groundwater in the project area; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witness, Curtis Hopkins, concerning the quality and quantity of groundwater underlying the project area.	If the MPWSP as proposed is not legally feasible, the Commission may not approve the project.	MCWD will present updated sworn expert testimony and recent scientific research concerning the likely adverse impact of MPWSP desalination intake wells on groundwater in the project area
38	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: <i>Water rights - assuming the Commission may decide the matter, and assuming that the SWRCB's 2013 review of the proposed MPWSP is correct as a matter of law and not superseded by the Sustainable Groundwater Management Act, other applicable law, or contract (including Ex. MCD-6, the 1996 Annexation Agreement)</i> - has CAW met its burden to demonstrate that the MPWSP's anticipated adverse impacts to groundwater quality and quantity are either insignificant or will be mitigated to insignificance by the current return water proposal or otherwise?	There is conflicting testimony concerning impacts to groundwater in the project area; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witness, Curtis Hopkins, concerning the quality and quantity of groundwater underlying the project area.	If the MPWSP as proposed is not legally feasible, the Commission may not approve the project.	MCWD will present updated sworn expert testimony and recent scientific research concerning the likely adverse impact of MPWSP desalination intake wells on groundwater in the project area
39	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: If CAW has met its burden to demonstrate that the MPWSP's anticipated adverse impacts to groundwater quality and quantity are either insignificant or will be mitigated to insignificance by the current return water proposal, what is the volume of water that must be returned to the basin, and must it be calculated on a 1:1 or greater ratio to effectively mitigate harms to the basin and to the project area?	The record on return water is outdated and disputed; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witness, Curtis Hopkins, concerning the quality and quantity of groundwater underlying the project area, which MCWD believes renders CAW's assumptions concerning return water volume inaccurate .	If the MPWSP as proposed is legally feasible, but the return water volume required is so great as to render the project infeasible as a practical matter, the Commission should not approve the project.	MCWD will present updated sworn expert testimony concerning reasonable calculation of return water volume

	Party & Contact	A A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	B An explanation of why the issue is disputed or requires further evidence.	C An explanation of why the issue is material or requires further evidence.	D A brief statement of what the party's proposed additional testimony on the issue will show.
40	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: If CAW has met its burden to demonstrate that the MPWSP's anticipated adverse impacts to groundwater quality and quantity are either insignificant or will be mitigated to insignificance by the current return water proposal, and a return water proposal is determined to be consistent with the Agency Act's prohibition on the export of groundwater from the SVGB, where in the basin must water be returned in order to effectively mitigate the project's harms?	The record on return water is outdated and disputed; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witnesses, Curtis Hopkins and Erler & Kalinowski, Inc., concerning the quality and quantity of groundwater underlying the project area, which MCWD believes renders CAW's assumptions concerning return water location inaccurate .	If CAW's proposed return water location fails to effectively mitigate the project's harms and thus renders the project infeasible, the Commission should not approve the project.	MCWD will present updated sworn expert testimony concerning the location of return water in relation to the project's adverse impacts to groundwater
41	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: are CAW's assumptions concerning the brackishness of the source water and the volume of return water sufficient to satisfy the Agency Act non-exportation requirement?	The record on return water is outdated and disputed; recent scientific research on the state of the aquifers in the project area confirms the views of MCWD's expert witnesses, Curtis Hopkins and Erler & Kalinowski, Inc., concerning the quality and quantity of groundwater underlying the project area, which MCWD believes renders CAW's assumptions concerning satisfaction of the Agency Act inaccurate, both as a matter of fact and a matter of law.	If the MPWSP as proposed cannot satisfy the Agency Act, the Commission should not approve the project.	MCWD will present updated sworn expert testimony concerning the MPWSP's ability to operate in satisfaction of the Agency Act
