

# PROPOSED RESOLUTION

Resolution W-5095  
DWA

AGENDA ID #14738 Rev. 2

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DIVISION OF WATER AND AUDITS  
Water and Sewer Advisory Branch

RESOLUTION W-5095  
April 21, 2016

### RESOLUTION

**(RES. W-5095), SAN JOSE WATER COMPANY (SJWC). ORDER AUTHORIZING SURCHARGES TO RECOVER \$7,667,713 OR, AN INCREASE OF 2.57% IN ANNUAL METERED REVENUE, FOR LOST REVENUES DUE TO MANDATORY CONSERVATION.**

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By Advice Letter 482-W, filed February 05, 2016.

### SUMMARY

This Resolution grants San Jose Water Company's (SJWC) request to recover in rates, \$7,667,713 by adding a surcharge of \$0.1441 per 100 cubic feet (ccf) to the Quantity Rates in each customer's bill to be recovered over twelve months. The increases requested are to recover lost revenues tracked in SJWC's Mandatory Conservation Revenue Adjustment Memorandum Account (MCRAMA), using Commission approved Water Conservation Memorandum Account (WCMA) methodology, resulting from reduced water consumption by customers during the period of January 1, 2015 through December 31, 2015.

### BACKGROUND

On January 17, 2014, Governor Edmund G. Brown Jr., proclaimed a Drought State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions.<sup>1</sup> On January 28th, 2014 the Santa Clara Valley Water District (SCVWD) Board of Directors (Board) set a preliminary 2014 water reduction target equal to 10 percent of 2013 water use in Santa Clara County.<sup>2</sup> On February 25, 2014, in

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<sup>1</sup> "Governor Brown Declares Drought State of Emergency": <http://gov.ca.gov/news.php?id=18368>

<sup>2</sup> The SCVWD is responsible for managing the water supply in Santa Clara County. About 50% of the water supply for SJWC is obtained through a contract with the SCVWD.

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response to the worsening water supply outlook for Santa Clara County, the SCVWD Board passed a resolution calling for mandatory measures to reach a water use reduction target equal to 20 percent of 2013 water use, through December 31, 2014.

On February 27, 2014 the Commission issued Resolution W-4976 adopting drought procedures for water conservation, rationing and service connection moratoria ("Drought Procedures") and required that all Class A and B water utilities that had an existing Tariff Rule 14.1 activate the Rule within 30 days of the Resolution effective date. The Drought Procedures, in addition to providing steps to be taken when a utility suffers from a water shortage, provided that a utility without a full revenue decoupling Water Revenue Adjustment Mechanism (WRAM) may request to add a memorandum account to track lost revenue associated with reduced sales as a result of activating Rule 14.1.

By AL 456-A, approved on March 31, 2014, the Commission authorized SJWC to establish (1) a Mandatory Conservation Memorandum Account (MCMA) to track the additional administrative costs, operating costs not otherwise recoverable through memoranda or balancing account and/or any other mechanism recognized by the Commission, and (2) a Mandatory Conservation Revenue Adjustment Memorandum Account (MCRAMA) to track the revenue impact of mandatory conservation.

On March 17, 2015 the State Water Resources Control Board (Water Board) adopted an Emergency Regulation for Statewide Water Conservation (Emergency Regulation) in light of the severe and historic drought. By Resolution W-5034 (dated April 9, 2015), the Commission adopted parallel regulations for the investor-owned water utilities under Commission jurisdiction. This new 2015 Emergency Regulation, effective as of March 27, 2015, was in addition to the one adopted by the Water Board in 2014 and by the Commission in Resolution W-5000.

On March 24, 2015, SCVWD passed Resolution No. 15-24. With this Resolution the SCVWD called for a water use reduction target equal to 30 percent and recommended that retail water agencies, local municipalities, and the County of Santa Clara implement additional mandatory measures as needed to achieve the water use reduction target.

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On April 1, 2015, Governor Edmond G. Brown Jr. issued an Executive Order (B-29-15) ordering that all of the 2014 and 2015 Emergency Regulations to that date were to remain in full force and effect and mandating further reductions in potable water usage through February 28, 2016. The Executive Order ordered the Water Board and the Commission to impose restrictions on both urban water suppliers and the investor-owned utilities to achieve a statewide 25% reduction in potable urban water usage and to direct the suppliers and utilities to develop rate structures and other pricing mechanisms to maximize water conservation to achieve 25% reduction, along with monetary penalties – to the water agencies and water utilities – for failure to comply.

