

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



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C2405006

ADMINISTRATIVE LAW JUDGE GARRETT TOY, presiding

City of Pasadena, A Charter City,)	PREHEARING
)	CONFERENCE
Complainant,)	
vs.)	
)	
California-American Water Company)	Case
(U210W),)	24-05-006
)	
Defendant.)	

REPORTER'S TRANSCRIPT
Virtual Proceeding
July 31, 2024
Pages 1 - 49
Volume 1

Reported by: Andrea L. Ross, CSR No. 7896

VIRTUAL PROCEEDING

JULY 31, 2024 - 10:00 A.M.

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ADMINISTRATIVE LAW JUDGE TOY: We'll be on the record. The Commission will come to order.

Good morning, everyone. It is 10:00 a.m. on July 31, 2024. This is the time and place for the Webex prehearing conference for Complaint C.24-05-006, which was also served onto the service list of C.23-11-009. Complaint C.24-05-006 was filed by the City of Pasadena versus California-American Water Company.

My name is Garrett Toy. I'm the administrative law judge assigned to this proceeding. John Reynolds is the assigned commissioner to this proceeding. I will be reporting what occurs today to his office.

The main purpose of today's prehearing conference is to discuss the category, scope, schedule, and any other procedural matters related to these proceedings. As such, my agenda for today is to first go over the service list, discuss the categorization of this proceeding, the scope of issues, the need for hearings, and the schedule. Nothing will be decided today, and any final determinations will be made in the scoping memo.

We will also discuss potential consolidation of

1 these complaints. A reminder for everyone to please
2 speak slowly and clearly for the benefit of our court
3 reporter and not to interrupt or speak over one another.
4 I will outline the ground rules for speaking in greater
5 detail shortly.

6 The first order of business is to take
7 appearances from the parties and attendance via
8 conference line followed by taking motions for party
9 status if there are any.

10 Turning to the complainant the City of
11 Pasadena, is Anthony Taylor in attendance?

12 MR. TAYLOR: I am, your Honor, and good
13 morning.

14 ALJ TOY: Good morning. Will you be the sole
15 representative for the City of Pasadena for the purposes
16 of this hearing as well as the service list?

17 MR. TAYLOR: Correct.

18 ALJ TOY: Great. Thank you.

19 Do I have Nicholas Subias in attendance?

20 MR. SUBIAS: Yes, your Honor. Nicholas Subias
21 on behalf of California-American Water.

22 ALJ TOY: Great. And you will be the service
23 list representative for purposes of service?

24 MR. SUBIAS: Yes, I will.

25 ALJ TOY: Thank you. And there is another

1 person in attendance today for Cal-Am, I understand?

2 MS. DOLQUEIST: Yes, your Honor. This is Lori
3 Dolqueist for California-American Water.

4 ALJ TOY: Thank you.

5 And I believe I have Mr. and Mrs. Gutierrez in
6 attendance today?

7 MR. GUTIERREZ: Yes, your Honor. Good morning.

8 ALJ TOY: Good morning. And will there be
9 anyone else participating on your behalf today?

10 MR. GUTIERREZ: No.

11 ALJ TOY: Is there anyone else on the line that
12 would be participating in today's PHC?

13 (No response.)

14 ALJ TOY: I don't see any other panelists, so
15 let's move on. If at some point someone would like to
16 participate and is currently in the attendees, please
17 send a message to IT to have you moved to panelist.

18 The next order of business is to develop the
19 service list. The complainant and defendant are
20 automatically added to the service list. If you would
21 like to be added as "Information Only," you may do so
22 online on our docket card. Public comments may also be
23 left online.

24 Hearing that there are no additional parties to
25 the proceeding, the service list is complete for

1 C.24-05-006.

2 It is the practice of the Commission to
3 designate one party representative on the service list
4 to communicate on behalf of the party. Others wishing
5 to follow the proceeding may add themselves as
6 "Information Only" on the service list.

7 As you may know, the Commission encourages
8 electronic service and requires all documents served
9 electronically go to everyone on the list. That
10 includes those who are listed as "Information Only."

11 As this is a Webex prehearing conference, I
12 remind everyone to speak slowly and clearly for the
13 benefit of the court reporter and to not interrupt or
14 speak over one another. I will provide opportunities
15 for all of the parties to speak on the issues, but I
16 request that parties not speak until they are called on.

17 If anyone would like a transcript of today's
18 status conference (sic), please email
19 reporting@cpuc.ca.gov.

20 The Instructions to Answer, issued on June 27,
21 2024, categorized this proceeding as adjudicatory. I
22 agree that the adjudicatory categorization is
23 appropriate for this case. With an adjudicatory
24 categorization, ex parte communications, as well as
25 communications concerning procedural matters with

1 commissioners and their advisors, are prohibited
2 pursuant to Article 8 of the Commission's Rules of
3 Practice and Procedure. Any party wishing to
4 communicate with me should limit their communications to
5 procedural matters only and do so via email, cc'ing the
6 entire service list.

7 For practical reasons, let's start with
8 discussing the potential consolidation of these two
9 complaints. Consolidation would mean that the
10 complaints of Mr. and Mrs. Gutierrez, as well as the
11 City of Pasadena, would be merged into one proceeding.
12 There would be a unified set of issues and schedule and
13 a single decision would be issued resolving both
14 proceedings. The schedule for C.23-11-009 would be
15 reset with the due date of opening testimony moved back
16 to match the due date of opening testimony in
17 C.24-05-006.

18 I'd first like to hear from Mr. and
19 Mrs. Gutierrez, whether you have any objections to
20 consolidation.

21 MR. GUTIERREZ: No, your Honor, we do not have
22 any objections.

23 ALJ TOY: Thank you.

24 City of Pasadena, do you have any objections to
25 consolidation of these proceedings?

1 MR. TAYLOR: Your Honor, we have no objections.

2 ALJ TOY: Thank you.

3 And, Cal-Am, any objections?

4 MR. SUBIAS: No, your Honor. We don't have any
5 objections.

6 ALJ TOY: Is there anything else I should
7 consider before consolidating?

8 (No response.)

9 ALJ TOY: I'm seeing no raised hands. Thank
10 you. I will likely move to consolidate these two
11 proceedings following this PHC.

12 Moving onto the scope of issues in this new
13 consolidated proceeding -- or likely to be consolidated
14 proceeding -- keep in mind that any proposed scope is
15 not final and will be discussed with the assigned
16 commissioner's office who will then issue the scoping
17 memo. I have before me the complaint, answer --
18 complaint and answer from C.24-05-006, as well as the
19 scoping memo from C.23-11-009 in which a scope of issues
20 was already laid out.

