

Decision **PROPOSED DECISION OF COMMISSIONER SANDOVAL**  
(Mailed 5/27/2014)

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

Order Instituting Rulemaking on the Commission's Own Motion into Addressing the Commission's Water Action Plan Objective of Setting Rates that Balance Investment, Conservation, and Affordability for the Multi-District Water Utilities of:  
California-American Water Company (U210W), California Water Service Company (U60W), Del Oro Water Company, Inc. (U61W), Golden State Water Company (U133W), and San Gabriel Valley Water Company (U337W).

Rulemaking 11-11-008  
(Filed November 10, 2011)

**DECISION PROVIDING FURTHER GUIDANCE FOLLOWING  
RELEASE OF STAFF REPORT**

**TABLE OF CONTENTS**

<b>Title</b>	<b>Page</b>
DECISION PROVIDING FURTHER GUIDANCE FOLLOWING RELEASE OF STAFF REPORT .....	1
1. Summary .....	2
2. Background .....	2
3. Issues Before the Commission .....	5
4. Discussion .....	6
5. Conclusion .....	10
6. Next Steps.....	11
7. Comments on Proposed Decision .....	11
8. Assignment of Proceeding.....	15
Findings of Fact .....	16
Conclusions of Law.....	17
ORDER .....	17

Attachment A: Report on Balanced Rate Rulemaking

**DECISION PROVIDING FURTHER GUIDANCE FOLLOWING  
RELEASE OF STAFF REPORT****1. Summary**

Following workshops, a workshop report by the Commission's Division of Water and Audits, and multiple rounds of comments, we provide guidance on rate balancing for Commission-regulated, multi-district water utilities for use in their next general rate case (GRC) applications or Tier 3 GRC Advice Letter (AL) filings. We direct all of these multi-district water utilities to review their own districts for high-cost and affordability problems and to report on the review in their next GRC applications or AL filings, on the timelines specified. Where high-cost and affordability problems exist, each multi-district water utility must propose one or more intra-utility solutions, which may include a Rate Support Fund or other cross-subsidization mechanism, some form of additional district consolidation, or other relief, as further discussed in this decision. The record, on balance, does not support a single, prescriptive approach or solution.

**2. Background**

The Commission issued this Order Instituting Rulemaking (OIR) on November 10, 2011 to address a major policy objective in the Water Action Plan as it affects multi-district water utilities.<sup>1</sup> That policy objective, the sixth among the six objectives identified in the plan, is to set rates that balance investment,

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<sup>1</sup> The Water Action Plan serves as a guide in the Commission's regulation of investor-owned water utilities. The original plan, adopted by the Commission in 2005, is available on the Commission's website at this link:

[ftp://ftp.cpuc.ca.gov/PUC/hottopics/3water/water\\_action\\_plan\\_final\\_12\\_27\\_05.pdf](ftp://ftp.cpuc.ca.gov/PUC/hottopics/3water/water_action_plan_final_12_27_05.pdf)

The current Water Action Plan, adopted on October 28, 2010, updates the 2005 plan and is available at this link: <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/125501.PDF>

conservation, and affordability.<sup>2</sup> The Commission focused this OIR on balancing investment, conservation, and affordability in multi-district water utilities.

To advance the discussion, the OIR posed eight preliminary questions and requested comments from the named respondents (the five Commission-regulated, multi-district water utilities and the Division of Ratepayer Advocates (DRA)) and from any other interested persons and entities.<sup>3</sup> Thereafter, by ruling on April 18, 2012, Administrative Law Judge (ALJ) Gary Weatherford called for prehearing conference (PHC) statements, which parties filed on May 16, 2012. The Commission held a PHC on May 23, 2012 and, as required by Pub. Util. Code §1701.1(b), the assigned Commissioner, Commissioner Sandoval, issued a scoping memo following the PHC.<sup>4</sup>

Based on all of the filed comments and statements as well as the PHC discussion, the scoping memo clarified and slightly revised the OIR's preliminary statement of scope to focus on *intra*-utility policy solutions and to

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<sup>2</sup> The other five objectives are these: (1) maintain highest standards of water quality; (2) strengthen water conservation programs to a level comparable to those of energy utilities; (3) promote water infrastructure investment; (4) assist low income ratepayers; and (5) streamline CPUC regulatory decision-making. (See 2005 Water Action Plan at 4; 2010 Water Action Plan at 4.)

