

**CALIFORNIA PUBLIC UTILITIES COMMISSION
DIVISION OF WATER AND AUDITS**

Advice Letter Cover Sheet

Utility Name: California Water Service Company **Date Mailed to Service List:** 02/10/2020
California Regulated Service Areas
District: Including Travis and Grand Oaks

CPUC Utility #: U-60-W **Protest Deadline (20th Day):** 03/01/2020
Advice Letter #: 2374 **Review Deadline (30th Day):** 03/11/2020
Tier: 1 2 3 **Compliance**
Authorization: General Order 96-B Rule 7.3.2(5) **Requested Effective Date:** 02/10/2020

Description: Request to establish American Water Infrastructure Act (AWIA) Memorandum Account **Rate Impact:** N/A

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

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DWA USE ONLY

DATE

STAFF

COMMENTS

[] APPROVED

[] WITHDRAWN

[] REJECTED

Signature: _____

Comments: _____

Date: _____

**CALIFORNIA WATER SERVICE COMPANY**

1720 NORTH FIRST STREET

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February 10, 2020

Advice Letter No. 2374

To the California Public Utilities Commission:

California Water Service Company (“Cal Water”) respectfully submits this Tier 2 advice letter requesting authority to make the following changes to tariffs applicable to multiple ratemaking areas.

New/Revised CPUC Sheet No.	Title of Sheet	Schedule No.	Cancelling CPUC Sheet No.
xxxxx-W	Preliminary Statement BA		
xxxxx-W	Table of Contents (Page 1)	TOC	xxxxx-W
xxxxx-W	Table of Contents (Page 4)	TOC	xxxxx-W

Purpose

With this advice letter, Cal Water requests authorization from the California Public Utilities Commission (Commission) to establish an American Water Infrastructure Act (AWIA) Memorandum Account (AWIA MA). The AWIA MA will track incremental costs related to compliance with the American Water Infrastructure Act of 2018.

Background

On October 23, 2018, AWIA was signed into law.¹ As relevant here, the law requires community water systems that serve more than 3,300 people to complete a risk and resilience assessment and develop an emergency response plan. It includes components that the risk assessments and emergency response plans must address, and establishes deadlines by which water systems must certify to the United States Environmental Protection Agency (“EPA”) completion of the risk assessment and emergency response plan.

Under AWIA, each covered community water system must conduct a risk and resilience assessment and submit certification of its completion to the EPA by the following dates: March 31, 2020 if serving ≥100,000 people; December 31, 2020 if serving 50,000 to 99,999 people; and June 30, 2021 if serving 3,301 to 49,999 people. Risk and resilience assessments evaluate the vulnerabilities, threats and consequences from potential hazards, and shall include the following items:

¹ Public Law 115–270, America’s Water Infrastructure Act of 2018 (October 23, 2018).



CALIFORNIA WATER SERVICE COMPANY

Advice Letter 2374 American Water Infrastructure Act Memorandum Account Establishment

Page 3

- The risk to the system from malevolent acts and natural hazards.
- The resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system.
- The monitoring practices of the system.
- The financial infrastructure of the system.
- The use, storage, or handling of various chemicals by the system.
- The operation and maintenance of the system.

The risk and resilience assessment may also include “an evaluation of capital and operational needs for risk and resilience management for the system.” For water utilities in California in particular, the evaluation of “natural hazards” will likely include an emphasis on wildfire and earthquake risks. Additionally, the requirement under AWIA to evaluate the resilience of individual water infrastructure elements throughout the system is anticipated to be an intensive and costly endeavor. Each community water system must review and, if necessary, revise the risk assessment every five years after the certification deadline. Each must also maintain a copy of the assessment and emergency response plan for five years after certifying the plan to the EPA.

AWIA also requires that covered community water systems develop or update an emergency response plan and certify completion to the EPA no later than six months after risk and resilience assessment certification. The emergency response plan incorporates the findings from the risk and resilience assessment and is meant to cover the following:

- Strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system.
- Plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water.
- Actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers.
- Strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.

Within six months of submitting the recertification for the risk and resilience assessment, each covered community water system utility must certify it has reviewed and, if necessary, revised, its



CALIFORNIA WATER SERVICE COMPANY

Advice Letter 2374 American Water Infrastructure Act Memorandum Account Establishment

Page 4

emergency response plan. Additionally, community water systems are required to coordinate the risk and resilience assessments, as well as the emergency response plans with local emergency planning committees.

Discussion

As discussed below, the proposed AWIA MA meets all of the Commission's criteria for the creation of a new memorandum account. Meeting the AWIA requirements is well-suited to memorandum account treatment because it offers the potential for significant customer benefits. Due to the timing of the signing of the AWIA into law, October 23, 2018, and the imminent applicable 2020 compliance dates, Cal Water has had no previous means to request cost recovery or cost tracking in any other proceeding. Cal Water is already incurring costs and expect to incur more in 2020 to comply with AWIA requirements. It does not have a reasonable opportunity to recover those costs as cost recovery for 2020 is being determined in its currently pending general rate case ("GRC") in proceeding A.18-07-001, for which a proposed settlement has been filed and remaining disputed issues have already been fully briefed. Therefore, it is reasonable for the Commission to enable Cal Water to track AWIA compliance costs separately, and later seek recovery of such costs as are not reflected in its authorized revenue requirement. Such later recovery requests should include a review of the reasonableness of such costs.

