



CALIFORNIA
AMERICAN WATER

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From: Shari N. Swenney, Legal Assistant
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Date: 6/15/2009

Regarding:
Ryan Ranch Water Distribution System
4 pages, including this cover sheet. Please
contact me if you are missing any pages.

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Comments:

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JUN 15 2009

MPWMD



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June 15, 2009

VIA FACSIMILE AND E-MAIL (Arlene@mpwmd.dst.ca.us)

Kristi Markey
Chair, Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93942

re: June 15, 2009 Meeting, Agenda Item #2; California-American Water's
Objections to Draft Findings re: Decision on Apparent Insufficient Physical
Supplies to Serve Ryan Ranch Water Distribution System

Dear Chair Markey:

California American Water has reviewed Exhibit 2A for the June 15, 2009 Board meeting agenda. California American Water re-asserts its objections and arguments previously submitted in this matter. We also submit the following specific objections to the proposed order.

Paragraph 13: Paragraph 13 incorrectly characterizes the issue of Board bias as one of evidence. Evidence was submitted without objection. The MPWMD's apparent contention that its actions before the CPUC claiming that California American Water has mismanaged its water system do not violate Due Process when the MPWMD conducts its own proceeding regarding the operation of that same water system is a question of law on undisputed facts, and the findings should reflect that conclusion.



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Paragraph 14 and 15: These findings incorrectly characterize the record because there is no evidence that rules and regulations to separate advisory and prosecutorial functions are in place to give rise to the presumption of impartiality. Finding 15 is notably inaccurate because there was no admissible evidence that an "ethical wall" exists or existed between Mr. Laredo and Ms. Farina.

Paragraphs 16 and 17: These findings are incorrect because the MPWMD Law was not submitted as evidence and therefore is not part of the record. These paragraphs are conclusions of law, not findings, and therefore no evidence is required.

Paragraph 18: This paragraph misstates California American Water's CEQA argument. California American Water never contended that an environmental impact report is required for this action, but that every element of the claimed exemption was not supported by substantial evidence and that the MPWMD had not, and has not, conducted the appropriate evaluation of the environmental impacts of this action.

Paragraph 27: This paragraph misstates the evidence; neither Darby Fuerst's declaration nor the Ryan Ranch Water Distribution System Permit, Exhibit F-6 state that the Ryan Ranch Water Distribution System is required to have five wells.

Paragraph 30: This paragraph misstates the evidence because it ignores the existence of the emergency interconnection.



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Paragraph 44: This paragraph is unsupported by evidence because the hearing record is devoid of evidence showing the reason California American Water used the emergency interconnection was because of inadequate well capacity, as opposed to power interruptions, capital improvements, or other disruptions in service unrelated to well capacity.

Because the proposed findings contain the following errors, California American Water contends that the findings should not be adopted as shown in Exhibit 2A.

Best regards,

Tim Miller