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on tap

CALIFORNIA WATER ASSOCIATION

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MESSAGE FROM THE PRESIDENT

The California Water Association (CWA) and its investor-owned water company (IOWC) members are enhancing their continuing efforts to deliver high-quality, safe, and reliable water to Californians. An important way to accomplish this is through investments in new infrastructure and upgrading existing systems, compliance with regulations such as the Safe Drinking Water Act, focused engagement in legislative and regulatory advocacy to protect California's water supply, and taking part in educational events to advance the industry.

Examples of the ongoing commitment of IOWCs to their customers are highlighted in the following articles in this edition of *On Tap*:

- CWA Member Companies' Infrastructure Investments Exceeded \$645 Million in 2017
- Recent Study Points to Fewer Health-Related Violations by Private Water Companies
- CWA Provides Input on Phase I of CPUC's Rulemaking on Low-Income Rate Assistance
- CWA Weighs in on Proposed Amendments to CEQA Guidelines
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To view *On Tap* in PDF format, [click here](#), or access the online version on CWA's website at www.calwaterassn.com.

Sincerely,

Lawrence M. Morales
East Pasadena Water Company
2017-2018 CWA President

For Instant CWA News:



California
Water
Association



QUESTIONS?

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QUALITY & SERVICE FOCUS

CWA MEMBER COMPANIES' INFRASTRUCTURE INVESTMENTS EXCEEDED \$645 MILLION IN 2017



Image courtesy of Golden State Water Company.

Delivering high-quality, safe, and reliable water to customers is a top priority for investor-owned water companies (IOWCs) regulated by the California Public Utilities Commission (CPUC). In 2017, eight of California Water Association's (CWA) largest IOWC members invested more than \$645 million to improve and upgrade their water systems.

- **California American Water** (approximately 188,000 service connections throughout the state) invested nearly \$88.1 million throughout its districts statewide in 2017. Projects included replacing and improving water mains and construction of new storage reservoirs and water treatment facilities to improve water quality and meet new regulations
- **California Water Service** (approximately 510,000 service connections throughout the state) invested \$250.6 million in infrastructure in 2017. This investment included replacing more than 23.7 miles of water mains, installing 16 generators, and constructing three tanks, one groundwater well, and four booster pump stations.
- **Golden State Water Company** (approximately 261,000 service connections throughout the state) invested approximately \$110 million for infrastructure projects in 2017. Key projects included more than \$65 million to replace approximately 39 miles of aging pipes throughout its 38 water systems, more than \$4.3 million to address water supply, treatment, and distribution needs in the drought-stricken Los Osos and Santa Maria service areas, and nearly \$750,000 to install new water meters in the Arden and Cordova water systems near Sacramento.
- **Great Oaks Water Company** (approximately 21,500 service connections in Santa Clara County) invested approximately \$1.5 million in 2017, adding scheduled improvements to its water supply sources and distribution system. Great Oaks also added significant improvements to its water system control and data acquisition capabilities that will produce immediate efficiency and conservation benefits.
- **Liberty Utilities** (approximately 52,000 service connections in San Bernardino and Los Angeles counties) invested more than \$19.6 million in its Apple Valley and Los Angeles County service areas, including replacing more than four miles of water pipeline at a cost of \$3.7 million in Apple Valley.

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QUALITY & SERVICE FOCUS

CWA MEMBER COMPANIES' INFRASTRUCTURE INVESTMENTS EXCEEDED \$645 MILLION IN 2017

...CONTINUED

- **San Gabriel Valley Water Company** (approximately 104,000 service connections in Los Angeles and San Bernardino Counties) invested \$19.9 million in its two divisions in 2017 for infrastructure improvements, including a new groundwater well and a water storage reservoir, as well as more than 12 miles of new water mains.
- **San Jose Water** (approximately 225,000 service connections in Santa Clara County) invested close to \$140 million in its water systems in 2017. This amount included \$20 million to retrofit its Montevina Water Treatment Plant, one of the primary water supply sources for the Town of Los Gatos and surrounding communities. As part of the project, a new step to the treatment process was added, the old sand filtration was replaced with ultra-filtration membranes, and other needed upgrades were completed.
- **Suburban Water Systems** (approximately 76,000 service connections in Los Angeles County) invested more than \$16 million in 2017. This included the investment of approximately \$5.7 million to prepare the site for three above-ground steel reservoirs, which included the construction of retaining walls, the tallest being 17-feet high.

