

From: Ron Weitzman [<mailto:ronweitzman@redshift.com>]

Sent: Wednesday, July 13, 2016 7:23 AM

To: Quint, Matthew@Waterboards

Cc: Bill Lee; Howard Gistafson; Janet Shriner; Keith Van Der Maaten; Peter Le; Tom Moore

Subject: Comment on Proposed CDO Modification by Water Ratepayers Association of the Monterey Peninsula

Water Ratepayers Association of the Monterey Peninsula

13 July 2016

State Water Resources Control Board

Dear Board Members:

On behalf of the Water Ratepayers Association of the Monterey Peninsula (Water Plus), I have sent you three prior comments on Cal Am's proposed CDO modification. They have stressed Cal Am's culpability for the impending failure to meet your CDO deadline at the end of this year (the company's abandonment of the Regional Desalination Project) and the gross unfairness of transferring the penalty for that failure from Cal Am (fines) to ratepayers (cutbacks in their water supply). The most recent Water Plus comment suggested you take Cal Am into receivership and turn over its operation to a public agency like the Marina Coast Water District with the mandate that it secure an adequate new water supply for the Monterey Peninsula as soon as possible. That action would concentrate the authority over the mandate in your hands by taking the Public Utilities Commission (protector of Cal Am from your sanctions) out of the picture.

The Water Plus board of directors and one of our attorneys have persuaded me to file this additional comment today. The purpose is not only to remind you of our prior comments, included here by reference, but also to emphasize the fact that neither Cal Am nor Monterey Peninsula ratepayers are responsible for the Carmel River over-draft. As you surely must know, you and you alone are responsible. You are the sole keeper of the Public Trust in this instance. You have failed to meet your Public Trust obligation by continuing to allow Cal Am to ravage the river without penalty for over 20 years now. If you accede to Cal Am's CDO modification request, you will be adding five more years to your record of breaching the Public Trust. You will be doing that, not Cal Am, not Monterey Peninsula ratepayers.

In addressing our local need for a new water supply, Cal Am has broken and bent and skirted the law so many times that it would take me pages to recount them all. Drilling wells and extracting aquifer water without water rights in the Salinas Valley, exclusive exemption

from the Monterey County ordinance prohibiting a private company from owning a desalination plant in the county, and violation of the state Agency Act prohibiting the exportation of groundwater from the valley immediately come to mind. What is notable about all these missteps is that ratepayers, not Cal Am, will have to pay for them, along with any failure to meet this year's CDO deadline or whatever other milestones you might adopt. This continued countenance and encouragement of illegality and injustice must end. You must grasp the reins from Cal Am and the Public Utilities Commission. It is your responsibility to do so. The Carmel River is a Public Trust obligation that lies solely in your hands. You must take charge. Now.

Ever most respectfully,

Ron Weitzman

President, Water Ratepayers Association of the Monterey Peninsula