

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

COMMISSIONER MATTHEW BAKER, in attendance

ADMINISTRATIVE LAW JUDGE JAMIE ORMOND, presiding

In the Matter of Application of)	PREHEARING
North Millerton Water Company, LLC)	CONFERENCE
for a Certificate of Public)	
Convenience and Necessity to)	
Construct a Public Utility Water)	
System Near Friant, CA in Madera)	Application
County and to Establish Rates For)	25-02-016
Service.)	
)	



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REPORTER'S TRANSCRIPT
Virtual Proceeding
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Reported by: Andrea L. Ross, CSR No. 7896

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VIRTUAL PROCEEDING

MAY 8, 2025 - 10:30 A.M.

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ADMINISTRATIVE LAW JUDGE ORMOND: The Commission will come to order and we will be on the record.

Good morning. This is the time and the place for the prehearing conference for the Application of California Water Service Company for Authority to Voluntarily Revoke its Certificate of Public Convenience and Necessity for its Millerton District and Related Relief. This is Application Number 25-01-008.

Additionally, this is also the time and the place for the prehearing conference for the Application of North Millerton Water Company, LLC, for a Certificate of Public Convenience and Necessity to Construct a Public Utility Water System near Friant, California, in Madera County and to Establish Rates for Service. This is Application 25-02-016.

My name is Judge Jamie Ormond, and I am the assigned administrative law judge in both of these proceedings.

Commissioner Matthew Baker is the assigned commissioner to both of these proceedings. Luckily, he has joined us this morning for these joint prehearing

1 conferences. Advisors to his office are also in
2 attendance. After I provide just a brief background to
3 the bases before us, I'm going to invite Commissioner
4 Baker to the virtual dais to provide his thoughts about
5 these two proceedings.

6 Although it is somewhat unusual to have two
7 prehearing conferences for separate proceedings, these
8 are being held jointly because these applications are
9 not consolidated at this time, but they involve the
10 authority of a Certificate of Public Convenience and
11 Necessity for water and wastewater system serving a
12 mixed-use community called "The Preserve at Millerton"
13 in Madera County.

14 The Preserve at Millerton is a proposed
15 2,100-acre, 1,800-unit, master-planned, mixed-use
16 community approved by the Madera County Board of
17 Supervisors in 2008. It is located approximately 20
18 miles north and a little east of Fresno.

19 Currently California Water Service, or
20 Cal Water, holds an active Certificate of Public
21 Convenience and Necessity, or CPCN, for the territory at
22 issue. The Commission granted Cal Water's CPCN for its
23 Millerton District in Decision 21-08-007 in August on
24 the 9th in 2021.

25 The CPCN was granted after consideration of

1 Cal Water's Application 20-01-012, which was filed on
2 January 24, 2020, requesting a CPCN to construct a
3 public water utility system and to establish rates for
4 service.

5 In that decision, the Commission found that
6 Cal Water's proposed rates were just and reasonable.
7 During the proceeding, the Public Advocates Office
8 participated and engaged with Cal Water to reach a joint
9 stipulation by which Cal Water's proposed rates were
10 deemed just and reasonable as were Cal Water's rates and
11 service impacts to Cal Water's existing ratepayers.

12 In addition, Decision 21-08-007 found
13 reasonable the purchase and sale agreement between
14 Cal Water and The Preserve at Millerton's developer,
15 NFV-1 Investments, L.L.C., and that the proposed water
16 and wastewater systems constructed by the developer
17 complied with the requirements of Commission General
18 Order 103-A. That would be found on pages 16 to 18 of
19 that decision.

20 As Application 20-01-012 is now closed,
21 Cal Water is now requesting in its current application
22 to voluntarily revoke this Commission-granted CPCN. At
23 the same time, North Millerton Water Company, which I
24 will refer to as "North Millerton," is applying for a
25 CPCN for the exact same territory.

1 In Application 20-02-016, North Millerton in
2 its application for a CPCN relies heavily on the
3 information put forward by Cal Water in its 2020 CPCN
4 application, including compliance with the California
5 Environmental Quality Act, or CEQA, and the adopted
6 rates in that decision, 20-08-007.

7 With that set up, Commissioner Baker, I'd like
8 to invite you to the virtual dais. Thank you so much
9 for being with us this morning. I look forward to your
10 comments throughout these two proceedings.

11 Commissioner Baker.

12 COMMISSIONER BAKER: Yes. Thank you, Judge.

13 I'm Commissioner Matt Baker, the assigned
14 commissioner for this proceeding. In this role, I will
15 work closely with Administrative Law Judge Ormond on
16 this case.

17 California Water Service Company, or Cal Water,
18 has submitted Application 25-01-008 and North Millerton
19 Water Company, LLC, or I'll just refer to it as "North
20 Millerton," has submitted Application 25-02-016. Both
21 of these applications, as noted earlier, have facts that
22 seem to me to be closely related.

23 Cal Water's application requests authority to
24 voluntarily revoke its Certificate of Public Convenience
25 and Necessity, CPCN, for constructing and operating a

1 public water utility and wastewater system in its
2 Millerton District located near Friant, California, and
3 to be relieved of any public utility responsibilities to
4 that district.

5 Relatedly, North Millerton seeks a CPCN to
6 construct and provide water and wastewater service to
7 customers near Friant, California. My understanding is
8 that North Millerton's CPCN application seeks to provide
9 service to the same area as the one which the Cal Water
10 application seeks to have its CPCN revoked.

11 I am interested that North Millerton has
12 proposed the same tariff rates for water and wastewater
13 services as those the Commission approved as just and
14 reasonable pursuant to Section 451 and that were
15 approved in Commission Decision 21-08-007.

16 In that decision, the Commission granted
17 Cal Water a Certificate of Public Convenience and
18 Necessity and authorized initial rates through 2026 for
19 the Millerton District based on an analysis of the
20 Millerton District itself and the addition to the
21 Cal Water business and business model.

22 Since this is the same district that is the
23 focus of both applications, if Cal Water's and North
24 Millerton's current applications are both granted, I am
25 curious whether the record will show that North

1 Millerton would meet other obligations including its
2 obligation to provide healthy and safe water service of
3 this system under Section 451 and including the
4 obligation to meet, design, construction, location,
5 maintenance, and operation of water and wastewater
6 facilities under Commission General Order 103-A.

7 Of particular note in Cal Water's compliance
8 filing entitled "Response to Administrative Law Judge
9 Inquiry" dated March 17, 2025, the utility states on
10 page two:

11 Upon inspection of well sites for the water
12 system, both the State Water Resources Control
13 Board's Division of Drinking Water and
14 Cal Water noted several sanitary deficiencies,
15 some of which may have posed a threat to public
16 health and safety. Cal Water requested that
17 the developer mediate these issues to no avail.

18 End of quote. We've received North Millerton's
19 response just this week. And for its part, North
20 Millerton notes that it has conducted an inspection of
21 The Preserve with staff from the State Water Resources
22 Control Board's Department of Drinking Water and that
23 the agency staff subsequently issued a domestic water
24 supply permit for The Preserve.

25 I look forward to seeing whether the record

1 will show that North Millerton would meet its
2 obligations to operate the drinking water and wastewater
3 systems of The Preserve healthfully and safely if the
4 Commission granted it the CPCN that it requests.

5 Let me be clear that I'm not asking for parties
6 to respond to the questions I raise today, but, rather,
7 I would like to see the record developed related to
8 those questions in the due course of this proceeding.
9 The scoping memo will provide further instructions on
10 how to do that.

11 I look forward to hearing from Administrative
12 Law Judge Ormond as she presides over this prehearing
13 conference and the parties' responses to her questions
14 today. Thank you very much for giving me this
15 opportunity to speak.

16 ALJ ORMOND: Thank you so much, Commissioner.
17 I look forward to working with you and your office as we
18 move through the issues in the proceedings before us and
19 thank you very much for attending this morning and for
20 your words from the dais.

21 As we start this joint prehearing conference, I
22 want to remind everyone that the purpose of this hearing
23 is to build a record. At today's joint prehearing
24 conference, the Commission is building a record that
25 will be available in two cases and that will be used

1 towards determining how the Commission can proceed in
2 Cal Water's proceeding and North Millerton's proceeding.

3 While it is unusual to hold joint prehearing
4 conferences in two separate proceedings at the same time
5 when they are not consolidated, there is Commission
6 precedent for doing this, and this will promote
7 efficiency in both proceedings.

8 While we have two separate requests, there is a
9 single territory issue and similar fact patterns
10 underlying both proceedings. I need to ensure that I'm
11 receiving accurate information from which I can
12 deliberate on both of the requests before me.

13 Questions will come up today, and I will want
14 to hear from parties from each proceeding to provide
15 responses, perhaps weigh in, we might even get some
16 back-and-forth. Having these conversations on the
17 record will add to the overall efficiency for both
18 proceedings.

19 With that said, for these prehearing
20 conferences to run smoothly, please remember the
21 following guidances:

22 Speak slowly and clearly and do not speak over
23 each other so that our court reporter is able to record
24 correctly;

25 When you speak, please identify yourself and

1 your company;

2 Please do not speak unless I call on you;

3 Please ensure you're using headphones or
4 earbuds and you're getting the best quality audio during
5 this hearing;

6 If you are not speaking, please mute your
7 phone, your headphones, or your computer;

8 Lastly, it is the obligation of the court
9 reporter to interrupt the proceeding when the record is
10 in jeopardy due to the speed of testimony, due to
11 unintelligible or simultaneous speaking, et cetera. So
12 please be attentive if our court reporter interjects.

13 I would like to thank our court reporter,
14 Andrea Ross, right now for your diligence and assistance
15 in this hearing today.

16 Transcripts have already been ordered for
17 today's hearings. An expedited transcript will be
18 produced and delivered in no more than five business
19 days, although I know that our amazing steno team strive
20 to get it out faster than that.

21 In terms of the agenda today, here is the order
22 that we're about to follow:

23 First, I'm going to take appearances and
24 discuss party status in each case. I will begin with
25 Cal Water, Application 25-01-08, as it was filed before

1 North Millerton's Application 25-02-016;

2 Next, we will move on to the issues related to
3 the scope of both proceedings, also beginning with
4 Cal Water;

5 After discussion of the scope, we're going to
6 discuss additional discussion topics and questions posed
7 in my ruling requesting additional information and then
8 any other topical issues. As I said, we'll begin with
9 Cal Water;

10 Third, we will talk about categorization for
11 each case;

12 Fourth, the need for hearings;

13 Fifth, we'll talk about schedule and next
14 steps, and then we will adjourn.

15 If necessary, we can take a short break during
16 the prehearing conferences, but let's get started and
17 move to our first topic, party status. We're going to
18 have representatives of the applications making
19 appearances. Let's begin with Cal Water, please,
20 Application 25-01-008.

21 Would the representative please state and spell
22 your name for the record.

23 MR. HON: Good morning, your Honor. This is
24 Willis Hon, that's W-i-l-l-i-s, last name H-o-n, on
25 behalf of California Water Service Company.

1 ALJ ORMOND: Thank you very much.

2 On our docket card, I have listed Ms. Lori Anne
3 Dolqueist for California Water Service. Are you the
4 preliminary counsel for Cal Water on this case at this
5 point or are we leaving service as is?

6 MR. HON: This is Willis Hon again. Lori Anne
7 Dolqueist and I are the counsel for Cal Water, but the
8 service list can remain as it is. I believe it's listed
9 as -- it's Natalie Wales right now.

10 ALJ ORMOND: Okay. I checked the service list
11 yesterday. I think Ms. Wales is getting "Information
12 Only" with the party being listed as Ms. Dolqueist.
13 Does that satisfy the needs of Cal Water at this point?

14 MR. HON: Yes, your Honor.

15 ALJ ORMOND: Thank you. Mr. Hon, were you a
16 party to Cal Water's initial CPCN application,
17 A.20-01-012?

18 MR. HON: Yes, I was the counsel in that
19 proceeding as well.

20 ALJ ORMOND: Thank you very much. So I'd just
21 like to request that if issues arise today where you
22 have information and you can fill in gaps from past
23 experience, I'd just request that you be forthcoming if
24 you please. Thank you.

25 Is there anyone else that is desiring to be a

1 party in this application?

2 (No response.)

3 ALJ ORMOND: Hearing none, thank you very much.
4 We are going to move to North Millerton proceeding
5 A.25-02-016.

6 I'm going to ask the representative to make
7 your appearance, please.

8 MR. HERREMA: Good morning, your Honor.
9 Bradley Herrema, B-r-a-d-l-e-y H-e-r-r-e-m-a, from
10 Brownstein, Hyatt, Farber, Schreck on behalf of North
11 Millerton Water Company, LLC.

12 ALJ ORMOND: Thank you very much, Mr. Herrema.
13 We have not met. I would like to ask what type of
14 previous experience do you have appearing before the
15 Commission, sir?