Cal Water expects to incur incremental AWIA compliance costs in 2020 primarily related to conducting the required risk and resilience assessments and revising emergency response plans based on those new assessments. Due to the complexity, short deadline, and volume of work, Cal Water using a consulting engineering firm to complete the work. It expects to include costs for future GRC cycles in its future GRC applications, the next of which is scheduled for July 2021. Initial estimates for compliance costs are as high as \$1 million. At this time, however, many of the costs for AWIA compliance are unknown, due to difficulty in projecting the costs of conducting the new type of risk and resilience assessment required under the law. In particular, while it recommends the use of certain industry standards (such as AWWA J100-10 Risk and Resilience Management of Water and Wastewater Systems) EPA does not specify the use of any one set of standards, methods or tools for the risk and resilience assessment or emergency response plan—thus no single approach is guaranteed to satisfy the requirements under the law for all water utilities. Instead, each community water system is responsible for ensuring that the risk and resilience assessment and emergency response plan address all the criteria in the law. Therefore, the costs associated with these such assessments can be highly variable. Moreover, because the subsequent revision of the emergency response plan is required to be based on the initial risk and resilience assessment, it is impossible to know the cost need to revise the emergency response plan at this time prior to conducting the risk and resilience assessment.

Per Standard Practice U-27-W, each advice letter requesting a new memo account must address the following:



CALIFORNIA WATER SERVICE COMPANY
Advice Letter 2374 American Water Infrastructure Act Memorandum Account Establishment
Page 5

- *The expense is caused by an event of an exceptional nature that is not under the utility's control;*
Enactment of the AWIA was certainly an exceptional event not under Cal Water's control.
- *The expense cannot have been reasonably foreseen in the utility's last general rate case and will occur before the utility's next scheduled rate case;*

The costs of complying with the AWIA cannot have been reasonably foreseen in Cal Water's last GRC and it is seeking to account only for such costs as will occur before its next GRC will be implemented.

- *The expense is of a substantial nature as to the amount of money involved when any offsetting costs decreases are taken into account;*

Initial estimates for compliance costs are as high as \$1 million. At this time, however, many of the costs for AWIA compliance are unknown, due to difficulty in projecting the costs of conducting the new type of risk and resilience assessment required under the law.

- *The ratepayers will benefit by the memo account treatment.*

Enabling Cal Water to recover its costs of compliance with the AWIA will benefit ratepayers by allowing for thorough and up-to-date assessments and emergency planning with respect to vulnerabilities, threats and consequences from potential hazards relating to their water systems. In passing AWIA, Congress explained that the law, among other things, "expands risk assessment requirements for community water systems to include risks from natural hazards." Facilitating such efforts by Cal Water helps improve both resilience and security of water systems for its customers—which is of particular importance given the Commission's focus on safety and reliability issues in light of recent catastrophic wildfires.

Requested Effective Date

This advice letter is submitted with a Tier 2 designation pursuant to Water Industry Rules 7.3.2(5) of General Order 96-B.

Cal Water requests that the new AWIA Memorandum Account become effective on **February 10, 2020**.

Notice

Customer Notice: This is a Tier 2 advice letter that does not require customer notice because there is no increase in rates.

Service List: In accordance with General Order 96-B, General Rules 4.3 and 7.2, and Water Industry Rule 4.1, a copy of this advice letter will be mailed or electronically transmitted on February 10,



CALIFORNIA WATER SERVICE COMPANY

Advice Letter 2374 American Water Infrastructure Act Memorandum Account Establishment

Page 6

2020 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. When submitting a response or protest, please include the utility name and advice letter number in the subject line. 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 such a protest may not be made where it would require re-litigating 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 Water Division within 20 days of the date this advice letter is filed. The address for mailing or delivering a protest is:

Tariff Unit, Water Division, 3rd floor
California Public Utilities Commission,
505 Van Ness Avenue, San Francisco, CA 94102
water_division@cpuc.ca.gov

On the same date the response or protest is submitted to the Water Division, the respondent or protestant shall send a copy by mail (or e-mail) to Cal Water at the following address:

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

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

**CALIFORNIA WATER SERVICE COMPANY**

Advice Letter 2374 American Water Infrastructure Act Memorandum Account Establishment

Page 7

protest might be voted on. 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.