21 Before we discuss the scope for the proceeding,
22 I do have a few questions for the parties starting with
23 the City of Pasadena. Generally complaints here at the
24 Commission are a vehicle to resolve factual disputes and
25 determine any legal responsibilities resulting from

1 those disputes. They are not generally used to
2 investigate allegations of unsafe practices as those are
3 usually left for Commission investigations.

4 Additionally, looking at the relief requested
5 by the City of Pasadena, this would seem to be more of a
6 building safety issue that the City of Pasadena or
7 another local agency would be well within its rights to
8 investigate and resolve, so I'm curious as to why the
9 City would like the Commission to be involved here.

10 MR. TAYLOR: Your Honor, in response -- I mean
11 the City did thoroughly investigate and contact multiple
12 agencies before filing this matter, as well as research
13 all of the applicable case law to see if a superior
14 court action would be appropriate.

15 At this point, in our view, it seems like the
16 CPUC is the proper venue. If there is an order issued
17 by the CPUC stating that the City can issue notices of
18 violation all the way up, if necessary, to shutting down
19 this reservoir without CPUC approval, that would be
20 something we'd want to see in order.

21 We are not aware of Cal-Am conceding to any
22 code enforcement, building safety, or jurisdiction of
23 the City other than land-use approval such as the
24 potential K-Rail project that we've outlined in our
25 complaint. And with that, that's our position.

1 Obviously our main focus here is public safety.
2 There are many different agencies, courts, procedures
3 that could potentially create some type of a
4 bureaucratic paralysis is probably the best way to say
5 it, and the goal here is to move forward as quickly as
6 possible to protect the residents of the great city of
7 Pasadena.

8 ALJ TOY: Okay. Thank you for that. I guess
9 just speaking through the types of things that could
10 play out over the course of the complaint proceeding,
11 the Commission generally wouldn't conduct an
12 investigation through a complaint. Typically you would
13 open an investigation type proceeding to do that or our
14 staff would on their own accord generally have to open
15 up an investigation.

16 So through this complaint we could obviously
17 order Cal-Am to conduct certain analyses and issue
18 certain reports regarding the current safety of the
19 reservoir, but I'm not sure that through this complaint
20 Commission staff would be going out there to take a look
21 on its own.

22 MR. TAYLOR: If I could --

23 ALJ TOY: Do you have thoughts on that?

24 MR. TAYLOR: Thank you, your Honor. My
25 thoughts on that -- this really seems to call for some

1 type of independent investigation with the resources
2 that either the CPUC has or an outside consultant,
3 engineering type firm at the CPUC or hired by the CPUC.
4 The City has conducted a site inspection recently of the
5 reservoir. The City's resources are limited.

6 One of the issues that Cal-Am has raised is
7 lowering the water level further could compromise fire
8 flow safety issues. Certainly the City is capable of
9 testing fire flow at individual fire hydrants in the
10 city; however, there is no practical way in a city,
11 including Pasadena, can analyze a reservoir, the water
12 level, what is a safe water level, how an outside
13 engineer would view a safety water level to protect the
14 residents in the event of a major earthquake, nor
15 assessing -- and the City cannot assess -- how the
16 reservoir would actually rupture in a major earthquake
17 situation.

18 Cal-Am's position is it would burst at the
19 seams and only a small amount of water would come out of
20 the reservoir during a major earthquake. On the other
21 hand, the concern raised in some of the reports that
22 have been submitted to the City in the past and the CPUC
23 is there could be a catastrophic flood event that could
24 endanger lives and properties downhill from the
25 reservoir. So that's where I think it's critical that

1 the CPUC order as soon as possible that this independent
2 engineering analysis be completed.

3 ALJ TOY: Okay. You've talked to Cal-Am about
4 putting together an independent analysis with sign-off
5 by the City or you've mainly just run into being
6 stonewalled by Cal-Am?

7 MR. TAYLOR: What we have done at the City is
8 we did have a meeting, a virtual meeting, with Cal-Am.
9 We listened to their concerns. The main request the
10 City had as an interim measure is lowering the water
11 level below grade in a manner that would ensure safety
12 of the residents if there was a major earthquake.

13 Cal-Am's position was that the water level
14 could not be lowered further than what they've already
15 lowered it because of fire flow safety concerns. The
16 City asked for more information about that. The City
17 requested Cal-Am attend a city council meeting to
18 present to the city council their analysis and answer
19 questions from the city council, and Cal-Am did not
20 agree to attend that city council meeting. There was
21 follow-up requests made to Cal-Am, and that's how we
22 ended up where we are today.

23 Obviously there's also been the site visit. I
24 was not personally there so I cannot comment on exactly
25 what happened at the site visit a couple weeks ago, but

1 certainly I can report that the City -- we would
2 essentially need some type of outside consultant likely
3 hired either through the CPUC or potentially through the
4 City to conduct the analysis, which of course
5 presupposes that Cal-Am will consent to that.

6 ALJ TOY: I think I remember in Cal-Am's answer
7 they stated that they were willing to submit or answer
8 written questions. Was there any follow-up on that from
9 the City?

10 MR. TAYLOR: We didn't find that acceptable. I
11 mean they -- you know, they are a business in the city
12 of Pasadena. They should be able to answer questions
13 from the council members and be responsive. We had no
14 reason to believe that written questions would be
15 different -- or written responses to questions would be
16 any different than the previous meeting we had with
17 them.

18 ALJ TOY: Okay.

19 MR. TAYLOR: And the concern we had is this
20 just keeps going on and on, and we have no idea when a
21 major earthquake will occur in this area. There was one
22 in Barstow that was about a 5.0 earthquake earlier this
23 week. Fortunately it wasn't in Pasadena.

24 But I mean as it goes, this is an active fault
25 area, and there could be a major earthquake like what

1 happened in Northridge in the 1990s at any point in
2 time. And of course we have to do everything we can to
3 request that the CPUC and other agencies protect the
4 public safety here.

5 ALJ TOY: Certainly. Thanks for that update.
6 So Cal-Am, I understand, has proposed certain safety
7 measures, but I understand that the City has been -- has
8 found those applications for the K-Rail and for the new
9 replacement underground tank to be lacking in detail?

10 MR. TAYLOR: That's part of it. The other part
11 of it is the City, when it makes a decision, asks it be
12 supported by substantial evidence. The missing piece
13 here is we do not know, nor does the City have the
14 resources and ability to confirm, what a catastrophic
15 earthquake does to this reservoir that's a hundred years
16 old.