42	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility - Assuming the MPWSP is necessary and the Commission contemplates issuing a CPCN that would conflict with the Monterey County ordinance requiring public ownership of desalination facilities, does the Sustainable Groundwater Management Act, which assigns groundwater protection to local authorities, impair the Commission's potential authority to preempt the County ordinance?	The Commission's determination in its advisory opinions in D.12-10-030 and D.13-07-048 that it may lawfully preempt the county prohibition on privately-owned desalination facilities is unripe and outdated.	If the MPWSP as proposed is both necessary and feasible, and the Commission issues a CPCN in conflict with the "Desal Ordinance" but the SGMA supports enforcement of the "Desal Ordinance," the Commission should not approve the project without ensuring that the public ownership requirement is satisfied.	MCWD is presently evaluating the need for testimony on this issue, as opposed to purely legal briefing



	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
43	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility - what proposals does CAW have for the MPWSP to be consistent in its operation with the California's Global Warming Solutions Act (AB32) and its progeny, such as energy conservation, implementation of renewable energy sources, and minimizing project size?	The ALJ's June 9, 2017 Ruling suggested that the record on renewable power sources should be expanded and MCWD agrees. The GHG produced by the project's energy load should be compared to the GHG produced from alternative water sources and the and the environmental benefits resulting from the reuse of resources, such as with GWR.	The State of California, including the Commission, has made reduction in GHG emissions a priority and a matter of state policy.	CAW and other parties with information on the subject would be asked to provide sworn testimony as to their views on renewable power source or purchase options for the MPWSP
44	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Feasibility - what plans does CAW have for the MPWSP to address beach erosion and sea level rise issues at the proposed CEMEX site?	The record on sea level rise issues is sparse and outdated, and MCWD understands that legal proceedings are pending concerning erosion issues associated with the CEMEX site. The record should be updated	Erosion and sea level rise may have severe impacts on the practical feasibility of the proposed project slant wells	The City of Marina, CAW and any other parties with information on the subject would be asked to provide sworn testimony concerning sea level rise and beach erosion impacts on the MPWSP
45	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Feasibility - CAW should explain its plans to utilize for MPWSP product water conveyance a pipeline owned by MCWD when (1) CAW's pipeline capacity does not have priority; (2) pipeline capacity was not designed for the 24/7 transfer of 9.6 MGD of desal product water; and (3) CAW apparently plans to utilize the same pipeline to pump ASR water in the opposite direction for storage in the Seaside Basin. CAW's proposed use of MCWD's pipeline for the transportation of MPWSP product water is currently the subject of a contractual dispute resolution process.	Appendix C to the Amended Application shows a gap in the proposed pipeline to be constructed for the MPWSP. If CAW intends to utilize the MCWD pipeline that bridges this gap for operation of the MPWSP, it is disputed as to whether the priority, volume and practical proposed uses by CAW over the various seasons of the year are feasible and whether such uses are authorized by the wheeling pipeline agreement between CAW and MCWD. The record concerning this pipeline must be expanded.	The Commission should ensure that the MPWSP, if necessary, is also feasible, as proposed.	MCWD will present sworn testimony concerning the present and feasible uses of its pipeline and concerning its current wheeling agreement with CAW as applied to ASR water. CAW should be required to provide sworn testimony as to the cost and impacts of constructing a new segment of pipeline to transport volumes of designated product water and it should explain why it failed to provide information concerning its intended use of the wheeling pipeline to the parties and to the Commission.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
46	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Community Values - is the MPWSP consistent with the regional community's values?	The record on community values is sparse and outdated. Testimony from Public Water Now's witness indicates that the MPWSP as proposed is not consistent with community values	Community Values is one of the factors the Commission must consider under Public Utilities Code section 1002	Parties would be asked to present testimony concerning their views on the MPWSP's consistency with community values. MCWD may present sworn testimony concerning its view on the MPWSP's consistency with community values
47	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Community Values - is the MPWSP consistent with the Public Trust Doctrine?	The record on community values is sparse and outdated. Testimony from the Public Trust Alliance's witness indicates that the MPWSP as proposed is not consistent with community values, including Public Trust values.	Community Values is one of the factors the Commission must consider under Public Utilities Code section 1002	Parties would be asked to present testimony concerning their views on the MPWSP's consistency with community values, including Public Trust values. MCWD may present sworn testimony concerning its view on the MPWSP's consistency with community values, including Public Trust values.
