

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

June 16, 2026

TO PARTIES OF RECORD IN CASE 25-05-021:

**FILED**

06/16/26

01:46 PM

C2505021

This proceeding was filed on May 30, 2025 and is assigned to Commissioner Karen Douglas and Administrative Law Judge (ALJ) Suman Mathews. This is the decision of the Presiding Officer, ALJ Mathews.

Any party to this adjudicatory proceeding may file and serve an Appeal of the Presiding Officer's Decision within 30 days of the date of issuance (*i.e.*, the date of mailing) of this decision. In addition, any Commissioner may request review of the Presiding Officer's Decision by filing and serving a Request for Review within 30 days of the date of issuance.

Appeals and Requests for Review must set forth specifically the grounds on which the appellant or requestor believes the Presiding Officer's Decision to be unlawful or erroneous. The purpose of an Appeal or Request for Review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight.

Appeals and Requests for Review must be served on all parties and accompanied by a certificate of service. Any party may file and serve a Response to an Appeal or Request for Review no later than 15 days after the date the Appeal or Request for Review was filed. In cases of multiple Appeals or Requests for Review, the Response may be to all such filings and may be filed 15 days after the last such Appeal or Request for Review was filed. Replies to Responses are not permitted. (*See, generally, Rule 14.4 of the Commission's Rules of Practice and Procedure at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).*)

If no Appeal or Request for Review is filed within 30 days of the date of issuance of the Presiding Officer's Decision, the decision shall become the decision of the Commission. In this event, the Commission will designate a decision number and advise the parties by letter that the Presiding Officer's Decision has become the Commission's decision.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC: cg7

Attachment

Decision **PRESIDING OFFICER'S DECISION OF ALJ MATHEWS**  
**(Mailed 06/16 /2026)**

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

Kimberly Graves,

Complainant

vs.

Case 25-05-021

California Water Service Company  
(U60W),

Defendant.

**PRESIDING OFFICER'S DECISION GRANTING  
COMPLAINT IN PART AND DENYING IN PART**

**Summary**

Complainant Kimberly Graves (Complainant) alleges that California Water Service Company (Cal Water) improperly required Complainant to install backflow prevention assemblies at her property and that Cal Water's subsequent removal of four water meters and denial of water service were improper.

Complainant also alleges that Cal Water acted deceptively toward, and discriminated against, Complainant with respect to Cal Water's position that it can legally require Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property.

We find that Cal Water improperly required Complainant to install backflow prevention assemblies at her property and that Cal Water's actions in

removing Complainant's four water meters and denial of water service was also improper. We do not find that Cal Water acted deceptively towards, or discriminated against, Complainant in requiring Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property.

This proceeding is closed.

## **1. Factual and Procedural Background**

### **1.1 Factual Background**

Kimberly Graves (Complainant) is the owner of a property located at 1217-1223 S. Stanislaus Street, Stockton, California 95205 (Property). The Property is a single legal lot with Assessor's Parcel Number (APN) 14727040 and is located within Cal Water's Stockton District. The Property has five separate units on it: a duplex, a maintenance shed, and two Accessory Dwelling Units (ADUs).<sup>1</sup> 1217 S. Stanislaus Street is the address for one half of the duplex, and 1221 S. Stanislaus Street is the address for the other half of the duplex.<sup>2</sup> 1219 S. Stanislaus Street is the address for one ADU, and 1223 S. Stanislaus Street is the address for the other ADU.<sup>3</sup> 1217 S. Stanislaus Street, Unit 1, is the address for the maintenance shed.<sup>4</sup>

Complainant first reached out to Cal Water in or around January 2022 to request water service at the Property. Cal Water installed five water meters at the Property in 2022. Cal Water provided water service to one of the five service

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<sup>1</sup> Evidentiary Hearing Transcript (Tr.) at 53:4-53:14; Tr. at 58:13-59:6.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

connections to accommodate Complainant's construction activities.<sup>5</sup> Cal Water contends that Complainant paused development of her Property in 2022 prior to completing the necessary steps for activating water service on the remaining four service connections.<sup>6</sup> Complainant contends that the Property's meters were initially activated in August 2022, deactivated during a construction delay, and reactivated in August 2024 after construction resumed.<sup>7</sup>

In January 2025, Complainant reached back out to Cal Water regarding, among other things<sup>8</sup>, obtaining water service on the additional service connections on her Property.<sup>9</sup> As part of its process in evaluating Complainant's request to obtain water service on these additional service connections, Cal Water, via its cross-connection control department, reviewed the property in accordance with Cal Water Tariff Rule 16<sup>10</sup>, which sets forth procedures and requirements for cross-connection controls.<sup>11</sup> Cal Water cross-connection specialists Davin Lopez and Nathan Grimes performed an in-person hazard assessment of the property on February 27, 2025.<sup>12</sup> Based on its interpretation of

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<sup>5</sup> Tr. at 172:15-173:3.

<sup>6</sup> Cal Water Opening Brief (O.B.) at 2.

<sup>7</sup> Complainant's O.B. at 29.

<sup>8</sup> Cal Water O.B. at 2 (Complainant also reached out to Cal Water stating that she might need to upgrade her one active service line from three-fourths of an inch to one inch and asked about the cost of an upgrade. However, upon inspection of the Property, Cal Water determined that Complainant already had a one-inch service line and an upgrade was not necessary. Therefore, Complainant was never charged for any upgrade.).

<sup>9</sup> Cal Water O.B. at 2-3.

<sup>10</sup> Cal Water Tariff Rule 16 will hereinafter be referred to as "Rule 16".

<sup>11</sup> The full text of Rule 16 can be found at:  
[https://www.calwater.com/docs/rates/rules/rule\\_16.pdf](https://www.calwater.com/docs/rates/rules/rule_16.pdf).

<sup>12</sup> Exh. Graves-19, at 2.

