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

KIMBERLY GRAVES,

Complainant,

vs.

CALIFORNIA WATER SERVICE  
COMPANY (U60W),

Defendant.

)

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) Docket No. C.25-05-021

) (Filed May 30, 2025)

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**CLAIMANT REBUTTAL TO CALIFORNIA WATER COMPANY APPEAL  
OF PRESIDING OFFICER'S DECISION**

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Dated: August 14, 2026

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9 Kimberly Graves,

10 Plaintiff,

11 v.

12 California Water Service Company  
13 (U60W),

14 Defendant.  
15  
16

Case No. C.25-05-021

Rebuttal to Cal Water Appeal dated  
July 16, 2026

17 **I. Introduction: Cross-Connection Discipline is tied to Hydraulics**

18 Cal Water begins its appeal with an alarmist warning regarding future decisions, claiming  
19 that a requirement "that actual, physical cross-connections must be demonstrated before a water  
20 utility can require backflow prevention assemblies threatens to establish a disastrous policy  
21 precedent for cross-connection control programs across the State." This overreaching analysis  
22 completely fails to acknowledge that the ruling was far more detailed and pointed regarding the  
23 expectation of enforcement with respect to a multi-unit property.

24 By definition, the Manual of Cross-Connection Control (CCCPH) establishes that a  
25 cross-connection is an interconnection between a potable water supply and a non-potable source  
26 via "any actual or potential connection or structural arrangement." [CW 4 pg. 6]. When Cal Water  
27 strips this definition of its operational context, they fail to convey a functional comprehension of  
28

1 the actual public health risk, reducing a precise safety standard to an arbitrary enforcement  
2 mechanism. This analytical failure directly enables Cal Water to manipulate critical textual  
3 definitions on appeal, twisting the regulatory term "potential" into an open-ended license for  
4 unbounded speculation regarding future, hypothetical plumbing reconfigurations (Tr. 193:7-22)

5 The absurdity of Cal Water's speculative interpretation is explicitly exposed by the USC  
6 Foundation's Chief Engineer, whose expert guidance in the record grounds this entire dispute in  
7 simple, direct hydraulics. In his email, the Chief Engineer highlights Definition 1.68 of the  
8 manual, noting that "used water" is "[a]ny water supplied by a water purveyor... to a consumer's  
9 water system after it has passed through the service connection and is no longer under the control  
10 of the water purveyor" [Exhibit Graves 7]. As the Chief Engineer plainly explains, a purveyor  
11 cannot know what a customer does with water once it leaves their jurisdiction. Therefore, having  
12 two live connections to a single premise creates an immediate hydraulic threat: water from one  
13 service line can flow through the property, become "used water," and reverse back into the public  
14 water distribution system through the second service line [Exhibit Graves 7], (Tr. 182:3-19). This  
15 is the exact definition of a "loopthrough" commonly known as backflow which pulls  
16 contaminants directly into the public's drinking water.

17 This explicit guidance from the nation's leading authority on cross-connections clarifies  
18 the State Water Resources Control Board's (SWRCB) rationale for utilizing the phrase "actual or  
19 potential." The rule exists to capture tangible, existing physical systems like an inactive private  
20 well or a dual-service plumbing loop that currently presents a real hydraulic pathway for  
21 backflow, whether active or dormant. It was never intended to encompass speculative,  
22 nonexistent configurations, such as an imaginary scenario where a property owner hypothetically  
23 tears open walls or digs underground to create a new interconnection. By ignoring the USC Chief  
24 Engineer's clear directive on "used water" loops and instead substituting speculative imagination  
25 for physical engineering, Cal Water's appeal asks the Commission to adopt a legally  
26 unsupportable standard (Tr. 182:8-183:1), (Tr. 193:7-22). To preserve valid public safety  
27 enforcement, the definition of a cross-connection must remain anchored to the physical realities  
28 of hydraulics and existing structural arrangements.

1           **II.     The Presiding Officer's Decision Correctly Determined That Cal Water's**  
2           **Identical Ownership Claim Does Not Constitute a Single Premise**

3           The POD rightfully rejected this overreach, recognizing that independent plumbing  
4 systems with no physical interconnections do not magically transform into a singular hazardous  
5 configuration by virtue of a parcel map. During the evidentiary hearing, Cal Water's expert  
6 argued that when multiple buildings sit on a single lot, it is the common ownership of those  
7 separate buildings that dictates whether they constitute a unified premise. Specifically, Cal Water  
8 contends that because these multiple units are under a single owner, that owner possesses the  
9 legal autonomy to later alter the plumbing configurations between the two commonly owned  
10 buildings. In Cal Water's view, the mere existence of single ownership over multiple units on a  
11 single lot inherently constitutes an active threat due to the potential for future, unauthorized  
12 interconnections. To prove this focus on ownership, Cal Water's expert explicitly testified that a  
13 single parcel containing several distinct buildings if owned by different legal entities would be  
14 treated as multiple distinct premises, completely exempt from Cal Water's blanket backflow  
15 mandates (Tr. (Tr. 197:13-21), 199:22-200:3).

16           This expert rationale reduces Cal Water's entire "public health crisis" argument to a  
17 logical absurdity that is entirely incongruent with public safety enforcement. By the expert's own  
18 logic, separate ownership poses no threat because the legal autonomy to interconnect the  
19 buildings is absent. Therefore, if a property changes ownership tomorrow, the physical risk of  
20 waterborne disease magically vanishes. This admission proves that Cal Water is not policing  
21 physical plumbing configurations, but rather a customer's legal property rights and speculative  
22 future intent.