<sup>3</sup> The five multi-district water utilities are: California-American Water Company (Cal-Am); California Water Service Company (CWS); Del Oro Water Company, Inc. (Del Oro); Golden State Water Company (GSWC); and San Gabriel Water Company. The Division of Ratepayer Advocates (DRA) has since been renamed the Office of Ratepayer Advocates (ORA).

The following parties filed initial comments on March 1, 2012: all respondents, as well as the Natural Resources Defense Council and The Utility Reform Network (TURN). On March 22, 2012, the following parties filed reply comments: all respondents except Del Oro, TURN and Jeffrey Young, a CWS ratepayer.

<sup>4</sup> *Assigned Commissioner's Scoping Memo and Ruling*, filed June 20, 2012.

exclude consideration of *inter-utility* transfers or other *inter-utility* adjustments. The scoping memo recognized that any thoughtful, fair discussion of new, *inter-utility* rate balancing mechanisms should not be limited solely to the respondent multi-district water utilities, but also should include Commission-regulated single-district utilities. Thus, the scoping memo expressly excluded *inter-utility* mechanisms from consideration in this rulemaking, as follows:

The scope of this rulemaking is to consider adopting new or revised guidelines for consolidation of districts, some variation of a high cost fund within multi-district utilities, and another mechanism or a combination of them as a means to advance the Commission's water action plan objective of setting rates that balance investment, conservation, and affordability. *Inter-company* mechanisms will not be explored in this proceeding. Any consideration of mechanisms in addition to consolidation guidelines and a High Cost variant will be informed and bounded by the analysis in this proceeding's workshops, data requests and responses, comments and reply comments, and other information submitted in the record of this proceeding. (Scoping Memo at 3-4, *emphasis* added.)

The scoping memo also set two workshops, required preparation of a draft workshop report, and provided for comments on the draft report, followed by release of a final workshop report. Though the scoping memo's initial schedule was revised, the Commission followed this procedural plan and held two workshops in 2012, on July 17-18 and on November 6-7. Thereafter, the parties requested additional scheduling adjustments and as they requested, ALJ Weatherford, by ruling filed November 14, 2012, authorized comments on materials discussed at the second workshop. Those comments were filed on December 12, 2012.

On July 12, 2013 the Commission's Division of Water and Audits released a draft report titled Report on Balanced Rate Rulemaking (R.) 11-11-008) and served it on the OIR service list. On August 7, 2013, by ruling of the Chief ALJ, ALJ Jean Vieth was co-assigned with ALJ Weatherford. At the request of several parties, the Commission extended the period for comments on the draft staff report; accordingly, comments were filed on August 23, 2013 and reply comments on September 13, 2013. On October 7, 2013 the assigned Commissioner filed an amended scoping memo to confirm various administrative matters and to update the procedural schedule, given the prior, incremental revisions to it. On February 12, 2014, the final version of the staff report, dated January 30, 2014, was served on the service list for this rulemaking and posted on the Commission's website.<sup>5</sup> The final version extensively revised the earlier draft. We refer to the final version as the staff report and append it to this decision as Attachment A.

### **3. Issues Before the Commission**

The staff report identifies and discusses two broad issues where Commission guidance via today's decision will shape future GRC applications or Tier 3 GRC Advice Letter (AL) filings by multi-district water utilities.<sup>6</sup> The first issue concerns options for mitigating bills in high-cost districts, either by establishment of an intra-utility Rate Support Fund (RSF) or alternatively, by further consolidation of districts. The second issue focuses on the existing

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<sup>5</sup> The staff report is available at this link:

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M088/K240/88240939.PDF>

<sup>6</sup> Del Oro files district-specific, Tier 3 AL GRCs; the other utility respondents file GRC applications.

consolidation guidelines negotiated by parties in 1992, and asks whether they should be revised, and if so, how.

#### **4. Discussion**

Today's decision provides policy guidance, on an intra-utility basis, for use by multi-district water utilities as they plan future GRC applications or Tier 3 GRC AL filings. The OIR has shaped our inquiry, both as to subject and process, by providing:

As part of advancing the sixth objective in the Water Action Plan, the Commission will consider mechanisms such as a "High-Cost" fund or consolidating districts and rates within the multi-district water utilities. In this proceeding, the Commission will consider these mechanisms on a general policy basis and will not consider the application of the mechanisms to a specific multidistrict utility. To the extent this Rulemaking results in the adoption of new mechanisms, utilities can include requests to utilize these mechanisms in their respective GRCs or other appropriate rate-setting applications. (OIR at 4.)