16 MR. HERREMA: This is my initial appearance,
17 your Honor.

18 ALJ ORMOND: Okay. Thank you very much.

19 Are there any other parties who would like to
20 join and be a party of this proceeding, Application
21 25-02-016, North Millerton's request for a CPCN?

22 (No response.)

23 ALJ ORMOND: All right. Hearing none, we're
24 going to proceed. We're going to move into issues and
25 scope for the proceeding.

1 First, Mr. Hon, we're going to go to Cal Water.
2 The scope of this proceeding, A.25-01-008, is to
3 determine whether Cal Water may voluntarily revoke its
4 Commission-granted Certificate of Public Convenience and
5 Necessity for constructing and operating public utility
6 water and wastewater systems in its North Millerton
7 District located near Friant, California, in Madera
8 County and, accordingly, be relieved of any public
9 utility responsibilities to that district.

10 To assist in making this determination, one of
11 the considerations is of the financial impact to
12 existing Cal Water ratepayers from the revocation of a
13 CPCN;

14 Consideration of the general trend in
15 California where larger water companies increasingly
16 provide service to areas that may be served by smaller
17 water companies, thus increasing the economies of scale
18 provided by the large water companies;

19 Consideration of any social and environmental
20 justice issues;

21 Consideration of any safety issues surrounding
22 the delivery of water to ratepayers at The Preserve
23 should Cal Water be permitted to revoke its CPCN.

24 There were no protests or responses to this
25 application, so I'd like to ask counsel for each

1 party -- starting with Cal Water -- do you have any
2 comments or anything you'd like to discuss with regard
3 to the scope of this proceeding at this time?

4 MR. HON: This is Willis Hon for Cal Water.
5 The proposed issues that you've just described sound
6 accurate and good to me. My only comment is that I
7 believe you said the "North Millerton District" and it
8 should be just the "Millerton District."

9 ALJ ORMOND: Thank you for that correction. I
10 appreciate it.

11 North Millerton, I'm going to give you an
12 opportunity to comment on the scope of the Cal Water
13 proceeding as I discussed it above just now.

14 MR. HERREMA: Your Honor, just for your
15 information, North Millerton did not protest and hasn't
16 formally appeared in the Cal Water proceeding. We had
17 previously protested an advice letter that was filed for
18 the same purpose but did not protest this application.

19 ALJ ORMOND: Okay. Thank you very much.

20 MR. HERREMA: And in terms of the --

21 ALJ ORMOND: Continue, sorry.

22 MR. HERREMA: Sorry. I didn't mean to
23 interrupt you. In terms of the scope of the issues, I
24 think that largely sounds correct, again recognizing
25 we're not at this point a party to that proceeding.

1 ALJ ORMOND: Understood. Again, we're just
2 building a record of information, but thank you.

3 Okay. Cal Water, I'd like to give you an
4 opportunity to talk about environmental and social
5 justice issues and safety right now on the record
6 because they are standard questions that the Commission
7 must discuss for every proceeding.

8 Sometimes there are lots of issues to discuss,
9 sometimes we can manage it at a prehearing conference.
10 I'd like to give you the opportunity to weigh in on both
11 questions at this time. Alternatively, because I didn't
12 prep you for this question, I can offer you the
13 opportunity to weigh in in writing in a few days.

14 Do you have a preference?

15 MR. HON: This is Willis Hon for Cal Water. I
16 can weigh in preliminarily right now, and if you have
17 further questions, I'm happy to respond.

18 ALJ ORMOND: Okay. Thank you. So first, let's
19 discuss the nexus of your application to revoke a CPCN
20 and the nine goals of the Commission's Environmental and
21 Social Justice Action Plan and the extent, if any, of
22 voluntary revocation of a CPCN granted -- excuse me -- a
23 Commission-granted CPCN. Does that have an impact on
24 environmental and social justice communities?

25 So the question is, are there any implications

1 on environmental or social justice communities by this
2 revocation?

3 MR. HON: This is Willis Hon for Cal Water.
4 Thank you, your Honor, for the question. In general,
5 the CPCNs for additional territories create more housing
6 that benefits a lot of the environmental and social
7 justice communities across the state.

8 Other than this particular proceeding, this is
9 what's known as a "Greenfield development." There isn't
10 a previous community in this area. And so, you know, to
11 the extent that this is in a whole brand-new area being
12 built by the developer, there hasn't been any impacts
13 that we've noted to the environmental and social justice
14 communities as a result of the revocation here.

15 Just a bit of background that the developer has
16 been constructing the homes in this area, but the action
17 hasn't been closed as a result of the cancelation
18 agreement and so Cal Water hasn't been provided service.
19 Therefore, the revocation is not expected to have any
20 impact to environmental and social justice issues in
21 this case.

22 ALJ ORMOND: Thank you. Does that conclude
23 your response?

24 MR. HON: Yes, your Honor.

25 ALJ ORMOND: Thank you. And then finally, what

1 are the safety issues that are implicated by any
2 voluntary revocation of Cal Water's CPCN for the
3 Millerton District?

4 MR. HON: This is Willis Hon for Cal Water.
5 Regarding safety, as noted in Cal Water's response,
6 there were certain issues identified with the well
7 inspections. I want to be absolutely clear here. Those
8 were noted at the times of those inspections and
9 Cal Water doesn't have further information of what's
10 happened since that time, so whether they've been
11 resolved or not.

12 In terms of other safety impacts, again, as I
13 just explained, Cal Water hasn't begun providing service
14 and so revoking the CPCN here is not expected to have
15 any issues on safety. This wouldn't have any impact on
16 the commitment to safety that Cal Water has in its other
17 districts.

18 ALJ ORMOND: Thank you very much.

19 North Millerton, I'd like to give you an
20 opportunity to provide any comment on Cal Water's
21 responses to those two questions at this time.

22 MR. HERREMA: Thank you, your Honor. Brad
23 Herrema for North Millerton. I don't know that I have
24 any response to those responses at this time.

25 ALJ ORMOND: Thank you very much.

1 So now, Mr. Hon, we're going to get into the
2 additional discussion questions that I originally posed
3 in my rulings requesting additional information and then
4 the additional topical issues. So first, on March 7,
5 2025, and April 9, 2025, I issued rulings requesting
6 additional information.

7 First I want to give you the opportunity.
8 Would you like to provide additional information or
9 expand on any of the answers that you provided to any of
10 the questions that you submitted upon at this time?

11 MR. HON: This is Willis Hon for Cal Water. I
12 don't have any specific thing to add to those responses,
13 but I'm happy to expand on any particular response if
14 you have questions.

15 ALJ ORMOND: Thank you. Next I'd like to ask a
16 clarifying question of Cal Water regarding your response
17 to Question 7 from the April 9th ruling.

18 Question 7 asked about how the Commission
19 should consider this case in light of the general trend
20 that larger companies acquire or merge with smaller
21 companies to take advantage of economies of scale and
22 make water service more sustainable.

23 So to paraphrase your response, Cal Water
24 supports the Commission's broader goal of supporting
25 consolidation of smaller systems, but according to your

1 response, this case is different because, per Cal Water,
2 there were not any customers requiring service at the
3 time of termination of your agreement with North
4 Millerton -- excuse me -- with developer so there's no
5 need to provide service so the question is basically
6 moot.

7 Now, while I understand that Cal Water wants
8 its application to be considered separately, reading
9 through North Millerton's filings, North Millerton is
10 not treating its filings similarly. So in order to
11 clarify, you noted that Cal Water assigned the
12 cancellation agreement on April 29, 2024; however, it
13 appears from information sent by North Millerton that
14 water and wastewater service of some sort began to the
15 first connection at The Preserve on March 28, 2024.

16 My first question is, were you aware that water
17 and wastewater service of some sort had commenced prior
18 to the signing of the cancellation agreement?

19 MR. HON: This is Willis Hon for Cal Water.
20 Can you repeat the dates again. I believe that the
21 cancellation agreement was at the beginning of 2020, and
22 I was -- what was the date you said for the first --

23 ALJ ORMOND: According to your filing, your
24 response to my question, the cancellation agreement was
25 signed on April 29, 2024, but according to North

1 Millerton's response, water and wastewater service began
2 to flow to the first connection at The Preserve on
3 March 28, 2024. So my first question is, were you aware
4 that this water and wastewater movement had commenced
5 before signing the cancellation agreement?

6 MR. HON: This is Willis Hon for Cal Water. I
7 just -- in general, we are not aware that the
8 water was -- or water -- I'm not sure I would even call
9 it service -- but that water was being transferred prior
10 to the execution of the termination agreement. There
11 was a lot of confusion on the part of Cal Water, what
12 the status was, of whether there were certain buildings
13 or other infrastructure that was connected at the time.

14 As I understand it, you know, from North
15 Millerton's filings that these were connections that
16 were provided to different buildings, but that there was
17 no -- this was not provided for any service or any
18 specific customers beyond the developer itself providing
19 water to its own infrastructure.

20 I just want to be absolutely clear here, at no
21 time did any customers approach Cal Water for service in
22 the Millerton District so there was never any customers
23 billed or that filed an application there.

24 ALJ ORMOND: Thank you. So the next question
25 is, does the information that there was water movement

1 to buildings in advance of the termination agreement
2 cause Cal Water to want to modify or expand its answer
3 to Question Number 7 about the general policy for larger
4 water companies to serve areas traditionally served by
5 smaller water companies?

6 MR. HON: This is Willis Hon for Cal Water. I
7 don't believe that that information would change the
8 answer here. As I understood it, the movement of water
9 there wasn't to any new customers. It was either the
10 developer or Millerton Water Company providing water to
11 its own structures that -- not necessarily public water
12 utility service that would be governed by the Public
13 Utilities Commission.

14 I think overall the broader answer still
15 stands, you know, Cal Water is in huge support of
16 consolidation of water systems in the state of
17 California. I believe that's the State's policy for a
18 very long time.

19 But as explained in the response there, this is
20 a unique situation where the developer is the one
21 constructing the facilities at issue, and it would be
22 acquired by Cal Water as part of the asset purchase
23 agreement transaction, which was never closed. And so
24 as a result, this is a unique circumstance where
25 Cal Water is not in a position to just come in and take

1 over if that deal is not going to work out.

2 And so, you know, to sum up, Cal Water supports
3 the overall policy of water system consolidations in
4 California, but the particular situation here seems to
5 call for a different result.

6 ALJ ORMOND: Thank you. And then finally,
7 North Millerton indicated in its response that no rates
8 were charged for service. In Cal Water's opinion, does
9 this constitute service but at zero cost?

10 MR. HON: This is Willis Hon for Cal Water. I
11 don't know that we have enough information to answer
12 that necessarily. The first issue is, you know, there
13 was water moved, but to the extent that it's either the
14 developer sending water to itself and then there's not
15 necessarily another entity being served, I don't know
16 what the circumstances are or who owned the
17 infrastructure where the water was being sent. That's
18 one issue.

19 The other is that there is -- to the extent
20 that there's not been any charge for the service, then
21 I'm not sure whether that would constitute public
22 utility service under the Public Utilities Code here as
23 relevant to the PUC.

24 ALJ ORMOND: Thank you for your response.

25 North Millerton, do you have any comments you'd

1 like to add at this point?

2 MR. HERREMA: No, your Honor.

3 ALJ ORMOND: Thank you.

4 Mr. Hon, also in the April 9th ruling I
5 requested that Cal Water be prepared to discuss whether
6 the Commission should consolidate these proceedings. I
7 just want you to know I'm going to save that discussion
8 for last after I've gone through your questions --
9 excuse me -- Cal Water's questions and North Millerton's
10 questions. Okay?

11 MR. HON: Understood.

12 ALJ ORMOND: Mr. Hon nodded. Thank you.

13 So before we move on, I have one additional
14 issue to discuss with Cal Water. So on March 13th I
15 acknowledge I received an email from Mr. Hon
16 representing Cal Water in response to the March 7th
17 ruling requesting that Cal Water file in its proceeding
18 the real property purchase and sales agreement between
19 Cal Water and NFV-1 Investments, L.L.C., that was
20 executed January 24, 2019.

21 So I acknowledge that that document was sent
22 directly to me in an email; however, that document must
23 be properly filed in proceeding 25-01-008 per my ruling.
24 I know that it was previously submitted in a previous
25 proceeding, A.20-01-012, and previously designated as

1 confidential, but that was five years ago.

2 When you properly file that document in this
3 proceeding -- and please do so within the next three
4 days -- if appropriate, make the required motion for
5 confidential treatment. I want to encourage you,
6 however, to consider being really specific and tailoring
7 your request if you still feel confident that
8 confidential treatment is appropriate.

9 Do you have any questions about this procedural
10 clarification?

11 MR. HON: This is Willis Hon for Cal Water.
12 Understood, your Honor. Be happy to do so.

13 ALJ ORMOND: Okay. Thank you very much.
14 Cal Water, do you have any additional comments at this
15 time before we move into the scope for North Millerton's
16 application?