In response to the Governor's Executive Order, on May 5, 2015 the Water Board adopted a final Emergency Regulation by Resolution No. 2015-0032. On May 7th, 2015, the Commission issued Resolution W-5041, setting forth a proposed regulatory framework consistent with the Emergency Regulation and the Executive Order. In order to reach the statewide 25 percent reduction mandate, the Emergency Regulation assigned each urban water supplier a conservation standard that ranged between 4 percent and 36 percent based on the supplier's historical residential gallons per capita per day. Based on this standard SJWC was placed in the 5th tier with a conservation standard of 20%.

However, in response to the SCVWD's call for 30% water reduction due to local water supply conditions and to alleviate the threat of subsidence, SJWC similarly issued a call for 30% potable water use reduction by implementing Schedule 14.1 Stage 3 – Critical Water Reduction.

SJWC filed AL 472 and AL 473 to modify Rule 14.1 and implement a new Schedule 14.1 in response to the CPUC's Resolution W-5041 ordering modifications to utility drought plans to incorporate state-wide mandatory rationing as ordered by the Water Board in response to Governor Brown's Executive Order. The Commission approved both advice letters effective June 15, 2015. As of December 31, 2015 all drought surcharges collected through the end of 2015 have been tracked in SJWC's WCMA to offset lost revenues as allowed in the approved Schedule 14.1 – Special Condition 6.

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SJWC customers conserved approximately 21.4% of the 2015 adopted total usage of 53,500,000 CCF. The total lost revenue of \$19,798,127, which includes the required 20 basis point adjustment in SJWC's ROE, is offset with the collected drought surcharges of \$12,138,526 to arrive at a total under – collection of \$7,659,601. Added to this amount is interest at the 90-day commercial rate for a total WCMA under-collection of \$7,667,713. This results in a surcharge of \$0.1441 per ccf to be applied to all potable and raw water usage for a 12-month period. The memorandum account surcharge will result in an increase of \$2.16 per month, or approximately 2.57% for a customer using 15 ccf per month.

## NOTICE AND PROTESTS

SJWC mailed a copy of AL 482 to its advice letter service list. A public notice of the rate increase request was also mailed to all customers in compliance with General Order 96-B, Water Industry Rule 3.1 and General Rule 4.2. 115 protests or comments were received as of March 1, 2016. No protest was received from the Office of Ratepayer Advocates (ORA).

### *Protests by Customers*

115 protests or comments were received from customers and other interested parties. Some issues raised by the protestants included:

- Utility did not properly serve or give notice of the advice letter.
- The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies.
- The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process.
- The relief requested in the advice letter is unjust, unreasonable, or discretionary.
- The analysis, calculations, or data in the advice letter contain material error or omissions.
- The surcharge should not penalize customers who conserved.

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- SJWC should reduce their costs.
- Water waste in the system should be reduced.

## *San Jose Water Company's Responses To Protests*

SJWC on March 1, 2016 indicated that it had complied with all noticing requirements for AL 482; the relief requested by AL 482 was in accordance with Commission adopted practices and procedures and was pursuant to Commission authorizations and did not require any formal hearings; and the tracking and subsequent recovery of lost revenue due to conservation was not unjust, unreasonable, or discriminatory. The remaining protests were not protests to the requests in AL 482. SJWC argues all protests should be dismissed.

As required by GO 96-B, General Rule 7.4.3, SJWC filed the response to the protests to AL 482 within 5 days of the end of the protest period and served the responses to each person who filed the protests. Staff reviewed the protests but finds that SJWC's request is reasonable.

## **DISCUSSION**

SJWC seeks to recover the balances in the WCMA for reduced water consumption by customers that resulted from SJWC's implementation of voluntary and mandatory water measures during the period of January 1, 2015 through December 31, 2015. DWA recommends that the recovery of the WCMA balances should be based on the methodology adopted by the Commission in Decisions D. 90-08-055 and D. 91-10-042 and should be approved for the reasons discussed below.

### *Recovery of conservation related revenue losses*

The Commission in D.90-08-055 and D.91-10-042 established the methodology for computing revenue losses resulting from mandatory and voluntary conservation programs. D.91-10-042, Ordering Paragraph 3, also authorized recovery of

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revenue losses resulting from implementation of these types of water conservation measures contingent upon the following:

1. Approval of the utility's water management program;
2. Reduction of the memorandum account balance pursuant to the risk reduction adjustment set-forth in D.91-10-042; and
3. Offset of the memorandum account balance, where applicable, from drought surcharges collected through mandatory water rationing.

