

GW2/eg3 12/6/2017



FILED
12-06-17
09:53 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to Modify Conservation and Rationing Rules, Rate Design, and Other Related Issues for the Monterey District.

Application 15-07-019

E-MAIL RULING ON OUTLINE FOR PHASE 3 BRIEFS

Dated December 6, 2017, at San Francisco, California.

/s/ BURTON W. MATTSON for
Gary Weatherford
Administrative Law Judge

From: Mattson, Burton

Sent: Wednesday, December 06, 2017 8:40 AM

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Subject: A.15-07-019 Email Ruling On Outline for Phase 3 Briefs

ADMINISTRATIVE LAW JUDGE'S RULING

Parties were directed to make every reasonable effort to reach agreement on a common outline for Phase 3 briefs. (See November 16, 2017 email Ruling.) By email on December 1, 2017, counsel for California American Water Company (Applicant) reported that parties were unable to agree. Applicant attached an outline supported by Applicant, Office of Ratepayer Advocates, Monterey Peninsula Water Management District, California Water Association, and the Coalition of Peninsula Businesses, but not supported by Regulatory Liaisons, Public Water Now, and the Public Trust Alliance. Later on December 1, 2017, Regulatory Liaisons circulated a competing outline.

Parties typically reach agreement on a common outline. This helps the Commission and parties with the briefs being organized, understandable, and complete. While it is unusual, we will in this case let each side use its own outline with one condition stated below. We do this because we elect not to be unreasonably inflexible with parties. We also do this so that each side may state its case in what that side believes is its best presentation. Further, we do this because the differing outlines generally cover the same subjects, even if from a different focus. For example, Section III of each outline is the same. Section IV.A of each outline addresses whether or not Applicant managed its allotment-based tariffs reasonably (with Applicant's focus on the positive "managed" and Regulatory Liaisons' focus on the negative "mismanaged"). Both Applicant's outline (Sections IV.C and IV.D) and Regulatory Liaisons' outline (Sections IV.B and IV.C) address possible penalties other than the financial adjustment included in the proposed Phase 3B Settlement Agreement.

The one condition is with respect to discussion in the briefs of whether the Commission should or should not adopt the Phase 3A and 3B Settlement Agreements (e.g., common Section III.B, Applicant's Section IV.B). The discussion must clearly and specifically address the three elements used by the Commission in consideration of settlements: "The Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest." (Rule 12.1(d) of the Commission Rules of Practice and Procedure.)

IT IS RULED that a common Phase 3 briefing outline is not adopted. Rather, each side may use its own outline subject to one condition. The condition is that discussion of whether the Commission should or should not adopt the Phase 3A and 3B Settlement Agreements shall clearly and specifically address the three elements in Rule 12.1(d) of the Commission's Rules of Practice and Procedure. The Commission's Docket Office shall formally file this Ruling.

Burton W. Mattson for

Gary Weatherford

Administrative Law Judge