17 MR. HON: This is Willis Hon for Cal Water.
18 Just, I guess, one clarification. You mentioned to
19 submit it within three days. That would fall on a
20 Sunday. Do you mean by Monday?

21 ALJ ORMOND: Yeah. Sure. Yes, please file and
22 serve it on Monday.

23 MR. HON: Great. Will do. No other questions,
24 your Honor.

25 ALJ ORMOND: Thank you very much.

1 All right. Mr. -- oh my goodness -- Herrema,
2 Herrema.

3 MR. HERREMA: Herrema.

4 ALJ ORMOND: Herrema. Apologies. Thank you.
5 Do you have any comments at this time before we move
6 into the scope of the North Millerton proceeding?

7 MR. HERREMA: I do not.

8 ALJ ORMOND: Thank you. So we're going to move
9 to discuss the scope of proceeding 25-02-016 in which
10 North Millerton seeks the CPCN to construct and provide
11 water and wastewater service to customers at
12 The Preserve.

13 First of all, do both parties agree that this
14 is the exact same territory for which Cal Water was
15 previously granted a CPCN to serve?

16 MR. HERREMA: Brad Herrema on behalf of North
17 Millerton. Yes, your Honor.

18 MR. HON: Willis Hon for Cal Water. I also
19 agree.

20 ALJ ORMOND: Thank you. So the scope of the
21 North Millerton application is to determine whether the
22 Commission should grant a CPCN pursuant to Public
23 Utilities Code Section 1001 to North Millerton Water
24 Company;

25 Whether North Millerton has provided all of the

1 information necessary to properly assess whether the
2 Commission consider granting a CPCN.

3 And just for the record, I am looking to make
4 sure that the application follows Rule 3.1 of the
5 Commission's Rules of Practice and Procedure and also
6 the guidelines in Water Division Standard Practice
7 Manual U-10 providing guidance for the authorization to
8 grant a Certificate of Public Convenience and Necessity
9 for a water or sewer system. This document was
10 published in March of 2004.

11 Next, whether North Millerton's proposed rates
12 are just and reasonable pursuant to Public Utilities
13 Code 451;

14 Whether the 2008 Final Environmental Impact
15 Report sufficiently addresses the environmental impacts
16 of the current proposed project under CEQA, how the
17 Commission might consider this application for a CPCN
18 for a small water company in light of the general trend
19 in California where small water companies are
20 consolidating in various ways with larger water
21 companies in order for ratepayers to benefit over time
22 from the economies of scale of the larger companies;

23 Whether North Millerton is currently
24 participating in the unauthorized delivery of water and
25 wastewater service;

1 And the ubiquitous questions of all
2 applications before the Commission, are there issues to
3 consider involving the Commission's commitment to
4 environmental and social justice and considerations of
5 any safety issues implicated by this request for a CPCN.

6 I'm going to pause and ask Mr. Herrema for your
7 comments on the above-noted scoping points.

8 MR. HERREMA: Brad Herrema on behalf of North
9 Millerton. I understand -- I think that those questions
10 are generally appropriate and what the Commission needs
11 to look at.

12 In terms of your second question, whether
13 there's sufficient information for the Commission to
14 grant the application, our understanding and hope is
15 that the process that you've described previously in
16 terms of creating a record will be -- will allow for
17 that sufficient information to be developed if we don't
18 believe it's in the application now and the process
19 that's been employed thus far in terms of your questions
20 and responses to questions can be utilized for that
21 purpose as well.

22 ALJ ORMOND: Thank you very much. So next,
23 would you like to touch on the CEQA question here or at
24 a later time?

25 THE REPORTER: Excuse me, your Honor. I'm not

1 sure who may be unmuted. It may be Mr. Herrema.

2 It shows that you are unmuted on the Webex
3 screen, sir. I don't know if that's the issue, but I'm
4 hearing a lot of echo and feedback.

5 Excuse me for the interruption.

6 ALJ ORMOND: We'll go off the record and let's
7 sort this out.

8 (Off the record.)

9 ALJ ORMOND: Let's go back on the record.

10 So first of all, we were just talking with
11 Mr. Herrema. I wanted to ask if you'd like to touch on
12 the CEQA question that I posed before either here or at
13 a later time in writing?

14 MR. HERREMA: We believe that the project is
15 substantially the same and that the CEQA approval that
16 was sufficient -- I think four years ago now -- should
17 be sufficient. If there's a more specific question,
18 then we'd be happy to answer that in writing. I wasn't
19 sure from your identification of the issues whether
20 there was a more specific question there. I believe we
21 touched on the CEQA issue in our application itself.

22 ALJ ORMOND: Reading over Decision 21-08-007,
23 the Commission found that The Preserve was proposed to
24 be 1,100 homes, but North Millerton's application shows
25 that the number is now 1,800.

1 So the question really is does this have any
2 impact on development rates in the future? Does this
3 increase the impact on CEQA findings? And I guess the
4 overall question is, were these facts considered when
5 the county adopted its CEQA document?

6 MR. HERREMA: And this is just the difference
7 between the 1,800 and the 1,100 homes? The units?

8 ALJ ORMOND: Yes.

9 MR. HERREMA: Okay. I would like the
10 opportunity to follow up with a response on that.

11 ALJ ORMOND: So I will at some point in the
12 near future issue a ruling that clarifies exactly what
13 I'm looking for. Okay. Thank you very much.

14 MR. HERREMA: Thank you, your Honor.

15 ALJ ORMOND: So I'll let Cal Water off the hook
16 on that one since you're going to respond more
17 thoroughly to that question later.

18 Next I'd like to ask North Millerton the
19 questions that I asked Cal Water regarding the nine
20 goals of the Commission's Environmental and Social
21 Justice Action Plan. So the question really is to what
22 extent, if any, does the application have impacts on
23 environmental and social justice communities? Or said
24 in another way, what environmental social justice issues
25 are implicated by this request for a CPCN if any?

1 Again, I did not prep you before that you would
2 be asked this question or the safety issues implicated
3 by this question -- by this request for a CPCN -- so I
4 can either have you pontificate now, or I can ask for
5 these additional responses in writing after this
6 prehearing conference.

7 Do you have a preference?

8 MR. HERREMA: I think this one I'd prefer to
9 respond in writing.

10 ALJ ORMOND: Okay. That's not a problem.
11 Again, I could have prepped you better by telling you to
12 be prepared in advance but -- so we'll just do it in
13 writing later. Thank you.

14 Okay. Now we got to get into the additional
15 questions -- additional discussion about the questions
16 posed in my ruling requesting additional information and
17 some other topics. Okay.

18 So preliminarily, I just want to explain and
19 clarify for a second just to make sure we're on the same
20 page seeing as this is your first appearance at the
21 Commission. So every Commission docket stands alone.
22 It's like its own box of case materials, its own
23 briefcase.

24 As the administrative law judge, when I
25 evaluate a case, I can only look into the box holding

1 the proceeding materials for all of the information that
2 I need to review a case. So when I look to review
3 Cal Water's case, I got to see all the information in
4 that box, and when I look at North Millerton's case, I
5 need to find all the information that I need in the
6 North Millerton briefcase if you will.

7 So my ruling's requesting additional
8 information, the information I really need to find in
9 North Millerton's case file. I realize that some of
10 those questions might sound redundant if you're looking
11 at other case files to see what's going on over there.
12 But I encourage you to always consider whether the ALJ
13 can find the information that's requested in the docket
14 of the case where it's being asked. Okay?

15 So case in point, I want to start with
16 Question 1 from my April 18th ruling. Rather than
17 filing the real property purchase and sale agreement
18 between Cal Water and developer, which was executed
19 January 24, 2019, the response I received indicated
20 places in other Commission's dockets where I could find
21 it. So in the North Millerton case, Application
22 25-02-016.

23 So North Millerton filed an application seeking
24 authorization for a CPCN from the Commission and my
25 ruling requested information that I need to be able to

1 find in the North Millerton case file. So I would like
2 to give you three days to file that purchase and sale
3 agreement in the North Millerton proceeding as I
4 originally requested it in the April 18th ruling.

5 Do you have any questions or comments here?

6 MR. HERREMA: No. I very clearly understood,
7 your Honor. We'll do that. And may we have until
8 Monday as --

9 ALJ ORMOND: Oh, absolutely. Yes, three days,
10 until Monday.

11 MR. HERREMA: Thank you.

12 ALJ ORMOND: And, again, if you feel that it
13 requires some confidential treatment, you can make a
14 motion. And please be very specific as to what is
15 confidential and why.

16 Moving to Question 2 from my ruling, your
17 response to the question about the factors that led to
18 the cancellation of the asset and real property purchase
19 and sale agreement was that North Millerton was not a
20 party to that agreement and doesn't know the details.

21 This response seems both inadequate and
22 incongruent with North Millerton's responses that were
23 provided in Question 6 and Question 11 where North
24 Millerton responded with plenty of information from the
25 developer. So I'm just going to quote from your

1 application that on May 7, 2024, Developer NFV-1
2 Investment, L.L.C., and ENS Consulting were -- formed
3 the applicant entity North Millerton Water Company to
4 provide water and wastewater services for The Preserve.

5 On July 30, 2024, developer and ENS Consulting
6 executed a Capital Contribution Agreement memorializing
7 developer's, ENS's, and applicant's contributions and
8 responsibility for constructing, operating, and
9 maintaining the water and wastewater system for
10 The Preserve. And then a little further on, "The
11 principals of ENSC are also principals of applicant."

12 So I'd like to first ask can you provide
13 clarification as to your response from my ruling
14 question?

15 MR. HERREMA: Response to which question, your
16 Honor, Number 2?

17 ALJ ORMOND: Yes.

18 MR. HERREMA: Your Honor, I represent North
19 Millerton in the case and was helping them prepare the
20 answers here, which -- and I would say that the sentence
21 here is true. North Millerton is not a party and
22 developer has those details. We can work to get those
23 details or get them from developer's perspective.

24 ALJ ORMOND: Great. So that is fantastic. So
25 again --

1 MR. HERREMA: Your Honor, I don't mean to
2 interrupt. I apologize.

3 ALJ ORMOND: Go ahead.

4 MR. HERREMA: If we have the opportunity to
5 supplement the response here based on our conversation
6 here, in what format would you like that information
7 from developer recognizing that -- and developer is not
8 itself -- North Millerton and developer is not a party
9 to the proceeding?

10 ALJ ORMOND: I understand. As the ALJ
11 overseeing the case, I just will reiterate that I need
12 all the information that I'm seeking to be found in the
13 North Millerton case file in that box of materials.

14 So I'm going to request that you file and serve
15 a supplementary response to Administrative Law Judge's
16 Inquiry on the record of your case. I'm going to also
17 give you until Monday, so the three days, and that would
18 get you until Monday. We will talk about that a little
19 bit further along. I appreciate your offer to
20 supplement your response.

21 MR. HERREMA: And, your Honor, sorry to be --

22 ALJ ORMOND: No, go ahead.

23 MR. HERREMA: Is there a particular format that
24 you'd like to see the developer's information that is
25 really the developer's thoughts here?

1 ALJ ORMOND: Well, sure. You can title the
2 document "Response to ALJ Inquiry from the May 8, 2025,
3 PHC." If there are any delays, just remember to file a
4 motion to accept late filing or our docket office will
5 reject it.

6 MR. HERREMA: Okay. I'm sorry. I'm not being
7 precise enough in my question. North Millerton has
8 certain information. Developer has certain information.
9 I think what's being asked here is information the
10 developer has. So is there a particular format in terms
11 of a statement from the developer itself or something
12 like that that you'd like to see here in regard to
13 answering these questions?

14 ALJ ORMOND: I would just like you to record
15 what the developer says and then submit it.

16 MR. HERREMA: Okay. Thank you. That helps.

17 ALJ ORMOND: And that would be fine. I don't
18 think we need to assign an affidavit at this point
19 considering you're being forthright and you're going to
20 get the information. But, yeah, just find out, submit,
21 if you please.

22 MR. HERREMA: Okay. Thank you.

23 ALJ ORMOND: Thank you. So additionally -- I'm
24 just going to pause.

25 Cal Water, would you like to weigh in at this

1 point?

2 MR. HON: This is Willis Hon for Cal Water. We
3 have nothing to add on that point. Thank you, your
4 Honor.

5 ALJ ORMOND: Thank you. So I'm going to just
6 reiterate the same thing that I said about Question 1
7 with regards -- or for Question 2 with regards to
8 Question 2(a) from the April 18th ruling. I would ask
9 to clarify how North Millerton has no access to
10 documents about compensation or reimbursement or
11 transfer of property between developer and Cal Water.

12 But to clarify, we can get that information,
13 I'm sure, and add it to your supplementary response.
14 Would that be a correct assumption?

15 MR. HERREMA: Yes, your Honor. And as detailed
16 in our response, we're aware of the filing by Cal Water
17 with its Appendix A. We can certainly submit that as
18 part of our supplemental response so that you have it in
19 that case file.

