

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



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Juan and Jessica Gutierrez,

Complainants,

vs.

California American Water Company  
(U210W),

Defendant.

And Related Matter.

C. 23-11-009

(Date Filed November 6, 2023)

C. 24-05-006

**COMMENTS BY JUAN AND JESSICA GUTIERREZ TO CALIFORNIA-AMERICAN WATER  
COMPANY'S PROPOSAL FOR ENGINEERING ANALYSIS, AND PROPOSED  
MODIFICATIONS TO THE PROPOSAL**

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Dated: December 15, 2025

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**COMMENTS BY JUAN AND JESSICA GUTIERREZ TO CALIFORNIA-AMERICAN WATER  
COMPANY’S PROPOSAL FOR ENGINEERING ANALYSIS, AND PROPOSED  
MODIFICATIONS TO THE PROPOSAL**

Pursuant to the December 1, 2025 ruling of Administrative Law Judge (ALJ) Garrett Toy, Complainants Juan and Jessica Gutierrez submit these comments and proposed modifications to California-American Water Company’s [“CalAm”] engineering analysis proposal obtained from Michael Baker International [“Baker”]. Our modifications (attached as Attachment 1 and previously circulated to the parties) are designed to realign the proposal with Commissioner John Reynolds’ September 25, 2024 Scoping Memo and to ensure an independent, collaborative and transparent third party review that produces a trustworthy and credible result prioritizing public safety.

## **I. REALIGNING THE SCOPE OF WORK WITH THE SCOPING MEMO**

The questions set forth in our proposed scope (Attachment 1, tasks 1-5) track with Commissioner Reynolds' Scoping Memo, focusing squarely on the potential dangers posed by the current reservoir and the efficacy of proposed remedies. (Scoping Memo, pp. 3-5.) By contrast, the questions set forth in CalAm's Baker proposal do not.

For instance, the questions set forth in the Baker proposal mirror CalAm's argument that this is just a temporary problem which will soon be fixed by a new reservoir. (See, i.e., Baker Proposal, p.4: "1. Current Oak Knoll Reservoir - ...If risks exist, evaluate the likelihood based on *limited time* reservoir will remain in use... 2. Temporary Mitigation Measures...Review design criteria proposed for *temporary measures*." Emphasis added.) However, Commissioner Reynolds did not predicate his inquiries on a temporary timeline. The fact is that it is unknown when the new Oak Knoll reservoir will be built, and it may never be built at all due to its proximity to the Raymond fault.

Further, CalAm has consistently maintained the necessity of first building a 4.5 million gallon reservoir on the Danford site in San Marino (above San Marino High School) before a replacement reservoir can even be constructed at Oak Knoll. However, the building of that tank may be significantly delayed or never built at all due to opposition. (See, eg, AB 1485 in which San Marino successfully blocked a new reservoir in almost the exact same location as the Danford site.) The Baker proposal does not mention the necessity of building another tank before the Oak Knoll replacement tank can be built.

The artificially limited timeline in CalAm's proposal is contrary to Commissioner Reynolds' Scoping Memo which does not introduce any such hedging into its safety questions. Our proposed modifications to the scope of work seek clear and specific answers to the questions that Commissioner Reynolds posed in his Scoping Memo. Ensuring that Commissioner Reynolds' questions guide the analysis is essential to a credible review.



## II. ENSURING INDEPENDENCE AND TRANSPARENCY

Commissioner Reynolds' Scoping Memo delineated a transparent, collaborative process for obtaining proposals and selecting an independent third-party consultant. It entrusted this process to CalAm to execute. (Scoping Memo, pp. 5-6.) However, this process was not followed.<sup>1</sup> We wish to obtain credible and trustworthy independent review as expeditiously as possible, and hence we do not wish to set forth the details regarding CalAm's deviation from the process set forth in Commissioner Reynolds' Scoping Memo at this time. (However, we can do so should further details be necessary to explain why the additional measures we propose to strengthen independence and transparency are critical in order for us to support the Baker proposal.) In spite of our grave concerns, we do wish to make the Baker bid work if possible.

To ensure the final engineering analysis is trustworthy and fully independent - particularly in light of the deviations from the intended process and the potentially lengthy relationship and significant financial ties between Baker and CalAm - we propose modest additional measures. These targeted refinements strengthen transparency, independence and parity without expanding the scope including enhanced party access to materials, documented handling of comments, independence certifications, explicit fault classifications, and strengthened geologic oversight.

## CONCLUSION

The RFP process and resulting proposal have deviated substantially from Commissioner Reynolds' Scoping Memo in both substance and procedure. Adoption of our proposed modifications is essential to producing a trustworthy engineering analysis consistent with Commissioner Reynolds' Scoping Memo. These changes represent reasonable and limited adjustments that promote greater transparency, independence, and parity, ensuring the final result will be credible, balanced and responsive to the

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<sup>1</sup> This is especially concerning given that our limited research suggests that Baker and CalAm have a relationship going back to at least 2012, and have done millions of dollars of business together. The full extent of that relationship and the financial ties have not been disclosed by CalAm, in spite of our requests.

questions posed in the Scoping Memo. We respectfully request that our modifications be adopted, so that the independent review can begin as soon as possible.