“The challenges of delivering a dependable and safe water supply to California’s communities, especially those that are disadvantaged, is a hot topic under debate by legislators, regulators, and water providers,” said CWA Executive Director Jack Hawks. “One of the many benefits for customers being served by a regulated water utility is that regulatory processes are in place through the CPUC to ensure the right investments are made in water systems to make certain communities are protected.” 



Image courtesy of Suburban Water Systems.

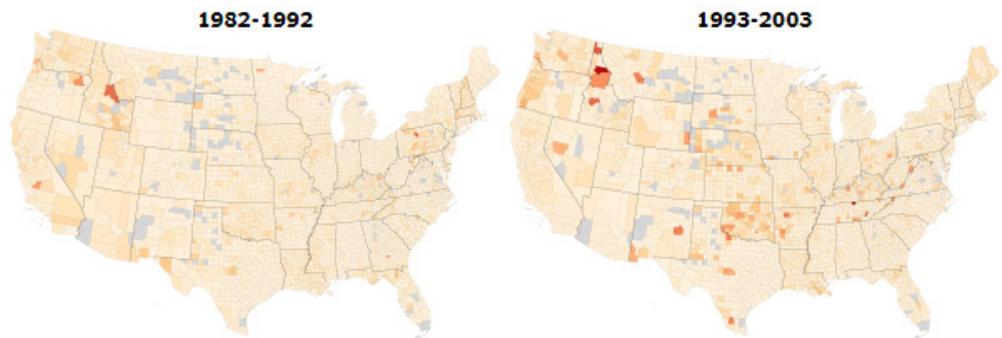
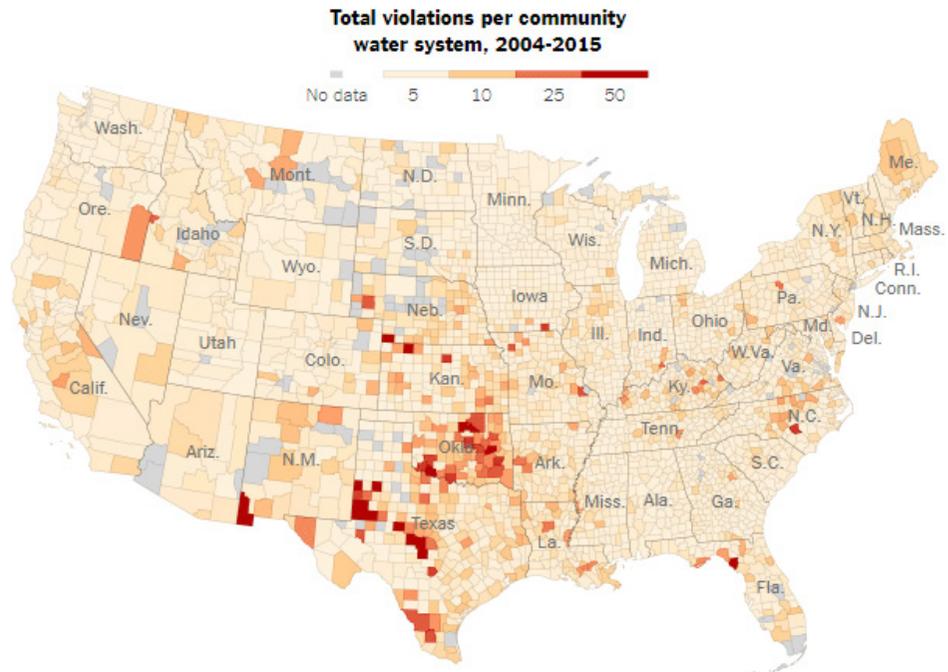
QUALITY & SERVICE FOCUS

RECENT STUDY POINTS TO FEWER HEALTH-RELATED VIOLATIONS BY PRIVATE WATER COMPANIES

A recently published study by the Proceedings of the National Academy of Sciences (PNAS) indicates that privately owned water utilities (including regulated water utilities such as California Water Association members) are found to be less vulnerable to health-related violations of the Safe Drinking Water Act (SDWA) than government-owned utilities. The study found that “in particular, large private firms are associated with lower likelihood of violation.” The study evaluated patterns in health-related violations of the SDWA in 17,900 communities in the United States from 1982 to 2015.