20 ALJ ORMOND: I would just encourage North
21 Millerton to show its own work. We can't just copy and
22 paste from a different company and then submit that as
23 our own work if you please, sir.

24 MR. HERREMA: I certainly wasn't intending to
25 submit their work as our work. We would have it

1 identified clearly that this is -- and maybe I'm just
2 struggling with the fact that we've got these two
3 separate but clearly intertwined cases here and not
4 wanting to recreate the wheel. But we can certainly do
5 our own work in this regard.

6 ALJ ORMOND: Thank you, Mr. Herrema. And I
7 will just say it's not actually recreating the wheel.
8 We have two wheels that we are both creating. We are
9 creating two wheels. We need to make sure the wheels
10 hold up the building or wagon, whatever you want to say.

11 MR. HERREMA: Understood.

12 ALJ ORMOND: Okay. Thank you very much. I
13 would like to move to Question 3. North Millerton's
14 response seems to indicate yes, there is water and
15 wastewater service of some sort to 14 developer and
16 model homes with four more on the way, so I need to
17 clarify the response here.

18 Are there any people in any of the buildings at
19 the 14 connections currently receiving water and
20 wastewater service of some sort?

21 MR. HERREMA: I don't know that answer for
22 sure, your Honor.

23 ALJ ORMOND: I would like --

24 MR. HERREMA: I have that --

25 (Crosstalk.)

1 ALJ ORMOND: -- and add it to the supplemental
2 response, please.

3 MR. HERREMA: Okay. Okay.

4 ALJ ORMOND: Thank you. So we're going to just
5 keep going down this road with respect to Question 4.
6 North Millerton does not have firsthand knowledge --
7 firsthand information as to the dates and total amount
8 of money exchanged between Cal Water and ENS Consulting
9 or developer. Just as we have discussed for the
10 previous few questions, if you could go back and check,
11 please, and submit that information in your supplemental
12 filing, please.

13 MR. HERREMA: Yes, your Honor.

14 ALJ ORMOND: Thank you. So with regard to
15 Question 7, touching on the sanitary deficiencies or
16 threat to public health from the water system at
17 The Preserve, while I want to recognize that North
18 Millerton disagrees with Cal Water's characterization of
19 system safety and also that Cal Water's characterization
20 of system safety was made in 2024, I have to ask if
21 North Millerton can confirm that its well pedestals are
22 a minimum of 18 inches above the finished floor grade.

23 MR. HERREMA: That is something I cannot
24 confirm today, but I can get that information as part of
25 a supplemental response.

1 ALJ ORMOND: Thank you very much. So
2 additionally the question is, have any modifications to
3 wellhead concrete occurred since April of 2024? And
4 then finally --

5 MR. HERREMA: Sorry.

6 ALJ ORMOND: Go ahead.

7 MR. HERREMA: I'm just taking notes here. I'm
8 not sure we'll get the transcript related to our Monday
9 deadline, so have any modifications of the well
10 pedestals --

11 ALJ ORMOND: From the wellhead concrete height.

12 MR. HERREMA: Sorry. The wellhead concrete
13 height?

14 ALJ ORMOND: Yes.

15 MR. HERREMA: Been made since the time of that
16 report?

17 ALJ ORMOND: Yes.

18 MR. HERREMA: Okay.

19 ALJ ORMOND: And then finally, I would like a
20 clarification on the status of the sewage system
21 construction.

22 MR. HERREMA: Okay.

23 ALJ ORMOND: Thank you.

24 MR. HERREMA: We can provide that as well.

25 ALJ ORMOND: Thank you. So moving along, with

1 regards to Question 8, North Millerton's response, when
2 requesting approval of a CPCN from the Commission, the
3 utility is required to submit the rate structure that it
4 intends to show its customers. So North Millerton is
5 continuing to rely on Cal Water's approved rate
6 structure, rather than developing its own company rate
7 structure based on its own financial needs. North
8 Millerton proposed to return to the Commission in one to
9 two years as a condition of the grant of a CPCN to do a
10 more formal ratesetting process.

11 I think that that is putting the cart ahead of
12 the horse.

13 In order for the Commission to consider North
14 Millerton's application for the CPCN, the Commission
15 must evaluate North Millerton's proposed rate structure
16 based on its own financial analysis.

17 So my April 18th ruling required North
18 Millerton to develop and file its proposed rate
19 structure for consideration, but so far, we don't have
20 that. So as such, I currently don't have a complete
21 application for a CPCN before me to consider. So first,
22 I'd like to ask when do you think you'll be able to file
23 and submit your independently developed proposed rate
24 structure for a North Millerton system?

25 MR. HERREMA: Your Honor, I want to apologize.

1 We did not read this question as clearly as you've
2 articulated what you're seeking here today. If we had,
3 we would have answered it differently, so I apologize in
4 that regard. I don't know sitting here right now how
5 long we would need to come back with that information.
6 I would say probably 30 to 60 days, but can I follow up
7 with you on that or include maybe as part of our filing
8 for Monday a time frame on that?

9 ALJ ORMOND: Let me think about that and I will
10 tell you more at the end. Okay?

11 MR. HERREMA: Okay.

12 ALJ ORMOND: Okay. Thank you. So
13 additionally, a number of additional documents need to
14 be filed and served, so I was going to make a ruling
15 from the virtual bench, but I'm going to tell you what
16 they are and I'm going to think on this for a moment,
17 and then I'm going to get back to you as to when I want
18 them all.

19 But we need to file and serve in the proceeding
20 the most recent audited financial statements of North
21 Millerton Water Company, LLC, which is including, but
22 not limited to, balance sheets, income statements,
23 statements of cash flow and any supporting schedules as
24 evidence of the applicant's financial ability to
25 construct, operate, and maintain the proposed water and

1 wastewater system as required under Rule 3.1(g) of the
2 Commission's Rules of Practice and Procedure.

3 Do you have any questions with this
4 requirement?

5 MR. HERREMA: Only if I could get that in
6 writing since I think you have it before you and I can't
7 take notes as quickly as --

8 ALJ ORMOND: That's okay.

9 MR. HERREMA: -- as you can read.

10 ALJ ORMOND: I will -- we'll talk about this in
11 a minute because I have come to make a couple of -- I
12 have a couple of thoughts to share, but we'll get there
13 at the end. Okay? Moving on.

14 With regards to Question 11 -- so I am in
15 receipt of the confidential material where the North
16 Millerton Water Company partners; namely, developer and
17 ENSC, hold cash reserve, properties, and businesses with
18 values in excess of 200 million. That is from your
19 application. That is not confidential.

20 Does this imply that North Millerton will be
21 capitalized by an investment of 200 million and, if not,
22 when -- what is the proposed capitalization that is
23 represented by North Millerton for its proposed water
24 and wastewater service?

25 MR. HERREMA: Can we include that in our Monday

1 response as well?

2 ALJ ORMOND: Yes, but I am going to -- I have
3 rethought your Monday response, and I will tell you what
4 I think in just a minute. Okay?

5 MR. HERREMA: Okay.

6 ALJ ORMOND: Okay. So before we turn to the
7 final question of consolidation, which I'm going to have
8 both attorneys weigh in on, I want to ask North
9 Millerton, do you have anything you'd like to add or
10 discuss at this point?

11 MR. HERREMA: I do not, your Honor. I'm sorry.
12 Brad Herrema on behalf of North Millerton.

13 ALJ ORMOND: Okay.

14 Mr. Hon.

15 MR. HON: I have no further questions.

16 ALJ ORMOND: Okay. I believe, before we get to
17 the question of consolidation, that there is sufficient
18 missing information in the North Millerton application
19 for a CPCN that I am going to rule that North Millerton
20 should file an amended application that includes all of
21 the information that is missing and that we have
22 discussed today.

23 You did say it will take you 30 to 60 days
24 likely to develop rates, so I'm just going to say that
25 when those rates are developed, take all the additional

1 information that we need and just submit all of it
2 together as an amended application in this docket.

3 So you don't need to submit anything on Monday.
4 You can just amend your whole application with all of
5 the missing information. When you do that, it will be
6 in the same proceeding docket, A.25-02-016, and it will
7 restart the protest period and then we can look at the
8 entirety of the North Millerton filing and do a thorough
9 review of North Millerton's request for a CPCN without
10 all of the gaps.

11 MR. HERREMA: (Line muted.)

12 ALJ ORMOND: Mr. Herrema, is that a clear
13 instruction?

14 MR. HERREMA: I apologize. I muted myself to
15 prevent feedback. Your Honor, that is clear. Do you
16 anticipate that you will issue a written ruling in that
17 regard out of today's prehearing conference that will
18 have that list of the items that you believe are
19 missing?

20 ALJ ORMOND: I will consider it. The
21 transcript will be published quickly, so while I'm
22 considering it, you can definitely read through the
23 transcript to make sure you are aware of all of the
24 pieces that I'm looking for.

25 And then that is providing -- that provides

1 sufficient notice on the record for all the things that
2 we need, but I will consider also putting it into a
3 formal ruling.

4 MR. HERREMA: Okay. I have identified the
5 document responsive to Question Number 1, the
6 information related to the dollars exchanged between the
7 different entities addressing the environmental justice
8 and safety issues in response to your question about the
9 modification to the wellheads, the rate information, the
10 capitalization information.

11 Is there anything else? I want to make sure
12 that I'm not missing something that you believe is
13 missing.

14 ALJ ORMOND: Off the top of my head, we
15 discussed the CEQA question at the beginning, and I
16 think that's a good start. But I would definitely
17 review the transcript, and I will, too, after it is
18 issued.

19 Cal Water, do you have any comments that you'd
20 like to state at this point?

21 MR. HON: No comments, your Honor. Thank you.

22 ALJ ORMOND: Thank you.

23 We are now going to move to the question of
24 consolidation. In proceeding 25-01-018 in an April 9th
25 ruling, I requested that Cal Water be prepared to

1 discuss whether the Commission should consolidate these
2 proceedings at today's prehearing conference. And in
3 proceeding 25-02-016, an April 18th ruling, I requested
4 the same of North Millerton, to discuss consolidation.

5 So under Rules of Practice and Procedure 4.7,
6 proceedings involving related questions of law or fact
7 may be consolidated. So first I'd like to hear from
8 Mr. Hon and Cal Water and then from North Millerton on
9 the topic of proceeding consolidation.

10 Mr. Hon, please go ahead.

11 MR. HON: Willis Hon for Cal Water. Regarding
12 consolidation of this proceeding and that of North
13 Millerton's, Cal Water is indifferent to whether or not
14 it is -- ultimately we have some serious concerns of
15 whether consolidating two proceedings would delay
16 resolution of the issues in our Cal Water proceeding as
17 your Honor just described the need to submit an amended
18 application which would postpone it in addition to
19 extending the protest period.

20 And so for that reason, you know, we would
21 oppose consolidation to the extent that it would delay
22 Cal Water's proceeding. Now, it's also possible to
23 consolidate the two proceedings and perhaps address the
24 separate applications in a phased approach.

25 And so, you know, to the extent that

1 Cal Water's application is complete and your questions
2 are answered, it may be potentially possible to issue an
3 interim discussion that would relieve Cal Water of the
4 CPCN without having to resolve issues like the financial
5 capabilities of the developer that are completely
6 separate from that determination, as well as the rate
7 questions that you posed. And so that perhaps might be
8 one way to address the issue if that's at all possible.
9 Thank you, your Honor.

10 ALJ ORMOND: And then, Mr. Herrema, please go
11 ahead on the issue of consolidation.

12 MR. HERREMA: Yeah. Brad Herrema on behalf of
13 North Millerton. I don't know that we have a strong
14 feeling one way or the other on consolidation. I do
15 think it's clear that there are some common factual
16 issues here. We did -- we'd previously tried to work
17 with Cal Water and the Commission to explore a
18 proceeding where there could be a transfer of the CPCN
19 as opposed to these two separate proceedings.

20 I think if the Commission wishes to consolidate
21 that, that would be perfectly reasonable, particularly
22 considering or in light of the fact that we have this
23 common proceeding today and it might be -- your Honor
24 might decide that common proceedings like this are
25 beneficial going forward.

1 ALJ ORMOND: Thank you very much.

2 Mr. Hon, do you have anything else you'd like
3 to add?

4 MR. HON: Willis Hon for Cal Water. Again,
5 just emphasizing, you know, Cal Water's interest in this
6 is to get its issues resolved as quickly as possible. I
7 think there's a whole body of questions regarding North
8 Millerton that are separate that would need to be
9 addressed in order to resolve Cal Water's relief.

10 However, I do agree with Mr. Herrema that, you
11 know, we're both looking for the quickest, most
12 straightforward resolution to both proceedings.

13 ALJ ORMOND: Thank you.

14 Mr. Herrema, do you have anything you'd like to
15 add?

16 MR. HERREMA: I do not, your Honor.

17 ALJ ORMOND: Thank you. I'm going to think on
18 this and figure something out and get back to you. I
19 actually have an additional question to Cal Water.