SJWC is required, per Section 10620 of the Water Code, to prepare an Urban Water Management Plan (UWMP) every five years and to submit this plan to the California Department of Water Resources. Class A and B water utilities also submit their UWMPs as part of their General Rate Cases (GRCs). SJWC submitted to the Commission its UWMP for its service area as part of its GRC adopted through D.14-08-006. DWA reviewed SJWC's UWMP and determined that it meets the water management plan requirements established by D.90-08-055, which include: 1) clear and specific goals for reducing water usage; 2) multiple approaches for conserving water; 3) long-term water conservation programs (including incentive-based programs); 4) cost-effectiveness of the programs; and 5) method for measuring the effectiveness of the programs.

SJWC applied the reduction of the memorandum account balance pursuant to the risk reduction adjustment of 20 basis points on equity in compliance with D.91-10-042.

SJWC computed the revenue shortfall through its WCMA as follows:

1. SJWC first recognized the most recently adopted water sales revenue in D.14-08-006;
2. SJWC then recorded the actual water sale revenue collected;
3. SJWC also recognized the most recently adopted variable expenses for purchased water, pump tax, and power;

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4. SJWC then recorded the actual variable expenses;
5. The total net WCMA balance was then calculated to be (Step 1 minus Step 2) plus (Step 3 minus Step 4);
6. SJWC then computed the 20 basis point reduction on equity required by D.91-10-042; and
7. The lost revenue is offset with the collected drought surcharges. DWA reviewed SJWC's calculations and confirmed that it complied with the risk reduction adjustment adopted in D.91-10-042.

## COMMENTS

Public Utilities Code Section 311(g) (1) generally requires that resolutions must be served on all parties and be subject to at least 30 days public review and comment prior to a vote of the Commission. On March 22, 2016, this Resolution was mailed for 30-day public review and comment to the utility and protestants, and to the parties on the service list for AL 482.

Comments were due by April 11, 2016. DWA received 11 comments from SJWC customers. The concerns raised included:

- Utility should not be guaranteed gross income.
- The relief requested in the advice letter is unjust, unreasonable, or discretionary.
- The surcharge should not penalize customers who conserved.
- SJWC should reduce their costs.

Comments have been considered by DWA. However, no changes have been made to the resolution.

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## SAFETY CONSIDERATIONS

The recovery of the balances in SJWC's WCMA will provide the utility with the unrecovered authorized financial resources as a result of reduced water consumption to *safely* operate and maintain its system for the benefit of its customers, employees, and members of the general public.

## FINDINGS AND CONCLUSIONS

1. On February 5, 2016, San Jose Water Company filed Advice Letter (AL) 482 to request amortization of its Water Conservation Memorandum Account. San Jose Water Company requested to recover in rates the amount of \$7,667,713 by adding a surcharge of \$0.1441 per 100 cubic feet to the Quantity Rates in each customer's bill to be recovered over twelve months.
2. On March 4, 2016, the Division of Water and Audits (DWA) suspended AL 482.
3. On March 1, 2016, San Jose Water Company timely filed a response to 115 customer protests to AL 482.
4. The Santa Clara Valley Water District (District) is responsible for managing the overall water supply in Santa Clara County. The District must rely on the actions of the water retailers, cities, and the county to enact and implement local ordinances and conservation measures.
5. On March 24, 2015 the District issued a request for a 30 percent mandatory water conservation for all water retailers in Santa Clara County.
6. San Jose Water Company is a water retailer in Santa Clara County.
7. San Jose Water Company activated Stage 3 – Critical Water Reduction of Rule 14.1 in order to meet a 30% water use reduction goal.

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8. Commission Decisions 90-08-055 and 91-10-042 established the method for computing revenue losses resulting from mandatory and voluntary conservation programs.
9. Commission Decision 91-10-042, Ordering Paragraph 3, authorized recovery of revenue losses resulting from implementation of these types of water conservation measures contingent upon San Jose Water Company meeting certain conditions.
10. San Jose Water Company satisfied the requirements of Decision 91-10-042, Ordering Paragraph 3.
11. The Commission authorized San Jose Water Company in Resolution W-5071 to compute MCRAMA balances using the WCMA methodology developed in Decision (D.) 90-08-055 and D. 91-10-042.
12. The Commission re-affirmed the use of WCMA methodology in D. 14-08-006 for computing MCRAMA balances.
13. San Jose Water Company computed MCRAMA balances based on the WCMA methodology.
14. Using the WCMA methodology, the balance for the period January 1, 2015 through December 31, 2015 is \$7,659,601.
15. San Jose Water Company should be permitted to transfer \$7,659,601 from its Water Conservation Memorandum Account to a balancing account for recovery.
16. Consistent with Standard Practice U-27-W San Jose Water Company may assess a 12-month surcharge for recovery of the Water Conservation Memorandum Account balance.
17. The surcharge of \$0.1441 per 100 cubic feet added to the quantity rates over twelve months herein would allow San Jose Water Company to recover in rates the \$7,667,713 in lost revenues plus interest.

