

A.26-01-001
Administrative Law Judge Amin Nojan

SWS-015
Rule No. 14.1 Water Shortage Contingency Plan

Rule No. 14.1

WATER SHORTAGE CONTINGENCY PLAN

(C)

Suburban Water System's water supply may be interrupted or reduced due to a variety of circumstances, for instance, a drought or a catastrophic event, such as an earthquake or fire that damages water delivery and storage facilities, or a power outage that affects water treatment or the pumping of water to customers, or in response to legal or court imposed restrictions. This Water Shortage Contingency Plan ("Plan") enables Suburban Water System ("Suburban") to respond effectively to a wide variety of water supply conditions or catastrophic events that cause severe water shortages from time to time.

(C)

A. GENERAL INFORMATION

This rule is applicable within all areas served by Suburban.

Should supply conditions or government directives dictate, prior to, or in response to, a declaration of emergency issued by a water wholesaler or other government agency, Suburban may request permission from the California Public Utilities Commission ("CPUC") to add a Schedule No. 14.1 – Staged Water Shortage Contingency Plan setting forth charges for water waste and drought surcharge rates applicable to quantities of water consumed.

All expenses incurred, and penalties received by Suburban to implement Rule No. 14.1 and Schedule No. 14.1 and requirements of the California State Water Resources Control Board ("SWRCB") that have not been authorized for recovery in a General Rate Case or other proceeding shall be accumulated in a separate memorandum account, authorized in Resolution W-4976, for disposition as directed or authorized from time to time by the Commission.

To the extent that a Stage of Water Shortage Contingency Plan in Schedule No. 14.1 has been activated, and a provision of this Rule is inconsistent with the activated Stage in Schedule No. 14.1, the provisions of Schedule No. 14.1 apply.

Suburban shall make available to its customers water conservation kits as required by Rule 20. Suburban shall notify all customers, at least annually, of the availability of conservation kits and other helpful information via bill inserts, bill messages, or direct mailers.

B. DEFINITIONS

- 1. "Authorizing Agency" means any agency that supplies, controls or allocates the water supply to Suburban or any governmental body that authorizes Suburban to produce and sell water in the service area, or Suburban itself if acting in accordance with Section E of this Rule.

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(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly
Name

Date Filed MAY 22 2015

Decision No.

Vice President
Title

Effective AUG - 1 2015

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

B. DEFINITIONS (Continued)

- 2. "Commission" means the California Public Utilities Commission.
- 3. "Conservation" means normal actions necessary to reduce the purchase, production, or consumption of potable water, including applicable Best Management Practices, while maintaining customary levels of service and public health and safety.
- 4. "Flow Restrictor" means a device placed into the water distribution system by Suburban that restricts the volume of flow to the customer with a minimum of three hundred cubic feet ("ccf"; one ccf = 748 gallons) per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
- 5. "Measurable rainfall" means any amount of precipitation of more than one-tenth of an inch (0.1")
- 6. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by Suburban.
- 7. "Potable water" means water that is suitable for drinking.
- 8. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
- 9. "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events. (N)
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(N)

C. WATER SHORTAGE CONTINGENCY PLAN

Wasteful water use practices, as outlined in Section D of this Rule, are prohibited at all times except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency. Notwithstanding these prohibitions, Suburban may elect to enact additional prohibited uses as needed. No customer shall use Suburban supplied water for non-essential or prohibited uses as identified by the Commission or Suburban.

- 1. Prior to, or in response to, a declaration of emergency issued by a government agency or the need to reduce usage in an effort to stay within governmental or court ordered restrictions; Suburban may request, via a Tier 2 advice letter, a Schedule No. 14.1 – Staged Water Shortage Contingency Plan Tariff. Suburban may also request in the advice letter a lost revenue and/or conservation implementation cost memorandum account(s) to record related variances from that previously considered in a General Rate Case or other proceeding.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 369-W

Craig D. Gott
Name

Date Filed 06/16/2022

Decision No.