Rule 16(C)(2)<sup>13</sup>, Cal Water stopped its hazard assessment of the property once the two cross-connection specialists identified that there would be five service connections located on the same property lot. In accordance with Rule 16 and the Cross-Connection Control Policy Handbook (CCCPH)<sup>14</sup>, Appendix D, Cal Water determined that the Property is a high hazard cross-connection control premises and that the five service connections needed backflow prevention assemblies installed. Upon making that finding, Cal Water determined that no further investigation was necessary to identify actual or potential cross connections because Rule 16 and the CCCPH dictate that backflow prevention assemblies are required for “high hazard” premises.<sup>15</sup> Cal Water’s position is that a further evaluation within the premises would have been moot because there was nothing that could have been discovered that would have eliminated the requirement for a backflow prevention assembly on each service line. Additionally, Cal Water Cross-Connection Control Manager Steve Farriot went to the Property on March 11, 2025 and personally confirmed the results of the prior hazard assessment.<sup>16</sup>

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<sup>13</sup> Cal Water Tariff Rule 16(C)(2) is entitled “Cross Connections, Backflow Prevention Assemblies Required”.

<sup>14</sup> The State Water Resource Control Board recently adopted its Cross-Connection Control Policy Handbook (CCCPH) in 2024, which replaced California Code of Regulations, Title 17 §§ 7583-7605, and sets forth regulations on cross-connection controls that are applicable to Cal Water and other water providers.; See also Exh. CalWater-4. The CCCPH can be found at [https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/docs/2026/cross-connection-control-policy-handbook-apr-2026.pdf](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2026/cross-connection-control-policy-handbook-apr-2026.pdf).

<sup>15</sup> Exh. Graves-19, at 2 (“The hazard assessment stopped once the two cross-connection specialists identified that there would be five service connections located on the same premise – upon making that finding, there would be no further reason to go into the property.”).

<sup>16</sup> Exh. Graves-19, at 2.

Based upon its preliminary determination that the Property was a hazard under Rule 16 and the CCCPH, Cal Water informed Complainant that backflow prevention assemblies would be required for all five service connections at the Property in order to obtain water service on the remaining four inactive service lines.<sup>17</sup> While inspecting the property, Cal Water observed that the four inactive water meters had been in the ground for several years and not yet connected, such that they were exposed to the elements and environment for a significant amount of time.<sup>18</sup> Cal Water concluded that this exposure presented a potential for contamination or damage of the water meters.<sup>19</sup> Cal Water was also unable to find references to four of the installed meters in its computer records.<sup>20</sup> Based on these factors, Cal Water temporarily removed the remaining four inactive water meters.<sup>21</sup> According to Cal Water, to date, Complainant has not yet completed the requisite steps under Cal Water's tariffs to obtain water service on the four inactive service connections at the Property, which includes Cal Water's requirement to install adequate backflow prevention assemblies.

## **1.2 Procedural Background**

On May 30, 2025, Kimberly Graves (Complainant) filed Case (C.) 25-05-021 against California Water Service Company (Cal Water). Complainant alleges that Cal Water improperly required her to install backflow prevention assemblies at her property and improperly removed four out of five water meters that had

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<sup>17</sup> Answer, Attachment A, at 2; Exh. Graves-19, at 6.

<sup>18</sup> Exh. CalWater-2, at 6.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 5.

<sup>21</sup> *Id.* at 6.

been installed on her property when she did not install the backflow prevention assemblies.

On June 18, 2025, the Commission issued a Notice to Answer to Cal Water, directing that it answer the complaint within 30 days. On July 16, 2025, a Notice of Assignment for Alternative Dispute Resolution (ADR) was issued indicating that the case had been assigned to ADR.

On July 18, 2025, Cal Water filed an answer to the complaint (Answer). In the Answer, Cal Water stated that the specific allegations in the Complaint and the specific remedies sought by the Complainant were unclear such that Cal Water was providing its answers to the specific allegations in the Complaint to the best of its knowledge and understanding therein. As such, Cal Water denied the specific allegations of the Complaint as it understood those allegations. Specifically, Cal Water denied that it 1) improperly required Complainant to install backflow prevention assemblies; 2) improperly removed four out of five meters at Complainant's property; 3) improperly required Complainant to pay to change her meter size from  $\frac{3}{4}$  inch to one inch; 4) acted deceptively towards Complainant; and 5) discriminated against Complainant. Cal Water also set forth its affirmative defenses to the Complaint in the Answer.

On August 20, 2025, a PHC was held with representatives of both parties to discuss the proceeding's scope, schedule, and other matters. On November 20, 2025, the Assigned Commissioner issued a scoping memo establishing the schedule for the proceeding and determining the issues in scope, among other things. The scoping memo determined that evidentiary hearings were necessary. A status conference was set for January 23, 2026 and an evidentiary hearing was held on January 30, 2026.

Complainant filed her Opening Brief on February 10, 2026 and Cal Water filed its Opening Brief on February 18, 2026. Both parties filed their Reply Briefs on March 6, 2026. On March 30, 2026, Complainant filed a Motion for Expedited Issuance of Decision.

### **1.3 Submission Date**

This matter was submitted on March 4, 2026 upon the submission of all briefs.

### **1.4 Issues Before the Commission**

The issues to be resolved are as follows:

1. Did Cal Water improperly require Complainant to install backflow prevention assemblies?
2. Did Cal Water improperly remove four out of the five meters at Complainant's property?
3. Has Cal Water acted deceptively towards Complainants with respect to its position that it can legally require Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property?
4. Has Cal Water discriminated against Complainant with respect to its position that it can legally require Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property?

## **2. Complainant's Position**

Complainant asserts that multiple, independent grounds exist to support Complainant's contention that Cal Water unlawfully required backflow prevention assemblies at, and improperly removed four water meters from, the subject Property. Complainant argues that Cal Water 1) misclassified the property as a single premises based solely on legal lot designation and common ownership, 2) failed to conduct a hazard assessment required in the CCCPH,

3) prevented the only testing capable of confirming whether a cross-connection hazard existed and instead presumed a hazard existed based on the circumstances, 4) engaged in retroactive enforcement of its policies that were inconsistent with its own service actions, such as approving and energizing service connections years before asserting that those same service connections were now noncompliant, and 5) engaged in deceptive and discriminatory conduct whereby Cal Water singled out Complainant and enforced its policies against Complainant without using objective or uniform criteria that was applied equally to others; and 6) relied on hypothetical future modifications and speculative scenarios to justify its actions.

Complainant asserts that backflow prevention assemblies are not required on her Property under Rule 16 as Cal Water alleges, and that Cal Water should be required to return the four meter service connections that were removed from her new construction development at the Property. Complainant's primary, or overarching, contention is that Cal Water misclassified the Property as a single premises for purposes of its determination under Rule 16 that the Property is a high hazard cross-connection control premises.