However, as the assigned Commissioner's scoping memo determined, due process and fundamental fairness necessarily limit the scope of this rulemaking to intra-utility mechanisms that respondent multi-district water utilities might employ to achieve balanced rates.

Pages 5 through 7 of the OIR recount the Commission's long history of setting rates for water utilities in what has become a standard, case-by-case, locale-by-locale manner, though there are exceptions as well. The traditional approach is attributable largely to the significant variability in supply and distribution costs for different water utilities and for different districts within multi-district water utilities (based on the different costs linked to local or imported water sources, water quality protection and contamination

remediation, infrastructure needs, etc.). This cost variability among water utilities contrasts markedly to the comparative uniformity across electric utilities, which operate with statewide “postage stamp” rates.

Thus, the OIR described this rulemaking’s approach as a broad, non-exclusive review:

With the Commission’s adoption of its 2010 Water Action Plan, and in light of the Commission’s continuing efforts to set rates that balance investment, conservation, and affordability we institute this Rulemaking to consider modifying the 1992 guidelines or establishing new consolidation guidelines for high cost areas for the multi-district water utilities. The Rulemaking will also consider a “High-Cost” fund mechanism. (OIR at 7.)

The record for this rulemaking consists of all the filings, including the parties’ written comments, as well as the workshop discussions. Because the attached staff report provides an overview of the comments and the workshop discussions, we do not duplicate that effort here. The record persuades us that the district-specific conditions within each multi-district water utility remain too variable for prescriptive guidelines on an RSF or other cross-subsidy mechanism. Moreover, the record does not compel a choice between authorizing cross-subsidy mechanisms within multi-district water utilities and authorizing further consolidation.

For example, CWS’s successful experience demonstrates that an RSF is a tool that should be considered where the particular circumstances in one or more districts within a multi-district water utility warrant rate balancing efforts. Similarly, other cross-subsidy mechanisms can be useful. The record continues to support consolidation, in various forms, as well, but does not persuade us there is need to develop a prescriptive revision of the guidelines developed in

1992 by the then-DRA and the Class A water utilities, titled, "1992 Guidelines for Combining Water Utility Districts for Ratemaking and Public Utilities Commission Reporting Purposes." Though the Commission has never formally adopted these guidelines and we do not do so today, the parties have relied upon them a number of times to support or oppose proposed district consolidations and the Commission has recognized their value.<sup>7</sup> The 1992 guidelines identify four criteria for consideration in district rate consolidations -- proximity, rate comparability, water supply and operation. The parties who negotiated the 1992 guidelines and memorialized them in a settlement agreed that no districts would be combined for the express purpose of having one district subsidize another. We observe that the 1992 guidelines are only that, guidelines, not a Commission-adopted rule. Proponents of a consolidation proposal are free to argue that consolidation is in the public interest, in light of proximity, rate comparability, water supply and operation, and other factors that affect the public interest. Other public interest factors may include, but are not limited to, balancing investment, conservation, water quality and affordability, and whether any subsidies resulting from consolidation would be short, medium, or long-term. Based on the record established here, we do not adopt additional prescriptions for rate balancing within multi-district water utilities. However, we conclude that each multi-district water utility should assess, before filing its next GRC application or any district-specific Tier 3 GRC ALs, whether an RSF or

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<sup>7</sup> See for example: Decision (D.) 05-09-004 [denying CalAm's request to consolidate rates for its Monterey and Felton districts]; D.08-05-018 [denying CalAm's request to consolidate rates for its Larkfield and Sacramento districts]; and D.10-12-017, as modified in other respects by D.11-08-010 [approving merger of CWS's South San Francisco and Mid-Peninsula Districts].

further consolidation of its districts will yield rates that more effectively balance investment, conservation and affordability. The record supports use of the following approach. First, each multi-district utility should review all of its separate ratesetting districts to determine whether high-cost and affordability problems exist. (One tool available for making such a determination is the high cost and affordability screening framework found at Appendix A of the staff report). Then, if high-cost and affordability problems exist in one or more districts, the multi-district water utility should propose a solution or solutions, together with a specific implementation plan, in its next GRC application or in appropriate district-based Tier 3 GRC ALs. At a minimum, each multi-district water utility should report on its district-specific review in its next GRC application or in its Tier 3 GRC ALs. The report should be included in the application tendered as a notice of intent under the process and schedule required by the rate case plan.<sup>8</sup>