17 Does it create a slow trickle of water from the
18 seams as Cal-Am has explained to us or is it a
19 catastrophic flood event as was indicated in some of the
20 reports that the City has read? So we don't know the
21 answer to that. The City doesn't have the resources to
22 be able to look at that. It's not something a city
23 typically does in terms of engineering analysis of
24 reservoirs. That's why it's typically the State that
25 would do that.

1 ALJ TOY: Okay. Thank you. In talking to my
2 staff, it's not typically something that the CPUC
3 reviews. I understand that there are other state
4 agencies that regulate dams but not necessarily possibly
5 reservoirs.

6 I think DWR handles dam safety, which may be
7 similar to or analogous to reservoirs, but it's not
8 necessarily within their purview. Certainly I think the
9 Commission has general jurisdiction over Cal-Am as a
10 regulated IOU, so I understand. Okay. Thank you for
11 that update.

12 I'm going to move on now. I have some
13 questions for Cal-Am. I see Mr. and Mrs. Gutierrez have
14 a question.

15 MS. GUTIERREZ: Hi. Good morning. We wanted
16 to weigh in on the issue that was just discussed with
17 the City of Pasadena because we actually have quite a
18 bit of information to share on that, but if you wanted
19 to ask questions about that same point to Cal-Am first,
20 we're happy to wait until you've spoken with them about
21 the issue of whether the Commission is the right venue.
22 So however your Honor would like to --

23 (Crosstalk.)

24 MS. GUTIERREZ: -- but I wanted to let you know
25 we do -- we would love to weigh in.

1 ALJ TOY: Okay. Thanks. Since we're here, why
2 don't you go ahead first, Mr. and Mrs. Gutierrez.

3 MS. GUTIERREZ: Okay. So we are just neighbors
4 who live, unfortunately, just south of this reservoir,
5 and we have extended tremendous energy resources. We're
6 not getting paid. We're not asking for money. We just
7 want this reservoir to be made safe, and we have looked
8 very much into the question of what is the right venue.

9 We actually have reached out every single --
10 once we found out this reservoir poses a threat to
11 life -- to us, to our family, to our neighbors -- as
12 documented in the file from 30 years ago, we were
13 appalled. We reached out to -- who has jurisdiction?

14 We reached out to the Department of Water
15 Resources, which is in control of the Department of
16 Safety of Dams, which you mentioned. They said they do
17 not regulate this size reservoir, so there is no
18 regulation there. They have no jurisdiction.

19 We reached out to the Department of Drinking
20 Water, we reached out to the State Water Resources
21 Control Board, we reached out to pretty much any agency
22 that had water in the name and tried to find out, like,
23 how do we get this made safe? It has been, your Honor,
24 an absolute bureaucratic nightmare.

25 We also reached out to our council member,

1 Anthony Holden's -- sorry -- our Assembly member,
2 Anthony Holden's office. His field representative
3 reached out to various state agencies to try to find out
4 who has responsibility. She referred us back to the
5 Department of Safety of Dams, which, as I said, does not
6 have jurisdiction because it's too small.

7 So at the end of the day, what we ended up with
8 concluding is that I believe we are in kind of a
9 regulatory black hole, and that's part of the reason we
10 are where we are.

11 We are extremely upset at the idea that we have
12 come -- you know, we did call the CPUC and we explained
13 the problem. We were told we should file a formal
14 complaint, which is what we did at great personal
15 expense.

16 We thought once we informed this office, your
17 division, that they would take it from there, but no.
18 We have had to file prepared testimony, we have had to
19 familiarize ourselves with rules, we have had to do all
20 of these things that, you know -- we find this
21 unbelievable.

22 And so going back to your department, we know
23 that the CPUC, we're told, is all about public safety of
24 its regulated utilities. This is a regulated utility.
25 We have understood that there's a law, Public Utility

1 Code Section 1759, that prevents a lot of local entities
2 from actually asserting regulatory jurisdiction like be
3 it nuisance because of the fact that you guys occupy
4 this whole field.

5 So here we are. And to be now told that this
6 is not the right place and, I want to add, I don't
7 believe Pasadena is the right place, the reason being --
8 and we know this because we have done Public Records Act
9 requests, we have proceeded via data requests, and we
10 know a lot now.

11 First of all, Cal-Am has known that this
12 reservoir is a danger of catastrophic failure, not just
13 since 1992, but we made a timeline since then. And as
14 recently as 2022, your Honor, we found reports from
15 their consultants, Brady & Associates, that said that
16 this reservoir is at risk of catastrophic failure and
17 that there is danger to human life. That was in 2022.

18 Cal-Am did nothing. They were supposed to
19 proceed, and they did nothing. They went to Pasadena to
20 further expand the use of this dangerous reservoir. It
21 was only when neighbors went and found these documents
22 from 30 years ago that now Cal-Am is pretending like
23 they're doing something.

24 The reason this is important is 30 years ago
25 Cal-Am tried -- got a -- requested a Conditional Use

1 Permit from Pasadena to mitigate against this danger.
2 Pasadena gave them the CUP. They never did it. They
3 never built it. Pasadena doesn't have the power to
4 force them to do things. Pasadena doesn't have the
5 power to look into documents.

6 Now we have Cal-Am going to the City of
7 Pasadena filing documents saying that the risk here is
8 only a leak scenario. It's not catastrophic failure.
9 Well, through the data request process of the CPUC
10 complaint proceedings, we were able to find a document
11 from 2022 that says the exact opposite.

12 So we feel that your agency, your Special
13 Enforcement Division, has access to all of this
14 information. They can make Cal-Am produce this
15 information. We see in 2009 where they're told by their
16 consultants, Tank Industry Consultants, this reservoir
17 is on a fault. It should be rebuilt in five to eight
18 years. That would have been by 2017. Nothing has been
19 done. Zero.

20 Since we found out about this -- it's almost
21 been two years now -- and we're just still here now and
22 so we are very much imploring your Honor to please take
23 jurisdiction of this and go forward because your agency
24 is tasked with the public safety aspect.

25 And I would request that your Honor cause a --

1 order that an investigation be conducted by the Special
2 Enforcement Division in a Commission proceeding. That
3 would be ideal. Then all the parties that are
4 interested can weigh in.

5 Your Enforcement Division has power to get
6 records that Pasadena does not. You are able uniquely
7 to see the whole picture here. Well, if we lower water
8 level here, what's that going to do to San Marino? What
9 that's going to do to fire flow? I do not believe that
10 Pasadena has the ability to do that. Certainly no other
11 state agency does. Certainly the superior court
12 doesn't. That is what is CPUC's responsibility.

13 So we are imploring you as people who are
14 living in danger and who have been doing everything we
15 can. Again, we're not asking for money. We just want
16 this thing made safe.