23           As the USC Foundation's Chief Engineer established, a true hydraulic threat requires an actual  
24 existing structural arrangement of "used water" loops to compromise a system [Exhibit Graves 7].  
25 It cannot be dictated by property deeds or hypothetical future construction. By evaluating safety  
26 through the lens of property ownership rather than real-world plumbing engineering, Cal Water's  
27 expert has confirmed that their appeal is not a defense of public health. Instead, it is an attempt to  
28

1 weaponize the regulatory framework to police speculative human behavior, presenting a demand  
2 for unbridled regulatory overreach that this Commission must reject.

3  
4 **III. The POD Correctly Rejects Cal Water's Blanket RPZ Mandate, Properly**  
5 **Ruling That Regulatory Efficiency Does Not Justify Replacing Clear,**  
6 **Uniform Standards with Arbitrary Enforcement Shortcuts**

7 Cal Water goes on to argue that by "requiring water utilities to wait until an actual,  
8 physical cross-connection is proven before mandating backflow assemblies on multiple  
9 connection lots, the POD shifts the regulatory framework from proactive prevention to reactive  
10 damage control." They boldly claim that stripping them of the ability to enforce mandates on  
11 what they call "clear high-hazard structural configurations like multiple service lines under  
12 common control" places the entire state's distribution system at risk. They top off this alarmist  
13 plea by complaining that conducting individualized engineering analyses would place an  
14 "impossible unrecoverable financial burden on water utilities and customers." This is a  
15 transparent attempt to scare the Commission into rewriting basic property definitions under the  
16 guise of an administrative emergency. Cal Water is begging the Commission for unprecedented,  
17 absolute autonomy to bypass the factual record, simply because they do not want to do the  
18 standard, individualized engineering work required of every other water purveyor in the country.

19 The fatal flaw in Cal Water's "statewide disaster" narrative is that their regulatory panic is  
20 entirely self-manufactured. No other regulated water utility in the state or the nation shares Cal  
21 Water's radical view that separate, independently plumbed premises must be forcefully  
22 consolidated into a single "premise" simply because they share a property deed and a plot of land.  
23 For example, American Water, the largest investor-owned water utility in the United States,  
24 operates highly successful cross-connection containment programs nationwide without ever  
25 claiming that multi-unit properties with independent, non-interconnected meters pose an inherent,  
26 active hydraulic threat [Exhibit Graves 12]. Instead of demanding arbitrary enforcement  
27 shortcuts, industry leaders utilize organized, disciplined administrative processes complete with  
28 specific hazard assessment and record-keeping forms to methodically determine the true potential  
hazard of a property based on its actual physical characteristics [Exhibit Graves 13]. Other

1 utilities manage multi-service connections perfectly well by executing these structured  
2 evaluations of the actual activity and physical plumbing configurations on premises, rather than  
3 fabricating fictional hazards based on property ownership.  
4 Cal Water's complaint about the "impossible financial burden" of performing individualized  
5 evaluations exposes the true motive behind their appeal. They are asking the Commission to grant  
6 them blanket authority to force expensive backflow assemblies onto customers purely as an  
7 administrative shortcut to avoid doing their jobs. A water utility cannot bypass due process and  
8 invent structural hazards where none exist just to save itself the time and expense of standard  
9 field investigations. As demonstrated by the disciplined administrative record-keeping  
10 frameworks already standard in the industry [Exhibit Graves 13], the POD did not dismantle  
11 proactive prevention; it merely forced Cal Water to align with the rest of the water industry by  
12 anchoring its enforcement to systematic field evaluations rather than lazy, speculative  
13 hypotheticals. Because Cal Water's peers including industry leaders like American Water safely  
14 protect the public through structured, real-world assessments without resorting to this type of  
15 regulatory overreach [Exhibit Graves 12; Exhibit Graves 13], this Commission must reject Cal  
16 Water's manufactured panic and uphold the factual boundaries affirmed by the POD.

17  
18 **IV. The POD Correctly Designated the Five-Unit Property; Cal Water's**  
19 **Challenge Relies on a Selective Reading that Ignores the Core Components of**  
20 **Tariff Rule 1 and the CCCPH Definition of "User Premises"**

21 Cal Water fundamentally misconstrues the regulatory framework by arguing that the POD  
22 committed a "foundational error" in classifying the property as five separate premises instead of a  
23 single premise. In its appeal, Cal Water insists that because the property at 1217 S. Stanislaus is a  
24 single legal lot under the sole ownership and control of the complainant, it must be forcefully  
25 consolidated into a single "premise." To justify this overreach, Cal Water isolates the opening  
26 clause of Tariff Rule 1 (Tr. 197:13-21), and the Cross-Connection Control Policy Handbook  
27 (CCCPH), which describes a premise as the "integral property or area... to which water service is,  
28 or is to be, provided" [Exhibit CW 5; Exhibit CW 4, 3.1.1 (definitions)]. Based entirely on this

1 administrative boundary argument, Cal Water claims that the POD improperly focused on the  
2 current physical plumbing configurations specifically, that each individual structure is supplied  
3 by its own separate service line with its own independent, non-interconnected meter.