Struggling to Meet New Water Quality Standards

Some rural water systems, especially in Texas and Oklahoma, have had many violations as new rules have gone into effect over the past decade.



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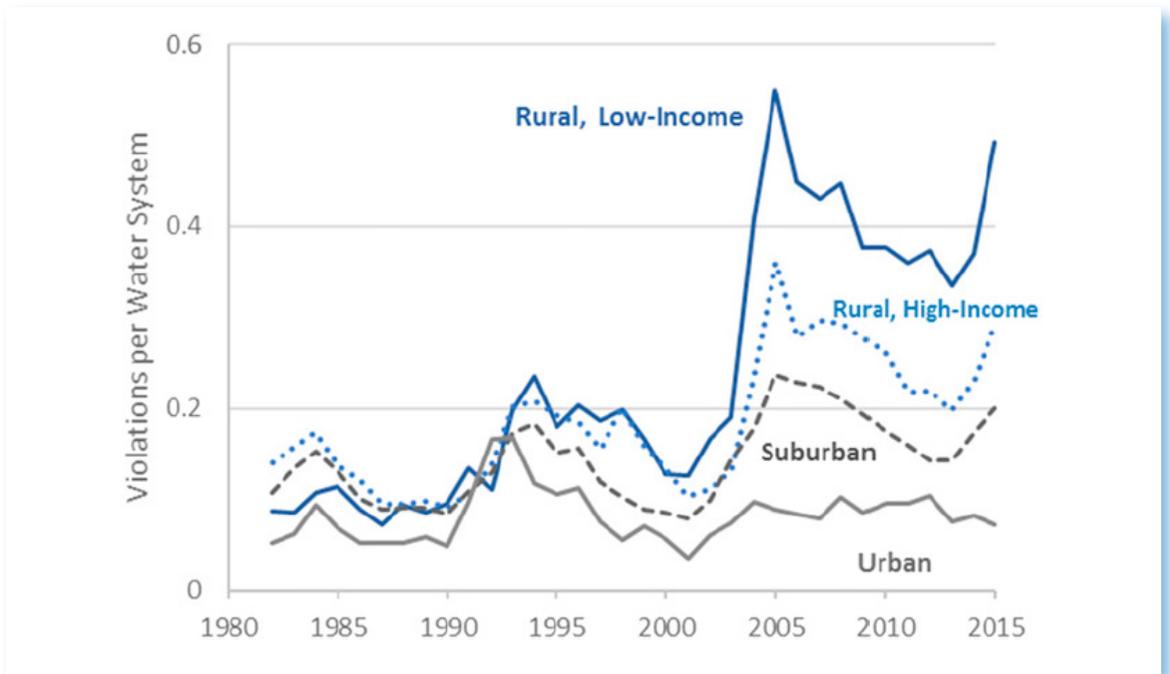
QUALITY & SERVICE FOCUS

RECENT STUDY POINTS TO FEWER HEALTH-RELATED VIOLATIONS BY PRIVATE WATER COMPANIES...CONTINUED

Findings of the PNAS study coincide with those of a 2014 study published by David Konisky, Georgetown University, and Manny Teodoro, Texas A&M University, which examined data from the U.S. Environmental Protection Agency between 2010 and 2013. This study’s findings indicated government-owned water utilities are 24.1 percent more likely than privately owned water utilities to incur health-related violations of the SDWA.

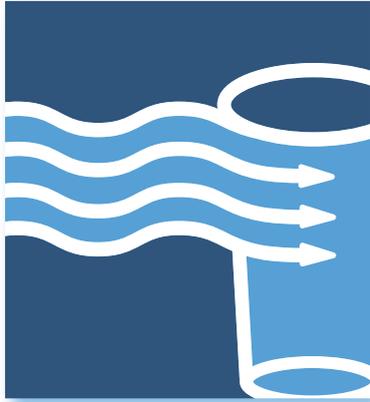
The PNAS study also found “that violation incidence in rural areas is substantially higher than in urbanized areas” and “low-income rural areas have a larger compliance gap than higher income rural areas.” Based on these findings, the authors indicated that one of the policy implications for achieving compliance of “merging and consolidation of systems, where feasible, could provide a way to achieve economies of scale for adequate treatment technologies.”