Respectfully submitted December 15, 2025, Sierra Madre, CA

By: /S/ Juan Gutierrez

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## **ATTACHMENT 1**

PROPOSED SCOPE FOR INDEPENDENT, THIRD PARTY REVIEW FOR  
BIDDER AND SUBCONTRACTOR

1. Water Level:

- a. Does the current max. water level resolve any potential safety concerns due to a potential seismic event on the Raymond Fault and other nearby faults? ("Seismic event" is used herein to include earthquake and/or surface fault rupture.)
- b. Should the water level be further reduced? If so, what water level would prevent the potential risks to life and property near the reservoir in case of a seismic event on the Raymond Fault and other nearby faults?
- c. What is the minimum amount of water required in the reservoir tank to satisfy statutory fire flow requirements?

2. Risks Posed By Oak Knoll Reservoir:

- a. What are the potential risks, if any, from a seismic event on the Raymond Fault and other nearby faults that could damage the Reservoir? In answering the foregoing, please detail the specific risks(s) that are envisioned – i.e., catastrophic failure, leakage at seams, collapse of reservoir walls, etc. – and the reasons for the opinion.
- b. As a result of the risks identified pursuant to question 2a (above), what are the potential risks to life and property near the reservoir?
  - i. If the reservoir is at a full capacity?
  - ii. If it is at \_\_\_\_\_? (insert current max. water level)
- c. How likely are the risks? Are these risks above and beyond acceptable engineering standards.

For tasks 1 and 2, above, provide an interim report to all parties once task 1 has been completed and before completing task 2.

3. K rails:

- a. Will the proposed K rail barrier resolve any potential downhill flooding caused by a potential seismic event?
- b. Which risk(s) of those identified at 2a and 2b (if any) would the proposed installation of K-rail barriers eliminate and how? Provide examples in which K rails have been used to eliminate that specific type of risk as well as your experience with K rails in that scenario or a similar scenario.
- c. Which risks would remain unchanged?
- d. Will K rails exacerbate any risks? If so, under what scenario and how?

4. New Tank:

- a. Does CalAm's proposal to build a new subterranean tank to replace the Reservoir resolve any current and/or ongoing issues, once completed?
- b. What is the likelihood that a new tank could be built on this site, given proximity to the fault? What governmental bodies, if any, would have to approve that construction? (See also questions 5 a&b, below.)
- c. If the tank could obtain the required approval, would its construction resolve all the issues related to the continued operation of the Oak Knoll Reservoir?

5. Geologic:

- a. Provide independent review of expert reports (and back up information) including from 1992 CUP project.
- b. What is the result of HAI independent review of the conclusions in Group Delta's fault study? Specify points of agreement/disagreement and reasons, including evidence from fault study (and back up information) supporting HAI conclusions. HAI shall explicitly classify any identified fault traces as "active" or "inactive" according to current California Geological Survey criteria (Special Publication 42 and Note 49), providing detailed evidence and rationale for the classification. HAI shall also explicitly distinguish



between primary surface-faulting traces and secondary deformation features, providing detailed geologic and structural evidence (e.g., continuity of offsets in youngest units, sharpness of features, relation to the regional Raymond Fault trend) supporting each classification.

#### TEAM ROLES AND INDEPENDENCE:

- HAI shall provide the draft geologic report simultaneously to Michael Baker International and to all parties for concurrent review and comment.
- The final geologic report prepared by HAI shall include an appendix summarizing all review comments received from Michael Baker International and from the parties, HAI response to each comment, and any resulting revisions, with technical justifications.
- All participating firms and individuals (Michael Baker International and HAI) shall disclose any prior or current professional relationship with CalAm within the last 15 years and shall certify that their analysis and conclusions are independent and free of all influence of any party.
- The final integrated report by Michael Baker International shall include a statement signed by HAI confirming that the geologic findings, fault classifications (active/inactive and primary/secondary), and related risk assessments accurately reflect their independent professional opinion and have not been altered in substance without their consent.

#### PARITY OF COMMUNICATIONS/DOCUMENTS/METHOD/BACKGROUND:

- All communications between bidder (and sub-contractors) and any of the parties to the CPUC proceeding (including email, phone calls, progress meetings, reports etc) shall include all the parties to the CPUC proceeding. The parties to the CPUC proceeding are CalAm, the City of Pasadena, and Juan & Jessica Gutierrez.
- Bidder (including HAI) will review any additional documents and materials provided by any of the parties.
- Seek and consider (if obtained) reports obtained by CalAm and referenced in the 1992 Pasadena Planning file re CUP such as Dames & Moore. CalAm has stated they don't have them so they would need to be requested from the source, or its successor.
- Desktop analysis to proceed under worst-case scenario assumptions as agreed upon at 12/5/25 meeting with all parties and with Baker, and all key assumptions (including timelines and mitigation implementation) shall be explicitly stated with supporting basis.
- What "temporary mitigation measures" do you understand to have been already "implemented" (see Baker proposal p. 3, "Understanding and Approach") and when?