4 This argument is an intentional, selective reading of the regulatory text designed to  
5 mislead the Commission. Cal Water conveniently suppresses the operational definitions contained  
6 within the very same Tariff Rule 1 they cite [Exhibit CW 5]. Under Tariff Rule 1, a premise  
7 cannot be viewed in a vacuum; it is explicitly bound to a specific "Service Address," defined as  
8 the "Address of the property to which water service is provided," and an individual "Service  
9 Connection," defined as the "point of connection of the customer's piping... with the meter...  
10 owned by the utility" [Exhibit CW 5]. The POD did not commit an error; it properly applied the  
11 full scope of the tariff. When five distinct units are each independently plumbed, assigned their  
12 own service addresses, and metered through five separate, non-interconnected service  
13 connections, they operate as five separate premises under the law. A water utility cannot  
14 arbitrarily smash independent service connections into a singular "hazardous configuration"  
15 purely because a property deed lists a single owner.

16 Furthermore, Cal Water's claim that the POD's ruling is "inconsistent with the preventative  
17 framework of the CCCPH" turns the State Water Board's master policy completely on its head.  
18 The CCCPH explicitly defines "user premises" as the property under the ownership or control of  
19 a water user that "is served, or is readily capable of being served, with water via a service  
20 connection with a public water system" [Exhibit CW 4, 3.1.1]. Crucially, the State Water Board  
21 phrased this definition around a singular "service connection" not a plural amalgamation of  
22 disconnected meters spread across a parcel. The preventative framework of the CCCPH is  
23 explicitly designed to regulate physical, hydraulic threats tied to distinct service points, not to  
24 police property boundaries or legal ownership structures. By ignoring the physical reality that  
25 these five units have completely separate plumbing with zero interconnections, Cal Water is  
26 trying to rewrite [Exhibit CW 4, 3.1.1] to regulate legal titles rather than utility connections. The  
27 POD correctly recognized that a single lot can house multiple independent premises. To allow Cal  
28 Water to override its own tariff definitions and manufacture a "single premise" hazard where no

1 physical or hydraulic interconnection exists would set a truly dangerous precedent, granting  
2 utilities the unbridled authority to ignore their own record evidence to force unnecessary financial  
3 burdens onto consumers.

4  
5 **V. Cal Water Manufactures a Hypothetical Monitoring Burden to Misuse the**  
6 **POD's Limited Resources Acknowledgment and Distort Single-Family**  
7 **Residence Diagrams**

8 Cal Water's defense shifts from a flawed textual analysis into a desperate, policy-based  
9 appeal for absolute regulatory laziness. They argue that because neither they nor the State Water  
10 Board possess the "resources, budget, or practical ability to constantly monitor" private property  
11 modifications, they must be granted the power to mandate backflow assemblies on any multiple-  
12 connection lot as a "proactive" shortcut. Citing their witness, Graham, Cal Water claims that  
13 waiting for an actual physical cross-connection to be proven would "saddle Cal Water with the  
14 burdensome and impossible job of continuous private property inspection." This line of argument  
15 is a transparent attempt to subvert the regulatory process: Cal Water's effort is to convince the  
16 Commission to allow them to swap standardized, data-driven hazard assessments for lazy, blanket  
17 mandates, under the false pretense that doing their regulatory job is "impossible."

18 To distract from this administrative corner-cutting, Cal Water attempts to misappropriate  
19 an email diagram from the USC Foundation (FCCCHR) [Exhibit CW 4], claiming its text  
20 supports their unified-premise theory. In reality, the diagram displays a single residential dwelling  
21 with two distinct service lines designated for entirely separate, simultaneous on-site functions: a  
22 domestic line and an irrigation/sprinkler line. The text explicitly notes that a multiple service  
23 condition applies where lines "may be for different on site uses such as domestic and irrigation"  
24 [Exhibit CW 4]. This graphic describes a single, operational household system requiring  
25 simultaneous utility feeds it does not depict five completely separate, independently plumbed, and  
26 independently metered multi-family residential structures that happen to share a parcel map. Cal  
27 Water is trying to stretch a basic irrigation-and-domestic plumbing schematic to cover an entirely  
28 different multi-unit real estate configuration, fundamentally misrepresenting the USC  
Foundation's intent.

1  
2           **A.     Cal Water Commits a Flagrant Procedural Violation by Introducing Extra-**  
3           **Record USC FCCCHR Manual Pages to Circumvent California's SB 7 Multi-**  
4           **Family Submetering Mandate**

5           Cal Water's appeal relies on a flagrant procedural violation designed to distract from  
6 binding state law. Specifically, Cal Water improperly attempts to supplement the appellate record  
7 by introducing a page from the USC FCCCHR Manual that was never presented, authenticated,  
8 or subjected to cross-examination during the evidentiary hearing. Cal Water relies on this extra-  
9 record material to manufacture a theory that multiple service connections on a single property  
10 create an inherent cross-connection hazard justifying a blanket backflow mandate. However, this  
11 manufactured theory directly contradicts California's broader statutory framework. Under Senate  
12 Bill 7 (SB 7), the Legislature explicitly mandated individual water meters or submeters for multi-  
13 family and multi-metered residential construction after 2018 to ensure accurate, actual usage  
14 tracking. By utilizing impermissible outside literature to penalize multi-family and multi-metered  
15 configurations, Cal Water is attempting to enforce an arbitrary utility policy that stands  
16 completely at odds with California's statutory water conservation mandates.