20 Is there a reason for speed of resolution to
21 this case for Cal Water if there are no customers? So
22 can you describe, you know, the harm.

23 MR. HON: This is Willis Hon for Cal Water.
24 The concern here is that while there's currently no
25 customers, should somebody come along and apply for

1 service, this changes the dynamic of things. It's a lot
2 more difficult to unwind the CPCN once customers are
3 being provided service. So the hope here is that as
4 there's no customers currently and there's nothing
5 developed in the area, that we can more quickly resolve
6 it before that occurs because once that occurs, the
7 serious questions of what's going to happen to those
8 customers and the transition there that make the process
9 a lot more complex.

10 ALJ ORMOND: Thank you. So this triggers just
11 a last thought that I had. The California Public
12 Utilities Commission actually has an alternative dispute
13 resolution process. It is with administrative law
14 judges who are in a position of neutral.

15 I am curious. From your perspective, is there
16 any benefit potentially to referring these two parties
17 to the Commission's alternative dispute resolution
18 process to figure things out?

19 Mr. Hon, go ahead.

20 MR. HON: This is Willis Hon for Cal Water.
21 Your Honor, I don't believe there is. I will say
22 Mr. Herrema and I have been working pretty well together
23 independent of any ADR. I think that both parties have
24 aligned interest in this proceeding. Cal Water wants to
25 revoke its CPCN, and North Millerton wants to take it

1 over in the same manner and so I don't think there's
2 necessarily disputes between the parties that ADR would
3 help resolve.

4 Now, there's certainly some questions about
5 facts back and forth, but I believe that the parties
6 have been working pretty well together without a formal
7 ADR process.

8 ALJ ORMOND: Thank you.

9 Mr. Herrema, would you like to comment?

10 MR. HERREMA: Brad Herrema on behalf of North
11 Millerton. I would agree with Mr. Hon that we have been
12 working quite well together independent of any formal
13 ADR type process. I can consult with my client and see
14 whether they think that there's any benefit to it. My
15 initial reaction is that -- I'll ask them what they
16 think. I don't have any additional thoughts right now.

17 ALJ ORMOND: Thank you very much.

18 Last call for topical issues, substantive
19 issues, scoping issues? Does anybody, either party,
20 have any additional comments you'd like to make at this
21 time before we move into our next topic, which is
22 categorization and need for hearings?

23 Mr. Hon.

24 MR. HON: Nothing further, your Honor.

25 ALJ ORMOND: Mr. Herrema.

1 MR. HERREMA: No, your Honor.

2 ALJ ORMOND: Thank you very much.

3 All right. We made it through that. Let's
4 talk about categorization and need for hearings for both
5 proceedings. For Cal Water's application, Commission
6 Resolution ALJ 176-3559 dated February 20, 2025,
7 preliminarily determined that this application should be
8 categorized as ratesetting.

9 Cal Water also noted on page four of its
10 application that the categorization of its proceeding
11 should be ratesetting. For North Millerton's
12 application, Commission Resolution ALJ 176-3561 dated
13 April 3, 2025, preliminarily determined that this
14 application should be categorized as ratesetting. And
15 North Millerton also noted on page four of its
16 application that the categorization of its proceeding
17 should be ratesetting.

18 Cal Water does not believe that there will be a
19 need for hearings in this proceeding, and North
20 Millerton at this point is relying heavily on
21 Cal Water's original CPCN application and its own CPCN
22 application and will be filing an amended application
23 but anticipates few, if any, material factual disputes.

24 First I'm going to begin with Cal Water, then
25 North Millerton. Do you have any comments on

1 categorization or need for hearing as I have described
2 them at this point?

3 Mr. Hon.

4 MR. HON: Willis Hon for Cal Water. We
5 continue to agree that this should be a ratesetting
6 proceeding and still believe that there is not a
7 necessary need for hearing, although if your Honor has
8 further questions, we are happy to respond to similar
9 rulings with written responses to any factual questions
10 you may have.

11 ALJ ORMOND: Thank you very much.

12 Mr. Herrema.

13 MR. HERREMA: Brad Herrema on behalf of North
14 Millerton. We don't have any disagreement with the
15 characterization of the process or the proceeding as
16 ratesetting. And I suppose your Honor has asked for
17 a -- or require that we submit an amended application.

18 At this point we don't have any protestants so
19 we think we can get clarity on the factual issues
20 without a hearing, but we may need to revisit that, I
21 suppose, after the amended application. We're also
22 happy to respond to any additional orders for additional
23 information to written submittals as we've done so far.

24 ALJ ORMOND: Okay. Thank you very much.

25 Okay. To scheduling. At this point I can't

1 develop a specific schedule. I note that it is clear
2 from both parties' filings that both applicants would
3 like both proceedings to move forward as expeditiously
4 as possible, so I'm going to review what we have
5 discussed today with the assigned commissioner and
6 determine next steps. The assigned commissioner will
7 then issue the appropriate scoping memos and rulings.

8 Cal Water, North Millerton, do either of you
9 have any comments on that?

10 Mr. Hon.

11 MR. HON: This is Willis Hon for Cal Water.
12 I'd just reiterate my earlier comment that if the two
13 proceedings are consolidated to please consider
14 potentially proceeding with a phased approach that would
15 allow the resolution of Cal Water's issues rather than
16 having to wait for all of them to be resolved in a
17 single decision. Thank you, your Honor.

18 ALJ ORMOND: Thank you.

19 Mr. Herrema.

20 MR. HERREMA: No, nothing to add on that, your
21 Honor.

22 ALJ ORMOND: Conclusions. We're going to wrap
23 up. We've gotten through it. I appreciate your
24 participation of both Mr. Hon and Mr. Herrema. Are
25 there any additional matters that we want to address at

1 this time?

2 (No response.)

3 ALJ ORMOND: Hearing none, I will deliberate on
4 everything that has been said between -- at this
5 prehearing conference, and I'm going to discuss next
6 steps with Mr. Baker's office. So let's just clean up
7 what we've discussed.

8 Per the additional direction today about the
9 March 7th ruling, Cal Water will file and serve the real
10 property purchase and sale agreement between Cal Water
11 and developer executed on January 24, 2019, in its
12 proceeding in the next three days, which gets us to
13 Monday. And if you feel that a motion requesting
14 confidential treatment is necessary, you will file that.

15 And per our discussion today, I was going to
16 have North Millerton do a near-time filing and then a
17 bigger filing, but I think that we're just going to
18 require North Millerton to file an amended application
19 that takes into consideration everything that we've
20 discussed today.

21 I will consider issuing a ruling with more
22 specifics, but you will receive the transcript in an
23 expedited manner so you should have that information in
24 its complete form probably before I could get a ruling
25 out anyway.

1 So with regards to consolidation, I've heard
2 what both the parties have said. I will additionally
3 discuss that with Commissioner Baker, and we will
4 determine what's going to happen. You will hear from us
5 in some sort of way soon or at some point in the future.
6 That could be scoping memos, that could be rulings, that
7 could be consolidation. I have to think and deliberate
8 and discuss with Commissioner Baker's office.

9 Are there any final questions or comments at
10 this point?

11 MR. HON: Willis Hon for Cal Water. Nothing
12 further, your Honor. Thank you so much.

13 MR. HERREMA: Brad Herrema for North Millerton.
14 Nothing further at this point, your Honor. Thank you
15 for your time today.

16 ALJ ORMOND: With that, I want to thank parties
17 for attending and participating today in this
18 less-than-traditional, two-PHCs-at-the-same-time
19 process. I also would like to thank our court reporter,
20 Ms. Ross. We are adjourned and off the record. Thank
21 you very much, everyone.

22 (At the hour of 11:51 a.m., this matter
23 having concluded, the Commission then
24 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 MAY 8, 2025.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS MAY 09, 2025.



ANDREA L. ROSS
CSR NO. 7896

1	2026 6:18	9	addressed 49:9
1 32:16 37:6 46:5	21-08-007 3:23 4:12 6:15 29:22	9 19:5	addresses 27:15
1,100 29:24 30:7	24 4:2 24:20 32:19	9th 3:24 19:17 24:4 46:24	addressing 46:7
1,800 29:25 30:7	25-01-008 2:12 5:18 11:20 24:23	A	adjourn 11:14
1,800-unit 3:15	25-01-018 46:24	A.20-01-012 12:17 24:25	administrative 2:4,21 5:15 7:8 8:11 31:24 35:15 50:13
1001 26:23	25-01-08 10:25	A.25-01-008 14:2	adopted 5:5 30:5
103-A 4:18 7:6	25-02-016 2:19 5:20 11:1 13:21 26:9 32:22 47:3	A.25-02-016 45:6	ADR 50:23 51:2,7,13
10:30 2:2	28 20:15 21:3	A.25-02-016. 13:5	advance 22:1 31:12
11 33:23 43:14	29 20:12,25	A.M. 2:2	advantage 19:21
13th 24:14	3	ability 42:24	advice 15:17
14 38:15,19	3 38:13 52:13	above-noted 28:7	Advisors 3:1
16 4:18	3.1 27:4	absolutely 18:7 21:20 33:9	Advocates 4:7
17 7:9	3.1(g) 43:1	accept 36:4	affidavit 36:18
176-3559 52:6	30 34:5 42:6 44:23	access 37:9	agency 7:23
176-3561 52:12	4	accurate 9:11 15:6	agenda 10:21
18 4:18 39:22	4 39:5	acknowledge 24:15, 21	agree 26:13,19 49:10 51:11 53:5
18th 32:16 33:4 37:8 41:17 47:3	4.7 47:5	acquire 19:20	agreement 4:13 17:18 20:3,12,18,21,24 21:5, 10 22:1,23 24:18 32:17 33:3,19,20 34:6
2	451 6:14 7:3 27:13	acquired 22:22	ahead 35:3,22 40:6 41:11 47:10 48:11 50:19
2 33:16 34:16 37:7	6	Act 5:5	aligned 50:24
2(a) 37:8	6 33:23	action 16:21 17:16 30:21	ALJ 8:16 12:1,10,15,20 13:3,12,18,23 15:9,19, 21 16:1,18 17:22,25 18:18,25 19:15 20:23 21:24 23:6,24 24:3,12 25:13,21,25 26:4,8,20 28:22 29:6,9,22 30:8, 11,15 31:10 32:12 33:9, 12 34:17,24 35:3,10,22 36:1,2,14,17,23 37:5,20 38:6,12,23 39:1,4,14 40:1,6,11,14,17,19,23, 25 42:9,12 43:8,10 44:2,6,13,16 45:12,20 46:14,22 48:10 49:1,13, 17 50:10 51:8,17,25 52:2,6,12 53:11,24 54:18,22
2,100-acre 3:15	60 42:6 44:23	active 3:20	
20 3:17 52:6	7	add 9:17 19:12 24:1 37:3,13 39:1 44:9 49:3, 15 54:20	
20-01-012 4:1,20	7 19:4,17,18 22:3 34:1 39:15	addition 4:12 6:20 47:18	
20-02-016 5:1	7th 24:16	additional 11:6,7 17:5 19:2,3,4,6,8 24:13 25:14 31:5,14,15,16 32:7 42:13 44:25 49:19 51:16,20 53:22 54:25	
20-08-007 5:6	8	additionally 2:13 36:23 40:2 42:13	
200 43:18,21	8 2:2 36:2 41:1	address 47:23 48:8 54:25	
2004 27:10			
2008 3:17 27:14			
2019 24:20 32:19			
2020 4:2 5:3 20:21			
2021 3:24			
2024 20:12,15,25 21:3 34:1,5 39:20 40:3			
2025 2:2 7:9 19:5 36:2 52:6,13			