48	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Reasonableness and prudence of costs - is it reasonable and prudent for CAW to continue pursuing a 6.4 or 9.6 mgd MPWSP after the Commission's Phase 2 decision on GWR and the availability of expanded ASR, and should CAW's costs for doing so be recovered in rates?	The record concerning costs is outdated, and the ALJ's June 9, 2017 ruling contemplated updated costs testimony.	Costs for the MPWSP, if approved, must be reasonable and prudent. CAW's costs for pursuit of the project, even if it is not approved, must also have been reasonable and prudent if they are to be imposed upon ratepayers	CAW, ORA, MPWMD, MRWPCA and other parties with information or an interest in CAW's rates would be asked to submit updated cost and prudence testimony



	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
49	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Legal Feasibility: Would the certification of a 9.6 MGD or 6.4 MGD MPWSP, as proposed, with directions to install modular incremental expansions to increase the initial size and configuration of a desalination plant only upon a particularized showing of need, violate the Commission's duty not to issue a CPCN unless it finds that the public convenience and necessity requires the construction of the project under Public Utilities Code section 1001?	The ALJ's June 9, 2017 Ruling suggested that the possibility of modular incremental construction of a desalination plant might be examined in evidentiary hearings.	If this approach is to be considered, all aspects of the approach must be considered in evidentiary hearings, including the costs and prudence of the approach, and the Commission's authority to adopt it.	CAW should be required to present comprehensive sworn testimony addressing all aspects of the approach.
50	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Supply: CAW has indicated that the new Monterey Pipeline will enable it to divert and recover on average an additional 1,000 AFY of Carmel River ASR water. This should be verified on the record.	Verification of additional supply would materially alter the Commission's assessment of the need for the project.	If alternate sources can provide sufficient supply to CAW that could significantly reduce the capacity or perhaps eliminate the need for desalination altogether, there is no need for this project	CAW, MPWMD and other parties with such information would be asked to provide sworn testimony as to an accurate and realistic projection of available ASR capacity as of January 1, 2022.
51	Marina Coast Water District; Mark Fogelman and Ruth Stoner Muzzin; mfogelman@friedmanspring.com; rmuzzin@friedmanspring.com; (415) 834-3800	Due Process/Other: Does the acknowledged conflict of interest of Dennis Williams and his firm Geoscience, Inc. impede the Commission's impartial consideration of the MPWSP, including the proposed use of slant wells for desalination intake and the rejection of alternative means of intake and alternative non-desalination supply sources, notwithstanding Commission staff's decision to consider all work of Mr. Williams and Geoscience as having been performed on behalf of CAW, and if so, what is the appropriate remedy?	The Commission should ensure that its decisionmaking process is impartial and unimpaired.	The Commission must exercise its independent judgment as a neutral decisionmaker in evaluating the application.	Any party with relevant information would submit, or be required by the Commission to submit, sworn testimony concerning the impact of the acknowledged conflict of interest on the Commission's decisionmaking.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
52	Monterey Peninsula Regional Water Authority; Russell McGlothlin; (805) 882-1418	MPRWA President and City of Pacific Grove Mayor, Bill Kampe, may submit testimony on the subject of demand forecasts and the relation to project sizing.	The MPRWA agrees with Commissioner Randolph and ALJ Weatherford that demand forecasts and project sizing are appropriate topics for further testimony.	The project should be sized to meet the future demands within the CAW system, as set forth in the application, and to partially replenish the Seaside Groundwater Basin. Demand forecast should be reasonable to avoid oversizing the project and to appropriately control project costs, but also appropriately conservative to avoid future water supply shortages.	Mayor Kampe's testimony would discuss the MPRWA's perspective of demand forecasts and the project's sizing.