President
Title

Effective 07/20/2022

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

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C. WATER SHORTAGE CONTINGENCY PLAN (Continued)

(C)

2. Suburban shall file a Tier 2 advice letter to request activation of Schedule No. 14.1-Staged Water Shortage Contingency Plan Tariff, unless Suburban requests activation of Schedule No. 14.1 at the same time as requesting modification of the current Rule No. 14.1 or establishment of a new Rule No. 14.1 as per paragraph C.1 above.
3. Once a Schedule No. 14.1 is activated, Suburban can file a Tier 2 advice letter to designate a particular stage of the Staged Water Shortage Contingency Plan under the following circumstances:
 - a. If Suburban is unable to meet the production limitations as set by governmental and/or court orders under the currently implemented plan level, or
 - b. If the Commission, or other government agency declares an emergency requiring mandatory water use restrictions, or
 - c. If a government agency declares a state of emergency in response to severe drought conditions, earthquake or other catastrophic event that severely reduces Suburban's water supply, or
 - d. If conservation levels set by the Commission, Suburban, or government agency are insufficient.
4. After Schedule No. 14.1 has been activated and Suburban determines that water supplies are again sufficient to meet demands, and staged reduction measures are no longer necessary, Suburban shall seek Commission authority via a Tier 2 advice letter to de-activate the particular stage of reduction that was previously authorized.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W-A

Robert L. Kelly

Date Filed MAY 22 2015

Name

Decision No. _____

Vice President

Effective AUG - 1 2015

Title

Resolution No. _____

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGE 1 WATER CONSERVATION - Non-Essential or Unauthorized Water Use

The following are non-essential or prohibited water uses. Non-essential and prohibited use restrictions are in effect at all times until Commission authorizes deactivation.

a. Outdoor Irrigating Restrictions (Stage 1)

- i. Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week, on a schedule established and posted by Suburban on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:
 - 1. Customer with even-numbered addresses may irrigate on Mondays, Wednesdays, and Saturdays.
 - 2. Customers with odd-numbered addresses may irrigate on Tuesdays, Thursday, and Sundays.
 - 3. For governmental entities irrigating parks, any given station may be watered only three (3) times per week.
 - 4. Customers without a street address may irrigate on Saturdays, Tuesdays, and Thursdays.
 - 5. Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Suburban with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions.
 - 6. Notwithstanding the foregoing restrictions, when a city, a county, or other local public agency in one of Suburban's service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate which are different than those adopted by Suburban, Suburban may enforce the city, county, or other local public agency's restrictions.
- ii. Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly
Name

Date Filed MAY 22 2015

Decision No.

Vice President
Title

Effective AUG 1 2015

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGE 1 WATER CONSERVATION - Non-Essential or Unauthorized Water Use
(Continued)

- iii. Watering or irrigating of any lawn, landscape, or other vegetated area with potable water during and for 48 hours following measurable rainfall is prohibited.
- iv. Prohibit the irrigation of non-functional turf at commercial, industrial, and institutional sites. (L,T)
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- a. Notwithstanding with section iv above, the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- b. Notwithstanding with section iv above, an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- v. The foregoing restrictions do not apply to:
 - 1. Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
 - 2. Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system. Landscape that is irrigated with recycled water.
- b. Excessive water flow or run-off.
Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
- c. Washing vehicles.
The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it is prohibited. Use of water for washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles at any time is prohibited, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use.

(Continued)

(To be inserted by utility)
Advise Letter No. 390-W

Issued by
Craig D. Gott
Name
President
Title

(To be inserted by Cal. P.U.C.)
Date Filed 04/14/2023

Decision No.