Complainant contends that the Property consists of multiple independent premises, each served by a separate service pipe directly connected to Cal Water's distribution main, with no physical interconnections, such that there is no cross-connection hazard on the Property as claimed by Cal Water. Complainant asserts that there is no shared internal plumbing, no common distribution header, and no interconnection between any of the separate units on her Property. Instead, the Property consists of five independent structures, each served by its own service pipe and service connection directly connected to Cal

Water's distribution main, such that there are five separate premises on the Property.

The crux of the Complaint is that Cal Water's misclassification of the Property as one single premises under Rule 16, instead of as five separate premises, led Cal Water to incorrectly presume that a cross-connection hazard exists, without conducting any analysis or investigation, when no such hazard actually exists. Complainant alleges that Cal Water then removed the four water meters on her Property solely on the grounds of noncompliance with requirements that were inapplicable to the Property's configuration based on Cal Water's misclassification above.<sup>22</sup> That is, Complainant alleges that Cal Water's enforcement rests entirely on its incorrect interpretation of "premises" under Cal Water Tariff Rule 1<sup>23</sup> and Tariff Rule 16 as to her Property.

### **3. Cal Water's Position**

Cal Water asserts that it acted properly in requiring Complainant to install backflow prevention assemblies based on its application of Rule 16 to the Property. Cal Water argued that the finding of a potential cross-connection hazard is sufficient, and that Rule 16 does not require Cal Water to find the existence of an actual cross-connection at the Property. In addition, Cal Water argues that the Property is one premises for purposes of Cal Water's cross-connection hazard analysis pursuant to Rule 16.

With respect to the water meters, Cal Water states that it acted properly when it removed four out of the five water meters at the Property based on the lack of documentation for them and their physical condition, which included

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<sup>22</sup> Complainant's O.B. at 29.

<sup>23</sup> Cal Water Tariff Rule 1 will hereinafter be referred to as "Rule 1". Rule 1 defines essential terms and definitions used throughout Cal Water's operating rules and regulations.

exposure to the outside elements that thus presented a potential for contamination or damage of the meters. Cal Water argues that it did not act deceptively towards, or discriminate against, Complainant in requiring her to install the backflow prevention assemblies on the Property. Cal Water's position is the requirements of Rule 16 fully supported the company's determination that 1) Complainant install backflow prevention assemblies at her property and 2) four of the water meters had to be removed until Complainant complied with the requirement to install the backflow prevention assemblies at her property.

#### **4. Regulatory Framework**

##### **4.1 Background on Backflow Prevention Regulations**

The general purpose of backflow prevention regulations is to protect public drinking water supplies from contamination by stopping the reverse flow (backflow) of non-potable liquids, chemicals, or bacteria from private plumbing into the clean public system, ensuring water remains safe for consumption by controlling cross-connections and preventing serious public health hazards like waterborne diseases.<sup>24</sup> The State Water Resource Control Board recently adopted its Cross-Connection Control Policy Handbook (CCCPH) in 2024, which replaced California Code of Regulations, Title 17 §§ 7583-7605, and sets forth regulations on cross-connection controls that are applicable to Cal Water and other water providers.<sup>25</sup> The CCCPH explains that “[a] cross-connection is an interconnection between a potable water supply and a non-potable source via any actual or potential connection or structural arrangement between a [public water system] and any source or distribution system containing liquid, gas, or

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<sup>24</sup> Exh. CalWater-1, at 3.

<sup>25</sup> Exh. CalWater-4.

other substances not from an approved water supply.”<sup>26</sup> By mitigating cross-connection risks, Cal Water helps to protect the health and safety of customers throughout its potable water distribution system.<sup>27</sup>

A backflow prevention assembly is designed to prevent water from a customer’s piping system from flowing backward (i.e., “looping-through”) into the distribution system (called “backflow”).<sup>28</sup> The risks associated with backflow arise from non-potable water backflowing into the distribution system and becoming mixed with potable water.<sup>29</sup> That mixture could then be distributed through potable water distribution systems, such as someone’s faucet. Depending on the duration and extent of the backflow, consuming this mixture of potable and non-potable water could cause significant health issues.<sup>30</sup> It can also affect the aesthetics (taste, odor, and color) of the water.<sup>31</sup>

#### **4.2 Tariff Rule 16**

Rule 16 sets forth Cal Water’s rules on service connection, meters, and customers’ facilities, including requirements for cross-connection controls.<sup>32</sup> Rule 16 has been duly approved by the Commission<sup>33</sup> and added to Cal Water’s Tariff Rules<sup>34</sup>. The Commission has explained that a tariff filed with the

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<sup>26</sup> *Id.* at 6.

<sup>27</sup> Exh. CalWater-1, at 3.

<sup>28</sup> *Id.* at 5.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 3.

<sup>33</sup> See D.14-08-011, Ordering Paragraph 15, and Exhibit A (labelled “Appendix B - Proposed Settlement Agreement”), at 30.  
<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M080/K290/80290300.PDF>.

<sup>34</sup> Cal Water O.B. at 7.

Commission has the force and effect of a statute, and that Rule 16 is binding on Cal Water and its customers.<sup>35</sup>

#### **4.2.1 Scope and Purpose of Rule 16**

The scope and purpose of Rule 16 is to establish the responsibilities and requirements governing water service connections, meters and meter boxes, and customer facilities. Rule 16 defines, among other things, what facilities Cal Water installs and maintains versus what the customer must install and maintain. It also sets conditions that customers must satisfy before receiving service. Rule 16 describes requirements for service pipe installation, valves, meter access, protection of equipment, and maintenance responsibilities. The overall purpose of Rule 16 is to ensure safe and reliable water delivery, clear allocation of ownership and maintenance duties, proper installation and operation of service facilities, and protection of the public water distribution system. The purpose of Rule 16 in ensuring safe and reliable water delivery, as well as protection of the public water distribution, is most relevant to the instant Complaint in which the parties dispute whether Complainant's property presents a threat to safe and reliable water delivery such that backflow prevention assemblies are required on all of Complainant's service connections.

