



August 10, 2015

**Advice Letter No. 2191**

**CALIFORNIA WATER SERVICE COMPANY (U 60 W)**

To The Public Utilities Commission of the State of California:

California Water Service Company (“Cal Water”) hereby transmits for filing the following changes in its tariffs, applicable to all districts:

CPUC Sheet No.	Title of Sheet	Schedule No.	Cancelling CPUC Sheet No.
xxxxx-W	Preliminary Statement AS	Prel. Stat. AS	n/a
xxxxx-W	Table of Contents (Page 1)	Not Applicable	xxxxx-W

**Summary**

This advice letter requests approval to add a new preliminary statement for the Asbestos Litigation Memorandum Account (“ALMA”) to its tariff. The Commission authorized creation of the ALMA in Ordering Paragraph 2 of Decision (D.) 15-05-045.

Cal Water is filing this as a Tier 2 advice letter and, consistent with D.15-05-045 requests an effective date of January 1, 2015.

**Background**

On September 3, 2014, Cal Water filed an application requesting the creation of an Asbestos Litigation Memorandum Account (“ALMA”) to record expenses related to current and future asbestos litigation (Application 14-09-003). On February 6, 2015, Cal Water and the Office of Ratepayer Advocates (“ORA”) submitted a motion to approve a Settlement Agreement resolving all disputed issues in the proceeding. The Commission approved the Agreement in its entirety in D.15-05-045 on May 27, 2015.

**Discussion**

Ordering Paragraph 2 of D.15-05-045 states as follows:

2. California Water Service Company (Cal Water) is authorized to establish the Asbestos Litigation Memorandum Account to track costs related to litigation arising from alleged exposure to asbestos from asbestos cement water pipes in Cal Water’s service areas, by filing a Tier 2 advice letter to add the Asbestos Litigation Memorandum Account to the Prehearing Statement in its tariffs.



In addition, Attachment 1 to the Settlement Agreement adopted in D.15-05-045 includes a “Draft Preliminary Statement” for the ALMA. The proposed Preliminary Statement AS in this advice letters mirrors the language in Attachment 1.

### **Tier Designation**

Consistent with Ordering Paragraph 2 of D.15-05-045, this advice letter is being submitted as a Tier 2 advice letter.

### **Requested Effective Date**

Per General Order 96-B, this tier 2 advice letter will be deemed approved 30 days after filing, or on September 9, 2015, unless suspended. In addition, as indicated in footnote 3 of D.15-05-045, “[u]nder the Settlement, the Parties agree that the Commission should authorize Cal Water to track asbestos litigation-related costs incurred on or subsequent to January 1, 2015....”

### **Notice**

*Customer Notice* – Customer notice of this advice letter is not required under General Order 96-B.

*Service Lists* – In accordance with General Order 96-B, General Rule 4.3 and 7.2 and Water Industry Rule 4.1, a copy of this advice letter will be mailed or electronically transmitted on August 10, 2015, to competing and adjacent utilities and other utilities or interested parties having requested such notification.

### **Response or Protest**

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (1) The utility did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions;
- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding; or
- (5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or
- (6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided that such a protest may not be made where it would require relitigating a prior order of the Commission.)

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received by the Division of Water and Audits within 20 days of the date this advice letter



**CALIFORNIA WATER SERVICE COMPANY**

Advice Letter 2191 – Asbestos Litigation Memo Account – Preliminary Statement AS

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is filed. The advice letter process does not provide for any responses, protests or comments, except for the utility's reply, after the 20-day comment period. The address for mailing or delivering a protest is:

Tariff Unit, Division of Water and Audits, 3<sup>rd</sup> floor  
California Public Utilities Commission,  
505 Van Ness Avenue, San Francisco, CA 94102  
[water\\_division@cpuc.ca.gov](mailto:water_division@cpuc.ca.gov)

On the same date the response or protest is submitted to the Division of Water and Audits, the respondent or protestant shall send a copy by mail (or e-mail) to us, addressed to:

Darin Duncan  
California Water Service Company  
1720 North First Street,  
San Jose, California 95112  
Fax 408/367-8430 or  
E-mail [dduncan@calwater.com](mailto:dduncan@calwater.com)

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Division of Water and Audits, within the 20-day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

**Replies**

The utility shall reply to each protest and may reply to any response. Each reply must be received by the Division of Water and Audits within 5 business days after the end of the protest period, and shall be served on the same day to the person who filed the protest or response. If you have not received a reply to your protest within 10 business days, contact California Water Service Company at 408/367-8200.