Currently, the California Public Utilities Commission and the State Water Resources Control Board are working with CPUC-regulated water utilities to identify opportunities for consolidating small, non-regulated systems that are not providing safe, reliable and affordable drinking water and that are located nearby or adjacent to the larger regulated water utilities’ service areas. 🌍



LEGISLATIVE & REGULATORY UPDATE

CWA PROVIDES INPUT ON PHASE I OF CPUC'S RULEMAKING ON LOW-INCOME RATE ASSISTANCE



On February 23, 2018, the California Water Association (CWA) submitted [comments](#) on the four issues outlined in Phase I of the California Public Utilities Commission's (CPUC) Low-Income Rate Assistance (LIRA) [Scoping Memo and Ruling of Assigned Commissioner \(Memo\)](#) for [Rulemaking 17-06-024](#).

Issue A: Consolidation of At-Risk Water Systems by Regulated Water Utilities

CWA noted it has long supported consolidations of systems that are unable to provide safe, reliable, and affordable drinking water. Given the State Water Resources Control Board's (SWRCB) authority to order mandatory consolidations and their existing programs that encourage voluntary consolidations, CWA suggested the SWRCB help CPUC-regulated water utilities identify troubled systems nearby or adjacent to their service areas that may benefit from consolidation. This could coincide with the general rate case process where water utilities are asked to conduct a review to determine whether high-cost and affordability problems exist in any of their districts.

CWA urged the CPUC to streamline processes for consolidations and address CPUC-created disincentives that will discourage consolidations, stating that "there are substantial risks involved for healthy utilities that acquire troubled utility systems." CWA encouraged the CPUC to review the efficiency and timeliness of existing consolidation requirements and administration efforts to provide relief for disadvantaged customers as soon as possible. CWA also asked the CPUC to consider various ratemaking methods and mechanisms that remove roadblocks to acquisitions and consolidations, thereby incentivizing interested parties to make choices that provide the most benefits in the long term. This includes allowing the flexibility of making and evaluating consolidations outside of general rate case proceedings, as necessary.

Finally, CWA commented that the CPUC should consider whether an exemption from various Commission rules for water utilities and their affiliates would provide an incentive to serve as administrators for small systems in need of operations and maintenance support or other assistance, which could be accomplished outside of the general rate case process as necessary. As with consolidation, the Commission should provide the flexibility to address such arrangements outside of the general rate case process, when appropriate.

Issue B: Forecasting Water Sales

CWA recommended removing Question B.1. from the Memo and maintaining flexibility for water utilities to provide alternate water sales forecasts when necessary. This would allow the utilities to tailor water sales forecasts to address extreme events such as the recent drought or the particular characteristics of the water utilities or their service territories. Rather than seeking to standardize forecasting methodologies, CWA's letter suggested allowing "more frequent updates to forecasts that reflect the most recent actual sales data." CWA also recommended removing restrictions on the sales reconciliation mechanism (SRM) where implementation must be tied to a drought period and allowing utilities to implement a modified SRM. All of CWA's recommendations were intended to improve the ratemaking process for the benefit of all concerned.

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LEGISLATIVE & REGULATORY UPDATE

CWA PROVIDES INPUT ON PHASE I OF CPUC'S RULEMAKING ON LOW-INCOME RATE ASSISTANCE

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Issue C: Regulatory Changes the CPUC Should Consider to Lower Rates and Improve Access to Safe, Quality Drinking Water for Disadvantaged Communities

CWA reiterated that acquisition, consolidation, and operational contracts can provide opportunities to minimize or lower rates and improve access to safe, high-quality drinking water for disadvantaged communities. The Commission should look for ways to streamline the process for obtaining approval of such arrangements, both to provide an incentive to water utilities and to ensure timely relief for disadvantaged communities. It should also explore ratemaking mechanisms and other methodologies to remove any roadblocks or disincentives to explore such arrangements. CWA also urged the CPUC to work with the SWRCB and other agencies to address the lengthy and complex application, approval, and funding processes for such projects.

Issue D: Regulatory Changes the CPUC Should Consider That Would Ensure and/or Improve the Health and Safety of Regulated Water Systems

Noting the vast majority of CPUC-regulated water systems are leaders in drinking-water compliance and ensuring the technical, financial, and managerial capabilities of their systems – all of which protect the health and safety of their customers – CWA stated the CPUC's attention should be directed at nonregulated systems. The letter also pointed out that, "it may be worthwhile for the CPUC...to examine its policies to determine whether any are creating disincentives for taking extra steps to improve water quality." Finally, CWA suggested the CPUC work with the SWRCB and Legislature to "consider an effort similar to the recently enacted [New Jersey Water Quality Accountability Act](#), which requires all purveyors of public water, regardless of ownership, to meet the same standards to improve the safety, reliability, and administrative oversight of water infrastructure."