17 We agree with Pasadena. We asked for the same
18 thing. Now they're saying we lowered the water level.
19 Is this a safe level? Could we get an outside credible
20 expert to give us that opinion? Your agency has
21 expertise. Can you get someone to say, "yes, it would
22 be safe at this level"? Or, if not, your agency, per
23 the statutes, has authority to decommission a reservoir.

24 That may be what's required. That was what was
25 recommended in 2022 by Cal-Am's own experts at Brady who

1 said if a fault is found under the reservoir, it should
2 be abandoned.

3 So these are very, very pressing concerns. I
4 think that we should not have to live in danger like
5 this, and I'm very -- I do not believe Pasadena has the
6 tools, although I'm appreciative that they're trying to
7 protect their residents.

8 And as far as the K-Rails go and building the
9 tank -- I know your Honor mentioned those two things
10 that are pending -- the K-Rail is very concerning
11 because now they've come up with this newfangled theory
12 that it's just a leak and not a catastrophic failure.
13 But if it's a catastrophic failure, installing concrete
14 highway dividers, which is what K-Rails are, could
15 actually increase the danger because they could become
16 projectiles.

17 ALJ TOY: (Line muted.)

18 MS. GUTIERREZ: Sorry. I can't hear you.

19 ALJ TOY: Sorry. I'm going to cut you off
20 there. We're not here to argue about the sort of
21 specifics about these things. We're just here to talk
22 about the scope. And the jurisdictional issues
23 certainly are something that we need to discuss today,
24 which is what you certainly provided some insight about.
25 But we're not going to talk about sort of the specifics

1 of these safety issues, though I will -- we're here to
2 scope those issues within this proceeding going forward,
3 but not sort of here to discuss the actual safety
4 concerns regarding the K-Rails.

5 MS. GUTIERREZ: If I could, your Honor, the
6 reason I brought those up was because it goes to the
7 jurisdictional issue. So the issue of the K-Rails, as
8 Mr. Taylor alluded to for Pasadena, they can't make a
9 decision about that unless they actually know if we're
10 talking about catastrophic failure or not. And so there
11 is a contradiction in the records, and we got those
12 records from a data request from the CPUC.

13 So again, that access to those records is
14 critical. The access to the expertise is critical.
15 It's not just a straightforward, you know, land-use
16 decision about a concrete highway divider. And as far
17 as installing a new tank, that's also a similar thing
18 because we know that even if something is approved, as
19 was done 30 years ago, Pasadena has no means to make
20 them actually build it.

21 And Cal-Am is more than happy to keep operating
22 this reservoir indefinitely while it continues to, you
23 know, spin the wheels on all kinds of permits,
24 et cetera, as it's done for 30 years. We've already
25 lived through this. So that's why I'm saying that I

1 think land-use jurisdiction alone, since it can't
2 actually -- it can say yes, you can do this, but it
3 can't say you have to do it by one year. You have to do
4 it within this time frame. Only this agency can do
5 that. So that was the point.

6 ALJ TOY: Okay. Thanks. I mean I guess I
7 would just respond to that by saying certainly here at
8 the Commission we're very concerned about safety as
9 well, and we want to make sure that Cal-Am is operating
10 this reservoir safely.

11 My concern is just whether the Commission has
12 the expertise to consider this issue as well or whether
13 there's another agency that maybe we could invite to
14 also participate in this proceeding to get their
15 expertise weighed in on. I understand it may not be a
16 state agency, from what I'm hearing from you and City of
17 Pasadena, but I would think that there's some local
18 agency, the county or -- that has some permitting or
19 oversight of buildings generally that would have some
20 authority, but maybe Commission oversight overrides --
21 that was what I'm getting at here.

22 So it's just something that I need to consider
23 because I don't want to be ruling on something that we
24 don't have the expertise to rule on either. But
25 certainly we'll -- I'm not looking to sort of close this

1 proceeding quickly or anything like that. I'm just
2 trying to make sure we get all the information we need.

3 Okay. I have some questions generally for
4 Cal-Am as well.

5 Mr. Subias, are you on the line?

6 MR. SUBIAS: I am.

7 ALJ TOY: The answer states that Cal-Am has
8 filed applications for two potential remedies to the
9 current situation. One is, I understand, a temporary
10 K-Rail barrier, and another, if I'm understanding
11 correctly, is a redesign of the site, decommissioning of
12 the reservoir, and installation of a replacement buried
13 concrete tank; is that correct?

14 MR. SUBIAS: That's right. We have filed a
15 Temporary Use Permit with the City to develop the K-Rail
16 project, and we have filed a Conditional Use Permit
17 application with the City for the redesign, and it's not
18 really redesign. It would be the demolition of the
19 current storage facility, which is 2.5 million gallons,
20 and the replacement of that facility with a what would
21 now be a 5- to 600,000-gallon fully buried concrete tank
22 further up on the site that would meet all current
23 seismic standards.

24 It would have all sorts of things to address
25 seismic concerns including base layer, special foam

1 around the buried tank. It would be pre-stress concrete
2 construction. We've already -- it's already gone
3 through portions of design, and we're in the permitting
4 process. We've also done a trenching study on the site
5 to analyze the seismic issues. That trenching study has
6 been provided, I believe, both to the City as well as to
7 the Gutierrezes.

8 ALJ TOY: Okay. Thanks.

9 MR. SUBIAS: Just, your Honor, also to add, we
10 sought money in our last GRC, which was filed in 2022.
11 We are waiting on the decision in that case right now
12 for a settlement. But in that case we have \$14 million
13 allocated to addressing Southern California tank
14 upgrades, and that's what would be used to fund the
15 upgrade to the new tank. So it's not like we've been
16 sitting around. We already asked for the money, we
17 already proposed the project, and we're waiting on
18 approval for it.

19 ALJ TOY: Okay. Thank you. Are you aware of
20 how long it would take to install, A, the K-Rail and, B,
21 the replacement tank?

22 MR. SUBIAS: The K-Rail is just a couple
23 months. The tank will take some time because we are
24 going from a 2.5-million-gallon tank to a roughly
25 600,000-gallon tank.

1 In order to do that, we have to expand our
2 Danford facility to take up the slack. We already have
3 a permit in to basically reconstruct the Danford
4 facility to enlarge it. We are working on that now.
5 It's going through design. So once that is done, we can
6 then move forward with construction of this project.
7 The estimated timeline of this project, I believe, is
8 coming to completion in 2027.

