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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF GOLDEN STATE
WATER COMPANY (U 133 W) FOR
AUTHORITY TO IMPLEMENT CHANGES
IN RATESETTING MECHANISMS AND
REALLOCATION OF RATES FOR ITS
REGION I SERVICE AREA

A.08-09-010

**MOTION OF GERALD TRIMBLE,
REQUESTING PUBLIC PARTICIPATION HEARINGS
RELATIVE TO THE CHANGES IN RATESETTING MECHANISMS
AND REALLOCATION OF RATES BY
GOLDEN STATE WATER COMPANY**

1. INTRODUCTION AND RECOMMENDATION

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, Gerald Trimble (ratepayer account #317879) hereby moves for an order establishing public participation hearings relating to the application of Golden States Water Company (GSWC) for authority to implement changes in rate setting mechanisms and reallocation of rates for its Region I Service Area.

A public participation hearing is requested for the ratepayers to express comments on and be educated about the momentous changes of rate designs for the GSWC Region I Service Areas.

2. BACKGROUND

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3 A protest to Application 08-09-010 was filed by Trimble on October 7, 2008
4 relating to issues therein and specifically questioning the authority of elements
5 of the adopted settlement agreement from Proceeding I.07-01-022 to apply to
6 Proceeding A.08-09-010 when not expressly decreed in Decision 08-08-30,
7 as Rule 12.5 of the Commission's Rules of Practice and Procedure provides:

8 *"Unless the Commission expressly provides otherwise, such adoption*
9 *does not constitute approval of, or precedent regarding, any principle*
10 *or issue in the proceeding or in any future proceeding."*

11 In the A.08-09-010 prehearing conference, ALJ Lakritz ruled that the
12 WRAM/MCBA mechanism as agreed to by GSWC and DRA in a settlement of
13 October 19, 2007, such settlement being adopted by D.08-08-030, authorized
14 the WRAM/MCBA for this proceeding
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16
17 Also during the pre-hearing conference, ALJ Lakritz asked about the need for
18 a public participation hearing, to which Trimble replied, to the effect, that he
19 could not see the point of it at that time.
20

21 Trimble then communicated by letter to Commissioner Bohn and ALJ Lakritz
22 arguments concerning that ruling based on Article 12, Rule 12.5 of the
23 Commission's Rules of Practice and Procedure and filed and served the
24 notice of ex parte communication dated November 11, 2008 (filing date of
25 11/12/08).
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28 No change in that ruling resulted, confirming the precedence and authority of
29 the Settlement of October 19, 2007 between GSWC and the DRA regarding
issues and elements of agreement therein being unquestionably applicable to
matters to be implemented in proceeding A.08-09-010.

1 On November 14, 2008, a notice of a settlement conference was received
2 from Mr. Poirier to be held on November 21, 2008 at 10:00 am.

3
4 On November 19, 2008 at 1:47 pm, Trimble provided parties Poirier, Yanney
5 and Switzer with a twelve (12) page note outlining the significant issues and
6 requirements for discussion in the settlement conference of November 21,
7 2008. At 3:49 pm that same day, a draft settlement agreement was received
8 by Trimble from Mr. Yanney of GSWC.

9
10 The settlement conference was then held at 10:00am on November 21, 2008
11 .

12 13 **3. DISCUSSION**

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15 The implementation of new ratemaking mechanisms and the reallocation of
16 rates were initiated by the Settlement Agreement of October 19, 2007, as
17 adopted by Decision 08-08-030 of August 21, 2008 within Proceeding I.07-01-
18 022.

19
20 No public participation hearings were initiated for proceeding I.07-01-022 and
21 this request does not address the issues decided in that proceeding.

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23
24 GSWC was tasked with the burden of filing an application with the required
25 two-tier rate structure design and other details not included in the Settlement
26 of October 19, 2007, by Decision 08-08-030 on page 7 as follows:

27 Within 90 days after the Region I GRC decision issues, GSWC will file an
28 application proposing revised conservation rates in a manner consistent with
29 those proposed for Regions II and III in this settlement.

1 This tasking was also included in the Settlement of October 19, 2007 on page
2 5 as follows:

3 3. Within 90 days of the resolution of the pending Region I GRC, GSWC shall file an
4 application proposing revised conservation rates to replace the interim conservation
5 rates for the Bay Point, Los Osos, Santa Maria and Simi Valley service areas in
6 Region I, as proposed in this settlement.

7 a. The application shall propose conservation rates in a manner consistent with
8 those proposed in this settlement.

