



CALIFORNIA WATER SERVICE COMPANY
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December 27, 2021

Advice Letter No. 2440

CALIFORNIA WATER SERVICE COMPANY (U 60 W)

To The Public Utilities Commission of the State of California:

California Water Service Company (“Cal Water”) respectfully submits this Tier 1 advice letter requesting authority to make the changes to the tariff sheets in Rule 15 applicable to all regulated ratemaking areas in California. ***Please note that, due to limitations on non-essential travel as a result of the COVID-19 virus, this advice letter will only be distributed electronically to the Water Division and the attached service lists.***

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		C.P.U.C.
<u>Sheet No.</u>	<u>Title of Sheet</u>	<u>Sheet No.</u>
XXXXX-W	Rule No. 15 Water Main Extensions (Page 8)	XXXXX-W
XXXXX-W	Rule No. 15 Water Main Extensions (Page 13)	XXXXX-W
XXXXX-W	Table of Contents (Page 13)	XXXXX-W
XXXXX-W	Table of Contents (Page 1)	XXXXX-W

Summary

Cal Water requests approval to modify the income tax component for the “contribution” provisions in Tariff Rule 15 to reflect recent tax law changes adopted in H.R. 3684, the “Infrastructure Investment and Jobs Act.” This advice letter is submitted as a Tier 1 compliance filing requesting a retroactive effective date of January 1, 2021 (consistent with H.R. 3684).

Background

In the Tax Cut and Job Act (“TCJA”) implemented by Congress in 2018, a tax exemption that was eliminated enabled the federal taxation of all water infrastructure contributed to a water utility as Contributions in Aid of Construction (“CIAC”). With the passage of H.R. 3684, now only water and sewer “services” are treated as taxable income. This effectively changes the applicability of the income tax component (“ITC”) in Tariff Rule 15, retroactive back to January 1, 2021. H.R. 3684 also eliminated the taxability of grants received from governmental agencies, except for grants related to water services. The state of California did not conform its laws to the federal TCJA, so no changes to Rule 15 are needed with respect to state taxation.



Discussion

Cal Water must modify its tariffs to reflect that only Contributions in Aid of Construction (“CIAC”) received from developers for water and sewer services (“Services”) are considered federal taxable income subject to the ITC component of Rule 15.

Cal Water requests authority to update its Tariff Rule 15 to reflect this change, and to make a few miscellaneous text changes in Section F, as identified below (with new material underlined and strike-outs of deleted material).

In Section F.1 –

Contributions in Aid of Construction shall include, but are not limited to, cash, services, facilities, CIAC - facilities fees, labor, property, grants received from government agencies, and income taxes thereon provided by applicant to the utility. The value of all contributions shall be based on the utility's estimates. Contributions shall consist of two components for the purpose of recording transactions as follows:

- a. Income Tax Component gross-up (ITC), and*
- b. The balance of the contribution.*

In Section F.2 –

The ITC shall be calculated by multiplying the balance of the contribution by the ITC factor of:

<i>Type of Contribution</i>	<i>ITC Factors</i>
<i>For service connections (state and federal taxes are applicable)</i>	<i>20.0%</i>
<i>For other, non-service contributions (only federal tax is applicable)</i>	<i>15.0%</i>
<i><u>For fire services</u> <u>(only federal tax is applicable)</u></i>	<i><u>5.0%</u></i>

Because the state of California did not modify its tax laws to conform to the TCJA, Rule 15 only needs to be modified to reflect the impacts of the **federal** tax law change.

Cal Water also takes this opportunity to update page 8 of Tariff Rule 15 where part of a sentence was inadvertently deleted. Currently it reads “If the subdivisions are more than a half mile from the existing system, the”. We are proposing to restore the original language that was approved in AL 2377 on May 28, 2020 as follows: “If the subdivisions are more than a half mile from the existing system, the applicant shall pay the cost of transmission extension in lieu of the above fee.”

Requested Effective Date

Cal Water requests an effective date of January 1, 2021 for this Rule 15 change to be consistent with the effective date of the amendment made to H.R. 3684, section 80601 (Modification of Tax



Treatment of Contributions to the Capital of Corporation) of the “Infrastructure Investment and Jobs Act.”

Notice

Customer Notice: This is a compliance advice letter that does not require customer notice, as provided in under Water Industry Rule 3.2 of General Order 96-B.