#### **4.2.2 Rule 16(C)**

Rule 16, Section C, specifically addresses requirements for cross-connections. Rule 16(C)(1)(a) discusses the protective regulation of cross connections and generally states that no physical connection between the potable

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<sup>35</sup> D.20-09-001 at 8 ("There is no dispute that Cal Water's Tariff Rule 16 has been duly filed with and approved by the Commission and is in effect. A tariff filed with the Commission has the force and effect of a statute. As such, Tariff Rule 16 is binding on Cal Water and its customers."). (footnotes omitted.); See also D.16-03-011 at 5, citing *Dyke Water Company v. Public Utilities Comm.* (1961) 56 Cal.2d 105, 123.

water supply system of the public utility and that of any other water supply or source of actual or potential contamination will be permitted except in compliance with the regulations of the State Department of Health.<sup>36</sup> Rule 16(C)(2)(a) then discusses that the utility may require backflow prevention assemblies in certain situations or conditions to protect the public water supply from any potential health hazards. It states, in part:

“Pursuant to general rate case decisions, and in accordance with the Commission’s general supervisory policies, the utility will evaluate the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user’s premises. As a minimum, the evaluation will consider: the existence of cross-connections, the nature of materials handled on the property, the probability of a backflow occurring, the degree of piping system complexity and the potential for piping system modification.

Notwithstanding the above, because certain activities present inherent risks to the water supply, the utility may forego a complete evaluation and may require backflow protection based on the type of facility or nature of water use, if certain conditions are present.”

Customers that are required to install a backflow prevention assembly under these circumstances will be provided with an internal cross connection inspection upon request. The conditions under which CWSC will require the installation of approved backflow prevention assembly(ies) of required type include, but are not limited to, those listed below....”

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<sup>36</sup> Rule 16, Section C.1.a. states in full: “No physical connection between the potable water supply system of the public utility and that of any other water supply or source of actual or potential contamination will be permitted except in compliance with the regulations of the State Department of Public Health contained in Title 17, Sections 7583-7605 of the California Code of Regulations under ‘Regulations Relating to Cross-Connections.’”

Rule 16(C)(2) then sets forth a non-exhaustive list of the conditions in which Cal Water will require the installation of approved backflow prevention assemblies. At issue in the instant Complaint is Rule 16(C)(2)(i), which states:

- i. Premises that have more than one service connection present a loopthrough hazard such that backflow protection on all service connections must be installed. Each backflow prevention assembly must be commensurate with the highest degree of hazard present but must provide no less protection than a Double Check Valve Assembly.

Cal Water's position is that the Property meets the definition listed in Rule 16(C)(2)(i) such that backflow prevention assemblies are required on all of the five service connections at the Property. Complainant's position is that her Property consists of multiple premises and is not just a single premises subject to analysis under Rule 16(C)(2)(i). Complainant argues that Cal Water misclassified the Property as a single premises under Rule 16(C)(2)(i) and, as a result, Cal Water incorrectly deemed the property a per se hazard or risk to the water supply without conducting any further analysis. Complainant argues that this misclassification of the Property in the first instance is what Cal Water relied on in requiring backflow prevention assemblies on the Property without even conducting a full hazard assessment of the Property.

## **5. Jurisdiction and Burden of Proof**

The Commission has jurisdiction over the activities of public utilities.<sup>37</sup> Cal Water provides water service to the city of Stockton and to Complainant's property therein. Cal Water is therefore a utility subject to the Commission's jurisdiction, control and regulation.

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<sup>37</sup> Pub. Util. Code § 216(a).

The Complaint was filed pursuant to the Commission's Rules of Practice and Procedure (Rule) 4.1(a) and alleges that Cal Water: 1) unlawfully required Complainant to install backflow prevention assemblies at her property; 2) unlawfully removed four water meters at her property and denied water service; 3) acted deceptively toward, and discriminated against, Complainant with respect to its position that it can legally require Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property.

Complainants bear the burden of proving that Cal Water violated a rule, order, law, or tariff approved by the Commission.<sup>38</sup> Complainant must meet the burden of proof by a preponderance of the evidence. Cal Water has raised affirmative defenses. A party asserting an affirmative defense bears the burden of proof to establish that affirmative defense by a preponderance of evidence.<sup>39</sup>

The burden of proof assigned to a particular party is a burden of persuasion. The party who bears the burden of proof has the ultimate burden of persuading the trier of fact that their position is more likely than not to be the correct application of the facts to the applicable law.

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<sup>38</sup> *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, Decision (D.) No. 88223 (complaint relating to the disconnection of telephone service where the court found that complainant had the burden of proof and that complainant's "failure to present any evidence present[ed] a total lack of meeting that burden"); *See also Pacific Bell Telephone Company, d/b/a AT&T California vs. Fones4All Corporation* (Cal. PUC, 2008) D.08-04-043, 2008 Cal. PUC LEXIS 132.

<sup>39</sup> *See Stafford v. Attending Staff Association of LAC + USC Medical Center* (2019) 41 Cal.App.5th 629 at 639 [Court of Appeal affirmed assigning the burden of proof in an administrative discipline hearing to the party asserting the affirmative defense rather than the appellant]; *see also San Pablo Bay Pipeline Co. LLC v. Public Utilities Com.* (2013) 221 Cal.App.4th 1436 at 1461 [Court of Appeal found the Commission properly shifted the burden of proof from Complainant/Protestants to Defendant/Applicant in consolidated complaint and application proceedings].

The burden of production is a corollary to the burden of proof. The burden of production addresses the obligation of a party to introduce sufficient evidence to avoid a ruling against it on the issue.<sup>40</sup> Generally, the burden of producing evidence is initially on the party bearing the burden of proof.<sup>41</sup>

The law recognizes that where that party bearing the initial burden of proof produces sufficient evidence to establish the elements of its case, the burden of production shifts to the other party to provide evidence in support of its position. This does not shift the burden of persuasion.<sup>42</sup> Instead, it places responsibility on the party to present an evidentiary basis for their position. The burden of persuasion remains upon the initial party to persuade the trier of fact that its position is more likely than not correct despite the evidence produced by the opposing party.<sup>43</sup>

## **6. Analysis**

Complainant bears the burden of establishing that 1) Cal Water unlawfully required Complainant to install backflow prevention assemblies at Complainant's property; 2) Cal Water's subsequent removal of four water meters and denial of water service at Complainant's property were improper; and 3) Cal Water acted deceptively towards, or discriminated against, Complainant, with respect to Cal Water's position that it can legally require Complainant to install backflow prevention assemblies on the multiple service connections on Complainant's property.