53	Monterey Peninsula Regional Water Authority; Russell McGlothlin; (805) 882-1418	MPRWA President and City of Pacific Grove Mayor, Bill Kampe, may submit testimony concerning modifications of existing settlement agreements or new settlement agreements that may be reached prior to the submission of testimony.	The MPRWA is regularly meeting with various parties to the proceeding in an effort to explore potential options and opportunities to settle the prominent disputed matters in the proceeding.	While there is no assurance that new settlements will be reached prior the submission of evidence, it is appropriate to reserve the matter for further testimony if settlements are reached.	If one or more settlement agreements are reached (or there is agreement to modify existing settlement agreements), Mayor Kampe will offer testimony concerning the MPRWA's perspectives relating to the settlement agreement(s).
54	Monterey Peninsula Regional Water Authority; Russell McGlothlin; (805) 882-1418	CAW and other parties shall submit testimony on the topics set forth within ALJ Weatherford's ruling.	The MPRWA agrees that the five subjects noted in the ALJ Weatherford's ruling are appropriate for further testimony with the slight modification that the subject of potential solar panels to power a portion of the project's electricity demand should be expanded to include the potential for use of power generated from gas from the regional landfill.	See answer to (b).	With the exception of MPRWA testimony concerning demand forecasts and project sizing, testimony concerning the other four subjects proposed in the ALJ's ruling should be provided by CAW and other parties with specific knowledge applicable to those subjects. The MPRWA may offer rebuttal testimony on any of the topics listed in the ruling or other subjects added for testimony. In particular, the MPRWA may offer rebuttal testimony from its hydrogeologic expert witness, Gordon Thrupp, or other expert witnesses.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
55	Monterey Peninsula Regional Water Authority; Russell McGlothlin; (805) 882-1418	CAW and other parties, as desired, shall submit testimony concerning the comparative feasibility of intake technologies, including without limitation the slant wells, as proposed, and Ranney Wells.	The source water intake technology may influence the hydrogeologic effects of the project, the sufficiency of the quantity of source water for the project, the ratio of groundwater to seawater captured by the wells, and the costs borne by the CAW customers. It is therefore appropriate to better understand the comparative feasibility and optimality of the possible source water intake technologies.	See answer to (b).	CAW and other parties, as desired, shall present testimony concerning the comparative feasibility and optimality of the possible source water intake technologies. The MPRWA may submit rebuttal testimony concerning the intake technologies from its hydrogeologic expert.
56	Monterey Peninsula Water Management District; David Laredo; dave@laredolaw.net; 831-646-1502	IF it is determined: (i) Cal-Am consumer demand does not justify current project sizing or may allow an alternate project to meet the newly determined demand, OR if (ii) modular increments to the desalination plant are deemed feasible, but fixed costs warrant examination of other supply alternatives due to economic ratepayer impacts, OR if (iii) concerns exist related to delay or abandonment of the desalination project due to legal or technological concerns.	Many parties have questioned whether the proposed MPWSP is correctly sized and if average consumer demand changes warrant a different sized project. And if so, are other water supply configurations or alternatives now able to meet the revised estimates of demand. MPWMD testimony will attempt to clarify its views of current and projected supply and demand. If the Commission determines other parties establish sufficient material fact on the issues of supply and demand such that examination of alternatives described in column A is warranted, District testimony will examine potential means to increase quantities of water available to supply to CAW from the identified alternatives. These alternatives can be identified in both the near term and long term. The Commission may desire to examine stated alternatives in part, or in whole, in parallel with the proposed MPWSP desalination plant. Alternatives may be needed to address circumstances related to delay, frustration, or abandonment of the MPWSP desalination project, for any reason.	If additional alternative water supplies can be provided to CAW that could reduce the capacity for the desalination project or cost to ratepayer, the alternatives should be considered material or require further evidence. The cost of desal is beneficially affected by choosing the right sized project.	