CWA looks forward to participating in the upcoming workshops to help refine the issues and develop proposals to advance the CPUC's policies with respect to low-income customers and disadvantaged communities. 

LEGISLATIVE & REGULATORY UPDATE

CWA WEIGHS IN ON PROPOSED AMENDMENTS TO CEQA GUIDELINES



The California Water Association (CWA) submitted a [comment letter](#) to the California Natural Resources Agency on March 15, 2018, on the Governor’s Office of Planning and Research’s [proposed updates](#) to regulations implementing the [California Environmental Quality Act \(CEQA\)](#).

CWA’s comments centered on the following proposed updates:

- Amendment to Section 15155, Water Supply Analysis; City or County Consultation with Water Agencies, proposing to codify the holding in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007).
- New Section 15064.3, Determining the Significance of Transportation Impacts, which implements [Senate Bill 743](#) and represents a paradigm shift in the evaluation of projects’ transportation impacts.
- New Section 15126.2(b), Consideration and Discussion of Significant Environmental Impacts, Energy Impacts, intended to underscore the requirement to perform an energy impacts analysis for all project phases and components, include a determination of whether a project’s energy use is “wasteful, inefficient, and unnecessary,” and identify alternatives and/or mitigation measures to reduce energy use determined to be wasteful, inefficient, and unnecessary.
- Amendments to Section 15064.4, Determining the Significance of Impacts from Greenhouse Gas Emissions, which largely codify the case law and good CEQA practice.

CWA’s letter expressed appreciation for the necessity to update CEQA guidelines from time to time to reflect recent legislative changes to CEQA, as well as clarify and update portions of the guidelines to be consistent with recent court decisions. However, CWA also expressed hope that the final amendments would reflect the concerns outlined in the letter, emphasizing that “CWA’s members must always be aware of the administrative burdens and increased costs resulting from regulatory updates, as they must be approved by the California Public Utilities Commission and ultimately passed onto water service customers.” 

MEMBER SPOTLIGHT

CALIFORNIA AMERICAN WATER'S MONTEREY DESALINATION PROJECT MAKES A MAJOR ADVANCE WITH EIR/EIS RELEASE

Efforts to solve the Monterey Peninsula's (Peninsula) water crisis took a crucial step forward following the release of a long-awaited Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for California American Water's (CAW) proposed desalination project.

The desalination plant is one of three major components of CAW's proposed Monterey Peninsula Water Supply Project, which also includes wastewater recycling and aquifer storage recovery components.

CAW's desalination plant, which will be financed through both private and public funding, is a 6.4 million-gallons-a-day facility north of Monterey that will pump treated water through an eight-mile long pipeline south into the Peninsula. The plant will use slant-well technology that will draw water from the shallow and brackish aquifer just inland from the coastline. This approach will avoid nearly all impacts to sea life and was required by the California Coastal Commission to be explored as a first option over open-ocean intakes. CAW had already been running a slant test well in the area for the last two years.

The California Public Utilities Commission and Monterey Bay National Marine Sanctuary conducted the EIR and EIS, respectively. The issuance of these comprehensive documents represents the most significant milestone to date for CAW's project. After years of public debate and commentary, Peninsula residents and interested parties finally have comprehensive and objective, science-based documents to review and make informed decisions.

The reports include analyses of:

- The effects of constructing and operating the Monterey Peninsula Water Supply Project on the surrounding environment.
- The need for a new water supply.
- Alternative water projects.
- Which project will have the least impact on the environment.

The Peninsula has been subject to a cease-and-desist order from the State Water Resources Control Board mandating CAW to drastically cut back pumping of the Carmel River, which comprised nearly 70 percent of the Peninsula's historic water supply.

The order also prescribes a series of strictly enforced project deadlines to ensure the timely development of an alternative water supply. To date, CAW has successfully met all the state-required and self-imposed milestones. The release of the EIR/EIS is considered among the most critical milestones, allowing CAW to check off two very large boxes in the process of obtaining state and federal approvals. 