Effective 05/01/2023

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGE 1 WATER CONSERVATION - Non-Essential or Unauthorized Water Use
(Continued)

- d. Washing down hard or paved surfaces. Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard surfaced areas is prohibited, except in cases where health and safety are at risk. (L)
- e. Re-circulating water required for water fountains and decorative features. Operating a water fountain or other decorative feature that does not use re-circulated water is prohibited. (L)
- f. Commercial businesses, including restaurants and other food service providers can only serve drinking water to customers on request.
- g. Hotel/motel operators must provide guests with the option of choosing not to have towels and linens laundered daily. Information about this option must be prominently displayed.
- h. Unmetered water from fire hydrants cannot be used for any reason other than fire suppression or Suburban’s system maintenance purposes.
- i. Waste caused by correctable leaks, breaks or malfunctions. This loss of potable water may be cited for water waste after a five-day period has passed in which the leak or malfunction could have been corrected.
- j. There cannot be unreasonable or excessive use of potable water for dust control or earth compaction.
- k. Operation of commercial car washes that do not recycle the potable water used as required by the California Water Code Sections 10950-10953 is prohibited.
- l. Other wasteful practices may be identified from time to time by the Commission, Suburban, or governmental agency.

When wasteful uses of water are reported to Suburban or when Suburban observes wasteful uses of water, Suburban shall provide the customer with a written notice of violation. Written notices of violation provided to customers pursuant to this Rule shall document the verified violation and alert the customer to the fact that future violations may result in penalties and after the fourth violation the installation of a flow restrictor. If Suburban verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Suburban shall provide the customer with a second written notice of violation and the customer will be charged a waste of water penalty at varying amounts depending on the stage then in effect. A third violation will result in a further increased waste of water penalty. Suburban shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restrictor.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 390-W

Craig D. Gott
Name

Date Filed 04/14/2023

Decision No.

President
Title

Effective 05/01/2023

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGE 1 WATER CONSERVATION - Non-Essential or Unauthorized Water Use
(Continued)

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Subsequent continued wasteful water use practices may lead to the termination of water service to the premises pursuant to Tariff Rule No. 11.

E. ENFORCEMENT STAGES OF WATER SHORTAGE CONTINGENCY PLAN

1. Notice Requirements for Stages 1 – 4:
 - c. Suburban shall provide written notice of enforced water use restrictions to every Customer via first-class mail at least thirty (30) days before the activation of an enforcement stage.
2. Enforcement Stages shall be implemented according to a need as determined by Suburban. Activation will be requested through the filing of a Tier 2 advice letter, and Suburban shall notify its customers and provide each customer with the requirements of a particular stage by means of bill insert, bill message or direct mailing, and by message on Suburban’s website. Notification shall take place prior to imposing any penalties associated with this plan.
3. If activation of Schedule No. 14.1 occurs one year or more since the public hearing associated with adding Schedule No. 14.1 to its tariffs, then Suburban shall conduct a public hearing pursuant to California Water Code Section 351 prior to activating a stage of its Water Shortage Contingency Plan.

F. STAGE 1 - WATER SHORTAGE CONTINGENCY PLAN

1. Conservation Measures: Prohibition on the non-essential or unauthorized uses of water identified in Section D.
2. Stage 1 Triggers:
 - a. Stage 1 shall be in effect at all times.
3. Rates: Staged Water Shortage Contingency Plan Schedules shall not be in place in this stage.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 390-W

Craig D. Gott
Name

Date Filed 04/14/2023

Decision No.

President
Title

Effective 05/01/2023

Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

G. STAGE 2 - WATER SHORTAGE CONTINGENCY PLAN

1. A Stage 2 condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Water Shortage Contingency Plan will be enacted upon a determination that water usage should be further reduced from then current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stage 1 are insufficient in complying with the necessary reduction; and/or that a government agency requests implementation of this stage to meet physical supply limitations.
2. Additional Water Shortage Contingency Plan Measures: In addition to the non-essential or unauthorized uses of water identified in Stage 1, the following water use restriction requirements apply during Stage 2 of the Water Shortage Contingency Plan, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - d. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within seventy-two (72) hours of notification from Suburban.
3. Rates: Suburban shall implement a Commission-approved Schedule No. 14.1 Staged Water Shortage Contingency Plan.

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(To be inserted by utility)
Advise Letter No. 390-W
Decision No.

Issued by
Craig D. Gott
Name
President
Title

(To be inserted by Cal. P.U.C.)
Date Filed 04/14/2023
Effective 05/01/2023
Resolution No.

