



FILED

BEFORE THE PUBLIC UTILITIES COMMISSION 08-12-10

04:59 PM

OF THE STATE OF CALIFORNIA

In the Matter of the Application of
California-American Water
Company (U 210 W) for an Order
Authorizing and Imposing a
Moratorium on Certain New or
Expanded Water Service
Connections in its Monterey District.

Application No. 10-05-20
(filed May 24, 2010)

**MOTION OF SHAN SAYLES
FOR LEAVE TO INTERVENE**

John S. Bridges
Sheryl L. Ainsworth
FENTON & KELLER
A Professional Corporation
2801 Monterey Salinas Highway
P.O. Box 791
Monterey, CA 93942
Telephone: (831) 373-1241
Facsimile: (831) 373-7219

Date: August 10, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Application of
California-American Water
Company (U 210 W) for an Order
Authorizing and Imposing a
Moratorium on Certain New or
Expanded Water Service
Connections in its Monterey District.

Application No. 10-05-20
(filed May 24, 2010)

**MOTION OF SHAN SAYLES
FOR LEAVE TO INTERVENE**

Pursuant to Rule 1.4(a)(4) and Rule 11.1(b) of the California Public Utilities Commission’s (“CPUC” or “Commission”) Rules of Practice and Procedure, Shan Sayles hereby moves for leave to intervene as a party in this proceeding initiated by the application of California-American Water Company (“Cal-Am”).

Commission Rule 1.4 subsections (a) and (b) provide that a person may become a party to a proceeding by filing a motion, and fully disclosing the persons or entities on whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding. The motion must set forth the factual and legal contentions the party intends to make and demonstrate that the contentions will be “reasonably pertinent to the issues already presented.” 1.4. (Rule 1.4)

In support of his motion to intervene as a party, Mr. Sayles states as follows:

I. Factual and Legal Contentions

Shan Sayles has retrofitted and is retrofitting his single family home with a variety of water saving conservation measures to establish water credits for his properties on San Antonio and 12th Street, in Carmel-by-the-Sea (“Property”). He has undertaken the expense of doing so in good faith justifiable reliance on the rules and regulations of the Monterey Peninsula Water Management District (“MPWMD”) approving the use of water credits on the same site. Mr.

1 Sayles has not yet been able to utilize the credits on the Property. The planning and permitting
2 process for the project to use the credits is underway.

3 Mr. Sayles interests are separate and distinct from the interests of the other parties
4 participating thus far. He represents the interests of the individual homeowner who has
5 participated in MPWMD's rules to save water and whose potential impact on the Carmel River
6 is, in any event, negligible, but who is threatened with immediate personal and financial harm by
7 Cal-Am's proposed moratorium.

8 The moratorium, if approved as proposed, could have the unintended consequence of
9 preventing the utilization of water credits a homeowner has obtained from MPWMD pursuant to
10 MPWMD's rules and regulations for voluntary conservation measures implemented on the
11 homeowner's property. Mr. Sayles asks that his Motion for Leave to Intervene be granted. Mr.
12 Sayles also asks that, if a moratorium is adopted, a clarification be made that the moratorium
13 would not be applied to prevent water service to single family residential connections pursuant to
14 MPWMD water credits in place at the date the moratorium commences. Alternatively, Mr.
15 Sayles requests that an additional exception be made to Cal-Am's requested relief (proposed
16 moratorium) for connections made pursuant to MPWMD pre-existing water credits of less than
17 .5 acre feet per connection, as of the date the moratorium commences.

18 Mr. Sayles asserts that failure to make such a clarification or exception would be undue,
19 unjust, and unreasonable, on the following grounds:

20 1. The MPWMD is a public agency created by the California legislature to regulate all
21 local water systems, including Cal-Am, within MPWMD's jurisdiction. As such, MPWMD is
22 the "face" of governmental water regulation for the proposed moratorium area, and homeowners
23 within the area should be entitled to rely on its regulations and actions.

24 2. Mr. Sayles has expended time and money in good faith justifiable reliance on water
25 credits pursuant to the rules and regulations of MPWMD.