17           Cal Water's bad faith becomes absolute as they attempt to smuggle an entirely  
18 unrecorded, non-evidentiary "phantom page" into their appellate brief to distort the USC  
19 Foundation's true position. While Cal Water openly acknowledges that this text is "not in the  
20 evidentiary record of this proceeding and thus cannot be relied upon directly as evidence for the  
21 appeal here," they nonetheless improperly urge the Commission to read and rely upon it under the  
22 guise of "greater context." This is a flagrant violation of foundational appellate procedure.

23           **B.     Cal Water's Attempt to Supplement the Appellate Record with Unintroduced**  
24           **USC Manual Pages Is a Flagrant Violation of Appellate Procedure and Must**  
25           **Be Stricken**

26           On appeal, a reviewing body is strictly confined to the evidentiary record established  
27 during the initial proceeding. Cal Water's appellate brief flagrantly violates this foundational rule  
28 of administrative procedure by attempting to introduce and rely upon a page from the University  
of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC

1 FCCCHR) Manual. The manual page in question was never presented, authenticated, or subjected  
2 to cross-examination during the evidentiary hearing before the Presiding Officer.

3 Under California administrative law, an appellate brief cannot be used as a back door to  
4 smuggle in outside literature or new technical exhibits that a party failed to introduce at trial.  
5 Because Cal Water failed to introduce this specific USC manual page into evidence below, it  
6 denied the complainant any opportunity to cross-examine Cal Water's interpretation of that text,  
7 offer context, or present expert rebuttal evidence. Allowing a utility to retroactively bolster its  
8 failing arguments with extra-record technical documents on appeal severely undermines due  
9 process. Accordingly, this reviewing body must strictly disregard, strike, and exclude Cal Water's  
10 impermissible USC FCCCHR mention of a page following the page introduced into evidence  
11 and all arguments relying upon it.

12  
13 **C. Cal Water's Manufactured Cross-Connection Theory Directly Contradicts  
California's Statutory Submetering Framework Under SB 7**

14 Furthermore, even if the Commission were to entertain Cal Water's extra-record theories,  
15 their argument directly clashes with explicit California public policy. Since 2018, California state  
16 mandate strictly requires that all new multi-unit constructions must be individually and separately  
17 metered to promote water conservation. The state's explicit intent is to individualize utility  
18 service lines to separate units. Cal Water's backward theory which argues that individual meters  
19 under a single owner must be treated as a single, dangerous "loophthrough" hazard actively  
20 penalizes property structures that conform to the state's modern, individualized conservation  
21 goals. Cal Water's appeal asks this Commission to validate a regulatory regime driven by  
22 manufactured panic, procedural violations, and an open refusal to perform standard industry  
23 hazard evaluations. This Commission must reject Cal Water's overreach and uphold the POD.

24  
25 **VI. Cal Water's Distorted Burden of Proof and the Proper Application of  
Substantial Evidence**

26 Cal Water's attack on the POD's evidentiary standard exposes the ultimate logical  
27 breakdown of their entire appeal. They argue that because the property at 1217 S Stanislaus is a  
28

1 level lot without "impassable natural barriers between the structures," it is "self-evident that a  
2 future cross-connection 'could' occur" via deliberate or inadvertent modifications. Cal Water  
3 claims that by focusing on the current plumbing layouts rather than imaginary future construction,  
4 the POD imposes an "impossible and unlawful evidentiary burden" that ignores the very  
5 definition of a potential hazard under the CCCPH [Exhibit CW 4]. This argument is an absolute  
6 distortion of the legal burden of proof. Cal Water is shockingly asserting that a customer must  
7 physically prove a negative the absolute impossibility of ever altering their own property to  
8 escape a utility mandate. By this unsupportable logic, any flat piece of land in the State of  
9 California under a single deed is inherently a "potential" hazard simply because the owner  
10 possesses the tools to eventually break the law.

11 The POD did not invent an unlawful burden; it properly applied foundational  
12 administrative law by demanding that Cal Water anchor its enforcement to substantial record  
13 evidence. During the evidentiary hearing, the POD carefully weighed Cal Water's vague,  
14 speculative assertions against the specific photographic evidence detailing the exact configuration  
15 of the five separate, non-interconnected water lines and meters. When pressed, Cal Water's  
16 witness could not identify a single point on the property where an actual structural arrangement or  
17 cross-connection path existed (Tr. 154:3-19). Instead, the witness could only speculate about what  
18 "could" or "would" happen if the plumbing were entirely reconfigured in the future. The POD  
19 was entirely correct to dismiss this testimony. An administrative enforcement action cannot be  
20 sustained on pure conjecture, guesswork, and abstract hypotheticals about future consumer  
21 misconduct.

22 Furthermore, Cal Water's attempt to use the CCCPH to validate this speculative overreach  
23 misinterprets the text [Exhibit CW 4]. While the handbook defines a cross-connection to include  
24 an "actual or potential connection," it explicitly requires that connection to be a "structural  
25 arrangement" [Exhibit CW 4, Section 3.1.1]. A structural arrangement requires a physical,  
26 existing pathway not a hypothetical trench an owner might dig next year. By interpreting  
27 "potential" to mean a future, imaginary configuration change on a level lot, Cal Water attempts to  
28 completely erase the phrase "structural arrangement" from the State Water Board's regulations.