CALIFORNIA WATER SERVICE COMPANY

/s/

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Natalie D. Wales  
Regulatory Counsel

Enclosures

cc: Ting-Pong Yuen, ORA

**CALIFORNIA PUBLIC UTILITIES  
COMMISSION  
DIVISION OF WATER AND AUDITS  
Advice Letter Cover Sheet**

(Date Filed / Received Stamp by CPUC)

<b>AL #2191</b>	<b>Date Mailed to Service List:</b> August 10, 2015	<b>Requested Effective Date:</b> January 1, 2015		<b>Requested Tier:</b> <input type="checkbox"/> Tier 1 <input checked="" type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3	
<b>Replacing AL#:</b>	<b>Authorized by:</b> D.15-05-045	<b>Compliance Filing?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Rate Impact</b>	\$	N/A
			%	N/A	
<b><u>The public has 20 days from Date Mailed (above) to protest this advice letter. If you chose to protest or respond to the advice letter, send Protest and/or Correspondence within 20 days to:</u></b>			Director Division of Water and Audits 505 Van Ness Ave. San Francisco, CA 94102		
<b><u>and if you have email capability, also email to:</u></b>			<a href="mailto:water_division@cpuc.ca.gov">water_division@cpuc.ca.gov</a>		
<b><u>Your protest also must be served on the Utility</u></b>			(see attached advice letter for more information and grounds for protest)		
<b>Company Name:</b> California Water Service Company				<b>CPUC Utility Number:</b> WTA U-60-W	
<b>Address:</b> 1720 North First Street					
<b>City, State, Zip:</b> San Jose, CA 95112					
<b>Contact Name:</b>		<b>Phone No.</b>	<b>Fax No.</b>	<b>Email Address:</b>	
Filer	NATALIE WALES	408-367-8566	408-367-8340	<a href="mailto:nwales@calwater.com">nwales@calwater.com</a>	
Alternate	DARIN DUNCAN	408-367-8227	408-367-8340	<a href="mailto:dduncan@calwater.com">dduncan@calwater.com</a>	
<b>Description:</b> In this space or on the back of this form: 1. Explain justification for requested Tier – Ordering Paragraph 2 of D.15-05-045 2. Describe service affected and how it is affected – Addition of a preliminary statement to Cal Water's tariff. 3. Describe differences from related Advice Letters (Similar service, replacement filing) – n/a					
<b>(FOR CPUC USE ONLY)</b>					
WTS Budget/Activity/Type  _____/_____/_____			Process as: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3		
			20th Day		30th Day
<b>Project Manager:</b>			<b>Suspended on:</b>		
<b>Analyst:</b>			<b>Extended on:</b>		
<b>Due Date:</b>			<b>Resolution No.:</b>		
<b>Completion Date:</b>			<b>AL/Tariff Effective Date:</b>		

## Appendix 1 - Tariff Sheet Changes in Advice Letter 2191

Rate Schedule	New/Revised CPUC Sheet No.	Title of Sheet	Cancelling CPUC Sheet No.
Prel. Stat. AS	XXXXX -W	Preliminary Statement AS	XXXXX -W
TofC Pg. 1	XXXXX -W	Table of Contents (Page 1)	XXXXX -W

**Table of Contents (Page 1 of 5)**

The following listed tariff sheets contain all effective rates and rules affecting the rates and service of the Utility together with information relating thereto:

<u>Sheet Subject Matter</u>	<u>Cal. P.U.C. Sheet No.</u>
Title Page .....	5613-W
Table of Contents .....	XX-XXXXX-XXXXX-XXXXX-XXXXX-10197-10452-10212-2926-W ( C )
Preliminary Statement A .....	9240-8212-W
Preliminary Statement B-D .....	610-W
Preliminary Statement F.....	8312-W
Preliminary Statement H.....	6686-W
Preliminary Statement J2.....	10438-W
Preliminary Statement K.....	7313-W
Preliminary Statement M .....	7345-8372-XXXXX-XXXXX-10604-10488-XXXXX-10480-XXXXX-W
Preliminary Statement M .....	10481-10408-10602-10489-XXXXX-XXXXX-10599-10482-10598-W
Preliminary Statement M .....	10597-10596-10391-XXXXX-10594-10483-10395-10593-10397-W
a .....	7446-W
Preliminary Statement Q.....	10043-W
Preliminary Statement S.....	8013-W
Preliminary Statement T.....	8017-W
Preliminary Statement U.....	8446-W
Preliminary Statement V.....	8154-W
Preliminary Statement W.....	8156-W
Preliminary Statement X.....	8314-W
Preliminary Statement Z1.....	10439-W
Preliminary Statement Z2.....	10440-W
Preliminary Statement AA1.....	10441-W
Preliminary Statement AA2.....	10442-W
Preliminary Statement AB2.....	10443-W
Preliminary Statement AC.....	8637-W
Preliminary Statement AD.....	10451-W
Preliminary Statement AE.....	10444-W,10445-W
Preliminary Statement AF.....	9025-W
Preliminary Statement AG.....	9032-W
Preliminary Statement AI.....	10221-W
Preliminary Statement AJ.....	9671-W
Preliminary Statement AK.....	10101-W
Preliminary Statement AL.....	10208-W
Preliminary Statement AM.....	10446-W
Preliminary Statement AN.....	10447-W
Preliminary Statement AO.....	10448-W
Preliminary Statement AP.....	10449-W
Preliminary Statement AQ.....	10450-W
Preliminary Statement AR.....	10447-W
Preliminary Statement AS.....	xxxxx-W

(continued)

(To be inserted by utility)  
 Advice Letter No. 2191

Issued by  
**PAUL G. TOWNSLEY**

(To be inserted by Cal. P.U.C.)  
 Date Filed \_\_\_\_\_

Decision No. 15-05-045

NAME  
**Vice President**  
 TITLE

Effective \_\_\_\_\_

Resolution No. \_\_\_\_\_

Preliminary Statement

(N)

AS. Asbestos Litigation Memorandum Account (ALMA)

1. PURPOSE

The Asbestos Litigation Memorandum Account ("ALMA") will track costs, settlement payments, judgments and credits related to litigation arising from alleged exposure to asbestos from asbestos-cement ("AC") water pipes in Cal Water's service areas.

2. APPLICABILITY

The ALMA is effective beginning January 1, 2015 through December 31, 2019, unless the California Public Utilities Commission authorizes an extension. The ALMA applies to all districts.

3. ACCOUNTING PROCEDURE

Cal Water shall make the entries described below on a monthly basis. Cal Water shall only record costs for outside services related to defending against asbestos litigation lawsuits and seeking indemnification or cost recovery from insurers, developers, contractors, or other involved parties. Cal Water shall not record any costs for internal services related to defending against asbestos litigation lawsuits and seeking indemnification or cost recovery from insurers, developers, contractors, or other involved parties. Cal Water shall only record the following outside services costs related to asbestos litigation to the memorandum account:

- a. Filing and court fee costs
- b. Attorney fees
- c. Legal representation administrative costs
- d. Legal representation travel costs
- e. Litigation support costs
- f. Investigative costs
- g. Court reporter costs
- h. Deposition costs
- i. Expert witness fees
- j. Expert witness administrative costs
- k. Witness representation costs
- l. Witness travel costs
- m. Insurance coverage attorney costs
- n. Other reasonable and justified costs from outside service providers directly tied to asbestos litigation cases.

(N)

(continued)

(To be inserted by utility)

Advice letter No.   2191  

Issued by

PAUL G. TOWNSLEY

NAME

Vice President

TITLE

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

Date Filed                     

Effective                     

Resolution No.

Preliminary Statement

(N)

AS. Asbestos Litigation Memorandum Account (ALMA) (continued)

3. ACCOUNTING PROCEDURE (continued)

Cal Water may record in the ALMA payments made according to settlement agreements in litigation related to alleged asbestos exposure. Cal Water may record in the ALMA judgments against it in litigation related to alleged asbestos exposure.

Cal Water shall record any recovery or compensation of costs from outside sources as a credit to the memorandum account. Any recovery or compensation of costs recorded in the memo account is to be credited against the costs recorded in the memorandum account, including recovery or compensation received after any expiration of the memorandum account. Costs that shall be treated as a credit in the memorandum account include, but are not limited to:

- a. Developer indemnity
- b. Developer reimbursement of expenses
- c. Developer insurance reimbursement
- d. Contractor indemnity
- e. Contractor insurance reimbursement
- f. Contribution by other defendants
- g. Court awards
- h. Settlement awards

Pursuant to Standard Practice U-27-W ("SP U-27") of the Division of Water & Audits, the ALMA will earn interest at the 90-day commercial paper rate.