MPWMD would sponsor witnesses to provide testimony on following issues: Support and amplify MRWPCA testimony regarding the status of Pure Water Monterey, including construction bids and project schedule status. Support and amplify MRWPCA testimony regarding Pure Water Monterey expansion potential, including: (i) availability of other source waters to Pure Water, including winter wastewater flows, among others; (ii) capital costs, timing, regulatory or technical constraints; and (iii) wholesale cost of water and impact on ratepayers.  MPWMD would also sponsor witnesses to provide testimony regarding three additional alternatives (raw water pipeline, Salinas River water rights, and ASR expansion) including: (i) availability and quantity of the water source; (ii) capital costs, timing, regulatory or technical constraints; and (iii) wholesale cost of water and impact on ratepayers.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
56(a)		THEN and in response to any or all of these issues, MPWMD shall present testimony on whether any of the following alternatives can meet all or a portion of the supply needs based on consumer demand, cost to ratepayer, and/or reasonable timeline: • Expansion of the Pure Water Monterey project.	See issue 56, column B.	See issue 56, column C.	See issue 56, column D.
56(b)		• Construction of a raw ocean water intake and delivery pipeline from DeepWater Desal (or another developer) to the proposed MPWSP desalination plant, eliminating the need for slant wells in the CEMEX and Marina locale.	See issue 56, column B.	See issue 56, column C.	See issue 56, column D.
56(c)		• Salinas River water rights, via either (a) negotiation for a portion of the existing WR 11043, or (b) application for a new winter-only water right, to provide feed water for an advanced water treatment facility in North Marina in conjunction with Pure Water Monterey or to provide feed water to the MPWSP desalination plant, with storage to occur in the Seaside Groundwater Basin or another location.	See issue 56, column B.	See issue 56, column C.	See issue 56, column D.
56(d)		• Expansion of ASR (Aquifer Storage and Recovery) capacity, including but not limited to new supply wells, iron removal, water treatment, pump stations, and injection facilities.	See issue 56, column B.	See issue 56, column C.	See issue 56, column D.
57	MRWPCA; Paul Sciuto, 831-645-4600	Monterey Regional Water Pollution Control Agency shall present testimony on the potential for the Pure Water Monterey water recycling project to provide CAW greater than 3,500 acre feet annually.	Further evidence would be helpful for the decision makers about the amount of Pure Water Monterey water that can be supplied to CAW related to meeting the CDO.	Additional Pure Water Monterey water could help meet the CDO.	Monterey Regional Water Pollution Control Agency would provide information on whether more than 3,500 acre feet annually could be provided from the Pure Water Monterey project to CAW. And, if it is possible, provide approximate cost and timing.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
58	Office of Ratepayer Advocates Suzie Rose suzie.rose@cpuc.ca.gov 415-703-1254	ORA agrees that the Commission's ruling, dated June 9, 2017, identifies issues that may be necessary to consider in subsequent testimony and hearings.	Issues identified in the Commission's ruling may not have been previously considered within the proceeding or may require updating of the record as a result of new information having become available.	Issues identified in the Commission's ruling may have direct impacts upon the cost reasonableness and prudence of the proposed project.	To be determined based on additional discovery. Additional discovery may be necessary for items determined by the Commission in a Scoping Ruling as issues to be considered.
59	Public Trust Alliance; Michael Warburton; Michael@rri.org; (510)610-0868	Given updates on costs and changes in environment (climate change) and institutions (groundwater law) could the new infrastructure (seaside basin, ASR projects and new pipelines) serve as a public water supply basis without any new desalination plant?	New understanding of groundwater (must now be managed sustainably and consistent with public interest with SIGMA, and no longer a private resource that can be legally mined) means that the relative scale of the problem and its solution have to be acknowledged and subject to "reasonableness" analysis.	Desalination has always been "deemed" reasonable by assumption in this proceeding and needs to be subjected to a reasonableness analysis to ensure that the final project is consistent with long term public interests.	The Commission will be required to explain its decision regarding the final project to the public in a manner consistent with its mission and bylaws.