1 The POD rightfully recognized that a utility cannot penalize a customer for a layout that does not  
2 exist. To accept Cal Water's argument would establish an unbridled, authoritarian standard of  
3 enforcement where utilities can mandate expensive compliance measures based entirely on the  
4 topographical flatness of a customer's dirt, rather than the physical reality of their pipes.

5  
6 **VII. Cal Water's False Analogy to Industrial Hazards and the Exploitation of  
Appendix D to Evade Mandatory Assessments**

7 Cal Water further attempts to excuse its incomplete, cursory field review by arguing that  
8 under Tariff Rule 16(C)(2) and Appendix D of the CCCPH, the mere existence of multiple  
9 service connections on a single lot allows them to forgo a detailed hazard assessment entirely  
10 [Exhibit CW 5; Exhibit CW 4]. Citing their witness, Graham, Cal Water claims that performing a  
11 deeper investigation would be "moot" because "premises with more than one connection" are  
12 explicitly listed alongside chemical factories, sewage plants, and mortuaries as inherent high-  
13 hazard categories [Exhibit CW 4]. They argue that just as a utility does not need to inspect a  
14 chemical plant to prove a threat exists, they do not need to identify an existing flow-through  
15 condition on the complainant's property before mandating expensive backflow assemblies. This  
16 comparison is a desperate, scientifically bankrupt attempt to elevate an administrative boundary  
17 line into an active environmental biohazard.

18 The fatal defect in Cal Water's logic is that the 41 items listed in Appendix D such as  
19 chemical manufacturing, radioactive laboratories, and toxic waste facilities represent operational  
20 activities involving hazardous substances that physically exist behind the meter [Exhibit CW 4  
21 Appendix D]. These facilities present an immutable, active risk because of what they do, not who  
22 owns the land. By contrast, a level residential lot containing five distinct, independently plumbed,  
23 and independently metered residential units contain zero industrial contaminants. Cal Water's  
24 own expert already destroyed this comparison on the record by testifying that if these five exact  
25 same buildings were owned by separate legal entities, they would be classified as separate  
26 premises and completely exempt from backflow requirements (Tr. 199:22–200:3). This admission  
27 strips Cal Water of their ability to claim that a multi-connection residential lot is an automatic,  
28

1 non-investigable hazard like a chemical plant. A chemical plant remains a high-hazard threat  
2 regardless of who buys the corporation; yet Cal Water claims the "loop-through hazard" at 1217 S  
3 Stanislaus instantly vanishes the moment the property is subdivided or sold to separate owners.

4 By claiming that the POD "erroneously faults" them for stopping their hazard assessment  
5 upon merely counting the meters, Cal Water exposes its total disregard for Section 3.2.2(c) of the  
6 CCCPH [Exhibit CW 4]. The handbook requires public water systems to protect their distribution  
7 networks based on a diligent "hazard assessment," which means evaluating the actual physical  
8 layouts and operational cross-connections on the property [Exhibit CW 4, Section 3.1.1]. It does  
9 not authorize a utility to treat an administrative shortcut as a substitute for real engineering  
10 analysis. As proved by the structured, disciplined hazard assessment forms standard among their  
11 industry peers such as American Water [Exhibit Graves 13] evaluating the actual layout of multi-  
12 service lines is standard, feasible utility practice. Cal Water cannot use the catastrophic imagery  
13 of chemical factories to scare the Commission into validating their lazy administrative shortcuts.  
14 Because Cal Water's own expert conceded that the alleged hazard is purely a function of property  
15 title deeds rather than existing physical hydraulics (Tr. 199:22–200:3), the POD was entirely  
16 correct to reject Cal Water's overreach and rule that a utility cannot manufacture a high-hazard  
17 classification out of pure, speculative imagination.

#### 18 19 **VIII. Cal Water's Diligence Failure Regarding the Record**

20 In an attempt to shield its inadequate field investigation from appellate review, Cal Water  
21 asserts in its opening brief that critical property data specifically regarding adjacent Accessory  
22 Dwelling Units (ADUs), comparable multi-unit properties, and relevant municipal permit  
23 numbers were "not available." This claim is completely false and highlights Cal Water's ongoing  
24 refusal to conduct standard, disciplined administrative due diligence. To correct Cal Water's  
25 misrepresentation of the facts, Complainant has provided the exact, publicly available municipal  
26 permit numbers (for the Commission to locate building department records), and provided  
27 physical addresses of identical properties within the Reply Brief. Because these documents  
28 consist entirely of official municipal property records maintained by the City, Complainant has

1 concurrently filed a Motion for Administrative Notice to formally ensure these public records are  
2 recognized by the Commission. Cal Water cannot claim an engineering or financial "burden" is  
3 impossible while actively ignoring the public permit databases utilized daily by every other utility  
4 provider in the State.

5 When these official public records are properly examined, they completely dismantle Cal  
6 Water's speculative "loop-through" narrative. The municipal permit records confirm that the  
7 property's structures were constructed, inspected, and approved as entirely independent, self-  
8 contained residential units with separate, non-interconnected plumbing lines. Furthermore, the  
9 record of similar properties demonstrates that other multi-unit configurations throughout the  
10 municipality operate under identical detached layouts without being subjected to Cal Water's  
11 arbitrary, discriminatory backflow mandates (Tr. 67:7-19), (Tr. 157:11-158:5). The fact that this  
12 data was easily retrievable through a basic public records search proves that Cal Water did not  
13 fail to find this information because it was "unavailable" they failed to find it because they  
14 completely stopped their hazard assessment the moment they counted the meters.

