BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of Union Pacific Railroad Company, d/b/a Keene Water System (U0434W) for Adjustments to Revenue Requirement, Rate Design, and Rates.	Application No. 25-03-016
And Related Matter.	Application No. 25-03-017

COMMENTS OF CLEAN WATER ACTION ON ADMINISTRATIVE LAW JUDGE'S RULING ALLOWING COMMENTS ON THE TENTATIVE PROCEEDING SCHEDULE

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November 6, 2026

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Pursuant to the *Administrative Law Judge's Ruling Allowing Comments on the Tentative Proceeding Schedule*, issued on October 23 and again on October 27, 2026 ("Ruling"), Clean Water Action ("CWA") submits the following comments.

CWA's October 23, 2026 comments on the *Administrative Law Judge Ruling Notifying the Parties of His Intent to Take Official Notice and Allowing the Parties to Comment* recommended dismissal of the applications without prejudice, as moved in the October 31, 2025 Motion to Dismiss filed jointly with Cal Advocates, the National Chavez Center, and the Dolores Huerta Foundation. Alternatively, the proceeding should remain in abeyance until the completion of Provost & Pritchard Consulting Group ("P&P")'s feasibility analysis and test-well siting analysis work.

CWA echoes Cal Advocates' November 2, 2026 email to the service list, in which Cal Advocates noted that P&P issued a draft Water System Improvements Feasibility Study on October 30, 2026 and is requesting submission of stakeholder comments by November 30. The State Water Resources Control Board ("SWRCB") also stated in its September 2, 2026 letter to the California Public Utilities Commission ("Commission") that it "intends to fund" P&P's completion of test-well siting analysis and engineering designs,[1] which are still outstanding.

[1] SWRCB's September 2, 2026 letter to the Commission regarding the Union Pacific Railroad Company ("UPRR") - Keene Water System Project, pp. 2, 4.

The Ruling contemplates dividing the proceeding into two tracks and addressing the withdrawal application first. But if the Commission moves forward with the withdrawal application prior to the completion of this work by P&P, the question of whether safe alternative water sources are available in Keene will remain unanswered. CWA reiterates that the proceeding should remain in abeyance until P&P's work is completed. We also reiterate that, once P&P's test-well siting analysis and engineering designs are made public, the Commission should direct UPRR to fund of the drilling of test wells at its shareholders' expense, consistent with the Commission's direction to UPRR in Decision 06-07-034. If the Commission proceeds with the withdrawal application, CWA requests an opportunity to supplement its direct testimony or offer sur-rebuttal testimony after UPRR submits its rebuttal testimony.

CWA appreciates the opportunity to provide comments on the Ruling and urges the Commission to consider the October 31, 2025 Joint Motion to Dismiss. If the Joint Motion to Dismiss will not be ruled on, we urge the Commission to continue to hold the proceeding in abeyance as more information on alternative water sources is gathered. The residents of Keene's statutorily mandated human right to water[2] must be upheld and the Commission must play a proactive role in upholding it.

Dated: November 6, 2026

Respectfully submitted,

/s/

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[2] Wat. Code Section 106.3.