9 ALJ TOY: Okay. And the holdup for the K-Rail
10 is approval by the City of Pasadena; is that correct?

11 MR. SUBIAS: Yes, final approval by the City of
12 Pasadena. And I should say that we have gone back and
13 forth with the City both on the TUP with the K-Rail and
14 the CUP for the new tank. On multiple occasions we've
15 answered many questions, we provided additional
16 documentation.

17 ALJ TOY: Okay. Is there a current holdup on
18 that right now or is it just general?

19 MR. SUBIAS: We are just waiting for the final
20 approval from the City.

21 ALJ TOY: Okay. These questions you may or may
22 not have an answer to. When would a reservoir of this
23 size normally be replaced and/or retrofitted? It sounds
24 like this one has been in service for over a hundred
25 years with no work done. Is that abnormal? Average?

1 MR. SUBIAS: I can't speak to that. I can
2 speak to generally at the Public Utilities Commission we
3 replace assets when they are no longer capable of
4 serving -- providing any more useful life.

5 So I know that we have wells that are in place
6 that have been in place for a hundred years. It's a
7 matter of they are replaced when they have reached the
8 end of their useful life. And on this one, we started
9 studying it, at least what I have seen, going back to
10 2008. There was a study in 2009. And then we sought
11 more information in the '19 GRC as a result of our
12 comprehensive planning study from 2019. And that, then,
13 caused us to go back and ask for the funds in the 2022
14 GRC to replace it.

15 ALJ TOY: Okay.

16 MR. SUBIAS: As noted in the testimony we
17 provided in the previous -- or into the Gutierrez
18 complaint, this reservoir has been in place for over a
19 hundred years. It's very robust in terms of how thick
20 the lower walls are. I think they're 15 inches thick.
21 It has been through multiple earthquakes, including, as
22 our seismic expert testified, including very close
23 earthquakes to the site, which was I think a 6.0 with
24 the highest thrust of any of the local earthquakes being
25 experienced at the site.

1 ALJ TOY: Okay. Are you aware of any other
2 local agencies that would have jurisdiction over the
3 safety of the reservoir besides the Commission?

4 MR. SUBIAS: I am not, but I can say that we
5 have been working with the City of Pasadena, which I
6 understand is the lead agency. And as I understand, the
7 City has outsourced some of the engineering review to
8 the proposed tank that we've made, so I suspect that
9 they do have the ability to also outsource additional
10 analysis if they would need it.

11 ALJ TOY: Okay. Thank you.

12 One last question I think for the City, and
13 then I'll come back around to everyone if they have any
14 further comments. Well, actually I'll go over my
15 proposed scope, and then I'll ask for comments.

16 But, Mr. Taylor, I think the K-Rail permit was
17 revised as of earlier this month. How has the City
18 found those revisions? Have they been satisfactory or
19 is there still outstanding questions just regarding
20 whether -- I guess whether the K-Rail itself would
21 actually provide the safety that Cal-Am says it does?

22 MR. TAYLOR: First of all, your Honor, I'd like
23 to object to the characterization by Cal-Am's attorney
24 about the holdup of the City. That is inaccurate. The
25 City needs sufficient information, as I indicated

1 earlier, for there to be substantial evidence that this
2 is safe. There is the Brady report that the City has
3 read. It seems to contradict what Cal-Am has
4 represented to the City. It also raises concerns about
5 the Danford site and safety there, which apparently is
6 where they want to move the water.

7 The question I haven't seen answered by Cal-Am
8 is if they can purchase water or acquire water somewhere
9 else to lower the water level in the reservoir at issue
10 here, the Oak Knoll Reservoir, until a permanent
11 solution is achieved.

12 So it is incomplete information at this point
13 from Cal-Am about the safety of this. If there is a
14 catastrophic flood, we do not want the K-Rails to
15 endanger the public as Mr. and Mrs. Gutierrez have
16 indicated is a concern.

17 And you can see, your Honor, how this plays
18 out. I mean if Cal-Am is saying this is a holdup, okay,
19 well, let's say hypothetically a city -- I won't even
20 make it Pasadena -- approves a project without
21 substantial evidence, then it is challenged by members
22 of the public.

23 ALJ TOY: Okay. Yeah. I think I understand
24 your position, Mr. Taylor, that whatever Cal-Am has
25 produced hasn't provided enough analysis to support

1 that. It will remedy the issue as it stands concerning
2 that Cal-Am would disagree with that.

3 Okay. Mr. and Mrs. Gutierrez, you had a
4 comment?

5 MS. GUTIERREZ: We are not the City, we are not
6 Cal-Am, we are just people trying to live our life. And
7 I can tell you that I consider this K-Rail and this new
8 tank idea basically to be scams.

9 I very much appreciate that Pasadena is being
10 careful because there's an absolute contradiction. For
11 30 years, all the records from Cal-Am have been the risk
12 is catastrophic failure, the reservoir is on a fault.
13 Now, all of a sudden a month or two ago we hear, "Oh,
14 no. The risk is suddenly trickle scenario." So that's
15 really not credible, and I would hope that no city would
16 just simply take that representation at face value.

17 So we feel as if -- you know, if you look back
18 at 1992 when they had this 12-foot flexible diversionary
19 wall they were supposed to build, their own experts said
20 that if the reservoir ruptures, it's important for the
21 barrier to be flexible; otherwise, it could become a
22 projectile. So this is why, your Honor, we don't want
23 anything put in there just to say like, "Oh, we fixed
24 it." That's going to make us be in greater danger.

25 As far as San Marino, the new reservoir idea,

1 it's important for your Honor to understand that getting
2 approval from San Marino to put a lot more water on that
3 site is far from guaranteed.

4 In the '90s, another water company wanted to
5 put a tank right on the adjacent site, which is right
6 above San Marino High School. San Marino said we do not
7 want all this water above the heads of our high school
8 kids. They went all the way to Sacramento, and they got
9 a law passed that basically said nothing could be put on
10 that site until it was approved by the California
11 Geologic Survey and Department of Safety of Dams, so
12 they got special legislation.

13 So I very much doubt that San Marino is going
14 to go ahead and approve putting millions of gallons of
15 water basically on the same site. So when Cal-Am says
16 we have a permit in, they've submitted an application.
17 It's certainly not been granted. That could take years
18 if it ever got approved, which it might not. And so
19 this reservoir that they're proposing to build on our
20 site here above our home, that is going to be in line
21 behind that. So, again, this is where only the CPUC can
22 kind of deal with the big picture because Pasadena is
23 just one municipality.

24 Another final piece that I really think is
25 important to understand is that they have been

1 absolutely sitting around. They were told in 2009 that
2 they need to replace this. It's on a fault. They were
3 supposed to do it within five to eight years. They did
4 nothing. There are so many examples of this.