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<sup>40</sup> See California Evidence Code section 110.

<sup>41</sup> See California Evidence Code section 550.

<sup>42</sup> See Cal. Jur. 3d Evidence § 99; Evid. Code § 550, Law Revision Commission Comment.

<sup>43</sup> *Sargent Fletcher, Inc. v. Able Corp.* (2003) 110 Cal. App. 4th 1658, 1667.

As explained further below, Complainant successfully met her burden of proof in establishing that Cal Water improperly required her to install backflow prevention assemblies on her property and improperly removed four water meters from her property as a result of her failure to install the backflow prevention assemblies at her property. Cal Water's determination that backflow prevention assemblies were required on Complainant's property in order to protect the water supply, as contemplated by Rule 16, is refuted by evidence presented by Complainant at the evidentiary hearing. Cal Water's defense is largely based upon its position that multiple service connections on the Property automatically render the Property a cross-connection hazard without any further hazard assessment or evaluation need. That is, Cal Water's defense is based on the presumption that the Property is a cross-connection hazard solely because it has multiple service connections on it. However, Cal Water's defense did not overcome the evidence presented by Complainant showing that the configuration of her property presents no such cross-connection hazard or threat to the safety of the water supply. The evidence presented by Complainant was sufficient to sustain her burden in light of all the evidence presented, including the evidence produced by Cal Water.

### **6.1 Complainant's Property Is Not One Premises But Consists of Five Independent Premises**

Tariff Rule 1 defines "premises" as "[t]he integral property or area, including improvements thereon, to which water service is, or is to be, provided."<sup>44</sup> Similarly, the CCCPH defines "user premises" to mean "the property under the ownership or control of a water user and is served, or is

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<sup>44</sup> The full text of Tariff Rule 1 can be found at: [https://www.calwater.com/docs/rates/rules/rule\\_01.pdf](https://www.calwater.com/docs/rates/rules/rule_01.pdf).

readily capable of being served, with water via a service connection with a public water system.”<sup>45</sup> During the evidentiary hearing, Complainant described the Property configuration as being five separate premises and not a unified premise.<sup>46</sup> Complainant explained that the five independent structures consisted of 1) a duplex, 2) a “maintenance room” that is not a livable space, 3) two additional Accessory Dwelling Units (ADUs) that are behind the duplex and the maintenance room.<sup>47</sup> The maintenance room has a bathroom with a tankless water heater that is metered separately.<sup>48</sup> The ADUs are separate from each other and the duplex and the maintenance room.<sup>49</sup> Complainant provided property photographs showing five single, individual plumbing lines coming from the water distribution line.<sup>50</sup> In addition, the photographs show five separate water meters that Complainant had marked with tape so as to designate which meter went to which of the five units, because each of the units has its own address.<sup>51</sup> The photographic evidence showed the duplex, as well as behind the duplex, where additional lines run separately to each of the ADUs and the maintenance room.<sup>52</sup>

The duplex has underground piping going straight to each of the duplex units. Then, piping goes alongside the property to the back of the building,

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<sup>45</sup> CCCPH at 13.

<sup>46</sup> Tr. at 53; Exh. Graves-14.

<sup>47</sup> *Id.* at 53-54; Exh. Graves-14.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 55; Exh. Graves-14.

<sup>50</sup> *Id.* at 55-56; Exh. Graves-14.

<sup>51</sup> *Id.* at 56-57; Exh. Graves-14.

<sup>52</sup> *Id.* at 58-59; Exh. Graves-14.

where the additional three lines run through the back of the duplex: one to each ADU and then one to the maintenance room.<sup>53</sup> There is a concrete walkway between the duplex and the maintenance room and also clear indication that the two ADUs are separate, freestanding units.<sup>54</sup> Complainant's photograph of the property clearly indicated that there are five single, separate plumbing lines coming from the water distribution line into each of the separate units.

Under the definition of Tariff Rule 1, as noted above, "premises" means the integral property or area, including improvements thereon, to which water service is, or is to be, provided. In this case, each of the five structures constitutes its own "integral property or area" to which water service is provided because each of the five individual units is serviced by its own separate service line. It does not matter that those five structures are all on the same parcel of land under Complainant's ownership. Each of the five individual structures has its own individual plumbing line coming from the water distribution line via the five individual service lines such that there are five individual "premises" on the Property.

Similarly, the CCCPH definition of "user premises" means "the property under the ownership or control of a water user that is served, or readily capable of being served, with water via a service connection with a public water system." Nothing in this definition indicates that the "property under the ownership or control of a water user" means the Property must be considered as a whole because it is one legal parcel. There is no language in the definition requiring a "user premises" to equal a single legal parcel or APN. Instead, the definition

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 59-60; Exh. Graves-14.

turns on whether the property or integral area is served by a single water service connection where the water user has control over the plumbing system.

Here, Complainant owns and controls the five separate premises, and each of those premises are individually “property under the ownership or control of a water user” and “is served, or capable of being served with water via a service connection” with Cal Water’s system, irrespective of the fact that they are all under Complainant’s common ownership or control. We reiterate that there are five separate service connections on the Property, and each service connection supplies a separate premises with independent plumbing and no interconnections. Accordingly, each of the five structures on the Property can be considered a “user premises” under the CCCPH definition.

## **6.2 Rule 16(C)(2) Should Not Be Applied to the Property as One Single Premises**

We find that Rule 16(C)(2) should not be applied to the Property as a whole. It is clear that the Property does not constitute one single premises for purposes of the tariff. Rather, the Property consists of five separate premises. Rule 16(C)(2) provides that Cal Water has the ability to evaluate “the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user’s premises.”<sup>55</sup> It then lists that such evaluation will consider “the existence of cross-connections, the nature of materials handled on the property, the probability of a backflow occurring, the degree of piping system complexity and the potential for piping system modification.”<sup>56</sup>

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<sup>55</sup> Exh. CalWater-1, at 3; Exh. CalWater-3, at 4.