Proposals for rate balancing, based on identified high-cost and affordability problems, may include one or more of the following strategies but need not be limited to them:

1. an RSF or similar cross-subsidy fund;
2. reduction in high costs (see the staff report [Attachment A] and particularly, the decision tree for the high-cost track in Appendix A to the staff report);
3. consolidation in some form, such as:
  - a. rate consolidation;
  - b. cost consolidation;

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<sup>8</sup> See D.07-05-062, which revised the Rate Case Plan for Class A water utilities approved by D.04-06-018.

- c. rate base consolidation; and
- d. operational consolidation.
- 4. intra-company grant/loan funding;
- 5. rate design (affordability through the first rate tier); and
- 6. budget plans.

This approach is consistent with the recommendations in the staff report, which does not urge a single approach. Rather, the staff report observes that the record for this rulemaking, though it shows no unanimity among parties, does support several, non-exclusive options. The staff report states:

[T]he commission may wish to consider one or more of the following options for the establishment of a rate support fund (RSF); (1) Authorize multi-district water utilities to propose a RSF mechanism for their districts; (2) Establish prescriptive guidelines for the RSF with regards to affordability, usage and subsidy type; and (3) Do not authorize any future RSF mechanisms, and instead, encourage district consolidation as a means to mitigate bills and high-cost districts. (Report on Balanced Rate Rulemaking (R.11-11-008), January 30, 2014 at 2.)

## **5. Conclusion**

We find no single solution should be adopted to mitigate all high-cost and affordability problems found to exist within one or more districts of a multi-district water utility. Rather, an appropriate solution may incorporate establishment of an intra-utility RSF or some variation, or additional, district-based consolidation. Each multi-district water utility should perform a district-based rate review, report on the review in its next GRC application or in Tier 3 GRC ALs (as applicable) and propose one or more, appropriate rate balancing solutions to mitigate any high-cost and affordability problems. The report should be included in the application tendered at the notice of intent stage under the rate case plan or as part of the Tier 3 GRC ALs. GSWC should be

authorized to file its report 90 days beyond July 15, 2014, the date on which it must file its next GRC, and the Commissioner or ALJ assigned to that GRC application may authorize additional time, as warranted.

## **6. Next Steps**

This proceeding also raised several issues regarding affordability and rates that were not contemplated in the original scope but which are fundamentally related to balanced rates. It is appropriate for the Commission to address these issues presently, especially in light of Governor Brown's January 2014 drought declaration. The Commission will open a new OIR to analyze and propose actions on issues regarding affordability and rate design, including but not limited to conservation rate design such as tiered rate structures, and accounting mechanisms such as Water Revenue Adjustment Mechanisms. We anticipate that a new OIR will issue shortly.

## **7. Comments on Proposed Decision**

The proposed decision of Commissioner Sandoval in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on June 16, 2014 by the following parties: Cal-Am, CWS, GSWC, ORA, TURN and the County of Lake (Lake County). California Water Association (CWA) concurrently filed a motion for party status, which was granted, and comments. Reply comments were filed on June 23, 2014 by CWA, Cal-Am, GSWC, ORA, TURN and the National Consumer Law Center (Consumer Law).

The opening comments generally support the proposed decision. Several parties, however, raise concerns about the 1992 consolidation guidelines, the high cost and affordability screening framework at Attachment A to the staff

report and use of an RSF. Thus, while most of the comments (which we discuss below) are generic in nature and not specific to a particular region or utility, Lake County's comments mostly address the Lucerne community, its water provider CWS, and the existing RSF. Lake County requests that the Commission specifically adopt an affordability standard of 1.5%, such that a water bill would be deemed unaffordable if it exceeds 1.5% of the median household income. We decline to do so on this record. The affordability screening framework in the staff report relies upon the 2.5% threshold recommended by the California Department of Public Health. To the extent that parties use that framework, which is a discretionary tool, they should use the 2.5% threshold.