5 And so, you know, to now take at face value
6 when they have demonstrated that they don't really
7 intend to do anything, they are not interested in public
8 safety here, and so the important thing to understand is
9 that these solutions, we have to make sure that they
10 really are not going to actually endanger us even more.

11 I would not want to be hit by a chunk of
12 concrete in fast-moving water and be killed by that in
13 addition, you know, to the water that's now coming when
14 chunks of the highway dividers are going to come up and
15 hit us.

16 So I think that it's very important to have a
17 solution that takes all of this into account and that
18 way you can actually look at their internal records and
19 not just rely on what they're representing because the
20 internal records -- like I said, the 2022 reports from
21 Brady that we got on a data request absolutely
22 contradict what's being said now.

23 So we appreciate that they're taking their
24 time, and these are not adequate solutions. We need to
25 know what is a safe water level. We need an answer on

1 that question, and we don't want Cal-Am to be able to
2 say, "Oh, we can't lower the water level because fire
3 flow or because San Marino needs the water" or because
4 this or because that. Again, that is the CPUC's
5 bailiwick.

6 ALJ TOY: Okay. Thank you. Thank you for all
7 those comments. Based on that discussion, I'll take
8 that discussion and certainly discuss it with the
9 assigned commissioner's office.

10 As I submitted in the ruling a couple of weeks
11 ago regarding the potential scope, I haven't heard
12 anything to suggest that the scope should change
13 currently and so I'm going to go through now and I'll
14 allow parties to provide comments certainly after I go
15 through the scope.

16 So scoping issue one that I'm going to propose
17 to the commissioner's office is has California-American
18 Water Company violated Public Utilities Code Section 451
19 by failing to safely operate and maintain the Oak Knoll
20 Reservoir? And if anybody needs me to repeat, please
21 jump in and say so.

22 Issue two, should the Commission order
23 California-American Water Company to take corrective
24 action to ensure the safe operation of Oak Knoll
25 Reservoir and comply with Public Utilities Code

1 Section 451? If so, what measures should be taken?

2 Issue three, did California-American Water
3 Company violate Rule 1.1 by failing to disclose safety
4 risks posed by the Oak Knoll Reservoir to the Commission
5 and the public in General Rate Applications A.16-07-002,
6 A.19-07-004, and A.22-07-001? And the numbers again
7 were Applications 16-07-002, A.19-07-004 and
8 A.22-07-001.

9 Issue four, did California-American Water
10 Company violate Rule 2.1(c) of the Commission's Rules of
11 Practice and Procedure by failing to consider safety
12 risks and mitigations at the Oak Knoll Reservoir in
13 General Rate Case Applications 16-07-002, A.19-07-004,
14 and A.22-07-001, and should the Commission sanction
15 Cal-Am Water for violation of Public Utilities Code
16 Section 451, Rule 1.1, and/or Rule 2.1(c)?

17 And just to discuss -- I understand the City of
18 Pasadena would like certain analyses and release to be
19 conducted. In my view, that would fall under issue two,
20 what measures should be taken to ensure the safe
21 operation of Oak Knoll Reservoir.

22 Starting with the City of Pasadena, do you have
23 any comments on this proposed scope of issues?

24 MR. TAYLOR: Your Honor's statement I agree
25 with that a lot of the issues I raised would follow

1 under number two, what measures should be taken. I
2 don't want to jump ahead, but I think a critical issue,
3 when we get to the scheduling, is when those measures
4 are taken, when they are determined, when the studies
5 concerning those measures are taken. If that does not
6 begin until the end of this proceeding, we'd be look at
7 next year. We certainly want to move forward as quickly
8 as possible.

9 Certainly the first thing that could be done is
10 this analysis of what is a safe water level, where else
11 could Cal-Am get water so they could lower the water
12 level below grade? So those are the type of things --
13 and I haven't heard Cal-Am provide solutions to that.
14 That would be the type of thing that hopefully we can
15 resolve as quickly as possible.

16 ALJ TOY: Thank you.

17 Mr. and Mrs. Gutierrez, any comments?

18 MS. GUTIERREZ: Yes. Thank you, your Honor. I
19 notice that when you read the issues for discussion,
20 issue number one as worded in the order was worded as:

21 Should the Commission initiate an
22 investigation to determine if
23 California-American Water Company has violated
24 Public Utility Code Section 451 by failing to
25 safely operate and maintain the Oak Knoll

1 Reservoir since 1992?

2 So I think that the way it was now worded, it
3 didn't include the language about an investigation. So
4 I would request that the language from the initial order
5 of your Honor stay because I do think the Commission
6 opening an OII is critical. I don't think it's fair to
7 rely on individual citizens to shoulder this burden. We
8 feel like we barely scratched the surface. So I am
9 asking that that remain in and obviously the larger
10 question also should.

11 So perhaps it's "Should the Commission initiate
12 a formal investigation" and then also the question of
13 whether they have violated 451.

14 ALJ TOY: Okay. Thank you.

15 MS. GUTIERREZ: And then also as far as the
16 other issues, so on issues three and four, I would
17 suggest a slight change in wording. This language
18 mirrors what was in our complaint, but we worded it
19 slightly differently. So I would suggest inserting the
20 word "including." And where I'd like it to go is right
21 after in the third line of Question 3, "Reservoir to the
22 Commission and the public including."

23 And basically the way it would then read is:

24 Did California-American Water Company
25 violate Rule 1.1 by failing to disclose safety

1 risks posed by the Oak Knoll Reservoir to the
2 Commission and the public including in general
3 rate case applications," and then et cetera as
4 stated.

5 But the reason I want "including" is because
6 they have consistently been misleading the public. We
7 have been at meetings with them where they have misled
8 the public, and it was not these three GRCs. It was
9 other things. But it's part of a pattern and practice,
10 and I think that it is relevant that they are misleading
11 the public as well as the City -- which the City of
12 Pasadena would be included.

13 So I don't want the misleading to only be
14 limited narrowly to those three. And then the same
15 request would go as to question issue four.

16 ALJ TOY: Okay.

17 MS. GUTIERREZ: "Including in GRC," et cetera.

18 And then one final thing that I'd like to add
19 is we did raise in our complaint that Penal Code
20 Section 387 imposes criminal liability on companies that
21 fail to disclose danger to employees by notifying OSHA.

22 We have researched and done a PRA with OSHA.
23 They have never not notified OSHA, even though employees
24 have to go there, including gardeners who have to
25 maintain the property while they are being told from

1 their experts that this reservoir is a threat to life
2 and a risk of catastrophic failure.

3 So my understanding is the CPUC has
4 jurisdiction to ensure Public Utilities follow all state
5 laws, and I think this should be a separate issue that
6 should also be considered.