Schematic Rendering of the Desalination Plant



Test Slant Well in Operation

MEMBER SPOTLIGHT

LIBERTY UTILITIES IMPROVES WATER SERVICE IN COMPTON WITH NEW WELL

On February 22, Liberty Utilities (Park Water) Corp. (Liberty Utilities) hosted a ribbon-cutting ceremony with tours to commemorate the completion of its new well in Compton. District 1 Councilmember Janna Zurita joined residents at the celebration, which showcased the benefits of the well in enhancing water service for Compton area customers.

Locally controlled groundwater is a preferred water source given recent weather conditions and regulations that have made importing water unreliable and increasingly expensive. The new well is expected to reduce the dependency on purchased water and increase supply reliability by producing up to 2,500 gallons of water per minute. In addition to the well, Liberty Utilities also improved the curb appeal of the Compton station by installing new landscaping with low-water-use plants and gravel to eliminate weeds.

“We are excited to start the New Year with the completion of this project, which echoes our commitment to upgrading our infrastructure to ensure the continued delivery of safe and reliable drinking water to our customers,” said Frank Heldman, Director of Operations for Liberty Utilities, in a press release. 📸



(L-R) Janelle Rellosa, Liberty Utilities; Jim Elliott, Liberty Utilities; Greg Sorenson, Liberty Utilities; Councilmember Janna Zurita; Walter Rumford, Resident; Frank M. Heldman, Liberty Utilities



Liberty Utilities' Water Conservation Booth at the ribbon-cutting ceremony.

POINTS OF INTEREST

KROPELNICKI COVERS THE GOOD, THE BAD, AND THE UGLY OF TAX REFORM AT NARUC SUMMIT

In February, Marty Kropelnicki, California Water Service President and Chief Executive Officer, participated on a panel at the National Association of Regulatory Utility Commissioners' (NARUC) 2018 Winter Policy Summit in Washington, D.C. Given the topic of "Tax Reform and the Implications for Regulated Utilities," Kropelnicki focused his remarks on "the good, the bad, and the ugly" impacts on rate-regulated utilities.

Kropelnicki opened with the "good" impact of tax reform, including a 14-percentage point reduction in the corporate tax rate, which: lowers costs for utilities; makes them more efficient; and, in turn, helps customers despite lowering revenue and reducing cash flow. He identified the "bad" impact as the loss of key deductions that bolster cash flow and fund operations and capital investments, resulting in significant reductions in cash flow for water utilities and the potential for credit downgrades. Additional negative impacts include the loss of bonus depreciation, the qualified (water) production activities deduction, and contributions in aid of construction (CIAC), which are now fully taxable. This latter point is especially bad for smaller water systems because not only will developer advances and CIAC be considered taxable income, but also grants for needed capital additions will be taxed.

Finally, Kropelnicki highlighted the "ugly" aspects of the new tax law, foremost of which is that the federal tax rate reduction triggers the re-measurement of deferred tax asset and deferred tax liability balances as of December 22, 2017. The re-measurement of the deferred tax balances can result in some ratepayers receiving tax refunds and others owing taxes to the utility. He noted utilities in California are exploring the possibility of running a portion of re-measurement tax refunds through their balancing accounts in order to reduce or eliminate customer receivables and surcharges, as well as any other items that will benefit customers.

Kropelnicki concluded his remarks by sharing three major takeaways:

- The good, the bad, and the ugly implications in the new federal tax law are far more complicated than what average customers, and even regulators, have considered.
- State public utility commissions and regulated utilities need to work together to determine the best path forward and the optimal way to proceed.
- Regardless of the path taken, it's clear that utility cash flow will significantly decline, utility income tax payments will increase, and the resulting reduction in the deferred tax balances will increase rates.

As a final comment, Kropelnicki stated any reduction in a utility's credit rating is not in the best interest of the customer in the long term, as it will only increase the cost of capital and lead to higher rates for customers. 🌍



President and Chief Executive Officer Marty Kropelnicki, California Water Service

POINTS OF INTEREST

ALICE STEBBINS SELECTED AS CPUC EXECUTIVE DIRECTOR

Alice Stebbins was appointed as the Executive Director of the California Public Utilities Commission (CPUC) effective February 21, 2018, replacing Timothy Sullivan, who retired after serving since December 2014. Stebbins will oversee the direct operations of the CPUC and expedite all matters within its jurisdiction. Since 2011, she served as Division Chief over Administration for the California Air Resources Board.