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18. Consistent with Public Utilities Code Section 792.5, San Jose Water Company shall track revenues collected under the surcharges authorized in this resolution in a balancing account and account for any over or under collection in its next General Rate Case.
  
19. The following tariff schedules should be approved in a Tier 1 Advice Letter filing as attached to this Resolution: 1) Schedule No. 1, General Metered Service; 2) Schedule No. 1B, General Metered Service with Automatic Fire Sprinkler System; 3) Schedule No. 1C, General Metered Service for Mountain District; and 4) Schedule No. RW, Raw Water Metered Service.

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### THEREFORE, IT IS ORDERED THAT:

1. San Jose Water Company is permitted to transfer \$7,659,601 from its Water Conservation Memorandum Account to a balancing account for recovery. San Jose Water Company is authorized to earn interest on the unamortized balance in this balancing account at the 90-day commercial paper rate.
2. San Jose Water Company is authorized to implement a surcharge of \$0.1441 per 100 cubic feet added to the quantity rates over twelve months to recover in rates the \$7,667,713 in lost revenues plus interest.
3. San Jose Water Company is authorized to file a Tier 1 Advice Letter to make effective the following tariff schedules as attached to this Resolution five days after approval of this Resolution:
  - a. Schedule No. 1, General Metered Service;
  - b. Schedule No. 1B, General Metered Service with Automatic Fire Sprinkler System;
  - c. Schedule No. 1C, General Metered Service for Mountain District; and
  - d. Schedule No. RW, Raw Water Metered Service.
4. San Jose Water Company is authorized to cancel the corresponding tariffs for the presently effective rate schedules listed in Ordering Paragraph 3 above.

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This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on April 21, 2016; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director

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## APPENDIX A

Schedule No. 1

### GENERAL METERED SERVICE

(Continued)

14. To offset the July 2015 increase in Ground Water Charges from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in ground water charges of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1578 per 100 cu.ft., are being tracked in a reserve account.
15. To amortize the under-collection in the Mandatory Conservation Revenue Adjustment Memorandum Account, a surcharge of \$0.08 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 477.
16. To amortize the under-collection in the Water Conservation Memorandum Account from 2015, a surcharge of \$0.1441 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 482. (N)  
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(N)

(cont.)

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## APPENDIX A

Schedule No. 1B

### GENERAL METERED SERVICE WITH AUTOMATIC FIRE SPRINKLER SYSTEM

(Continued)

11. To amortize the under-collection in Balancing Accounts, a surcharge of \$0.0492 per 100 cu.ft is to be added to the Quantity rate shown for a 6 month period beginning with the effective date of Advice Letter 481.
12. To amortize the under-collection in the 2013 GRC Interim Rates Memorandum Account, a surcharge of \$0.2888 per 100 cu.ft is to be added to the Quantity rate shown for a 36 month period beginning with the effective date of Advice Letter 465-B.
13. To amortize the under-collection in the 2013 GRC Interim Rates Memorandum Account (Rehearing), a surcharge of \$0.0360 per 100 cu.ft is to be added to the Quantity rate shown for a 12 month period beginning with the effective date of Advice Letter 471.
14. To offset the July 2015 increase in Purchased Water from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in purchased water costs of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1872 per 100 cu.ft., are being tracked in a reserve account.
15. To offset the July 2015 increase in Ground Water Charges from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in ground water charges of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1578 per 100 cu.ft., are being tracked in a reserve account.
16. To amortize the under-collection in the Mandatory Conservation Revenue Adjustment Memorandum Account, a surcharge of \$0.08 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 477.
17. To amortize the under-collection in the Water Conservation Memorandum Account from 2015, a surcharge of \$0.1441 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 482.

(N)  
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(N)

(cont.)