26 3. The impact of the proposed moratorium on Mr. Sayles, and other individuals who
27 have relied on MPWMD water credits, but who have been unable to exercise those credits,
28 would be greater and more immediate than on the public at large.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Kristie M. Campbell, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 2801 Monterey-Salinas Highway, Post Office Box 791, Monterey, CA 93942. On August 10, 2010, I served the within document(s):

MOTION OF SHAN SAYLES FOR LEAVE TO INTERVENE

- by transmitting via electronic mail the document(s) listed above to the email addresses listed on the attached official Service List on this date from 2801 Monterey-Salinas Highway, Monterey, California.

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Monterey, California addressed to:

Gary Weatherford
CA Public Utilities Commission
Division of Administrative Law Judges
Room 5020
505 Van Ness Avenue
San Francisco, CA 94102-3214

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 10, 2010, at Monterey, California.



Kristie M. Campbell

SERVICE LIST

1 **PARTIES**

2 JASON S. RETTERER
3 ATTORNEY AT LAW
4 LOMBARDO & GILLES, LLP
5 318 CAYUGA STREET
6 SALINAS, CA 93901
7 FOR: BAYLAUREL, LLC / CVR HSGE, LLC /
8 QUAIL LODGE, INC.
9 **jason@lomgil.com**

DAVID C. LAREDO
ATTORNEY AT LAW
DE LAY & LAREDO
606 FOREST AVENUE
PACIFIC GROVE, CA 93950-4221
FOR: MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT
dave@laredolaw.net

11 ALLISON BROWN
12 CALIF PUBLIC UTILITIES COMMISSION
13 LEGAL DIVISION
14 ROOM 4107
15 505 VAN NESS AVENUE
16 SAN FRANCISCO, CA 94102-3214
17 FOR: DRA
18 **aly@cpuc.ca.gov**

LORI ANNE DOLQUEIST
MANATT PHELPS & PHILLIPS LLP
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO, CA 94111-3719
FOR: CALIFORNIA-AMERICAN WATER
COMPANY
ldolqueist@manatt.com

11 SHERI L. DAMON
12 DAMON LAW OFFICES
13 618 SWANTON ROAD
14 DAVENPORT, CA 95017
15 FOR: NATIONAL SECURITY GUARANTY,
16 INC./PASADERA HOMEOWNER'S ASSN.
17 **sldamon@covad.net**

16 **INFORMATION ONLY**

17 ROBERT G. MACLEAN
18 PRESIDENT
19 CALIFORNIA AMERICAN WATER COMPANY
20 1033 B AVENUE, SUITE 200
21 CORONADO, CA 92118
22 **robert.maclean@amwater.com**

TIMOTHY J. MILLER, ESQ.
CORPORATE COUNSEL
CALIFORNIA AMERICAN WATER COMPANY
1033 B. AVENUE, SUITE 200
CORONADO, CA 92118
FOR: CALIFORNIA-AMERICAN WATER
COMPANY
tim.miller@amwater.com

21 FRANCES M. FARINA
22 ATTORNEY AT LAW
23 DE LAY & LAREDO
24 389 PRINCETON AVENUE
25 SANTA BARBARA, CA 93111
26 **ffarina@cox.net**

GLEN STRANSKY
HIDDEN HILLS SUBUNIT RATEPAYERS
ASSC.
92 SADDLE ROAD
CARMEL VALLEY, CA 93924
FOR: HIDDEN HILLS SUBUNIT RATEPAYERS
ASSN.
glen.stransky@loslaureleshoa.com

SERVICE LIST

1 DAVID STEPHENSON
2 ASSIST TREASURER
3 CALIFORNIA-AMERICAN WATER CO
4 4701 BELOIT DR
5 SACRAMENTO, CA 95838
6 dstephen@amwater.com

7 STATE SERVICE

8 GARY WEATHERFORD
9 CALIF PUBLIC UTILITIES COMMISSION
10 DIVISION OF ADMINISTRATIVE LAW
11 JUDGES
12 ROOM 5020
13 505 VAN NESS AVENUE
14 SAN FRANCISCO, CA 94102-3214
15 gw2@cpuc.ca.gov

16 MAX GOMBERG
17 CALIF PUBLIC UTILITIES COMMISSION
18 WATER BRANCH
19 ROOM 4208
20 505 VAN NESS AVENUE
21 SAN FRANCISCO, CA 94102-3214
22 FOR: DRA
23 mzx@cpuc.ca.gov

24
25
26
27
28