15 Cal Water's complaint that the POD imposes an "impossible evidentiary burden" is  
16 actually a complaint about being held to standard engineering practices. As demonstrated by the  
17 disciplined administrative record-keeping frameworks standard at American Water [Exhibit  
18 Graves 13], a competent utility determines "potential hazard" by actively investigating public  
19 permits, zoning configurations, and physical site layouts. They do not close their eyes to public  
20 records, guess at future plumbing violations, and then claim the data was "unavailable." Cal  
21 Water's District Manager Mr. Stevens gives rise to their inconsistent process and how Cal Water  
22 discovers new projects (Tr. 171:12-172:5). The POD did not alter the preventative framework of  
23 the Cross-Connection Control Policy Handbook (CCCPH) [Exhibit CW 4]; it merely ruled that an  
24 enforcement action cannot be sustained on pure conjecture. Because the official municipal  
25 records confirm that these units are legally and physically distinct, independent premises, Cal  
26 Water's attempt to manufacture a high-hazard classification out of their own investigative  
27 laziness must be rejected, and the POD must be upheld.

1           **A.     Cal Water's Disparate Enforcement Regarding Neighboring ADU Shared**  
2           **Meter Configurations**

3           Cal Water's failure to review public municipal data is further exposed by their complete  
4           blindness to identical residential configurations operating seamlessly within their own district. As  
5           documented in the municipal permit data and physical addresses Complainant has moved to bring  
6           into the record, Cal Water currently provides service to a comparable local property consisting of  
7           an existing main home and a detached Accessory Dwelling Unit (ADU) added in 2023. On that  
8           specific property, Cal Water actively authorized both detached structures to share a singular,  
9           common service connection. By the USC Foundation's (FCCCHR) own rigorous definitions, a  
10          shared service connection creates an inherent, physical interconnection between the lines of both  
11          units [Exhibit CW 4]. Under Definition 1.68, once water passes through that single service meter,  
12          it is legally classified as "used water" beyond the purveyor's control. If water enters the main unit  
13          and that piping system is physically tied to the detached ADU on the same connection, any  
14          internal pressure disruption creates a real hydraulic pathway for that uncontrolled, used water to  
15          backflow via back-siphonage or backpressure directly toward the purveyor's potable water main.

16          Despite this being the exact, textbook definition of an interconnected hydraulic risk, Cal  
17          Water seamlessly provides service to that property without demanding a blanket backflow  
18          containment overhaul. Yet, in a glaring display of selective and discriminatory enforcement, Cal  
19          Water has spent years targeting Complainant's property where every single structure is fed by its  
20          own entirely separate, independent service line and separate meter with zero physical  
21          interconnections. Cal Water is ignoring an actual, mathematically provable hydraulic pathway on  
22          a neighbor's shared meter while manufacturing a fictional public health crisis over Complainant's  
23          separate, isolated lines. By choosing to tolerate actual shared plumbing architectures approved in  
24          2023 city permits while penalizing Complainant's completely disconnected meters, Cal Water  
25          proves that its enforcement actions are driven by arbitrary administrative overreach and utility  
26          discrimination rather than a genuine, consistent application of cross-connection science.

1           **IX.     Cal Water's False Reliance on Inapposite Commission Precedent**

2           Finally, Cal Water attempts to salvage its appeal by arguing that the POD "errantly  
3 disregarded" John Bezis v. California Water Service Company (C.19-11-021), (D.20-09-001) as  
4 controlling precedent. Cal Water asserts that under Bezis, Tariff Rule 16 creates an absolute legal  
5 presumption of a loop-through hazard whenever multiple meters exist on a single lot, regardless  
6 of whether a physical interconnection is present. They boldly claim that because Bezis was  
7 decided in the utility's favor, the procedural posture of that case is irrelevant, and "no amount of  
8 evidence" presented at an evidentiary hearing can overcome their legal conclusion. This argument  
9 represents a radical assault on the principles of administrative due process and a fundamental  
10 misunderstanding of the doctrine of stare decisis. Cal Water is shockingly asking this  
11 Commission to rule that a summary dismissal issued prior to an evidentiary hearing strips all  
12 future customers of their right to present physical engineering evidence to defend their property.

13  
14           **A.     The Critical Distinction of Unapproved Auxiliary Well Water Supplies in  
          Bezis and Garcia**

15           The fatal defect in Cal Water's reliance on Bezis and related summary dismissals is that  
16 those cases were driven entirely by an active, independent environmental hazard that is  
17 completely absent from Complainant's property: an unapproved auxiliary well water supply.  
18 Under CPUC Resolution W-3477 (dated January 9, 1990) [Exhibit Graves 2 last page], the  
19 Commission explicitly mandated that water utilities require backflow protection whenever a  
20 customer's premises maintains a fresh water supply from a well, spring, reservoir, or other  
21 unapproved source, unless the customer agrees to physically destroy and abandon the auxiliary  
22 system.