alternative 50:12,17	apply 49:25		break 11:15
Alternatively 16:11	applying 4:24	<hr/> B <hr/>	briefcase 31:23 32:6
amazing 10:19	approach 21:21 47:24 54:14	B-R-A-D-L-E-Y 13:9	broader 19:24 22:14
amend 45:4	approval 29:15 41:2	back 29:9 39:10 42:5, 17 49:18 51:5	Brownstein 13:10
amended 44:20 45:2 47:17 52:22 53:17,21	approved 3:16 6:13,15 41:5	back-and-forth 9:16	build 8:23
amount 39:7	approximately 3:17	background 3:2 17:15	building 8:24 16:2 38:10
analysis 6:19 41:16	April 19:5,17 20:12,25 24:4 32:16 33:4 37:8 40:3 41:17 46:24 47:3 52:13	Baker 2:23 3:4 5:7,11, 12,13	buildings 21:12,16 22:1 38:18
Andrea 10:14	area 6:9 17:10,11,16 50:5	balance 42:22	built 17:12
Anne 12:2,6	areas 14:16 22:4	based 6:19 35:5 41:7, 16	business 6:21 10:18
answering 36:13	arise 12:21	bases 3:3	businesses 43:17
answers 19:9 34:20	articulated 42:2	basically 20:5	<hr/> C <hr/>
anticipate 45:16	articulated 42:2	begin 20:14 21:1	Cal 3:20,22 4:1,6,8,9, 10,11,14,21 5:3,17,23 6:9,17,21,23 7:7,14,16 9:2 10:25 11:4,9,19 12:4,7,13,16 14:1,3,12, 23 15:1,4,12,16 16:3,15 17:3,18 18:2,4,5,9,13, 16,20 19:11,16,23 20:1, 7,11,19 21:6,11,21 22:2,6,15,22,25 23:2,8, 10 24:5,9,14,16,17,19 25:11,14,17 26:14,18 30:15,19 32:3,18 36:25 37:2,11,16 39:8,18,19 41:5 46:19,25 47:8,11, 13,16,22 48:1,3,17 49:4,5,9,19,21,23 50:20,24 52:5,9,18,21, 24 53:4 54:8,11,15
anticipates 52:23	asset 22:22 33:18	beginning 11:3 20:21 46:15	California 2:9,17 3:19 5:4,17 6:2,7 11:25 12:3 14:7,15 22:17 23:4 27:19 50:11
Apologies 26:4	assign 36:18	begun 18:13	call 10:2 21:8 23:5 51:18
apologize 35:2 41:25 42:3 45:14	assigned 2:21,23 5:13 20:11 54:5,6	behalf 11:25 13:10 26:16 28:8 44:12 48:12 51:10 53:13	called 3:12
appearance 13:7,16 31:20	assist 14:10	bench 42:15	cancelation 17:17
appearances 10:23 11:19	assistance 10:14	beneficial 48:25	cancellation 20:12,18, 21,24 21:5 33:18
appeared 15:16	assumption 37:14	benefit 27:21 50:16 51:14	capabilities 48:5
appearing 13:14	attendance 3:2	benefits 17:6	Capital 34:6
appears 20:13	attending 8:19	billed 21:23	
Appendix 37:17	attentive 10:12	bit 17:15 35:19	
applicant 34:3,11	attorneys 44:8	Board 3:16	
applicant's 34:7 42:24	audio 10:4	Board's 7:13,22	
applicants 54:2	audited 42:20	body 49:7	
application 2:8,12,14, 19 4:1,20,21 5:1,2,4,18, 20,23 6:8,10 10:25 11:1,20 12:16 13:1,20 14:25 15:18 16:19 20:8 21:23 25:16 26:21 27:4, 17 28:14,18 29:21,24 30:22 32:21,23 34:1 41:14,21 43:19 44:18, 20 45:2,4 47:18 48:1 52:5,7,10,12,14,16,21, 22 53:17,21	August 3:23	box 31:22,25 32:4 35:13	
applications 3:8 5:21 6:23,24 11:18 28:2 47:24	authority 2:9 3:10 5:23	Brad 18:22 26:16 28:8 44:12 48:12 51:10 53:13	
	authorization 27:7 32:24	Bradley 13:9	
	authorized 6:18	brand-new 17:11	
	avail 7:17		
	aware 20:16 21:3,7 37:16 45:23		

capitalization 43:22 46:10	closed 4:20 17:17 22:23	completely 48:5	constitute 23:9,21
capitalized 43:21	closely 5:15,22	complex 50:9	construct 2:16 4:2 6:6 26:10 42:25
card 12:2	Code 23:22 26:23 27:13	compliance 5:4 7:7	constructed 4:16
cart 41:11	commenced 20:17 21:4	complied 4:17	constructing 5:25 14:5 17:16 22:21 34:8
case 5:16 10:24 11:11 12:4 17:21 19:19 20:1 31:22,25 32:2,3,4,9,11, 14,15,21 33:1 34:19 35:11,13,16 37:19 49:21	comment 15:6,12 18:20 51:9 54:12	computer 10:7	construction 7:4 40:21
cases 8:25 38:3	comments 5:10 15:2 23:25 25:14 26:5 28:7 33:5 46:19,21 51:20 52:25 54:9	concern 49:24	consult 51:13
cash 42:23 43:17	Commission 2:5 3:22 4:5,17 6:13,15,16 7:6 8:4,24 9:1,5 13:15 16:6 19:18 22:13 24:6 26:22 27:2,17 28:2,10,13 29:23 31:21 32:24 41:2, 8,13,14 47:1 48:17,20 50:12 52:5,12	concerns 47:14	Consulting 34:2,5 39:8
categorization 11:10 51:22 52:4,10,16 53:1	Commission's 16:20 19:24 27:5 28:3 30:20 32:20 43:2 50:17	conclude 17:22	continue 15:21 53:5
categorized 52:8,14	Commission-granted 4:22 14:4 16:23	Conclusions 54:22	continuing 41:5
CEQA 5:5 27:16 28:23 29:12,15,21 30:3,5 46:15	commissioner 2:23, 24 3:3 5:7,11,12,13,14 8:16 54:5,6	concrete 40:3,11,12	Contribution 34:6
Certificate 2:10,15 3:10,20 5:24 6:17 14:4 27:8	Commitment 18:16 28:3	condition 41:9	contributions 34:7
cetera 10:11	common 48:15,23,24	conducted 7:20	Control 7:12,22
change 22:7	communities 16:24 17:1,7,14 30:23	conference 2:8,14 8:13,21,24 16:9 31:6 45:17 47:2	Convenience 2:10,16 3:10,21 5:24 6:17 14:4 27:8
characterization 39:18,19 53:15	community 3:12,16 17:10	conferences 3:1,7 9:4, 20 11:16	conversation 35:5
charge 23:20	companies 14:15,17, 18 19:20,21 22:4,5 27:19,21,22	confident 25:7	conversations 9:16
charged 23:8	company 2:9,15 4:23 5:17,19 10:1 11:25 13:11 22:10 26:24 27:18 34:3 37:22 41:6 42:21 43:16	confidential 25:1,5,8 33:13,15 43:15,19	copy 37:21
check 39:10	compensation 37:10	confirm 39:21,24	correct 15:24 37:14
checked 12:10	complete 41:20 48:1	confusion 21:11	correction 15:9
circumstance 22:24		connected 21:13	correctly 9:24
circumstances 23:16		connection 20:15 21:2	cost 23:9
clarification 25:10,18 34:13 40:20		connections 21:15 38:19	counsel 12:4,7,18 14:25
clarifies 30:12		consideration 3:25 14:14,19,21 41:19	county 2:18 3:13,16 14:8 30:5
clarify 20:11 31:19 37:9,12 38:17		considerations 14:11 28:4	couple 43:11,12
clarifying 19:16		considered 20:8 30:4	court 9:23 10:8,12,13
clarity 53:19		consolidate 24:6 47:1, 23 48:20	CPCN 3:21,22,25 4:2, 22,25 5:2,3,25 6:5,8,10 8:4 12:16 13:21 14:13, 23 16:19,22,23 18:2,14 26:10,15,22 27:2,17 28:5 30:25 31:3 32:24 41:2,9,14,21 44:19 45:9 48:4,18 50:2,25 52:21
clear 8:5 18:7 21:20 45:12,15 48:15 54:1		consolidated 3:9 9:5 47:7 54:13	CPCNS 17:5
client 51:13		consolidating 27:20 47:15	create 17:5
		consolidation 19:25 22:16 44:7,17 46:24 47:4,9,12,21 48:11,14	
		consolidations 23:3	

creating 28:16 38:8,9	determine 14:3 26:21 54:6	document 24:21,22 25:2 27:9 30:5 36:2 46:5	establish 2:18 4:3
Crosstalk 38:25	determined 52:7,13	documents 37:10 42:13	evaluate 31:25 41:15
curious 6:25 50:15	determining 9:1	dollars 46:6	evidence 42:24
current 4:21 6:24 27:16	develop 41:18 44:24 54:1	Dolqueist 12:3,7,12	exact 4:25 26:14
customers 6:7 20:2 21:18,21,22 22:9 26:11 41:4 49:21,25 50:2,4,8	developed 8:7 28:17 41:23 44:25 50:5	domestic 7:23	excess 43:18
<hr/> D <hr/>	developer 4:14,16 7:17 17:12,15 20:4 21:18 22:10,20 23:14 32:18 33:25 34:1,5,22 35:7,8 36:8,10,11,15 37:11 38:15 39:9 43:16 48:5	drinking 7:13,22 8:2	exchanged 39:8 46:6
dais 3:4 5:8 8:20	developer's 34:7,23 35:24,25	due 8:8 10:10	excuse 16:22 20:4 24:9 28:25 29:5
date 20:22	developing 41:6	dynamic 50:1	executed 24:20 32:18 34:6
dated 7:9 52:6,12	development 17:9 30:2	<hr/> E <hr/>	execution 21:10
dates 20:20 39:7	difference 30:6	earbuds 10:4	existing 4:11 14:12
days 10:19 16:13 25:4, 19 33:2,9 35:17 42:6 44:23	differently 42:3	earlier 5:21 54:12	expand 19:9,13 22:2
deadline 40:9	difficult 50:2	east 3:18	expected 17:19 18:14
deal 23:1	diligence 10:14	echo 29:4	expedited 10:17
decide 48:24	directly 24:22	economies 14:17 19:21 27:22	expeditiously 54:3
decision 3:23 4:5,12, 19 5:6 6:15,16 29:22 54:17	disagreement 53:14	efficiency 9:7,17	experience 12:23 13:14
deemed 4:10	disagrees 39:18	email 24:15,22	explain 31:18
deficiencies 7:14 39:15	discuss 10:24 11:6 15:2 16:7,8,19 24:5,14 26:9 44:10 47:1,4	emphasizing 49:5	explained 18:13 22:19
delay 47:15,21	discussed 15:13 39:9 44:22 46:15 54:5	employed 28:19	explore 48:17
delays 36:3	discussion 11:5,6 19:2 24:7 31:15 48:3	encourage 25:5 32:12 37:20	extending 47:19
deliberate 9:12	dispute 50:12,17	end 7:18 42:10 43:13	extent 16:21 17:11 23:13,19 30:22 47:21, 25
delivered 10:18	disputes 51:2 52:23	engaged 4:8	<hr/> F <hr/>
delivery 14:22 27:24	district 2:11 3:23 6:2,4, 19,20,22 14:7,9 15:7,8 18:3 21:22	ENS 34:2,5 39:8	facilities 7:6 22:21
Department 7:22	districts 18:17	ENS's 34:7	fact 9:9 38:2 47:6 48:22
describe 49:22	Division 7:13 27:6	ENSC 34:11 43:17	factors 33:17
design 7:4	docket 12:2 31:21 32:13 36:4 45:2,6	ensure 9:10 10:3	facts 5:21 30:4 51:5
designated 24:25	dockets 32:20	entirety 45:8	factual 48:15 52:23 53:9,19
desiring 12:25		entities 46:7	fall 25:19
detailed 37:15		entitled 7:8	fantastic 34:24
details 33:20 34:22,23		entity 23:15 34:3	Farber 13:10
determination 14:10 48:6		environmental 5:5 14:19 16:4,20,24 17:1, 6,13,20 27:14,15 28:4 30:20,23,24 46:7	faster 10:20

