



Supplement to 11/15/2021 MPWMD Board Packet

Attached are copies of letters received between October 13, 2021 and November 10, 2021. These letters are listed in the November 2021 Board packet under Letters Received.

Author	Addressee	Date	Topic
Nina Beety	Board of Directors	October 28, 2021	MPWMD, Cal-Am Proposed Decision A.19-07-004 <i>E-mail Attachments are available through the District Office.</i>
Aaron Blair	General Manager	November 9, 2021	Proposed Decision in Application 19-07-004
John Tilley	Board of Directors	November 10, 2021	LAFCo Proceedings on District's Application for Boundary Adjustment and Annexation – <i>October 2020 Appraisal or the Raftelis "additional work on rate impacts" not included with original or amended application</i>

From: nbeety@netzero.net
To: alvinedwards420@gmail.com; georgetriley@gmail.com; safwat@enviro-international.com; karenppaull@gmail.com; carmelcellogal@comcast.net; roberson@monterey.org; district5@co.monterey.ca.us
Cc: Joel Pablo; Dave Stoldt; nbeety@netzero.net
Subject: Comments to MPWMD Board, Cal-Am Proposed Decision-- A.19-07-004
Date: Wednesday, October 27, 2021 6:14:02 PM
Attachments: [Cal-Am 10-19-21 CPUC proposed decision, Sisto A.19-07-004.pdf](#)
[Cal-Am 2-10-20 Motion for Party Status, efiled.PDF](#)
[Cal-Am 7-24-20 Comments to CPUC Cal-Am GRC 19-07-004.pdf](#)
[Cal-Am 2-23-21 Comments on settlement, orig Protest, A.19-07-004.pdf](#)
[Cal-Am 10-27-21 Request to MPWMD on Proposed Decision, A.19-07-004 final.pdf](#)

Dear Chairman Edwards and MPWMD Board of Directors:

On Tuesday, October 19, the CPUC issued a proposed decision on Cal-Am's General Rate Case A.19-07-004. Comments are due Nov. 8, before your next meeting. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M415/K874/415874653.PDF>

I request that the Board oppose Cal-Am's AMI proposal and AMI/AMR opt-out tariff components in the proposed decision.

Last year, on May 18, 2020, the MPWMD Board withdrew its former position of support for Cal-Am's smart /AMI water meters and withdrew its support for any opt-out charges should the CPUC approve smart meters/AMI. MPWMD representatives conveyed that information into this proceeding's record. Both Cal-Am and the CPUC are ignoring you.

On Jan. 22, 2021, in its joint motion to adopt the settlement agreement with Duarte, San Marino, Thousand Oaks, and CPUC Public Advocates, Cal-Am claimed. "No party submitted any testimony opposing California American Water's AMI proposal or identifying any problems with California American Water's proposal."

Cal-Am's statement is obviously false.ⁱ When and how did MPWMD representatives put MPWMD withdrawal of support for AMI and fees into the proceeding record?

Also, in her Proposed Decision, ALJ Carolyn Sisto alleged, "There was little testimony on this issue, beyond Cal-Am's request and discussion of the tariff opt-out provisions..." That is false. She failed to mention or discuss the highly significant testimony from MPWMD, and she provided "little" discussion on both AMI and the opt-out, despite AMI being a major infrastructure change and investment in the CPUC and Cal-Am's own words.ⁱⁱ Instead, she made a conclusory statement that the AMI proposal is "reasonable and in the interest of ratepayers", based only on Cal-Am claims that only "suggest the potential for improved ratepayer experience and lower overall costs" without any evidentiary hearings to examine those claims or the evidence to the contrary, and despite that the ratepayers were not notified about the proposal. ALJ Sisto then buried AMI at the end of the PD.ⁱⁱⁱ In contrast, assigned Commissioner Genevieve Shiroma put AMI as #3 in priority in the scoping memo. The CPUC blocked my ability to be a party, preventing me from submitting evidence into the record.

ALJ Sisto also ignored Cal-Am's gross violation of CPUC orders.^{iv} Cal-Am began installing AMI meters in the Central District, including at my house, at least three years ago, despite the CPUC rejecting Cal-Am's AMI proposal. Her statements in 15.5 on regulatory compliance are not reasonable or consistent, ignore CPUC responsibilities, ignore Cal-Am's perjured testimony, and ignore the scoping memo task per Comm. Shiroma: "Evaluate whether Cal-Am follows all statutory and regulatory requirements."^v

This Proposed Decision is not reasonable and not in the public's interest,

The AMI program is expensive, with known and significant functional problems, and health and environmental impacts. AMI systems result in discrimination and blocked access due to the disabling effects of RF-EMF exposure for people like me, violating Fair Housing, the Americans with Disabilities Act, and state anti-discrimination rules. There are also unexplained cost discrepancies and accounting decisions in Cal-Am's evidence. Importantly, the public was not noticed that this significant Advanced Metering Infrastructure proposal and an opt-out were in the GRC, nor did Cal-Am mention it at the Seaside PPH hearing. The public would only know about AMI if it read through the hundreds of pages of documents in this docket. The CPUC has refused to rectify this lack of notice which may violate the Bagley Keene Act.