23           This exact auxiliary well hazard was the sole legal basis for the summary dismissals in  
24 both Bezis and Marz Garcia v. Cal Water (C.15-09-002) [Exhibit Graves 2]. In Marz Garcia, the  
25 Commission granted Cal Water's Motion to Dismiss strictly because it was an undisputed matter  
26 of law that an active well existed on the residential property, negating the need for further cross-  
27 connection proof.

1 Similarly, the underlying record in the Bezis case (Commission File No: 488876)  
2 confirms that their dispute was never about mere multi-meter layouts in a vacuum. The Consumer  
3 Affairs Branch's informal ruling explicitly states:

4 *"We have received the response from Cal Water which explains the reasons why they are*  
5 *asking for an installation of a backflow prevention assembly on your property... 'Auxiliary*  
6 *water supplies are identified in citation 7585(c) as an area of concern,' in this case a well,*  
7 *and that if you would agree to destroy this other supply, then this requirement would not*  
8 *be enforced."* [Exhibit Graves 2]

9 When the consumer in Bezis refused this informal agreement and forced a formal  
10 complaint (Case C.19-11-021), the Commission summarily dismissed it without a hearing  
11 because an unapproved well represents an automatic, legally defined auxiliary threat under  
12 Resolution W-3477. Cal Water's appeal deliberately strips Bezis of its entire factual foundation.  
13 Complainant's property contains no well, no spring, and no unapproved auxiliary water supply.  
14 To treat a case about an unregulated well as a binding precedent over a property with completely  
15 isolated, pure municipal lines is a flagrant misrepresentation of Commission precedent.

16  
17 **B. The Controlling Precedent of Mark III Engineering and Class 1 Passive**  
18 **Purge Fire Systems**

19 Because Complainant's property features independent, water-only residential fire lines  
20 rather than an auxiliary well, the actual controlling Commission precedent is Mark III  
21 Engineering Contractors v. Southern California Water Co. and Citizens Utilities Company of  
22 California (C.00-06-012, filed June 7, 2000) [Exhibit Graves 2] [Exhibit CW 4, Section 3.2.2  
23 (e)(3) (a-e)]. In Mark III, the Commission issued a decisive order requiring the defendant utilities  
24 to immediately cease their unlawful practice of routinely forcing blanket backflow protection  
25 devices onto all new water service connections for Class 1 and Class 2 fire protection systems.  
26 The Commission explicitly ruled that while utilities retain enforcement rights where unique  
27 conditions warrant, they can only mandate backflow protection after conducting an  
28

1 individualized, site-specific evaluation of the unique circumstances applying to each proposed  
2 service connection.

3 The evidentiary record in this proceeding establishes that Complainant's property features  
4 a Class 1 NFPA-13 residential fire sprinkler system (Tr. 121:16–122:4). Under the clear holding  
5 of Mark III, Cal Water is legally barred from applying a per se, blanket requirement for Reduced  
6 Pressure Principle (RPZ) devices on these types of residential fire systems.

7 Furthermore, Cal Water's own internal policies directly align with the Mark III holding  
8 and completely contradict their appellate position. Page 4 of California Water Service Company's  
9 Policy and Procedure Manual (dated December 2010, approved by Chief Engineer Todd Peters)  
10 explicitly commands:

11 *"Water-only residential fire sprinkler systems with no other backflow hazards that are*  
12 *constructed as a flow-through system will not require backflow protection at the point of*  
13 *service."* [Exhibit Graves 6]

14 As established by expert testimony, Complainant's property utilizes an approved, passive  
15 purge flow-through configuration that loops water dynamically to prevent stagnation (Tr. 121:16–  
16 122:4). This modern engineering approach was explicitly verified by Stockton Assistant Fire  
17 Marshal Phil Simon, who confirmed in a December 15, 2025 communication that following the  
18 2011 building code updates, the City of Stockton Fire Department and Cal Water jointly agreed to  
19 allow these exact alternative circulation methods specifically connecting fire lines to a household  
20 toilet via a passive purge connection to eliminate the need for unsightly and expensive backflow  
21 assemblies in residential front yards [Exhibit Graves 6].

22 By demanding a blanket backflow overhaul on a standard, flow-through residential  
23 system, Cal Water is not only violating the Commission's Mark III directive, but they are also  
24 actively violating their own company-wide policy manual and their specific localized agreements  
25 with the City of Stockton Fire Department [Exhibit Graves 6]. The POD did not dismantle  
26 proactive prevention; it merely held Cal Water to the exact site-specific evaluation standards  
27 mandated by Mark III and Cal Water's own engineering guidelines.

1           **X.     Cal Water's Unwarranted Jurisdictional Attack and False Claims of**  
2           **Regulatory Deference**

3           In its final argument, Cal Water shifts from legal error into an open assault on the  
4 Commission's regulatory authority. Under Section D of its appeal, Cal Water aggressively claims  
5 that the POD "oversteps the Commission's regulatory role" and "unlawfully usurps the  
6 jurisdiction of the State Water Board" by substituting its own judgment on technical public health  
7 matters. To pull off this deception, Cal Water clings to a single piece of informal, extra-judicial  
8 email correspondence from a State Water Board representative, written long before the  
9 evidentiary hearing, which casually remarked that Cal Water appeared to follow the Cross-  
10 Connection Control Policy Handbook (CCCPH). Cal Water boldly argues that this informal email  
11 is "dispositive, record evidence" that strips the Commission of its power, asserting that the  
12 Commission must blindly defer to this staff-level opinion rather than honor the extensive factual  
13 record developed during a formal hearing. This argument is an absolute distortion of  
14 administrative law and an insulting attempt to intimidate the trier of fact.