60	Public Water Now, George T. Riley, georgetriley@gmail.com, 831-645-9914	Cost: Slant well viability/feasibility must have a specific economic impact evaluation.	This single experiment has sky-rocketed from Cal Am's initial \$4 million estimate to over \$16 million.	The exploding cost of this experiment is horrendous to all ratepayers. It may be too costly to continue.	SWRCB, CCC and CEQA guidelines and references to economic factors on 'feasibility' should be allowed and become part of the record prior to consideration of a CPCN.
61	PWN	Other: Water rights. ESA stated in the DEIR that water rights is not a proper subject for the CEQA/NEPA review, but it was added for perspective. It needs evidentiary review.	Cal Am has no water rights in the area. ESA stated in the DEIR that water rights is not a proper subject for the CEQA/NEPA review, but it the subject added for perspective.	All intake water is from intruded aquifers that have overlying land owners.	Therefore water rights should be subject to evidentiary hearings.
62	PWN	Water Rights. AgLandTrust has federal contract rights that have not been acknowledged in prior hearings.	These agreements may be the subject of a challenge to water rights claims by Cal Am.	These documents and testimony on them will be important for the factual record.	PWN will offer a witness and testimony.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
63	PWN	Costs: Potential cost of litigation and delay	CDO rationing would be a huge cost to the economy. Other economic impacts include litigation costs, project cost increases caused by delay, continuing professional expenses from the Hydrogeologic Working Group, accelerating slant well costs, potential mitigation demands associated with interference with MCWD jurisdiction, more.	Nowhere is this being discussed. There is huge economic risk if the project is sidelined. If this happens, the community absolutely requires one or more alternatives to pursue.	PWN will examine whatever evidence that is offered on alternative supply, all in support of the most feasible and lower costs. Waiting is no longer an option.
64	PWN	Community Values/Other: New data from AEM-ERT.	Extensive new data on seawater intrusion may shed new light on mitigation and water rights questions.	There should be new evidence on this, and to determine what impacts and costs may be imposed on the project. New and extensive data should not be shoved aside. Conclusions about the slant well experiment may hinge on a fuller basis for analysis.	The data from AEM-ERT must be admitted. Its relevance must be explored with testimony and examined.
65	PWN	Demand/Sizing: There has been continued successful conservation by ratepayers in all customer categories.	The demand curve is flat, not rising.	Therefore the size of the desal can be questioned, or at least the projected future need can be more gradual, including lots of record.	CPUC should order testimony on optional ways to down-size the water supply proposal for desal, and furthermore order testimony on optional methods and sources.
66	PWN	Cost & Demand/Sizing: Supply alternatives other than desal	As current project costs increase, along with slant well costs, and the potential for project delay, it is timely to consider alternative sources of supply. After all, the Peninsula needs water. Lower cost, lower supply options are available.	The proceeding would benefit from testimony on other supply options that could address existing need, near-term future needs, and still meet CDO parameters.	The community and CPUC will benefit from testimony on a more diverse portfolio of options.
67	PWN	Community Values: Regional Justice. Evidentiary testimony should be allowed to discuss Cal Am invasion, uninvited, to take water from a neighboring water jurisdiction.	If the shoe were on the other foot, i.e., if Marina wanted to pump water from the Pacific Grove coastline, what would that conversation be like?	Although CPUC ordered Cal Am in 2007 to consider a regional approach, Cal Am has abandoned that idea. In fact it has done the very opposite by invading a neighboring water jurisdiction.	Evidence of impacts in and on the neighboring Marina Coast Water District is factual and relevant. The ALJ should order this testimony in order to understand the regional impacts, values and significance.