The CPUC denied my motion for party status in 2020 – the only party refused – blocking my testimony and evidence into the proceeding on why Cal-Am's AMI proposal was unreasonable and against the public interest. Regardless, I submitted lengthy testimony with evidence – attached -- including my Protest against the Public Advocates Office et al. Settlement Agreement which the CPUC refused to accept and I re-filed as "Public Comments". My testimony at the PPH hearing 2/18/20 and my Motion for Party Status are in the record. None of the other parties, the CPUC, or Cal-Am have accorded my testimony any weight or standing, despite that I am an expert at AMI's effects in the community, a HUD-recognized representative for persons disabled by electromagnetic sensitivity, and experience disabling effects myself from these EMF-emitting invoicing tools – HUD's term for these tools which add an irritating, sensitizing agent but don't do anything other than invoicing.

On August 13, the DC Court of Appeals ruled against the FCC in a lawsuit over the FCC's decision not to revise its RF radiation exposure limits. The court ruled the FCC's order was arbitrary and capricious regarding exposure to children, long-term exposure, new technologies including 5G, and environmental effects, and remanded the order back to the FCC. As a result, the FCC's exposure guidelines are essentially in limbo until the FCC makes a reasoned decision evaluating the evidence and testimony submitted. Any CPUC decision allowing new RF radiation exposures based on FCC limits and ignoring the DC court decision has no assurance of safety and could be argued to be arbitrary and capricious as well.

Finally on rate relief, I want to quote one Cal-Am customer's comment to underscore the importance of rates to our community:

No podemos pagar más para el agua aquí. No es sostenible. Pagamos demasiado

ya. Sencillamente no alcanza el dinero para pagar mas en nuestra factura. La gente trabajador de Monterey, Carmel Valley y Seaside ya no puede pagar más. No MAS AUMENTOS-BASTA YA!!! (translation^{vi})

I urge the Board to oppose this faulty proposed decision, and file a motion for an extension if necessary, given the deadline. Please provide me with how and when MPWMD put its position into the CPUC record, and the content of that testimony.

Thank you.

Sincerely,

Nina Beety
Monterey
831-655-9902

Attached:

CPUC ALJ Carolyn Sisto's Proposed Decision, October 19, 2021

Motion for Party Status, February 10, 2020

Comments, July 24, 2020

Protest of Settlement Agreement February 19, 2021, rejected by CPUC and re-filed as comments, February 23, 2021

i

In addition to saying “no party”, Cal-Am used small “p” party. In the motion, when referring to parties in the settlement agreement, Cal-Am uses a capital “P” - Parties.

ii D.18-12-021 p. 142

“Cal-Am states that ‘AMI represents a significant capital investment...’ 371 We find that Cal-Am has failed to provide sufficient information regarding the benefits and costs of its AMI plan that justifies this significant capital investment.”

iii “Other Miscellaneous Issues” (p. 167) and the “AMR/AMI Opt-Out Program” (p. 161)

iv D.16-12-028,

D.18-12-021, p. 142

Therefore, we deny Cal-Am’s request for wide-scale deployment of AMI in its San Diego, Ventura, Monterey, and Los Angeles County service districts and associated O&M expenses related to AMI...If results from the pilots support that AMI is cost justified, Cal-Am is encouraged to make a new proposal for AMI implementation in a future application or GRC.

Findings of Fact, starts on p. 278

179. Cal-Am has failed to demonstrate that its AMI proposal is cost-effective and that the potential benefits of deploying AMI in the San Diego, Ventura, Monterey, and Los Angeles County service districts justify the requested costs.

v More in my comments filed February 19, 2021

vi We cannot pay more for the water here. It is not sustainable. We pay too much already. Simply, the money is not available to pay more on our bill. The working people of Monterey, Carmel Valley and Seaside already cannot pay more. No more raises – Enough already!!! -- Public comments posted on the docket

November 9, 2021



Delivered Via Email

President Marybel Batjer
Commissioner Darcie Houck
Commissioner Martha Guzman Aceves
Commissioner Cliff Rechtschaffen
Commissioner Genevie Shiroma
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Proposed Decision in Application 19-07-004

Dear President Batjer & Commissioners:

On behalf of the City of Sand City, I write to urge the Commission to revise the proposed decision with respect to California American Water's proposed new well for the Sand City Desalination Plant ("Plant") and to find that the new well is a reasonable and prudent expense.