9 b. With respect to its application, GSWC will evaluate if more fixed charges can
10 be moved to the quantity charge consistent with conservation rates proposed in
11 this settlement.

12 The setting of these rate designs, while they may be neutral to GSWC, will
13 impact rate payers differently, depending on their water usage. Likewise, the
14 impact of the WRAM/MCBA mechanism, while not a contested issue, should
15 be explained to ratepayers, since surcharges and surcredits will constitute a
16 radical change in billing.

17 Further, the intent of the Commission to promote conservation and its impact
18 relative to rates is also information that should be addressed in a public
19 meeting. To do otherwise is to ignore the thrust of the Commission's intent
20 for these rate design changes.

21 The impact of this reallocation of rates on the ratepayers is far more severe
22 than even a simple rate increase for many of its population, even though
23 again the impact on the utility is minimal.

24 To consider only that impact on the utility is to ignore those who the
25 Commission's regulatory system was established to protect.

26 The reallocation of these rates is accomplished via the setting of the tier
27 levels, tier count and service charge levels, which are a proper subject of this
28 proceeding. These elements were not a subject of the Settlement of October
29 19, 2007 and were part of this GSWC Application among other things.

1 The GSWC application has requested three reversals of elements of the
2 October 19, 2007 Commission adopted settlement, which if are considered
3 valid requests, i.e., not subject to the same ruling which terminated the protest
4 to implementation of the WRAM, then these would also be proper subjects of
5 such a public participation hearing.
6

7

8 **4. CONCLUSION**

9 It is with great urgency that all parties join with me in this request for public
10 participation hearings to allow ratepayers to become more informed and be
11 allowed to provide comments on these very significant and serious decisions
12 the Commission is about to make regarding implementation of rate
13 reallocation and conservation.
14

15 To do otherwise is to avoid a responsibility to the public that is served.
16

17
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21 December 3, 2008

respectfully submitted,

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24

25
26 Gerald Trimble
27 4586 Cameo Place
28 Santa Maria, CA 93455
29 (805) 937-2518
jerryT@linkline.com

1 **APPENDIX A**

2 **Notice of Availability**

3
4 Title:

5 MOTION OF GERALD TRIMBLE,
6 REQUESTING PUBLIC PARTICIPATION HEARINGS
7 RELATIVE TO THE CHANGES IN RATESETTING MECHANISMS
8 AND REALLOCATION OF RATES BY
9 GOLDEN STATE WATER COMPANY

10 Contents:

11 The Protest includes a single file in PDF/A format at the following link/URL.

12 Link/URL

13 <http://personal.linkline.com/trimble/0809010/Motion.pdf>

14 Date available:

15 12/03/08

16 Name and contact information:

17 Gerald Trimble

18 805-937-2518

19 jerryt@linkline.com

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3
4 **Certificate of Service**

5 I hereby certify that I have this day served a copy of the

6
7 **MOTION OF GERALD TRIMBLE,**
8 **REQUESTING PUBLIC PARTICIPATION HEARINGS**
9 **RELATIVE TO THE CHANGES IN RATESETTING MECHANISMS**
10 **AND REALLOCATION OF RATES BY**
11 **GOLDEN STATE WATER COMPANY**

12 on all known parties to A.08-09-010 by sending a Notice of Availability via electronic
13 mail and by mailing a properly addressed paper copy by first-class mail with postage
14 prepaid to each party named in the official service list without an electronic mail address.

15 Executed on December 3, 2008 at Santa Maria, California.

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21 Gerald Trimble
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1 **Proceeding: A0809010 - GOLDEN STATE WATER C**

2 **Filer: GOLDEN STATE WATER COMPANY (U133W)**

3 **List Name: LIST - Last changed: November 10, 2008**

4 All persons herein listed were served by Notice of Availability on 12/03/08.

5 **Parties -----**

6 KEITH SWITZER
7 VICE PRESIDENT OF REGULATORY AFFAIRS
8 GOLDEN STATE WATER COMPANY
9 630 EAST FOOTHILL BOULEVARD
10 SAN DIMAS, CA 91773
11 FOR: GOLDEN STATE WATER COMPANY

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FOR: SELF

MARCELO POIRIER
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 5025
505 VAN NESS AVENUE
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FOR: DRA

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17 FOR: GOLDEN STATE WATER COMPANY

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23 **State Service -----**

24 FRED L. CURRY
25 CALIF PUBLIC UTILITIES COMMISSION
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