feel 25:7 33:12	found 4:5,12,18 29:23 35:12	happen 50:7	24:4,11,12,15 25:11,17, 23 26:18 37:2 44:14,15 46:21 47:8,10,11 49:2, 4,23 50:19,20 51:11,23, 24 53:3,4 54:10,11,24
feeling 48:14	Fourth 11:12	happened 18:10	
figure 49:18 50:18	frame 42:8	happy 16:17 19:13 25:12 29:18 53:8,22	
file 24:17 25:2,21 32:9 33:1,2 35:13,14 36:3 37:19 41:18,22 42:19 44:20	Fresno 3:18	harm 49:22	Honor 11:23 12:14 13:8,17 15:14 17:4,24 18:22 24:2 25:12,24 26:17 28:25 30:14 33:7 34:16,18 35:1,21 37:4, 15 38:22 39:13 41:25 44:11 45:15 46:21 47:17 48:9,23 49:16 50:21 51:24 52:1 53:7, 16 54:17,21
filed 4:1 10:25 15:17 21:23 24:23 32:23 42:14	Friant 2:17 6:2,7 14:7	head 46:14	
files 32:11	future 30:2,12	headphones 10:3,7	
filing 7:8 20:23 32:17 36:4 37:16 39:12 42:7 45:8 52:22	<hr/> G <hr/>	health 7:16 39:16	
filings 20:9,10 21:15 54:2	gaps 12:22 45:10	healthfully 8:3	
fill 12:22	general 4:17 7:6 14:14 17:4 19:19 21:7 22:3 27:18	healthy 7:2	
final 27:14 44:7	generally 28:10	hear 9:14 47:7	
finally 17:25 23:6 40:4, 19	give 15:11 16:3,10 18:19 19:7 33:2 35:17	hearing 8:11,22 10:5, 15 13:3,23 29:4 53:1,7, 20	hook 30:15
financial 14:11 41:7,16 42:20,24 48:4	giving 8:14	hearings 10:17 11:12 51:22 52:4,19	hope 28:14 50:3
find 32:5,8,13,20 33:1 36:20	goal 19:24	heavily 5:2 52:20	horse 41:12
findings 30:3	goals 16:20 30:20	height 40:11,13	housing 17:5
fine 36:17	good 2:7 11:23 13:8 15:6 46:16	held 3:8	huge 22:15
finished 39:22	goodness 26:1	helping 34:19	Hyatt 13:10
firsthand 39:6,7	governed 22:12	helps 36:16	<hr/> I <hr/>
floor 39:22	grade 39:22	Herrema 13:8,9,12,16 15:14,20,22 18:22,23 24:2 26:1,2,3,4,7,16 28:6,8 29:1,11,14 30:6, 9,14 31:8 33:6,11 34:15,18 35:1,4,21,23 36:6,16,22 37:15,24 38:6,11,21,24 39:3,13, 23 40:5,7,12,15,18,22, 24 41:25 42:11 43:5,9, 25 44:5,11,12 45:11,12, 14 46:4 48:10,12 49:10, 14,16 50:22 51:9,10,25 52:1 53:12,13 54:19,20, 24	identification 29:19
flow 21:2 42:23	grant 26:22 27:8 28:14 41:9	hold 9:3 38:10 43:17	identified 18:6 38:1 46:4
focus 6:23	granted 3:22,25 6:16, 24 8:4 16:22 26:15	holding 31:25	identify 9:25
follow 10:22 30:10 42:6	granting 27:2	holds 3:20	impact 14:11 16:23 17:20 18:15 27:14 30:2, 3
formal 41:10 46:3 51:6, 12	Great 25:23 34:24	homes 17:16 29:24 30:7 38:16	impacts 4:11 17:12 18:12 27:15 30:22
formally 15:16	Greenfield 17:9	Hon 11:23,24 12:6,14, 15,18 14:1 15:4 16:15 17:3,24 18:4 19:1,11 20:19 21:6 22:6 23:10	implicated 18:1 28:5 30:25 31:2
format 35:6,23 36:10	guess 25:18 30:3		implications 16:25
formed 34:2	guidance 27:7		imply 43:20
forthcoming 12:23	guidances 9:21		inadequate 33:21
forthright 36:19	guidelines 27:6		inches 39:22
forward 5:3,9 7:25 8:11,17 48:25 54:3	<hr/> H <hr/>		include 42:7 43:25
	H-E-R-R-E-M-A 13:9		includes 44:20
	H-O-N 11:24		including 5:4 7:1,3 42:21
			income 42:22

incongruent 33:22	involve 3:9	largely 15:24	Manual 27:7
increase 30:3	involving 28:3 47:6	larger 14:15 19:20 22:3 27:20,22	March 7:9 19:4 20:15 21:3 24:14,16 27:10
increasing 14:17	issue 3:22 9:9 22:21 23:12,18 24:14 29:3,21 30:12 45:16 48:2,8,11 54:7	Lastly 10:8	master-planned 3:15
increasingly 14:15	issued 7:23 19:5 46:18	late 36:4	material 43:15 52:23
independent 50:23 51:12	issues 7:17 8:18 11:2,8 12:21 13:24 14:20,21 15:5,23 16:5,8 17:20 18:1,6,15 19:4 28:2,5 29:19 30:24 31:2 46:8 47:16 48:4,16 49:6 51:18,19 53:19 54:15	law 2:4,21 5:15 7:8 8:12 31:24 35:15 47:6 50:13	materials 31:22 32:1 35:13
independently 41:23	items 45:18	leaving 12:5	Matt 5:13
indifferent 47:13	<hr/> J <hr/>	led 33:17	matters 54:25
information 5:3 9:11 11:7 12:11,22 15:15 16:2 18:9 19:3,6,8 20:13 21:25 22:7 23:11 27:1 28:13,17 31:16 32:1,3,5,8,13,25 33:24 35:6,12,24 36:8,9,20 37:12 39:7,11,24 42:5 44:18,21 45:1,5 46:6,9, 10 53:23	Jamie 2:20	letter 15:17	Matthew 2:23
infrastructure 21:13, 19 23:17	January 4:2 24:20 32:19	light 19:19 27:18 48:22	mediate 7:17
initial 6:18 12:16 13:16 51:15	jeopardy 10:10	limited 42:22	meet 7:1,4 8:1
Inquiry 7:9 35:16 36:2	join 13:20	list 12:8,10 45:18	memo 8:9
inspection 7:11,20	joined 2:25	listed 12:2,8,12	memorializing 34:6
inspections 18:7,8	joint 2:25 4:8 8:21,23 9:3	LLC 2:15 5:19 13:11 42:21	memos 54:7
instruction 45:13	jointly 3:8	located 3:17 6:2 14:7	mentioned 25:18
instructions 8:9	judge 2:4,20,21 5:12,15 7:8 8:12 31:24	location 7:4	merge 19:20
intending 37:24	Judge's 35:15	long 22:18 42:5	met 13:13
intends 41:4	judges 50:14	Lori 12:2,6	miles 3:18
interest 49:5 50:24	July 34:5	lot 17:6 21:11 29:4 50:1, 9	Millerton 2:11,15 3:12, 14,23 4:23,24 5:1,18,20 6:2,5,11,19,20 7:1,20 8:1 13:4,11 14:6 15:7,8, 11,15 18:3,19,23 20:4, 9,13 21:22 22:10 23:7, 25 26:6,10,17,21,23,25 27:23 28:9 30:18 32:6, 21,23 33:1,3,19,24 34:3,19,21 35:8,13 36:7 37:9,21 39:6,18,21 41:4,8,18,24 42:21 43:16,20,23 44:9,12,18, 19 45:8 47:4,8 48:13 49:8 50:25 51:11 52:15, 20,25 53:14 54:8
interested 6:11	justice 14:20 16:5,21, 24 17:1,7,13,20 28:4 30:21,23,24 46:7	lots 16:8	Millerton's 4:14 6:8,24 7:18 9:2 11:1 13:21 20:9 21:1,15 24:9 25:15 27:11 29:24 32:4,9 33:22 38:13 41:1,14,15 45:9 47:13 52:11
interim 48:3	<hr/> K <hr/>	Luckily 2:24	million 43:18,21
interjects 10:12	knowledge 39:6	<hr/> M <hr/>	minimum 39:22
interrupt 10:9 15:23 35:2	<hr/> L <hr/>	made 39:20 40:15 52:3	minute 43:11 44:4
interruption 29:5	L.L.C. 4:15 24:19 34:2	Madera 2:18 3:13,16 14:7	
intertwined 38:3	large 14:18	maintain 42:25	
investment 34:2 43:21		maintaining 34:9	
Investments 4:15 24:19		maintenance 7:5	
invite 3:3 5:8		make 13:6 19:22 25:4 27:3 31:19 33:13 38:9 42:14 43:11 45:23 46:11 50:8 51:20	
		making 11:18 14:10	
		manage 16:9	
		manner 51:1	

missing 44:18,21 45:5, 19 46:12,13	13:4,10,21 14:6 15:7, 11,15 18:19,23 20:3,9, 13,25 21:14 23:7,25 24:9 25:15 26:6,10,16, 21,23,25 27:11,23 28:8 29:24 30:18 32:4,6,9, 21,23 33:1,3,19,22,23 34:3,18,21 35:8,13 36:7 37:9,20 38:13 39:6,17, 21 41:1,4,7,13,15,17,24 42:20 43:15,20,23 44:8, 12,18,19 45:8,9 47:4,8, 12 48:13 49:7 50:25 51:10 52:11,15,19,25 53:13 54:8	orders 53:22	pedestals 39:21 40:10
mixed-use 3:12,15		original 52:21	people 38:18
model 6:21 38:16		originally 19:2 33:4	perfectly 48:21
modification 46:9		Ormond 2:4,20 5:15 8:12,16 12:1,10,15,20 13:3,12,18,23 15:9,19, 21 16:1,18 17:22,25 18:18,25 19:15 20:23 21:24 23:6,24 24:3,12 25:13,21,25 26:4,8,20 28:22 29:6,9,22 30:8, 11,15 31:10 33:9,12 34:17,24 35:3,10,22 36:1,14,17,23 37:5,20 38:6,12,23 39:1,4,14 40:1,6,11,14,17,19,23, 25 42:9,12 43:8,10 44:2,6,13,16 45:12,20 46:14,22 48:10 49:1,13, 17 50:10 51:8,17,25 52:2 53:11,24 54:18,22	period 45:7 47:19
modifications 40:2,9			permit 7:24
modify 22:2			permitted 14:23
moment 42:16			perspective 34:23 50:15
Monday 25:20,22 33:8, 10 35:17,18 40:8 42:8 43:25 44:3 45:3			phased 47:24 54:14
money 39:8	note 7:7 54:1		PHC 36:3
moot 20:6	noted 5:21 7:14 17:13 18:5,8 20:11 52:9,15		phone 10:7
morning 2:7,25 5:9 8:19 11:23 13:8	notes 7:20 40:7 43:7		pieces 45:24
motion 25:4 33:14 36:4	notice 46:1		place 2:7,14
move 8:18 11:2,17 13:4,24 24:13 25:15 26:5,8 38:13 46:23 51:21 54:3	number 2:12 22:3 29:25 34:16 42:13 46:5		places 32:20
moved 23:13			Plan 16:21 30:21
movement 21:4,25 22:8			plenty 33:24
moving 33:16 40:25 43:13			point 12:5,13 15:25 24:1 30:11 32:15 36:18 37:1,3 44:10 46:20 52:20 53:2,18,25
mute 10:6			points 28:7
muted 45:11,14			policy 22:3,17 23:3
	O		pontificate 31:4
	obligation 7:2,4 10:8		posed 7:15 11:6 19:2 29:12 31:16 48:7
	obligations 7:1 8:2		position 22:25 50:14
	occurred 40:3		postpone 47:18
	occurs 50:6		potentially 48:2 50:16 54:14
	offer 16:12 35:19		Practice 27:5,6 43:2 47:5
	office 3:1 4:7 8:17 36:4		precedent 9:6
	operate 8:2 42:25		precise 36:7
	operating 5:25 14:5 34:8		prefer 31:8
	operation 7:5		preference 16:14 31:7
	opinion 23:8		prehearing 2:8,14,25 3:7 8:12,21,23 9:3,19 11:16 16:9 31:6 45:17 47:2
	opportunity 8:15 15:12 16:4,10,13 18:20 19:7 30:10 35:4		preliminarily 16:16 31:18 52:7,13
	oppose 47:21		
	opposed 48:19		
	order 2:5 4:18 7:6 10:21 20:10 27:21 41:13 49:9		
	ordered 10:16		
		P	
		pages 4:18	
		paraphrase 19:23	
		part 7:19 21:11 22:22 37:18 39:24 42:7	
		participated 4:8	
		participating 27:24	
		participation 54:24	
		parties 8:5 9:14 13:19 26:13 50:16,23 51:2,5	
		parties' 8:13 54:2	
		partners 43:16	
		party 10:24 11:17 12:12,16 13:1,20 15:1, 25 33:20 34:21 35:8 51:19	
		past 12:22	
		paste 37:22	
		patterns 9:9	
		pause 28:6 36:24	