Although the Plant is permitted for a maximum production capacity of 300-acre feet per year ("afy"), high salinity levels exacerbated by years of drought have cause average yearly production to be closer to 200 afy. To address this problem, a new production well is critical. A new well will provide operational flexibility and increase the reliability of the Plant and its production levels.

A new well and corresponding increased Plant production is a tremendous opportunity for the community and will benefit all of California American Water's Monterey Main System customers. In a 2013 decision, the Commission challenged the value of the Plant to Monterey Main system customers based on the amount of water that might be available to Monterey if Sand City was able to achieve its growth projections and use all of its 206 afy allocation. However, as indicated in the attached table, the majority of water produced to date by the Plant has been used to offset Monterey Main system supplies. Thus, water produced at the Plant has provides benefits to all of California American Water's Monterey Main system customers – not just Sand City customers. A new well would provide additional production that can be used to offset pumping from the adjudicated Seaside Basin and the Carmel River.

Because a new well is a benefit to the entire community, Sand City anticipated that California American Water would obtain cost recovery for construction of the proposed

new well and supports cost recovery by California American Water. Given Monterey's long-standing water supply challenges and the current drought, Sand City respectfully urges the Commission to support California American Water's efforts to bolster its sources of supply and encourage public-private partnerships like the one between Sand City and California American Water.

Respectfully,



Aaron Blair
City Manager
City of Sand City, CA
1 Pendergrass Way
Sand City, CA 93955

cc: Rachel Peterson, Executive Director, CPUC
Terrance Shia, Director, Water Division, CPUC
Ian Crooks, Engineering VP, California American Water
Chris Cook, Director of Operations, California American Water
Service List to A.19-07-004
Sand City Production and Allocation Table (attached)

	SCRO Production (AF)	Sand City Consumption (AF)	Sand City Production not served to Sand City Customers (AF)
2010	99	70	29
2011	290	80	210
2012	208	84	124
2013	197	82	115
2014	182	82	100
2015	210	84	126
2016	185	81	104
2017	256	77	179
2018	194	85	109
2019	106	77	29
2020	213	72	141
2021	114	64	50
		Total	1,318

November 9, 2021

Ms. Kate McKenna

LAFCO of Monterey County

P.O. Box 1369

Salinas, CA 93902

Dear Ms. McKenna,

Please accept this communication and share with your commissioners and staff as a public correspondence related to the MPWMD proposal. I am writing to ask that the most recent appraisal conducted on the subject properties be made available by MPWMD to LAFCO for the critical analysis being conducted by LAFCO so that the community is best served as this momentous decision is made.

It is my understanding that on October 29, 2019 MPWMD's outside consultant Raftelis delivered to the District a feasibility report ("cost of service" study), based on a "preliminary desktop valuation assessment" – not an appraisal – stating that the cost of acquisition would be \$513 million.

A year later in October of 2020 Raftelis delivered to MPWMD a "formal appraisal" of the water system and "additional work on rate impacts." The existence of this work was revealed by Dave Stoldt in his September 13, 2021 presentation to the MPWMD Board in which he sought additional funding for Raftelis work. He told the Board the appraisal was "*ready to go in October 2020*". Here is an excerpt from the staff report on this action item of the September 20, 2021 MPWMD Board meeting which speaks directly to the existence of this updated and more complete information: "*Raftelis has been the District's financial consultant working on the acquisition of the California American Water Company (Cal-Am) Monterey Water System since January 2019. In November 2019 the firm completed the Preliminary Valuation and Cost of Service Analysis Report determining that an acquisition of the System is financially feasible. Raftelis provided additional work on rate impacts and formal appraisal work that was ready to go in October 2020.*"

When on February 26, 2021 MPWMD submitted its initial Application to LAFCO for approval of its "latent powers" (Cal-Am takeover) proposal the submittal included only the October 29, 2019 Raftelis report. The submittal did not include the October, 2020 appraisal or the Raftelis "additional work on rate impacts."

I see that on March 28, 2021 LAFCO sent a letter finding the Application to be incomplete, and detailing several insufficiencies in the Application. One of the questions raised in LAFCO's March 28, 2021 incompleteness letter was whether MPWMD should submit "*Updates of assumptions and modeling used in the Raftelis report's cost-of-service analysis.*" (LAFCO letter, p. 3)

It appears that on May 3, 2021 MPWMD filed an Amended Application attempting to solve the deficiencies in its initial submission that did not include the referenced document LAFCO asked for in your March 28, 2021 correspondence to MPWMD. As with the initial Application, the Amended Application included only the October 29, 2019 Raftelis analysis – and did not include the October, 2020 appraisal or the Raftelis "additional work on rate impacts."

Clearly MPWMD should now deliver to LAFCO the Raftelis October, 2020 work. LAFCO deserves to have the most complete and up-to-date information. The decision should not be based on work done two years ago, which does not include an actual appraisal when more current and complete information is available.

Thank you for your consideration of my communication.

Respectfully yours,

John Tilley