68	PWN	Community Values: CDO Pressure. The regulatory deadline drive too many priorities and deadlines, mainly caused by Cal Am neglect or over-promising.	CDO time constraints continue to restrict CPUC consideration of the time required to rethink and re-evaluate implications based on current realities.	CDO pressure emphasizes 'on time' supply, and de-emphasizes more reasonable options like capturing and storing Salinas River winter runoff.	This is a huge negative impact on all planning for the future. Testimony should be ordered that includes how reasonableness of an option is constrained by the CDO schedule.



	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
69	PWN	Cost: The return water mitigation at Castroville.	This is a higher cost 'solution' to the Agency Act requirement than a more local alternative. Less expensive mitigation could have served MCWD directly, since it is closer and is the area most affected.	Marina and Castroville are both low income service areas. This is an issue of regional justice, since Marina is the area of extraction.	Testimony should be ordered on the comparative cost of a Marina site.
70	PWN	Cost: The potential for stranded costs	Every water supply project sponsored by Cal Am since 1996 has had stranded costs. If litigation delay occurs, and it seems likely, will stranded costs also be likely?	Ratepayers have borne the full burden of all stranded costs from prior Cal Am efforts that failed.	CPUC should order testimony on prior water supply stranded costs, amounts allocated to ratepayers and to shareholders, and to assist in a full understanding how stranded cost determinations are made.
71	PWN	Community Values: Sustainability Groundwater Management Act (SGMA).	Any amount of seawater intrusion caused by Cal Am's intake for desal will create new problems for MCWD and County to meet SGMA goals.	None of this was new law has been considered in prior hearings.	Evidence of the recent SGMA law and demand on local water agencies in this proceeding should be allowed in order to understand the overlap of issues with this project.
72	PWN	Other: Changed circumstances.	Drought, project plans based on 2013 data, SGMA, increased concern with weather extremes and sea level rise, other less expensive water sources are possible but ignored.	These are only the most obvious examples of changed circumstances. All have significance with this project.	There should be testimony to put the CPCN decision into a larger context. After all, the Peninsula community will have to live with the outcome for generations.
73	PWN	Other: Large Settlement Agreement	The Large Settlement Agreement is out of date.	Target dates have changed substantially. Sequencing has changed. The CDO has been extended, and new milestones created.	The CPUC should order the parties to update the proposed Large Settlement Agreement to consider the issues brought out in new evidentiary hearings.
74	PWN	Other: Public Participation Hearing.	So many circumstances have changed.	The public should have an opportunity to be updated.	The CPUC should order that a Public Participation Hearing be scheduled after new evidentiary hearings are complete.
75	PWN	Cost: Cal Am bid documents	Will the bid documents continue to hold up, or have duration limits make them obsolete?	These costs must be updated.	CPUC should order Cal Am to provide full testimony on the status the bid documents.
76	PWN	Cost: Recent Cal Am rate increases	Recent Cal Am rate increases and impacts on ratepayers have sky-rocketed. This is before any new project costs have been approved.	The overall cost of Cal Am services, and project cost projections, and the cumulative impacts on ratepayers, should be better understood. Will the CPUC 'silo' rules prevent this?	CPUC should order a report on all rate increases since the beginning of this proceeding, and to distinguish which were for this project and which were for other reasons.



	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
77	Surfrider Foundation; Edward Schexnayder; schexnayder@smwlaw.com; 415-552-7272	Whether demand in Cal-Am's service area justifies the 6.4 MGD desalination plant that Cal-Am currently proposes.	Annual demand in Cal-Am's service area has declined every year since it filed its application in this proceeding. This decline further calls into question the appropriateness of Cal-Am's proposal for a 6.4 MGD plant, which size Surfrider continues to dispute as unsupported by the existing record.	The project's size and the amount of purchased recycled water is material to determining the necessity of the proposed project, any size limitations that the Commission may impose as a condition to a CPCN for the project, the project's influence on the environment, and its ultimate cost to ratepayers.	Showing that a 6.4 MGD desalination plant is larger than is necessary or convenient to meet demand in Cal-Am's service area.