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

(C)

H. STAGE 3 - WATER SHORTAGE CONTINGENCY PLAN

(C)

1. A Stage 3 Water Shortage Contingency Plan condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 3 will be enacted upon a determination that water usage should be reduced further from then current levels, that a temporary water emergency exists, necessitating implementation or that the requirements in Stage 1 and 2 are insufficient in complying with the necessary reduction. Additional Water Shortage Contingency Plan measures: In addition to the prohibited uses of water identified in Stage 1, and 2, the following additional water restrictions apply during a declared Stage 3 Water Shortage Contingency Plan except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- a. Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two (2) days per week. Maintenance of vegetation, including trees and shrubs, watered by use of a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device is permitted. The watering days restriction does not apply to the following categories of use, unless Suburban has determined that recycled water is available and may be applied to the use:
 - i. Maintenance of existing landscape necessary for fire protection;
 - ii. Maintenance of existing landscape for soil erosion control;
 - iii. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - iv. Recycled water is in use.

This overall provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour.

- 1. Requirements imposed by Stage 1 and Stage 2 shall remain in force during Stage 3.
- 2. Customers shall not use potable water for dust control purposes except by prior approval.
- 3. Rates: Suburban shall continue to implement Commission approved Schedule No. 14.1 – Staged Water Shortage Contingency Plan.

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(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly
Name

Date Filed MAY 22 2015

Decision No. _____

Vice President
Title

Effective AUG -1 2015

Resolution No. _____

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

(C)

I. STAGE 4 - WATER SHORTAGE CONTINGENCY PLAN

(C)

1. A Stage 4 Water Shortage Contingency Plan condition is also referred to as an "Emergency" Condition. A Stage 4 condition exists when it is determined that a critical water shortage emergency exists or that the measures in Stage 1 through 3 are ineffective in complying with a necessary reduction and/or that a governmental agency requests implementation of this stage to meet physical supply limitations.
2. All requirements imposed by Stages 1 through 3, except for rates, shall remain in force during Stage 4. In addition, the following water conservation requirements apply during Stage 4 except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - a. **Obligation to Fix Leaks, Breaks, or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired immediately upon notification from Suburban unless other arrangements are made with Suburban.
 - b. **Flow restrictors.**
Suburban is authorized to install a flow restrictor on the customer's service line. The installation of a flow restrictor is subject to the following conditions:
 - i. The device shall be capable of providing the premise with a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
 - ii. The device may only be removed by Suburban, and only after a minimum three-day period has elapsed.
 - iii. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to Suburban's equipment or facilities and any required service visits.

(C)

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly
Name

Date Filed MAY 22 2015

Decision No. _____

Vice President
Title

Effective AUG 1 2015

Resolution No. _____

Rule No. 14.1
(Continued)

SUPPLEMENT

WATER SHORTAGE CONTINGENCY PLAN

(C)

I. STAGE 4 - WATER SHORTAGE CONTINGENCY PLAN (Continued)

(C)

i. After the removal of the device, if Suburban verifies that the customer is using potable water for non-essential, wasteful uses, Suburban may install another flow restrictor without prior notice. This device may remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Suburban verifies that the customer is using potable water for non-essential and unauthorized wasteful uses, then Suburban may discontinue the customer's water service as provided in its Rule No. 11.

a. Flow restrictor removal charges.

The charge to customers for removal of a flow restrictor installed pursuant to this rule is \$100 during normal business hours, and \$150 for the device to be removed outside of normal business hours.

b. Rates: Suburban shall continue to implement the Commission approved Schedule No. 14.1 – Staged Water Shortage Contingency Plan.

J. ENFORCEMENT

1. Each Stage of this rule establishes certain restrictions on the use of potable water. Violating the restrictions set forth in a particular Stage while it is in effect is declared a non-essential, wasteful use of potable water.
2. Suburban will work closely with local law enforcement and public agencies charged with enforcing the mandatory water use restrictions.
3. When it is verified by Suburban personnel or a Suburban contractor that a customer is using water for any non-essential or unauthorized use as defined in Stages 1 through 4 above, Suburban will provide the customer with a written notice of violation. Suburban may then begin to issue penalties in accordance with its Water Shortage Contingency Plan Schedule No. 14.1.