15           Cal Water's demand for absolute deference completely misrepresents the separate and  
16 distinct jurisdictions of the State Water Resources Control Board (SWRCB) and this  
17 Commission. While the SWRCB sets broad environmental health policies through the CCCPH  
18 [Exhibit CW 4], it is the California Public Utilities Commission that possesses exclusive, primary  
19 jurisdiction to adjudicate disputes regarding whether an investor-owned utility is misapplying its  
20 specific tariffs to unlawfully discriminate against, overcharge, or abuse its monopoly power over  
21 a ratepayer. The POD did not act as a "secondary health department," nor did it issue a "lay  
22 opinion" on public health. Rather, the Presiding Officer performed the exact judicial duty  
23 mandated by state law: she weighed Cal Water's vague, speculative assertions against a mountain  
24 of hard, uncontradicted evidence, including specific photographs, municipal permits, and the  
25 expert standards set by utility peers like American Water [Exhibit Graves 12; Exhibit Graves 13].

26           The informal email Cal Water highlights were completely hollowed out by the evidence  
27 uncovered during the evidentiary hearing. A staff member's initial, cursory email written in a  
28 vacuum cannot retroactively sanitize Cal Water's subsequent exposed administrative failures.

1 Under cross-examination at the hearing, Cal Water's own expert openly admitted that their "high-  
2 hazard" loop-through theory is driven entirely by property deeds and legal ownership rather than  
3 real-world physical hydraulics confessing that the alleged "health threat" instantly vanishes if the  
4 exact same buildings are held by different legal entities (Tr. 199:22-200:3). Furthermore, the  
5 record established that standard industry practice involves a disciplined, structured field  
6 assessment of actual plumbing lines [Exhibit Graves 13], a process Cal Water completely  
7 abandoned. The POD did not reject the CCCPH; it rejected Cal Water's lazy, speculative, and  
8 discriminatory application of it. For Cal Water to demand that this Commission abdicate its  
9 judicial oversight in favor of an un-adjudicated, out-of-context staff email is legally supportable  
10 by nothing, and represents an open demand for unbridled monopoly overreach that this  
11 Commission must firmly reject.

## 12 13 **XI. CONCLUSION AND REQUEST FOR RELIEF**

14 Cal Water's appeal is a multi-layered attempt to substitute manufactured panic, procedural  
15 violations, and arbitrary property-deed enforcement for the physical realities of plumbing  
16 engineering. As established by the supreme authority of the USC Foundation's Chief Engineer, a  
17 true cross-connection hazard requires an existing, physical structural arrangement of "used water"  
18 loops to hydraulically compromise a water system [Exhibit Graves 7]. Cal Water's own expert  
19 conclusively destroyed their "high-hazard public crisis" narrative by admitting on the record that  
20 their loop-through theory is based entirely on a customer's property title and future legal  
21 autonomy, rather than existing physical pipes openly conceding that the alleged threat instantly  
22 vanishes if the structures are held by separate legal entities (Tr. 197:13-21), (Tr. 199:22-200:3).  
23 Furthermore, the disciplined administrative records of industry peers like American Water prove  
24 that conducting structured field evaluations and verifying public municipal permits is a standard,  
25 achievable utility practice, completely refuting Cal Water's complaints of an "impossible financial  
26 burden" [Exhibit Graves 12; Exhibit Graves 13].

27 Cal Water's last-ditch plea to block the immediate restoration of water service and drag  
28 this matter into an endless remanded investigation is a bad-faith attempt to escape the

consequences of their own failed case. Cal Water has already had multiple field inspections and a full evidentiary hearing to prove a hazard exists on this level lot; they failed entirely to do so because the uncontradicted photographic evidence and official city building permits confirm these structures are independent, non-interconnected premises. Under California administrative practice, if a party fails to address or challenge specific, material evidence in their appeal, they waive their right to contest it. Because Cal Water's brief completely fails to address its own Chief Engineer's directive and the Stockton Fire Marshal's determination, it has legally conceded that those technical facts are true and correct. A public utility cannot unlawfully shut off a ratepayer's drinking water based on speculative guesswork, lose its case at an evidentiary hearing, and then demand a second bite at the apple to conduct the very investigations it was too lazy to perform years ago.

Ultimately, Cal Water's appeal is essentially asking the Commission to pretend the evidentiary hearing never happened. The Commission must be guided by the governing standard of review: ALJ's factual determination cannot be overturned if it is supported by "substantial evidence" in the record. Because this record contains uncontradicted expert testimony, local fire authority letters, and Cal Water's own internal documents proving an RPZ is completely unnecessary, the ALJ's ruling is legally ironclad. The Presiding Officer did not create an "impossible burden" or issue a "lay opinion"; she properly executed her judicial duty by holding Cal Water to its regulatory burden of proof and stopping an egregious case of monopoly overreach.

For the foregoing reasons, Complainant respectfully requests that the Commission reject Cal Water's manufactured panic, deny their appeal in its entirety, and firmly UPHOLD the Presiding Officer's Decision directing the immediate restoration of Complainant's water meters without arbitrary, unsupportable backflow conditions.

Dated: July 21, 2026

Respectfully submitted

Signed:

KaDa Games