The reply comments focus less on the actual content of the proposed decision but express parties' reactions to one another's views on the 1992 consolidation guidelines, the affordability screening framework in the staff report and use of an RSF.

Timing of Reports: GSWC raises an issue regarding timing for evaluation of the high cost/affordability review for its next GRC application that has been scheduled for filing on July 15, 2014. GSWC would like the submission requirement for a report on the high cost/affordability review to apply only when the GRC application is filed at least 90 days after the decision here. (GSWC opening comments at 4.) ORA, departing from the request, does not object to granting GSWC an additional 90 days to submit its report, running from the time GSWC has filed its GRC on July 15, 2014, however. (ORA reply comments at 2.) We have revised the proposed decision to grant GSWC additional time to file a report.

1992 Consolidation Guidelines: ORA supports the consolidation guidelines, but states that it is receptive to "considering specific proposals that

may not strictly adhere to the guidelines' requirements." (ORA comments at 2.) TURN expresses concern that the proposed decision does not "update and expand" the guidelines and recommends that the proceeding be "revised to maintain the need to revise the guidelines as an open issue..." (TURN comments at 1.) Cal-Am and GSWC both support Option No. 2 in the staff report, which would "[e]liminate the guidelines in their entirety and signal that the Commission is open to consolidation requests that balance investment, conservation and affordability." (See Attachment A to today's decision at 20.) Cal-Am argues that retention of the 1992 consolidation guidelines eliminates "the most important mitigating strategy" to address high-cost, affordability issues. (Cal-Am comments at 3.) GSWC contends that the proposed decision is contradictory -- that it cannot both retain the existing guidelines and ask utilities to propose "some form of additional district consolidation." (GSWC comments at 5.) CWA simply asks the Commission to refrain from rigid reliance upon the guidelines when evaluating consolidation requests.

While Lake County does not address the 1992 consolidation guidelines per se, it supports both cost consolidation and operational consolidation and is open to other types of consolidation depending on infrastructure condition, ability of customers to pay and the ability to secure government grants. Lake County observes that Lucerne has relied on both the Low-Income Assistance Program, known as LIRA, and a RSF to reduce water bills.

Consumer Law supports the use of 1992 consolidation guidelines as an "optional tool" and believes that "the guidelines are not dispositive and may or may not be applied as appropriate." (Consumer Law reply comments at 4.) Moreover, Consumer Law challenges GSWC's claim that proposed decision suffers from an internal contradiction by failing to reject the guidelines.

Consumer Law correctly observes that the guidelines represent the 1992 agreement of the parties who negotiated them, not a Commission-adopted rule. The Commission retains discretion and authority over consolidation requests to determine on a case-by-case basis whether the proposed consolidation is in the public interest, with or without adherence to the 1992 consolidation guidelines. Proponents of a consolidation proposal are free to argue that consolidation is in the public interest, in light of proximity, rate comparability, water supply and operation and other factors that affect the public interest. Other public interest factors may include, but are not limited to, balancing investment, conservation, water quality and affordability, and the duration of any subsidies resulting from consolidation.

High cost and affordability screening framework: Regarding the framework in the staff report, the comments and reply comments register a variety of concerns that may misunderstand the proposed decision. First, in response to criticism from various utilities that the framework should not be mandatory, we reiterate that the framework is a tool, not a mandate and its use is discretionary. Utilities may use alternate approaches.

GSWC registers a second concern. GSWC reasonably asks us to revise the proposed decision to clarify that a multi-district utility must propose one or more intra-utility solutions *only* when *both* a high-cost *and* affordability problems exist or when an affordability problem exists. As GSWC points out, high cost areas potentially may have no affordability issues. ORA agrees. We conclude that this revision makes practical sense and have revised the proposed decision accordingly.

Third, GSWC and several other utilities request flexibility to address high cost and affordability at times and in filings other than a GRC application or AL.

Here we make no change; we are not persuaded that an examination of rate affordability should be severed from the GRC's focus on service and rates.

Fourth, CWA asks us to modify the proposed decision to expressly state that the framework is not applicable to water utilities that are not respondents to this rulemaking, particularly Class C and Class D water utilities. Neither the OIR nor the proposed decision purport to affect entities other than the named respondents and no further clarification is required. Moreover, any modification of today's decision must be consistent with governing statute and the Commission's rules.