(C)

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W-A

Robert L. Kelly

Date Filed MAY 22 2015

Name

Decision No.

Vice President

Effective AUG - 1 2015

Title

Resolution No.

SLIP/SUB SHEET

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

(C)

J. ENFORCEMENT (Continued)

(C)

1. After a series of written notices and penalties, Suburban may elect to install a flow restrictor on a customer's service line. The customer will be notified that the flow restrictor may be installed for the duration of the enforcement stage of the Water Contingency Plan.
2. The flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall be capable of providing the premise with a minimum of 3 Ccf/person/month based upon the U.S. Census calculations of the average number of people in a household in the area. The restricting device may only be removed by Suburban after a minimum three-day period has elapsed, and only after payment of the appropriate removal charge as set forth in Schedule No. 14.1.
3. Tampering with the flow restrictor further violations of prohibited uses may result in discontinuance of water service under Rule 11.
4. All monies collected by Suburban through surcharges, shall be booked to the Water Revenue Adjustment Mechanism (WRAM) balancing accounts or a memorandum account to offset recovery of lost revenues. All expenses incurred, and penalties received by Suburban to implement Rule No. 14.1 and Schedule No. 14.1 that have not been authorized for recovery in a General Rate Case or other proceeding, shall be recoverable by Suburban if determined to be reasonable by Commission. These additional monies shall be accumulated by Suburban in a memorandum account for disposition as directed or authorized from time to time by the Commission.

K. APPEAL PROCEDURE

1. Any customer who seeks a variance from any of the provisions of this water conservation and water use restriction plan, including any health and safety exceptions, or seeks a remedy to any of the actions of Suburban in regards to this plan, shall notify Suburban in writing, explaining in detail the reason for such a variance or remedy. Suburban shall respond to each such request in writing.

(C)

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly

Date Filed MAY 22 2015

Name

Decision No. _____

Vice President

Effective AUG -1 2015

Title

Resolution No. _____

Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

(C)

L. PUBLICITY

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- a. When Suburban requests authorization of Schedule No. 14.1 – Water Shortage Contingency Plan tariff, via a Tier 2 advice letter, it shall provide notice of the Tier 2 advice letter and associated public meeting provided to customers, per Resolution W-4976, and shall comply with all requirements of Sections 350-358 of the California Water Code (CWC), including but not limited to the following:
 - a. In order to be in compliance with both General Order 96B and CWC, Suburban shall provide notice via both newspaper and bill message/direct mailing.
 - b. Suburban shall file one notice for each advice letter filed, that includes both notice of the filing of the Tier 2 advice letter as well as the details of the public meeting (date, time, place, etc.).
 - c. The public meeting shall be held after Suburban files the Tier 2 advice letter, and before the Commission authorizes implementation of the tariff.

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W-A

Robert L. Kelly

Date Filed MAY 22 2015

Name

Decision No. _____

Vice President

Effective AUG - 1 2015

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Rule No. 14.1
(Continued)

WATER SHORTAGE CONTINGENCY PLAN

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L. PUBLICITY (Continued)

- b. In the event that the Schedule No. 14.1 - Water Shortage Contingency Plan is triggered, and Suburban requests activation through the filing of a Tier 2 advice letter, Suburban shall notify its customers and provide each customer with the additional requirements of the particular stage by means of bill insert, bill message or direct mailing. Notification shall take place prior to imposing any penalty rates associated with this plan.
- c. Suburban shall notify Customers via press releases, and messages on Suburban's website, of the effective date of any change in Stages either moving up Stages, e.g. from Stage 2 to Stage 3, or moving down Stages, e.g. from Stage 3 to Stage 1. Notification will occur at least one week before any penalties are levied or drought surcharges are enacted. In addition, Suburban shall maintain communication with Customers regarding the ongoing water supply situation and related conservation requirements.

(C)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advise Letter No. 311-W

Robert L. Kelly

Date Filed MAY 22 2015

Name

Decision No. _____

Vice President

Effective AUG - 1 2015

Title

Resolution No. _____