78	Surfrider Foundation	Whether Cal-Am can and should increase the volume of water procured from the Pure Water Monterey water recycling project.	The declining demand in Cal-Am's service area increases the likelihood that a non-desalination water supply could meet some or all residual customer need after Cal-Am reduces its water diversions from the Carmel River. Expanding the volume of water purchased from the Pure Water Monterey project could be the most feasible and cost effective means to satisfy such demand.	The project's size and the amount of purchased recycled water is material to determining the necessity of the proposed project, any size limitations that the Commission may impose as a condition to a CPCN for the project, the project's influence on the environment, and its ultimate cost to ratepayers.	Showing that the Pure Water Monterey project can provide more than 3,500 afy of water to Cal-Am customers.
79	Surfrider Foundation	What combination of onsite and offsite renewable resources (including onsite solar, energy efficiency, and storage) should Cal-Am use to meet the desalination plant's energy needs?	Advances in onsite solar, energy efficient, and battery technology can reduce the amount of power that Cal-Am would need to purchase to supply the project.	Maximizing the project's reliance on renewable resources could decrease both ratepayer costs and greenhouse gas emissions associated with the project's energy use.	Identifying a feasible package of renewable resources that should be used to power the project.
80	Water Plus; Ron Weitzman; ronweitzman@redshift.com; (831) 375-8439	Cal Am shall present testimony contradicting existing evidence that the return water proposal fails to satisfy the state Agency Act.	The 2017 MPWSP EIR and other sources present data challenging the assumptions underlying the formula used to determine the percentage of return water.	The feasibility of the MPWSP depends on the validity of the return-water proposal.	Cal Am would have to show that all the groundwater pumped by the test well comes from the inland 180-foot aquifer.
81	Water Plus; Ron Weitzman; ronweitzman@redshift.com; (831) 375-8439	Since demand depends on cost and cost depends on supply, Cal Am shall present testimony showing how proposed reduced supply would affect both cost and demand for water.	By using only historical demand data, Cal Am's existing methods to determine demand fail to take supply and cost into account, which is an egregious error when both supply and cost are changing.	Ratepayers have experienced large and unpredicted rate hikes because Cal Am has in the past failed to estimate demand correctly, at least partly by ignoring or miscalculating the effects of supply and cost on demand.	Cal Am would have to estimate future demand for water by using supply and cost projections along with existing demand data in supply-demand-curve analyses for each residential tier, as well as for commercial customers.

	Party & Contact	<b>A</b> A statement of each specific disputed non-CEQA/NEPA issue of material fact or item to address in further evidentiary hearings (precisely worded as the party recommends it be stated in any further ruling setting the hearings).	<b>B</b> An explanation of why the issue is disputed or requires further evidence.	<b>C</b> An explanation of why the issue is material or requires further evidence.	<b>D</b> A brief statement of what the party's proposed additional testimony on the issue will show.
82	Water Plus; Ron Weitzman; ronweitzman@redshift.com; (831) 375-8439	The Monterey Regional Water Pollution Control Agency shall present testimony showing that testing for pesticides to protect public health is unnecessary in both the urban and rural recycling components of the Pure Water Monterey project.	Pure Water Monterey has both an urban and a rural recycling component. Expansion would likely have to apply to both. Neither component currently requires testing of product water for pesticides, and only the urban component is subject to advanced treatment.	A number of parties have proposed that the existing or an expanded versions of Pure Water Monterey could substitute for desalination or other water-supply sources, but pesticides are likely to pass through the recycling process to make the product water in either or both project components a threat to public health.	The Monterey Regional Water Pollution Control Agency must show why it does not need to provide standards and a regimen for testing product water for pesticides in both its recycling components to assure public health and safety, as well as a reliable source of water.