<sup>56</sup> *Id.*

Here, there are multiple service connections on the Property as a whole, but there are not necessarily multiple service connections on each of the five separate premises. As discussed above, and as shown in the evidence Complainant presented, each of the five separate structures, or premises, is serviced by its own separate service pipe and service connection, with no shared internal distribution piping. As such, we find that Rule 16(C)(2) should not be applied to the Property as one single premises because the Property consists of multiple, independent premises.

### **6.3 Cal Water Prematurely Declared the Property a Hazard Under Rule 16(C)(2) Without Conducting Further Investigation and Analysis**

Cal Water alleges that “the undisputed fact that there are multiple service connections on the same premises is on [*sic*] such condition that would effectively moot the need for further evaluation due to the high hazard presented. Further evaluation of other conditions present will not mitigate the need for a backflow prevention assembly at each service connection where such inherent risks exist.”<sup>57</sup> First, Complainant has clearly disputed this allegation by Cal Water throughout her testimony and briefing in this matter. It is the threshold issue of the Complaint. Second, Cal Water’s interpretation that there are multiple service connections on the same premises is incorrect. The facts and supporting evidence show the Property is not comprised of one premises with multiple service connections but rather five separate premises located on the Property, each with its own separate service line.

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<sup>57</sup> Cal Water O.B. at 7-8.

Cal Water incorrectly classified the entire Property as one “premises” for purposes of conducting its analysis under Rule 16(C)(2). Rule 16(C)(2) states, in part, that “...because certain activities present inherent risks to the water supply, the utility may forego a complete evaluation [of the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user’s premises] and may require backflow protection based on the type of facility or nature of water use, if certain conditions are present.” Cal Water then determined that it could forego a complete evaluation of the Property because the Property fell under Rule 16(C)(2)(i), which states, in part, “[p]remises that have more than one service connection present a loop-through hazard such that backflow protection on all service connections must be installed.”

Because the Property is comprised of five separate premises Cal Water should have, at a minimum, conducted a further evaluation of the Property as to each of the five separate premises, rather than as one premises, to determine if there were any risks to the water supply or any hazard. Instead, once Cal Water visually identified the existence of multiple service connections on the Property based on its incorrect determination that the Property constituted one “premises” it deemed the hazard assessment complete.

It is not, as Cal Water claims, true the configuration of the Property was a “condition that would effectively moot the need for further evaluation due to the high hazard presented” and contained “inherent risks” as Cal Water alleges. Cal Water prematurely and incorrectly determined that the Property was a per se cross-connection hazard under Rule 16(C)(2) merely because it contained multiple, independent structures on it. Based on that incorrect determination, Cal Water did not conduct any further hazard analysis of the Property. The evidence presented shows, however, that there is no cross-connection hazard

where each of the five premises on the Property is served by its own separate service line, with no physical interconnections.

**6.4 The Evidence Presented Indicates That Neither An Actual Nor Potential Cross-Connection Hazard Exists on the Property to Warrant Backflow Prevention Assemblies**

Cal Water argues that “the application of Rule 16 in this case does not require Cal Water to find the existence of an actual cross-connection at the Property.”<sup>58</sup> (emphasis in original.) Cal Water cites the CCCPH as expressly stating that “[a] cross-connection is an interconnection between a potable water supply and a non-potable source via any actual or potential connection or structural arrangement between a [public water system] and any source or distribution system containing liquid, gas, or other substances not from an approved water supply.”<sup>59</sup> (emphasis and brackets in original.) Cal Water argues that the mere potential for a cross-connection to occur is sufficient to warrant the requirement for installing backflow prevention assemblies at the Property.

As discussed in the previous sections, a cross-connection, whether actual or potential, cannot be automatically presumed at the Property merely because it consists of multiple structures on the same property lot. Whether any actual or potential cross-connection hazard exists should be based on application of Rule 16(C)(2) to the Property with respect to its five separate premises not as one single premises. Moreover, the evidence presented by Complainant showed that

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<sup>58</sup> Cal Water O.B. at 9.

<sup>59</sup> Cal Water O.B. at 9-10; Exh. CalWater-4, at 6.

each of the five premises at the Property has its own service pipe and service connection, with no physical interconnections.

Cal Water provided no evidence to prove the existence of any actual or potential cross-connection hazard at the Property other than claiming a per se cross-connection hazard exists because the Property consists of multiple structures on it. Cal Water also provided no evidence to refute Complainant's evidence showing five separate lines that each serve five separate premises, with no physical interconnections. During the evidentiary hearing, Cal Water's witness initially testified there was potential for cross-connections to exist among the water lines on the five units on the Property.<sup>60</sup> Cal Water's claim that there is a potential for cross-connection hazard that "would be within the walls of the units themselves" or "could be within the water lines below the ground going to each individual unit."<sup>61</sup> However, after being questioned on the specific photographic evidence regarding the exact configuration and location of the five separate water lines and water meters on the Property, the witness testified that he could not explain where any interaction between the water lines would occur on the Property as shown other than what "could" or "would" potentially happen.<sup>62</sup> Cal Water provided no other evidence to support its claim that potential cross-connection could occur between the walls of the units or within the water lines below the ground.

Based on the evidence presented, it appears that neither an actual nor potential cross-connection hazard exists to warrant the requirement for installation of backflow prevention assemblies at the Property at this time.

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<sup>60</sup> Tr. at 153-154.

<sup>61</sup> Tr. at 154:7-154:16.

<sup>62</sup> Tr. at 154-156.