Replies: The utility shall reply to each protest and may reply to any response. Each reply must be received by the Water Division 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/

Julian Gandara, Regulatory Program Manager

cc: Hani Moussa, Water Division; Richard Smith, Water Division; Ting-Pong Yuen, Public Advocates Office

Table of Contents - Page 1

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>Service Area</u>	<u>Schedule No.</u>	<u>CPUC Sheet No.</u>
Title Page			5613-W
Table of Contents			
Page 1	Table of Contents		XXXXX-W (C)
Page 2	Preliminary Statements		12150-W
Page 3	Preliminary Statements		12130-W
Page 4	Preliminary Statements		XXXXX-W (C)
Page 5	Rate Schedules - All Districts		12146-W
Page 6	Rate Schedules - District Specific		12118-W
Page 7	Rate Schedules - District Specific		12136-W
Page 8	Rate Schedules - District Specific		12112-W
Page 9	Rate Schedules - District Specific		12023-W
Page 10	Rate Schedules - District Specific		12125-W
Page 11	Service Area Maps		12080-W
Page 12	Rules		11860-W
Page 13	Rules		11643-W
Page 14	Sample Forms		12061-W
Page 15	Sample Forms		2926-W

(continued)

(To be inserted by utility)
Advice Letter No. 2374
Decision No.

Issued by
GREG A. MILLEMAN
Name
Vice President
TITLE

(To be inserted by CPUC)
Date Filed
Effective
Resolution No.

Table of Contents - Page 4

Preliminary Statements

<u>Sheet Subject Matter</u>	<u>Service Area</u>	<u>CPUC Sheet No.</u>
Preliminary Statements (continued)		
AI	Chromium 6 Memorandum Account (CHROMIUM-6 MA)	11317-W
AJ	Low-Income Ratepayer Assistance Balancing Account (LIRA BA)	9671-W
AK	2012 GRC Interim Rate Memorandum Account (2012 IRMA)	10101-W
AL	Drought Memorandum Account (DRMA)	10208-W
AM	Rate Support Fund Balancing Account (RSF BA)	11316-W
AN	Infrastructure Memorandum Account (IMA)	10447-W
AO	Memorandum Account Water Contamination (WCL MA) Litigation	10448-W
AP	General District Balancing Accounts (District BAs)	10449-W
AQ	East Los Angeles Memorandum Account (ELA MA)	10450-W
AR	Sales Reconciliation Mechanism Balancing Account (SRM BA)	10467-W
AS	Asbestos Remediation Memorandum Account Page 1	10868-W
	Page 2	10869-W
AT	School Lead Testing Memorandum Account (SLTMA)	11359-W
AU	Phase 1 Sites Reservoir Memorandum Account (PHASE 1 SITES MA)	11468-W
AV	2018 Tax Accounting Memorandum Account (TAMA)	11626-W
AW	Cost of Capital Interim Rate Memorandum Account (COC IMA)	11667-W
AX	Lead Service Memorandum Account (LSMA)	12016-W
AY	Public Safety Power Shut-Off (PSPS) Memo Account (PSPS MA) Page 1	12152-W
	Page 2	12153-W
AZ	2018 GRC Interim Rate Memorandum Account (2018 IRMA) Page 1	12156-W
	Page 2	12157-W
	Page 3	12158-W
	Page 4	12159-W
BA	American Water Infrastructure Act Memorandum Account (AWIA MA)	XXXXX-W (N)

(continued)

(To be inserted by utility)
Advice Letter No. 2374
Decision No.

Issued by
GREG A. MILLEMAN
Name
Vice President
TITLE

(To be inserted by CPUC)
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Effective
Resolution No.

Preliminary Statement

Page 1

BA. American Water Infrastructure Act Memorandum Account (AWIA MA)

(N)

1. Purpose

The purpose of the American Water Infrastructure Act Memorandum Account (AWIA MA) is to track the incremental costs associated with implementation activities to comply with the requirements of the American Water Infrastructure Act of 2018 (Public Law 115-270).

2. Applicability

The entries in the AWIA MA may include the following:

- a. All implementation costs associated with complying with the American Water Infrastructure Act of 2018.
- b. Interest shall accrue on a monthly basis by applying a rate equal to one-twelfth of the 3-month non-financial Commercial Paper, as reported in the Federal Reserve Statistical Release, to the average of the beginning-of-month and the end-of-month balances.

3. Disposition

Prior to recovery, charges made to the AWIA MA are subject to a reasonableness review in the Company's next General Rate Case or in an appropriate advice letter filing or regulatory proceeding.

4. Effective Date

The AWIA MA shall go into effect on February 10, 2020.

(N)

(To be inserted by utility)

Advice Letter 2374

Decision

Issued By

Greg A. Milleman

Vice President

(To be inserted by CPUC)

Date Filed _____

Effective _____

Resolution _____

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



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Bakersfield District
ADVICE LETTER FILING MAILING LIST
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Bay Area Region
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PER SECTION III (G) OF GENERAL ORDER NO. 96-A



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

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



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

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



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Dixon District

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



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Dominguez District

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



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



Grand Oaks 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



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

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



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



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



1

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



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



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



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



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

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



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



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



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



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ADVICE LETTER FILING MAILING LIST

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

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

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