7 ALJ TOY: Okay. Thank you.

8 Any other comments on the scope of issues?

9 MR. SUBIAS: Yes, your Honor. Nick Subias for
10 California-American Water.

11 ALJ TOY: Sorry. I was asking Mr. and
12 Mrs. Gutierrez.

13 No other comments?

14 MS. GUTIERREZ: No. Thank you, your Honor.

15 ALJ TOY: Cal-Am comments on the proposed scope
16 of issues?

17 MR. SUBIAS: Yes, your Honor. To address some
18 of the arguments that Ms. Gutierrez just raised, some of
19 these actually were raised in the prior -- or in the
20 initial proceeding at the prehearing conference prior to
21 issuance of the original scoping memo in their case.

22 So, first of all -- and they argued for the
23 "including" language, and we pointed out there that
24 there's a problem in terms of due process with that
25 because the scoping memo has to articulate the scope of

1 the proceeding so that a party can defend against it.

2 And by adding the "including" language, you are
3 allowing for a number of facts and other matters to be
4 brought in subsequently, not giving the party defending
5 in the case a chance to know what it is they have to
6 defend against and to be able to make their case.

7 So same argument was raised there. We opposed
8 it because it did not deny us our due process rights in
9 terms of buying out the scope of the proceeding to allow
10 us to defend, and it looks like when that scoping memo
11 was issued, it did not include the "including" language
12 like we addressed in our argument.

13 Same thing with the Penal Code argument. That
14 was raised in the prior prehearing conference. We don't
15 believe that there's a basis for it. We were just out
16 at the site with many people from the City as well.
17 It's not appropriate in this case.

18 In terms of the water levels that were raised
19 by the City, we also -- when we had the folks from the
20 City out there, including the City attorney, and I think
21 it may have been someone from Mr. Taylor's office -- we
22 discussed in detail the water levels showing on the
23 outside of the tank where the water was at certain times
24 and indicating where the levels are in terms of being
25 below and above grade.

1 ALJ TOY: Okay. Any additional comments on the
2 scope of issues, Cal-Am?

3 MR. SUBIAS: No, your Honor.

4 ALJ TOY: Okay. I have received comments on
5 the scope of issues. It sounds like Mr. and
6 Mrs. Gutierrez want to make one more comment. If it's
7 really quick, I'm willing to hear it, but otherwise,
8 I've heard from both of you on it.

9 MS. GUTIERREZ: Thank you, your Honor. Just to
10 respond to what Mr. Subias said, they have had plenty of
11 notice. So we -- first of all, I don't recall whether
12 we specifically raised the "including" language in the
13 prior conference. I don't remember that. There's a
14 transcript so if I'm wrong, I stand corrected. But
15 regardless, if it's being consolidated and it's now
16 before your Honor, certainly we can renew arguments.

17 And I do think they have had plenty of notice.
18 Everything will be laid out in detail in the prepared
19 testimony. And it's part and parcel of an ongoing
20 pattern of deception. And that's part of the reason
21 we're so upset because this has gone on for 30 years,
22 and it's going on right now in real time.

23 And as far as the Penal Code 387 argument,
24 there was no reason given why it wasn't included. I
25 don't really know why. I think your Honor should make

1 an independent decision about that. I think that's a
2 serious charge, and the fact that withholding knowledge
3 of danger to people who have to go to your site is
4 actually a crime I think is something that the CPUC
5 should not turn a blind eye to.

6 ALJ TOY: Okay. Thank you.

7 MS. GUTIERREZ: Thank you.

8 ALJ TOY: Before we move on, is there anything
9 else we should address with regard to scope starting
10 with the City of Pasadena?

11 MR. TAYLOR: No, your Honor.

12 ALJ TOY: Thank you.

13 Cal-Am?

14 MR. SUBIAS: No, Your Honor.

15 ALJ TOY: And Mr. and Mrs. Gutierrez?

16 MR. GUTIERREZ: No, your Honor.

17 ALJ TOY: Thank you. Moving onto the
18 proceeding schedule and need for evidentiary hearing.
19 Do parties have thoughts for the potential need for
20 evidentiary hearing? It sounds like if this proceeding
21 does proceed, it will probably require evidentiary
22 hearing on my thoughts, but I'd like to hear from the
23 parties.

24 City of Pasadena.

25 MR. TAYLOR: I do agree it would require an

1 evidentiary hearing. I mean there's the dispute that's
2 going on where it appears Cal-Am is saying things were
3 done safely, but there's reports saying that's not the
4 case, the Brady report and other documents. So that
5 seems to lead itself into a factual dispute.

6 ALJ TOY: Thank you.

7 Cal-Am.

8 MR. SUBIAS: Yes, your Honor. Given that there
9 are disputes, it does appear hearings, to the extent the
10 parties aren't able to reach resolution beforehand, may
11 be necessary.

12 ALJ TOY: And Mr. and Mrs. Gutierrez.

13 MS. GUTIERREZ: We do think that evidentiary
14 hearings are needed. We think, since we're talking
15 about 30 years of hiding and danger, I don't know that
16 two days will really be enough. I know the previous ALJ
17 had given, I believe, four days or five days even. I
18 don't have it in front of me. So I want to make sure we
19 have adequate time.

20 And I also have a related question about the
21 schedule. So we had agreed to prepared testimony the
22 last time around, but we are wondering if we want to get
23 testimony from Cal-Am's own experts like Brady from two
24 years ago where he said it was at risk of catastrophic
25 failure into the record, that's not going to be a

1 friendly witness for us.

2 So I don't really know if we can proceed in a
3 written testimony format unless Cal-Am would agree to
4 make that person available and agree that even though we
5 are presenting his direct testimony, we could still
6 cross-examine him because we want to be able to
7 cross-examine people who are -- and not have that
8 evidence be excluded somehow.

9 So as a procedural matter is we're talking
10 about the schedule and it sorts of implicates prepared
11 testimony. I'd like to ask if we could consider how
12 best to go about that because there are definitely
13 Cal-Am's own people that we want to make sure we get to
14 cross-examine.

15 ALJ TOY: Okay. Thank you.

16 Given sort of the up-in-the-air nature of this
17 proceeding currently, I'm probably going to -- I'll
18 probably sit on the proceeding schedule that I proposed
19 so far and the scoping memo will probably finalize it.
20 I'll certainly contact the parties with emails to sort
21 of discuss how I think we should best move forward, but
22 I think currently I'll probably sit on it.