### **6.5 The *Bezis* Decision is Neither Applicable Nor Controlling in the Instant Case**

Cal Water cites Decision (D.) 20-09-001 in a complaint proceeding similar to the instant one, *John Bezis v. Cal Water (Bezis)*, for Cal Water's conclusion that Rule 16C(2)(i) directs Cal Water to require the installation of backflow prevention assemblies where there is more than one service connection on the premise. In *Bezis*, the Complainant owned a parcel of land on which there were two residences with two addresses<sup>63</sup>, and the parcel of land was served by two water connections.<sup>64</sup> Cal Water argued in *Bezis* that, as a matter of law, Rule 16(C) required installation of backflow prevention assemblies on complainant's property simply because the property had two service connections located on it.<sup>65</sup> The Commission agreed with Cal Water in *Bezis* by reasoning that:

"Tariff Rule 16C(2)(i) plainly states where a premise has more than one service connection, then a loop-through hazard is presumed. The condition poses severe enough inherent risks that there does not have to be a finding of an existing specific loop-through hazard, such as an actual cross-connection between two service connections. Thus, Tariff Rule 16C(2)(i) requires backflow protection without an evaluation or a finding of an existing loop-through hazard. Rule 16C(2)(i) dictates that where a premise has more than one service connection, a loop-through hazard is presumed. The condition poses severe enough inherent risks that there does not have to be a finding of an existing specific loop-through hazard, such as an actual cross-connection between two service connections. Thus, Tariff Rule 16C(2)(i) requires backflow

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<sup>63</sup> D.20-09-001 at 2.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 7-8.

protection without an evaluation or a finding of an existing loop-through hazard.”<sup>66</sup>

A key distinction between *Bezis* and the instant case, however, is that the *Bezis* complaint never went to evidentiary hearing and was dismissed for failure to state a claim that Cal Water violated any provision of law or any order or rule of the California Public Utilities Commission. The assigned ALJ in *Bezis* dismissed the complainant’s assertion that Cal Water’s site inspection report found that the two service connections on his property were not connected such that no loop-through hazard actually existed.<sup>67</sup> Instead, the *Bezis* ALJ determined that the plain language of Rule 16(C) required Complainant in that case to install backflow prevention assemblies.<sup>68</sup>

In the instant case, Complainant extensively briefed the issues in the proceeding and provided evidence and testimony during the evidentiary hearing that clearly showed how each of the five service connections on the Property were unique, and ran directly, to each of the five structures or premises on the Property, with no physical interconnections. Cal Water never refuted this evidence other than to claim, as it had done in *Bezis*, that the mere existence of multiple service connections on a property automatically make it a per se cross-connection hazard under Rule 16C(2)(i). However, when Cal Water was questioned during the evidentiary hearing on photographs of the Property and asked to explain where a cross-connection hazard could potentially or actually occur, Cal Water was unable to identify any such hazard. We do not find Cal Water’s reference to the *Bezis* case relevant because the instant case yielded

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<sup>66</sup> *Id.* at 9.

<sup>67</sup> *Id.* at 9-10.

<sup>68</sup> *Id.* at 7-8.

evidence showing there is not a way for cross-connections to occur among the water lines on the Property.

It should also be noted that the *Bezis* complainant also challenged Cal Water's definition of "premises"<sup>69</sup> as does the Complainant in the instant case. The *Bezis* complainant asserted that the piping systems extending from each of his two service connections are separate premises and that the piping systems serving these premises are not interconnected.<sup>70</sup> Complainant in the instant case also challenges Cal Water's definition of "premises" as it applies to the multiple independent premises on her Property, each served by a separate service pipe connected to Cal Water's distribution main, with no physical interconnections.

While the *Bezis* decision did not make any determinations on the definition of "premises" as it applied to that proceeding, we find in the instant proceeding, as explained above, that Cal Water's definition of the Property to be one "premises" for purposes of Rule 16(C)(2) and 16(C)(2)(i) to be incorrect.

#### **6.6 The Property Does Not Require Backflow Prevention Assemblies Because It Does Not Present a Cross-Connection Hazard or Threat to the Public Drinking Water Supplies**

It is important to keep in mind the intent behind Rule 16(C)(2) and the purpose of backflow prevention assemblies: to protect public drinking water supplies from contamination by stopping the reverse flow (backflow) of non-potable liquids, chemicals, or bacteria from private plumbing into the clean public system, ensuring water remains safe for consumption by controlling cross-

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<sup>69</sup> Case (C.) 19-11-021, Opposition to Motion to Dismiss Complaint (filed May 26, 2020), at 1-2.

<sup>70</sup> *Id.*

connections and preventing serious public health hazards like waterborne diseases.<sup>71</sup>

Complainant presented evidence during the evidentiary hearing that showed there was no cross-connection hazard between the water lines in any of the five structures on the Property. As discussed extensively above, the Property consists of five independent premises, each served by a separate service pipe connected to Cal Water's distribution main, with no physical interconnections. Despite this, Cal Water claims there is still a potential for a cross-connection hazard on the Property. During the evidentiary hearing, Cal Water's witness testified that a potential cross-connection "would be within the walls of the units themselves" or "could be within the water lines below ground going to each individual unit."<sup>72</sup> However, when Cal Water was asked to review the photographic evidence of the specific configuration of the five service lines to the five units on the Property and explain where exactly any cross-connection would occur, the witness testified that he could not do so, "not based on the pictures I'm looking at."<sup>73</sup> Cal Water did not provide any further evidence to support its claim that a potential cross-connection hazard exists at the Property.

Cal Water relies solely on its position that the Property is a per se hazard requiring backflow prevention assemblies under Rule 16(C) because it contains five units on the same lot owned by Complainant. However, the evidence and testimony presented during the evidentiary hearing contradicts Cal Water's position that the Property presents a cross-connection hazard. Additionally, Cal Water could not explain where or how even a potential cross-connection hazard

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<sup>71</sup> Exh. CalWater-1, at 3.

<sup>72</sup> Tr. at 154:3-154:16.

<sup>73</sup> Tr. at 154:17-156:8.

could exist on the Property. Cal Water's requirement of backflow prevention assemblies on the Property is unwarranted because the evidence proved that no actual cross-connection hazard exists on the Property, and Cal Water has provided no evidence to support its claim that even a potential cross-connection hazard exists on the Property.

**6.7 The Four Water Meters Must Be Restored to the Property So That Complainant May Obtain Water Service To Those Meters**

Cal Water stated that three factors contributed to its decision to remove the four inactive water meters on the Property: 1) the condition of the meters due to environmental exposure; 2) the fact that Cal Water could not find references to the meters in its computer records; and 3) the absence of backflow prevention assemblies. As noted above, the crux of the Complaint, however, is whether Cal Water properly applied Rule 16 in requiring the installation of backflow prevention assemblies at the Property. Given that backflow prevention assemblies are not required on the Property, it follows that Cal Water must restore the four water meters to the Property subject to any requirements surrounding those meters other than installation of backflow prevention assemblies. Restoring the four water meters to the Property cannot be predicated on the installation of the backflow prevention assemblies when the evidence presented shows there is no cross-connection hazard on the Property that would warrant the need for those assemblies.