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## APPENDIX A

Schedule No. 1C  
GENERAL METERED SERVICE  
Mountain District  
(Continued)

16. To amortize the under-collection in the 2013 GRC Interim Rates Memorandum Account (Rehearing), a surcharge of \$0.0360 per 100 cu.ft is to be added to the Quantity rate shown for a 12 month period beginning with the effective date of Advice Letter 471.
17. To amortize the over-collection of the Schedule 1C elevation charge within the 2013 GRC Interim Rates Memorandum Account (Rehearing), a one-time refund of \$3.06 per service connection will be added to the bills of all non-mutual customers beginning with the effective date of Advice Letter 471.
18. To amortize the over-collection of the Schedule 1C service charges collected from the Mutual Water Companies within the 2013 GRC Interim Rates Memorandum Account (Rehearing), a one-time refund is to be added to the bills of the Mutual Water Companies listed below beginning with the effective date of Advice Letter 471 as follows:

<u>Mutual:</u>	<u>One-time Refund</u>
Brush & Old Well Mutual Water .....	\$265
Gillette Mutual Water Co. ....	\$42
Oakmont Mutual Water Co. ....	\$116
Stagecoach Mutual Water Co. ....	\$30
Summit West Mutual Water Co. ....	\$402
Ridge Mutual Water Co. ....	\$352
Villa Del Monte Mutual Water Co. ....	\$455
Big Redwood Park Water & Improvement .....	\$177
Mountain Summit Mutual Water Co .....	\$20

19. To offset the July 2015 increase in Purchased Water from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in purchased water costs of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1872 per 100 cu.ft., are being tracked in a reserve account.
20. To offset the July 2015 increase in Ground Water Charges from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in ground water charges of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1578 per 100 cu.ft., are being tracked in a reserve account.
21. To amortize the under-collection in the Mandatory Conservation Revenue Adjustment Memorandum Account, a surcharge of \$0.08 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 477.
22. To amortize the under-collection in the Water Conservation Memorandum Account from 2015, a surcharge of \$0.1441 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 482.

(N)  
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(N)

(cont.)

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## APPENDIX A

Schedule No. RW  
RAW WATER METERED SERVICE  
(Continued)

11. To amortize the under-collection in Balancing Accounts, a surcharge of \$0.0492 per 100 cu.ft is to be added to the Quantity rate shown for a 6 month period beginning with the effective date of Advice Letter 481.
12. To amortize the under-collection in the 2013 GRC Interim Rates Memorandum Account, a surcharge of \$0.2888 per 100 cu.ft is to be added to the Quantity rate shown for a 36 month period beginning with the effective date of Advice Letter 465-B.
13. To amortize the under-collection in the 2013 GRC Interim Rates Memorandum Account (Rehearing), a surcharge of \$0.0360 per 100 cu.ft is to be added to the Quantity rate shown for a 12 month period beginning with the effective date of Advice Letter 471.
14. To offset the July 2015 increase in Purchased Water from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in purchased water costs of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1872 per 100 cu.ft., are being tracked in a reserve account.
15. To offset the July 2015 increase in Ground Water Charges from the Santa Clara Valley Water District, as required by Section 792.5 of the Public Utilities Code, an increase in ground water charges of \$147.00 /acre-foot, relative to the purchase water costs adopted by D.14-08-006, and associated revenue increase of \$0.1578 per 100 cu.ft., are being tracked in a reserve account.
16. To amortize the under-collection in the Mandatory Conservation Revenue adjustment Memorandum Account, a surcharge of \$0.08 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 477.
17. To amortize the under-collection in the Water Conservation Memorandum Account from 2015, a surcharge of \$0.1441 per 100 cu.ft. is to be added to the Quantity Rate shown for a 12-month period beginning with the effective date of Advice Letter 482.

(N)  
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(N)

**END OF APPENDIX A**

## CERTIFICATE OF SERVICE

I certify that I have by either electronic mail or postal mail, this day, served a true copy of Proposed Resolution No. W-5095 on all parties in these filings or their attorneys as shown on the attached lists.

Dated March 22, 2016 at San Francisco, California.

/s/ JENNIFER PEREZ

Jennifer Perez

Parties should notify the Division of Water and Audits, Fourth Floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the Resolution number on which your name appears.

**SAN JOSE WATER COMPANY  
ADVICE LETTER NO. 482  
SERVICE LIST**

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**SAN JOSE WATER COMPANY  
ADVICE LETTER NO. 482  
SERVICE LIST**

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n/a	<a href="mailto:sermeno@aol.com">sermeno@aol.com</a>	Steven Gieng	<a href="mailto:sgieng@gmail.com">sgieng@gmail.com</a>
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