23 Cal-Am.

24 MR. SUBIAS: Sure. When you say "sit on it,"
25 I'm just wondering, is that --

1 ALJ TOY: Sorry. I'm going to pass on
2 proposing the schedule that I had submitted in the
3 ruling.

4 MR. SUBIAS: Okay. Because I've spoken to a
5 number of our witnesses and I have a bunch of
6 unavailability dates. I don't know that those are
7 things that you'd want to go over later once you sat on
8 it and are ready to propose.

9 ALJ TOY: I think, yeah. When I'm ready to
10 propose, I'll contact the parties for availability
11 around the evidentiary hearing dates that I think will
12 most make sense. And then at that point we'll figure
13 out the dates needed for evidentiary hearings. I assume
14 those are the dates that you're stating that your
15 witnesses will be unavailable?

16 MR. SUBIAS: That's correct.

17 ALJ TOY: Okay. Yeah. I think I need to think
18 about the schedule a little bit more. We might have to
19 have maybe the parties file comments on certain things
20 or file maybe more directed testimony first and then
21 have -- on specific issues -- and then build upon that
22 as we go because it sounds like there's a lot of moving
23 parts in this proceeding.

24 But I understand the City of Pasadena's and I'm
25 sure Mr. and Mrs. Gutierrez's concern about ongoing

1 safety at the reservoir and wanting to expedite this
2 process.

3 MR. TAYLOR: That's correct, your Honor. We'd
4 like to move forward as quickly as possible. And even
5 if there's, for example, interim hearings before we get
6 into the hearing on the merits, a lot of these issues
7 may not take a lot of witnesses and experts.

8 I heard counsel for Cal-Am talk about the City
9 looking at the water level, but I mean you can't really
10 look at that with the naked eye. It's not like a laser
11 measurement of the height. The report I got back is it
12 wasn't clear exactly what was above grade and below
13 grade.

14 We also don't know the variation of the water.
15 Does it go up at some point several feet, does it go
16 down, is there fluctuation in the feet and the water
17 level? We don't know that, and we can't predict when
18 that's going to happen. We don't know when Cal-Am is
19 going to do that. The City doesn't control the water
20 level within the reservoir.

21 But those issues may be able to be decided up
22 front and early on. And with the goal of the interim
23 step here that seems the most logical is getting Cal-Am
24 to agree to lower the water level that any objective
25 engineer would say, "This is safe for everybody below

1 the reservoir." That, to me, seems like the best
2 interim solution to move this forward and to ensure
3 public safety in my view.

4 ALJ TOY: Okay. Thank you.

5 Mr. and Mrs. Gutierrez, you had a comment.

6 MS. GUTIERREZ: Well, we were also hopeful that
7 if your Honor -- I mean we certainly have been pushing
8 and wanting an expedited solution, and I very much
9 appreciate Mr. Taylor recommending perhaps an interim
10 solution where we could already get a safe water level
11 decided and put in place as the other things unfold.

12 But, you know, as your Honor said initially
13 that perhaps your Honor was going to sit on it and kind
14 of work it out a little more, I would just suggest that
15 maybe in that interim, we could also get Special
16 Enforcement Division involved to shine more light and
17 get more answers here so it's not just outsiders having
18 to try to get to the truth of this. So I would just
19 suggest that.

20 ALJ TOY: Okay. Thank you.

21 MS. GUTIERREZ: Thank you.

22 ALJ TOY: Cal-Am, do you have any additional
23 comments after --

24 MR. SUBIAS: Only that we did -- again, it's
25 unfortunate the city of Pasadena's attorney wasn't there

1 in person because we did actually show the water level.
2 We had spray-painted on the outside of the reservoir the
3 current level, the fluctuation level. We reported on
4 daily usage, how the level goes up and down. So it's
5 unfortunate he wasn't there because we provided that
6 kind of information that he's now indicating he thinks
7 wasn't available.

8 ALJ TOY: Okay. Thank you.

9 MR. TAYLOR: If I could respond to that --

10 ALJ TOY: I'm not here to go into, I guess, the
11 issues between the two of you regarding --

12 MR. TAYLOR: That's why I just --

13 (Crosstalk.)

14 MR. TAYLOR: I understand. I will be brief. I
15 just want to state an objection to those comments, and
16 I'll leave it at that.

17 ALJ TOY: Okay. This isn't an evidentiary
18 hearing, so none of this is going into the record -- the
19 evidentiary record.

20 Mr. and Mrs. Gutierrez, one final comment
21 quickly.

22 MS. GUTIERREZ: Thank you. I just would like
23 to say that as far as an interim solution, we want an
24 expert to say what is a safe water level, not just that
25 it is at that level, and we want to be able to

1 monitor --

2 (Crosstalk.)

3 MS. GUTIERREZ: -- they're staying at the level
4 so --

5 ALJ TOY: I understand. That's why I'm
6 proposing that I need to think about the schedule a
7 little bit more because before we make any decisions, we
8 need there to be some sort of probably independent
9 analysis of this stuff before we could proceed on most
10 of the issues.

11 MS. GUTIERREZ: Thank you.

12 ALJ TOY: Okay. I think I've gotten the
13 comments I needed regarding the proposed schedule.
14 Thank you all. That's all I have for today. Before we
15 adjourn, is there anything else that we should address
16 today that I missed?

17 Starting with the City of Pasadena.

18 MR. TAYLOR: Nothing further, your Honor.
19 Thank you.

20 ALJ TOY: Thank you.

21 Cal-Am.

22 MR. SUBIAS: No, your Honor.

23 ALJ TOY: Thank you.

24 And Mr. and Mrs. Gutierrez.

25 MS. GUTIERREZ: No. Thank you, your Honor.

1 MR. GUTIERREZ: Thank you.

2 ALJ TOY: Thank you.

3 Thank you, all, for the lively PHC. We don't
4 get many of those. I will discuss this with
5 Commissioner Reynolds who will then issue a scoping memo
6 for this proceeding. That's it for today. I want to
7 conclude by thanking you all for your participation.

8 Let's go off the record for a second.

9 (Off the record.)

10 ALJ TOY: Back on the record. There being
11 nothing further, we are adjourned and off the record.

12 (At the hour of 11:07 a.m., this matter
13 having concluded, the Commission then
14 adjourned.)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING
I, ANDREA L. ROSS, CERTIFIED SHORTHAND REPORTER
NO. 7896, IN AND FOR THE STATE OF CALIFORNIA, DO
HEREBY CERTIFY THAT THE PAGES OF THIS TRANSCRIPT
PREPARED BY ME COMPRISE A FULL, TRUE, AND CORRECT
TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN
THIS MATTER ON JULY 31, 2024.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.
EXECUTED THIS AUGUST 01, 2024.



ANDREA L. ROSS
CSR NO. 7896

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