**6.8 Complainant's Allegations That Cal Water Acted Discriminatorily and Deceptively Are Not Supported By Evidence in the Record**

Although Complainant claims that Cal Water acted deceptively towards,

and discriminated against her with respect to its requirement of backflow prevention assemblies on the Property and subsequent removal of the four water meters on the Property, there was insufficient evidence to support this claim. Complainant alleges that Cal Water engaged in selective enforcement of its rules as to her Property and that Cal Water treated other nearby properties differently from hers, but Complainant failed to provide record evidence to support these allegations. The fact that there may be other properties without backflow prevention assemblies does not establish that Cal Water discriminated against Complainant.

For its part, Cal Water explained that it did not single Complainant or her Property out for enforcement of Rule 16. Cal Water District Manager Craig Stevens explained the inherent limitations of Cal Water's cross-connection program in his testimony<sup>74</sup>:

“While there may be other properties on which backflow prevention assemblies would be beneficial to reduce risks of backflow and to protect the health and safety of its customers, Cal Water has a limited budget to enforce its Tariff Rule 16. To make the most of that budget, Cal Water prioritizes new construction projects (like that of Complainant's) in part due to the fact that it is more efficient to install backflow prevention assemblies before concrete is laid/construction progresses too far. Cal Water similarly prioritizes backflow prevention for the situations described in Tariff Rule 16(C)(2) because both its experience and those of regulatory bodies have shown that those categories impose significant and/or inherent risks to the public.”

Complainant has failed to provide any record evidence that Cal Water discriminated or acted deceptively towards her. In addition, Cal Water has

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<sup>74</sup> Exh. CalWater-2, at 7.

provided a reasonable explanation that, due to its limited enforcement budget and resources, it prioritizes enforcement of Rule 16 to new construction projects, such as that of Complainant, and the inherent risks listed in Rule 16(C)(2).

Accordingly, we do not find that Cal Water acted deceptively or discriminatorily towards her with respect to its enforcement of Rule 16(C) on her Property.

## **7. Conclusion**

For the reasons set forth above, we find that Cal Water improperly required backflow prevention assemblies at the Property and improperly removed four water meters from the Property. We do not find that Cal Water acted deceptively or discriminatorily towards Complainant in its enforcement of Rule 16(C) on the Property. We find that backflow prevention assemblies are not required at the Property because the evidence shows there is no cross-connection hazard and no potential or actual threat of harm to the public water supplies. As a result, the four water meters must be restored to the Property so that Complainant may obtain water service at those meters. The restoration cost will be borne by Cal Water.

## **8. Appeal or Review of Presiding Officer's Decision**

The presiding officer's decision in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code. Pursuant to Rule 14.4 of the Commission's Rules of Practice and Procedure, any party may file an appeal of the presiding officer's decision within 30 days of the date the decision is served. In addition, any Commissioner may request review of the presiding officer's decision by filing a request for review within 30 days of the date the decision is served.

## **9. Assignment of Proceeding**

Karen Douglas is the assigned Commissioner and Suman Mathews is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

### **Findings of Fact**

1. The Property at issue consists of five independent structures: a duplex, a “maintenance room” that is not a livable space, and two additional ADUs that are behind the duplex and the maintenance room.
2. The duplex has an underground service line going straight to each of the duplex units.
3. Piping goes alongside the Property to the back of the duplex where the additional three service lines run, with one to each ADU and then one to the maintenance room.
4. Each of the five structures on the Property are served by a separate service pipe connected to Cal Water’s distribution main, with no physical interconnections.
5. Cal Water installed five water meters on the Property in 2022 pursuant to Complainant’s request.
6. Cal Water provided water service to one of the five service connections to accommodate Complainant’s construction activities.
7. Complainant paused development of her Property in 2022.
8. When the process for Complainant to obtain water service on the additional service connections on the Property resumed, Cal Water’s cross-connection control department reviewed the Property in accordance with Cal Water’s Tariff Rule 16, which sets forth procedures and requirements for cross-connection controls.

9. Cal Water sent two cross-connection specialists to perform an in-person hazard assessment of the property on February 27, 2025, and the cross-connection specialists identified that there would be five service connections located on the same parcel of land owned by Complainant.

10. Cal Water determined the Property was a cross-connection hazard under Tariff Rule 16(C)(2)(i) due to the fact that there were five service connections located on the same parcel of land owned by Complainant.

11. Cal Water informed Complainant that backflow prevention assemblies were required for all five service connections at the Property in order to obtain water service on the remaining four inactive service lines.

12. Cal Water then removed the remaining four inactive water meters on the Property because the Property did not have backflow prevention assemblies installed on it.

### **Conclusions of Law**

1. Cal Water incorrectly classified the Property as one premises because the Property contains multiple structures on one parcel of land owned by Complainant.

2. The property consists of five independent units that are five separate premises, each served by a separate service pipe directly connected to Cal Water's distribution main, with no physical interconnections.

3. Cal Water incorrectly presumed the Property was a cross-connection hazard under Rule 16(C)(2) based on its misclassification of the Property as one premises.

4. Based on the evidence presented, neither a potential nor an actual cross-connection hazard exists on the Property.

5. The Property does not present a threat or hazard to the public water supplies.

6. Cal Water should not require backflow prevention assemblies on the Property because the Property is not a cross-connection hazard and does not present a threat or hazard to the public water supplies.

7. Cal Water should not require backflow prevention assemblies on the Property as a condition precedent to restoring the four water meters on the Property.

8. Cal Water should restore the four water meters to Complainant and bear the cost.

9. The evidence presented does not show that Cal Water acted deceptively or discriminatorily towards Complainant with respect to its enforcement of Rule 16(C) on her Property.

## **O R D E R**

**IT IS ORDERED** that:

1. The Complaint filed by Kimberly Graves against California Water Service Company on May 30, 2025 is granted in part.

2. California Water Service Company must restore the four water meters to the Property without requiring backflow prevention assemblies on the Property as a condition precedent and bear the cost of the meter restoration.

3. All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.

4. Case 25-05-021 is closed.

This order is effective today.

Dated June \_\_, 2026, at San Francisco, California.