4. DISPOSITION

Cal Water shall seek recovery of costs recorded in the memorandum account if triggered under SP U-27, or at the end of the five-year term of the memorandum account. The request shall be in a filing that is in accordance with SP U-27 and General Order 96-B, Water Industry Rule 7.3.3.

(N)

(continued)

(To be inserted by utility)

Advice letter No.   2191  

Issued by

PAUL G. TOWNSLEY

NAME

Vice President

TITLE

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

Date Filed                     

Effective                     

Resolution No.                     

Decision No.   15-05-045





**Antelope Valley District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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JACK L. CHACANACA  
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**Bakersfield District**  
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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**Krista Mutual Water Company**  
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**Victory Mutual Water Company**  
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TIMOTHY RUIZ  
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truiz@eastnilescsd.org

**Casa Loma Water Company**  
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Bakersfield, CA 93307

WATER RESOURCES DEPARTMENT  
**City of Bakersfield**  
1000 Buena Vista Rd  
Bakersfield, CA 93311  
mrandall@bakersfieldcity.us

CITY MANAGER'S OFFICE  
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1600 Truxton Avenue  
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### Bayshore District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Westborough Water District**  
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### Bear Gulch District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Los Trancos Water District**  
1263 Los Trancos Rd  
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**Redwood City Water Department**  
P.O.Box 391  
Redwood City, CA 94064

**City of Menlo Park Water Dept**  
701 Laurel St  
Menlo Park, CA 94025  
jpmcgirr@menlopark.org

**Town of Woodside**  
P.O.Box 620005  
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**Chico District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**Coast Springs District**

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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### **Dixon District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Maine Prairie Water District**  
P.O.Box 73  
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GENERAL MANAGER  
**Solano Irrigation District**  
508 Elmira Rd  
Vacaville, CA 95687  
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FINANCE DEPARTMENT  
**City of Dixon**  
600 East A St  
Dixon, CA 95620



### **Dominguez District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Park Water Company**  
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REGULATORY AFFAIRS  
**Golden State Water Company**  
630 East Foodhill Blvd  
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**City of Long Beach Water Department**  
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**East Los Angeles District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**Hermosa Redondo District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**City of Hawthorne**  
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**Kern River Valley District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

LINDA NG  
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JEREMY CALLIHAN  
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DARLENE STUDDARD, COMMITTEE  
MEMBER  
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**Rob benson**  
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**Jim Davis**  
8824 Cashe  
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**King City District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

TINA DAVIS AND VICKY MILLER  
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**Little Bear Water Company**  
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### Livermore District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Alameda County Flood Control &  
Water Conservation District Zone 7  
Water Agency**  
100 North Canyons Parkway  
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ERIK PETERSON  
**City of Livermore Utility Billing Division**  
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### Los Altos District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

**Santa Clara Valley Water District**  
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**Great Oaks Water Company**  
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VAL CONZET, WATER OPERATIONS  
MANAGER  
**City of Sunnyvale, Water Dept.**  
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**City of Mountain View, Water Dept.**  
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TIM BORDEN  
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### **Marysville District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

DAVE GOTHROW, MGR  
**Linda County Water District**  
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GARY PLASTERER  
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UTILITIES DIRECTOR  
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### **Oroville District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**Palos Verdes District**  
ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Rolling Hills Estates, CA 90274

**City of Rolling Hills**

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**City of Rancho Palos Verdes**

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**Jeffrey Young**

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### Salinas District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Salinas, CA 93905

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**Alco Water Service**  
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Salinas, CA 93905

**Gavilan Water Company**  
644 San Juan Grade Road  
Salinas, CA 93906

TINA DAVIS AND VICKY MILLER  
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CITY ENGINEER  
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### Selma District

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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CITY MANAGER  
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### **Stockton District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**City of Stockton Municipal Utility Dept**  
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**San Joaquin County Board of Supervisors**  
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SARA CORTES  
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### **Visalia District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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### **Westlake District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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**California-American Water Company**  
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### **Willows District**

ADVICE LETTER FILING MAILING LIST  
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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