preliminary 12:4	promote 9:6	21:3,24 22:3 28:12,23	receiving 9:11 38:19
prep 16:12 31:1	properly 24:23 25:2	29:12,17,20 30:1,4,17,	recent 42:20
prepare 34:19	27:1	21 31:2,3 32:16 33:16,	recognize 39:17
prepared 24:5 31:12	properties 43:17	17,23 34:14,15 36:7	recognizing 15:24
46:25	property 24:18 32:17	37:6,7,8 38:13 39:5,15	35:7
prepped 31:11	33:18 37:11	40:2 41:1 42:1 43:14	record 2:6 6:25 7:25
Preserve 3:12,14 4:14	proposed 3:14 4:6,9,	44:7,17 46:5,8,15,23	8:7,23,24 9:17,23 10:9
7:21,24 8:3 14:22 20:15	15 6:12 15:5 27:11,16	49:19	11:22 16:2,5 27:3 28:16
21:2 26:12 29:23 34:4,	29:23 41:8,15,18,23	questions 8:6,8,13	29:6,8,9 35:16 36:14
10 39:17	42:25 43:22,23	9:13 11:6 16:6,11,17	46:1
presides 8:12	protest 15:15,18 45:7	18:21 19:2,10,14 24:8,	recreate 38:4
pretty 50:22 51:6	47:19	9,10 25:9,23 28:1,9,19,	recreating 38:7
prevent 45:15	protestants 53:18	20 30:19 31:15 32:10	redundant 32:10
previous 13:14 17:10	protested 15:17	33:5 36:13 39:10 43:3	refer 4:24 5:19
24:24 39:10	protests 14:24	44:15 47:6 48:1,7 49:7	referring 50:16
previously 15:17	provide 3:2,4 6:6,8 7:2	50:7 51:4 53:8,9	regard 15:2 36:12 38:5
24:24,25 26:15 28:15	8:9 9:14 14:16 18:20	quickest 49:11	39:14 42:4 45:17
48:16	19:8 20:5 26:10 34:4,12	quickly 43:7 45:21 49:6	reimbursement 37:10
principals 34:11	40:24	50:5	reiterate 35:11 37:6
prior 20:17 21:9	provided 14:18 17:18	quote 7:18 33:25	54:12
problem 31:10	19:9 21:16,17 26:25	<hr/> R <hr/>	reject 36:5
procedural 25:9	33:23 50:3	raise 8:6	related 2:11 5:22 8:7
Procedure 27:5 43:2	providing 18:13 21:18	rate 41:3,5,6,15,18,23	11:2 40:8 46:6 47:6
47:5	22:10 27:7 45:25	46:9 48:6	Relatedly 6:5
proceed 9:1 13:24	public 2:10,16,17 3:10,	ratepayers 4:11 14:12,	relevant 23:23
proceeding 2:1 4:7	20 4:3,7 5:24 6:1,3,17	22 27:21	relief 2:12 49:9
5:14 8:8 9:2,14 10:9	7:15 14:4,5,8 22:11,12	rates 2:18 4:3,6,9,10	relies 5:2
12:19 13:4,20,25 14:2	23:21,22 26:22 27:8,12	5:6 6:12,18 23:7 27:11	relieve 48:3
15:3,13,16,25 16:7 17:8	39:16 50:11	30:2 44:24,25	relieved 6:3 14:8
24:17,23,25 25:3 26:6,9	published 27:10 45:21	ratesetting 41:10 52:8,	rely 41:5
32:1 33:3 35:9 42:19	PUC 23:23	11,14,17 53:5,16	relying 52:20
45:6 46:24 47:3,9,12,	purchase 4:13 22:22	reach 4:8	remain 12:8
16,22 48:18,23 50:24	24:18 32:17 33:2,18	reaction 51:15	remember 9:20 36:3
52:10,16,19 53:6,15	purpose 8:22 15:18	read 42:1 43:9 45:22	remind 8:22
54:14	28:21	reading 20:8 29:22	repeat 20:20
proceedings 2:22,24	pursuant 6:14 26:22	real 24:18 32:17 33:18	report 27:15 40:16
3:5,7 5:10 8:18 9:4,7,	27:12	realize 32:9	reporter 9:23 10:9,12,
10,18 11:3 24:6 47:2,6,	put 5:3	reason 47:20 49:20	13 28:25
15,23 48:19,24 49:12	putting 41:11 46:2	reasonable 4:6,10,13	represent 34:18
52:5 54:3,13	<hr/> Q <hr/>	6:14 27:12 48:21	representative 11:21
process 28:15,18	quality 5:5 10:4	receipt 43:15	
41:10 50:8,13,18 51:7,	question 16:12,25 17:4	received 7:18 24:15	
13 53:15	19:16,17,18 20:5,16,24	32:19	
produced 10:18			
project 27:16 29:14			

13:6	responses 8:13 9:15 14:24 18:21,24 19:12 28:20 31:5 33:22 53:9	sale 4:13 32:17 33:2,19	sewer 27:9
representatives 11:18	responsibilities 6:3 14:9	sales 24:18	share 43:12
represented 43:23	responsibility 34:8	sanitary 7:14 39:15	sheets 42:22
representing 24:16	responsive 46:5	satisfy 12:13	short 11:15
request 12:21,23 13:21 25:7 28:5 30:25 31:3 35:14 45:9	restart 45:7	save 24:7	show 6:25 8:1 37:21 41:4
requested 7:16 24:5 32:13,25 33:4 46:25 47:3	result 17:14,17 22:24 23:5	scale 14:17 19:21 27:22	shows 29:2,24
requesting 4:2,21 11:7 19:3,5 24:17 31:16 32:7 41:2	rethought 44:3	schedule 11:13 54:1	signed 20:25
requests 5:23 8:4 9:8, 12	return 41:8	schedules 42:23	signing 20:18 21:5
require 53:17	review 32:2 45:9 46:17 54:4	scheduling 53:25	similar 9:9 53:8
required 25:4 41:3,17 43:1	revisit 53:20	Schreck 13:10	similarly 20:10
requirement 43:4	revocation 14:12 16:22 17:2,14,19 18:2	scope 11:3,5 13:25 14:2 15:3,12,23 25:15 26:6,9,20	simultaneous 10:11
requirements 4:17	revoke 2:10 4:22 5:24 14:3,23 16:19 50:25	scoping 8:9 28:7 51:19 54:7	single 9:9 54:17
requires 33:13	revoked 6:10	screen 29:3	sir 13:15 29:3 37:23
requiring 20:2	revoking 18:14	Section 6:14 7:3 26:23	sites 7:11
reserve 43:17	road 39:5	seeking 32:23 35:12 42:2	sitting 42:4
resolution 47:16 49:12,20 50:13,17 52:6, 12 54:15	role 5:14	seeks 6:5,8,10 26:10	situation 22:20 23:4
resolve 48:4 49:9 50:5 51:3	Ross 10:14	sending 23:14	slowly 9:22
resolved 18:11 49:6 54:16	rule 27:4 43:1 44:19	sentence 34:20	small 27:18,19
Resources 7:12,21	Rules 27:5 43:2 47:5	separate 3:7 9:4,8 38:3 47:24 48:6,19 49:8	smaller 14:16 19:20,25 22:5
respect 39:5	ruling 11:7 19:17 24:4, 17,23 30:12 31:16 32:16,25 33:4,16 34:13 37:8 41:17 42:14 45:16 46:3,25 47:3	separately 20:8	smoothly 9:20
respond 8:6 16:17 30:16 31:9 53:8,22	ruling's 32:7	serve 22:4 25:22 26:15 35:14 42:19	social 14:19 16:4,21,24 17:1,6,13,20 28:4 30:20,23,24
responded 33:24	rulings 19:3,5 53:9 54:7	served 14:16 22:4 23:15 42:14	sort 20:14,17 29:7 38:15,20
response 7:8,19 13:2, 22 17:23 18:5,24 19:13, 16,23 20:1,24 21:1 22:19 23:7,24 24:16 30:10 32:19 33:17,21 34:13,15 35:5,15,20 36:2 37:13,16,18 38:14, 17 39:2,25 41:1 44:1,3 46:8	run 9:20	service 2:9,18 3:19 4:4, 11 5:17 6:6,9 7:2 11:25 12:3,5,8,10 14:16 17:18 18:13 19:22 20:2,5,14, 17 21:1,9,17,21 22:12 23:8,9,20,22 26:11 27:25 38:15,20 43:24 50:1,3	sound 15:5 32:10
	<hr/> S <hr/>	services 6:13 34:4	sounds 15:24
	safe 7:2	servicing 3:11	speak 8:15 9:22,25 10:2
	safely 8:3	set 5:7	speaking 10:6,11
	safety 7:16 14:21 16:5 18:1,5,12,15,16 28:5 31:2 39:19,20 46:8	sewage 40:20	specific 19:12 21:18 25:6 29:17,20 33:14 54:1

stands 22:15 31:21	supplemental 37:18 39:1,11,25	43:12 51:16	
start 8:21 32:15 46:16	supplementary 35:15 37:13	threat 7:15 39:16	<hr/> U <hr/>
started 11:16	supply 7:24	time 2:7,13 3:9 4:23 9:4 15:3 16:11 18:10,21,24 19:10 20:3 21:13,21 22:18 25:15 26:5 27:21 28:24 29:13 40:15 42:8 51:21	U-10 27:7
starting 15:1	support 22:15	times 18:8	ubiquitous 28:1
state 7:12,21 11:21 17:7 22:16 46:20	supporting 19:24 42:23	title 36:1	ultimately 47:14
State's 22:17	supports 19:24 23:2	today 8:6,14 9:13 10:15,21 12:21 39:24 42:2 44:22 48:23 54:5	unauthorized 27:24
statement 36:11	suppose 53:16,21	today's 8:23 10:17 45:17 47:2	underlying 9:10
statements 42:20,22, 23	surrounding 14:21	top 46:14	understand 20:7 21:14 28:9 35:10
states 7:9	sustainable 19:22	topic 11:17 47:9 51:21	understanding 6:7 28:14
status 10:24 11:17 21:12 40:20	system 2:17 3:11 4:3 6:1 7:3,12 23:3 27:9 34:9 39:16,19,20 40:20 41:24 43:1	topical 11:8 19:4 51:18	understood 16:1 22:8 24:11 25:12 33:6 38:11
steno 10:19	systems 4:16 8:3 14:6 19:25 22:16	topics 11:6 31:17	unintelligible 10:11
steps 11:14 54:6		total 39:7	unique 22:20,24
stipulation 4:9	<hr/> T <hr/>	touch 28:23 29:11	units 30:7
straightforward 49:12	tailoring 25:6	touched 29:21	unmuted 29:1,2
strive 10:19	taking 40:7	touching 39:15	unusual 3:6 9:3
strong 48:13	talk 11:10,13 16:4 35:18 43:10 52:4	traditionally 22:4	unwind 50:2
structure 41:3,6,7,15, 19,24	talking 29:10	transaction 22:23	Utilities 22:13 23:22 26:23 27:12 50:12
structures 22:11	tariff 6:12	transcript 10:17 40:8 45:21,23 46:17	utility 2:17 4:3 6:1,3 7:9 14:5,9 22:12 23:22 41:3
struggling 38:2	team 10:19	Transcripts 10:16	utilized 28:20
submit 25:19 36:15,20 37:17,22,25 39:11 41:3, 23 45:1,3 47:17 53:17	telling 31:11	transfer 37:11 48:18	<hr/> V <hr/>
submittals 53:23	termination 20:3 21:10 22:1	transferred 21:9	values 43:18
submitted 5:18,20 19:10 24:24	terms 10:21 15:20,23 18:12 28:12,16,19 36:10	transition 50:8	virtual 2:1 3:4 5:8 42:15
subsequently 7:23	territories 17:5	treating 20:10	voluntarily 2:10 4:22 5:24 14:3
substantially 29:15	territory 3:21 4:25 9:9 26:14	treatment 25:5,8 33:13	voluntary 16:22 18:2
substantive 51:18	testimony 10:10	trend 14:14 19:19 27:18	<hr/> W <hr/>
sufficient 28:13,17 29:16,17 44:17 46:1	thing 19:12 37:6	triggers 50:10	W-I-L-L-I-S 11:24
sufficiently 27:15	things 46:1 50:1,18	true 34:21	wagon 38:10
sum 23:2	thought 50:11	turn 44:6	wait 54:16
Sunday 25:20	thoughts 3:4 35:25	type 13:13 51:13	Wales 12:9,11
Supervisors 3:17			wanted 29:11
supplement 35:5,20			

wanting 38:4 47:11 49:4,23 50:20
53:4 54:11

wastewater 3:11 4:16
6:1,6,12 7:5 8:2 14:6
20:14,17 21:1,4 26:11
27:25 34:4,9 38:15,20
43:1,24

water 2:9,15,17 3:11,
19,20 4:3,8,14,15,21,23
5:3,17,19 6:1,6,9,12,17,
21 7:2,5,11,12,13,14,
16,21,22,23 8:2 10:25
11:4,9,19,25 12:3,4,7,
13 13:11 14:1,3,6,12,
15,17,18,22,23 15:1,4,
12,16 16:3,15 17:3,18
18:4,9,13,16 19:11,16,
22,23 20:1,7,11,14,16,
19 21:1,4,6,8,9,11,19,
21,25 22:2,4,5,6,8,10,
11,15,16,22,25 23:2,3,
10,13,14,17 24:5,14,16,
17,19 25:11,14,17
26:11,14,18,23 27:6,9,
18,19,20,24 30:15,19
32:18 34:3,4,9 36:25
37:2,11,16 38:14,19
39:8,16 42:21,25 43:16,
23 46:19,25 47:8,11,13,
16 48:3,17 49:4,19,21,
23 50:20,24 52:9,18,24
53:4 54:8,11

Water's 3:22 4:1,6,9,
10,11 5:23 6:23 7:7 9:2
12:16 18:2,5,20 23:8
24:9 32:3 39:18,19 41:5
47:22 48:1 49:5,9 52:5,
21 54:15

ways 27:20

Webex 29:2

week 7:19

weigh 9:15 16:10,13,16
36:25 44:8

wellhead 40:3,11,12

wellheads 46:9

wheel 38:4,7

wheels 38:8,9

Willis 11:24 12:6 15:4
16:15 17:3 18:4 19:11
20:19 21:6 22:6 23:10
25:11,17 26:18 37:2

wishes 48:20

words 8:20

work 5:15 23:1 34:22
37:21,23,25 38:5 48:16

working 8:17 50:22
51:6,12

wrap 54:22

writing 16:13 29:13,18
31:5,9,13 43:6

written 45:16 53:9,23

Y

years 25:1 29:16 41:9

yesterday 12:11