Ms. Stebbins started her career at the state in 1986 as a sales and use tax auditor with the Board of Equalization. Subsequently, she worked for the Department of Transportation, Department of Justice, and the State Water Resources Control Board, where she concentrated on forensic accounting, auditing, project management, and administration.

In a press release announcing the appointment, CPUC President Michael Picker noted, "On behalf of my fellow Commissioners and staff, I welcome Alice to the CPUC. We conducted an extensive search for an Executive Director and many well-qualified candidates applied. Alice stood out for us because of the breadth and scope of her managerial expertise. She brings a wealth of experience to the CPUC and will help us further strengthen the administrative backbone of our organization." 🇺🇸



POINTS OF INTEREST

CWA PRESENTS REGULATED WATER UTILITY SOLUTIONS AT REGIONAL WATER AUTHORITY AFFORDABILITY SYMPOSIUM

California Water Association (CWA) Executive Director Jack Hawks summarized various solutions the California Public Utilities Commission has established in recent years to address the affordability and sustainability challenges facing utility customers and small water utility systems during a panel discussion at the March 15 symposium in Sacramento hosted by the Regional Water Authority (RWA). Following introductory remarks by Sacramento Mayor Darrell Steinberg, two panels identified challenges and potential solutions for “Making Safe, Clean, Affordable, and Accessible Water a Reality,” the theme of the symposium.



Hawks discusses CPUC solutions at RWA's symposium.

Speaking to a packed house, Mayor Steinberg launched the event by encouraging attendees to embrace “principled compromise” while listening to the panel discussions. According to RWA’s [news release](#), Mayor Steinberg explained that, “Principled compromise is not some Pollyanna notion that you should give up for the greater good. Principled compromise is when you recognize that you need to do something, because if you don’t, the consequences of inaction are going to be worse than what you may have to give up in order to achieve the compromise.”

The first panel identified the challenges of making safe, clean, affordable, and accessible water a reality from statewide and ground-level perspectives, and panel members shared how their organizations are addressing the challenges. The second panel explored proposed legislative solutions, as well as the solutions being implemented by California’s regulated water utilities.



Small System Commonality

- Most Are Barely Solvent
- Most Have Subsidized Their Systems
- Most Have Depreciated Systems
- Most Are Reluctant to Invest/Raise Rates
- Most Are Sincere about Water Quality Compliance
- Most Are Uncomfortable with Regulatory Agencies
- Most Need Regulatory Assistance
- Most Are Not Millennials, Gen Xers or Late Baby Boomers – 21st Century Communications Not Their Friend



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POINTS OF INTEREST

CWA PRESENTS REGULATED WATER UTILITY SOLUTIONS AT REGIONAL WATER AUTHORITY AFFORDABILITY SYMPOSIUM...CONTINUED

During his [presentation](#) on the second panel, Hawks explained the commonality of small water systems and outlined several solutions that the CPUC has instituted in the past 10 years. These include: low-income rate assistance (LIRA) programs for customers; consolidating smaller systems; and providing them with technical, managerial, and financial assistance, such as grants, operational assistance and regulatory guidance. Hawks noted that all of California’s largest regulated water utilities offer LIRA programs, which benefit about 19 percent of their residential customers who receive monthly discounts on their water bills averaging about \$9.50.

Additional information on the symposium, including the seven panelists’ [presentations](#), can be found on RWA’s website at www.rwah2o.org.



California Water Association

CPUC Solutions

- Regulatory/TMF Assistance**
- Low-Income Customer Assistance**
- Small System Consolidation**



California Water Association

CWA/Regulated Utility Cooperation

- Regulated Utilities Consolidated 19 Systems Since 2011 (Other IOUs, Mutual Systems, CSDs, Small Municipalities)
- Regulatory Assistance Program (GRCs, Annual Reports, Audits, Advice Letter Filings)
 - Contract GRC Consultant
 - Regulatory Instruction Modules
 - Financings/Liability Insurance/Valuations/System Sales
- Grant/Loan Application Program
- Water Quality Compliance
- Customer Communications
- Spring and Fall Conference Seminars

POINTS OF INTEREST

REGISTER ONLINE NOW FOR CWA'S SPRING CONFERENCE!

May 17, 2018

The Citizen Hotel, Sacramento, CA