Rate Support Fund (RSF): With respect to the RSF, Lake County represents the Lucerne community which is a beneficiary of CWS's RSF. While Lake County generally supports the RSF, it "prefers additional prescriptive RSF guidelines for the multi-district water utility's compliance." (Lake County comments at 4.) Lake County argues that the economic health of a community should be evaluated and considered in the design of an RSF. CWA takes exception to Lake County's comments and argues that Lake County's requests are beyond the purview of the Commission. ORA states that it is sympathetic with the challenges faced by Lucerne's residents in paying for water. CWS did not file comments on this issue. We conclude that the record developed does not permit us to endorse additional, generic and prescriptive measures. Parties may tailor measures to meet the demands and needs of particular districts and present those proposals for our review in GRCs.

## **8. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Gary Weatherford and Jean Vieth are the co-assigned ALJs in this proceeding.

**Findings of Fact**

1. Supply and distribution costs for different water utilities and for different districts within multi-district water utilities vary significantly, based on the different costs linked to local or imported water sources, water quality protection and contamination remediation, infrastructure needs, etc. This cost variability among water utilities contrasts markedly to the comparative uniformity across electric utilities, which operate with statewide “postage stamp” rates.

2. District-specific conditions within each multi-district water utility remain too variable for prescriptive guidelines on a Rate Support Fund or other cross-subsidy mechanism.

3. The record does not compel a choice between authorizing cross-subsidy mechanisms within multi-district water utilities and authorizing further consolidation of districts.

4. There is no need for the Commission to develop a prescriptive revision of the guidelines developed in 1992 by the then-DRA and the Class A water utilities, titled, “*1992 Guidelines for Combining Water Utility Districts for Ratemaking and Public Utilities Commission Reporting Purposes.*” We observe that the 1992 guidelines are only that, guidelines, not a Commission-adopted rule. Proponents of a consolidation proposal are free to argue that consolidation is in the public interest, in light of proximity, rate comparability, water supply and operation, and other factors that affect the public interest. Other public interest factors may include, but are not limited to, balancing investment, conservation, water quality and affordability, and the duration of any subsidies resulting from consolidation.

5. Rate balancing solution(s) to mitigate high-cost and affordability problems may include any of those discussed in the body of this decision and identified in the Ordering Paragraphs, but need not be limited to them.

**Conclusions of Law**

1. Fundamental fairness and due process limit the scope of this rulemaking to intra-utility rate balancing mechanisms for the respondent multi-district water utilities.
2. Any unresolved requests or motions filed in this rulemaking should be denied.
3. This decision should be effective today to provide timely notice to respondent multi-district water utilities in advance of their next GRC filings.

**O R D E R****IT IS ORDERED** that:

1. Prior to the next General Rate Case (GRC) applications or Tier 3 GRC Advice Letter filings required by each respondent (other than the Office of Ratepayer Advocates), the respondent shall perform a district-based rate review to assess whether high-cost and affordability problems exist in any of its districts. One tool available for determining whether high-cost and affordability problems exist is the high-cost and affordability screening framework found at Appendix A of the Report on Balanced Rate Rulemaking (Rulemaking 11-11-008), dated January 30, 2014, by the Division of Water and Audits and appended to this decision as Attachment A.
2. Each respondent to this rulemaking (other than Golden State Water Company (GSWC) and the Office of Ratepayer Advocates) must report on the review required by Ordering Paragraph No. 1 in its next General Rate Case (GRC) application or in each district-specific Tier 3 Advice Letter GRC (AL) filing

(as applicable). Because GSWC has been scheduled to file its GRC application on July 15, 2014, it shall report on that review within 90 days of the effective date of this decision. If the review determines that high-cost and affordability problems exist in one or more districts, the GRC application or Tier 3 GRC ALs also must propose one or more solutions to mitigate those problems, as further specified in Ordering Paragraph No. 3.

3. The proposed solution(s) referenced in Ordering Paragraph No. 2 may include the following but need not be limited to them:

- a. a Rate Support Fund or similar cross-subsidy fund;
- b. reduction in high costs;
- c. consolidation in some form (i.e., rate consolidation, cost consolidation, rate base consolidation, operational consolidation);
- d. intra-utility grant/loan funding;
- e. rate design (affordability through the first rate tier); and
- f. budget plans.

4. Any unresolved requests or motions filed in this rulemaking are denied.

5. Rulemaking 11-11-008 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.