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 ***electronically*** transmitted on **December 27, 2021** to competing and adjacent utilities and other utilities or interested parties having requested such notification. ***Please note that, due to limitations on non-essential travel as a result of the COVID-19 virus, this advice letter will only be distributed electronically.***

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 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 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 cwsrates@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 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/

Priya Rawal, Sr. Rates Analyst

Enclosures

cc: Syreeta Gibbs (Public Advocates Office), PublicAdvocatesWater@cpuc.ca.gov

Rule No. 15
Main Extensions

District	Facilities Fee	District	Facilities Fee
Bakersfield	\$5,500	Marysville	\$2,350
Bayshore	\$4,500	Salinas	\$2,200
Bear Gulch	\$4,500	Selma	\$2,100
Chico	\$2,000	Visalia	\$1,500
Dixon	\$2,800	Willows	\$4,250
King City	\$1,500		

This fee is per equivalent 1-inch service and is applicable to all subdivisions requiring a main extension except those extensions serving four or fewer residential lots or equivalent single-family dwelling units.

The following factors are used to determine equivalents for larger service connections:

Service Size	Factor	Service Size	Factor
1-inch	1	6-inch	20
2-inch	3.2	8-inch	32
4-inch	10	10-inch	46

f. Advances – Transmission Backbone Installation Fee

District	Unitized Transmission Fee
Visalia*	\$1,400 Per residential lot not to exceed 12,000 square feet
Visalia*	\$5,350 Other development, per acre

*Applicable to all subdivisions within a half-mile of the existing system, except those extensions serving four or fewer residential lots or equivalent single-family dwelling units. This fee is in addition to the source of supply fee in Section C.1.e. above. It is for the installation of 12" transmission main in 1/4 section roads in the Visalia District. If the subdivisions are more than a half mile from the existing system, the applicant shall pay the cost of transmission extension in lieu of the above fee.

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(Continued)

(To be inserted by utility)
 Advice Letter 2440
 Decision

Issued By
Greg A. Milleman
Vice President

(To be inserted by CPUC)
 Date Filed _____
 Effective _____
 Resolution _____

Rule No. 15
Main Extensions

designed for fire protection purposes, shall be paid to the utility as a Contribution in Aid of Construction.

E. Facility Relocation or Rearrangement

Any relocation or rearrangement of utility's existing facilities, at the request of, or to meet the convenience of an applicant or customer, and agreed up on by the utility, normally shall be performed by the utility. Where new facilities can be constructed in a separate location, before abandonment or removal of an existing facilities, and applicant requests to perform the new construction work, the applicant shall be permitted, if qualified in the judgment of the utility, to construct and install the facilities himself, or arrange for their installation pursuant to competitive bidding procedures initiated by him and limited to qualified bidders. In all instances, utility shall abandon or remove its existing facilities at its discretion. The costs of all related relocation of mains, services, and hydrants, rearrangement, removal, and tie-in work shall be paid to the utility as a Contribution in Aid of Construction.

F. Income Tax Component of Contributions Provision

1. Contributions in Aid of Construction shall include, but are not limited to, cash, services, facilities, CIAC - facilities fees, labor, property, grants received from government agencies, and income taxes thereon provided by applicant to the utility. The value of all contributions shall be based on the utility's estimates. Contributions shall consist of two components for the purpose of recording transactions as follows:

(T)
 |
 (T)

- a. Income Tax Component gross-up (ITC), and
- b. The balance of the contribution.

2. The ITC shall be calculated by multiplying the balance of the contribution by the ITC factor of:

Type of Contribution	ITC Factors	
For service connections (state and federal taxes are applicable)	20.0%	
For fire services (only federal tax is applicable)	5.0%	(T)(D) (T)

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(To be inserted by utility)
 Advice Letter No. 2440
 Decision No. _____

Issued by
 GREG A. MILLEMAN
 Name
 Vice President
 TITLE

(To be inserted by CPUC)
 Date Filed _____
 Effective _____
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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</u>	<u>Subject Matter</u>	<u>Service Area</u>	<u>Schedule No.</u>	<u>CPUC Sheet No.</u>
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(To be inserted by utility)
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 Decision No. _____

Issued by
GREG A. MILLEMAN
 Name
Vice President
 TITLE

(To be inserted by CPUC)
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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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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

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Bear Gulch 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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East Los Angeles District

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

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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

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

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Los Altos District

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

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