From: Ron Weitzman <ronweitzman@redshift.com>
Date: August 7, 2018 at 10:09:23 PM PDT
To: <waterplus@redshift.com>
Cc: 'Dorene D'Adamo' <ddadamo@waterboards.ca.gov>, "E. Joaquin Esquivel" <ejesquivel@waterboards.ca.gov>, Eileen Sobeck <esobeck@waterboards.ca.gov>, Eric Oppenheimer <eric.oppeheimer@waterboards.ca.gov>, 'Felicia Marcus' <felicia.marcus@waterboards.ca.gov>, 'Frances Spivy-Weber' <frances.spivy-weber@waterboards.ca.gov>, Jonathan Bishop <jonathan.bishop@waterboards.ca.gov>, 'Steven Moore' <smoore@waterboards.ca.gov>, 'Tam Doduc' <tdoduc@waterboards.ca.gov>, 'Bruce Delgado' <bdelgado62@gmail.com>, 'David Brown' <davidwaynebrown@aol.com>, <'frank.oconnell93933@gmail.com'>, <'Gmorton@montereyfamilylaw.com'>, <LLong@CityofMarina.org>, <'nancyamadeo@gmail.com'>, <SSMyers@att.net>, <SSpaulding@fbm.com>, Bill Lee <directorlee@mcwd.org>, Herbart Cortex <directorcortez@mcwd.org>, "Howard Gustafson " <hgustafson@outlook.com>, Jan Shriner <directorshriner@mcwd.org>, Tom Moore <directormoore@mcwd.org>, <bkampe@cityofpacificgrove.org>, 'Clyde Roberson' <roberson@monterey.org>, <cullem@monterey.org>, Don Freeman <cityatty@ix.netcom.com>, 'Jerry Edelen' <kminami@delreyoaks.org>, <maryann@sandcityca.org>, 'Ralph Rubio' <rafa@redshift.com>, 'Steve Dallas' <dallasforcarmel@gmail.com>, Jane Parker <district4@co.monterey.ca.us>, John Phillips <district2@co.monterey.ca.us>, Luis Alejo <district1@co.monterey.ca.us>, Mary Adams <district5@co.monterey.ca.us>, Simon Salinas <district3@co.monterey.ca.us>, 'Californian' <rzentz@thecalifornian.com>, 'Carmel Pine Cone' <paul@carmelpinecone.com>, 'Cedar Street Times' <editor@cedarstreettimes.com>, 'Channel 11' <amorales@mytvmonterey.com>, 'David Sshmalz' <davids@mcweekly.com>, 'Herald City Editor' <mhcity@montereyherald.com>, 'Jim Johnson' <jjohnson@montereyherald.com>, 'KION TV' <newstips@kionrightnow.com>, 'KSBW' <community@KSBW.com>, 'KSMS TV' <fsoto@entravision.com>, 'Sara Rubin' <sara@mcweekly.com>, 'Shanna McCord' <mheditor@montereyherald.com>, <andympwmd@gmail.com>, <jcbarchfala@att.net>, <lewis4water@gmail.com>, <rbrower136@gmail.com>, <rrubio@ci.seaside.ca.us>, <water@mollyevans.org>
Subject: Water Article in Today's Herald

All: This is interesting information. The administrative law judges must consider the whole record in reaching their decision. Yet, they have not yet responded to an inquiry by Water Plus regarding the inclusion in the record of material demonstrating the dependence of water demand on annual revenue requirement and data-tampering in model evaluation. This material was included in the record as a portion of Water Plus timely (22 February 2017) comments on the draft EIR/EIS and as Exhibit WP-10. (See attachments.) Yet, the ALJs ruled it should be excluded from the 19 April opening brief by Water Plus because, in their view at the time, it was not in the record. The inquiry by Water Plus, so far unanswered by the ALJs, was whether they now acknowledged its existence in the record. This is critical material affecting the need and the legitimacy of the project. --Ron

CALIFORNIA AMERICAN WATER

Desal decision coming next week

CPUC to consider project environmental report, permit Sept. 13

By Jim Johnson
jjohnson@montereyherald.com@JimJohnson_MCH on Twitter

SAN FRANCISCO » A California Public Utilities Commission proposed decision on California American Water's desalination project will be issued by Monday next week (Aug. 13), and will appear on the commission's Sept. 13 meeting agenda, according to a commission spokeswoman.

Public Utilities Commission news and outreach office director Terrie Prosper informed The Herald Monday that a proposed decision on Cal Am's Monterey Peninsula Water Supply project will be issued within a week, followed by the commission's consideration of the project's final environmental impact document and a permit a month later.

Prosper was responding to a query from The Herald after the commission missed a self-imposed Aug. 1 deadline for issuing the crucial proposed decision, which raised concerns that the commission's consideration of the project would miss the state water board's Sept. 30 deadline for commission approval under the current Carmel River pumping cutback order. That could have resulted in the loss of river water supply up to 1,000 acre feet per year under the order.

Issued by a Public Utilities Commission judge or judges, the proposed decision lays out the details of a recommended commission decision on a project and is issued ahead of any commission action.

A March memo issued by presiding Commissioner Liane Randolph indicated the proposed decision would be issued within 90days of the desal project proceeding's submittal on May 3, thus the Aug. 1 deadline, but the memo also left open the possibility that 90-day window could begin after oral argument, which late last month was set for Aug. 22.
Prosper did not explain why the Aug. 1 deadline was missed.

Even before Prosper's announcement, Cal Am spokeswoman Catherine Stedman said company officials were remain-
ing hopeful the Public Utilities Commission would issue the proposed decision soon, even before the oral argument, and said they were confident commission

officials understood the importance of the river cutback order milestone deadline.
At the same time, Stedman said Cal Am officials acknowledged that the Public Utilities Commission could consider delaying issuance of the proposed decision for months after the Aug. 22 oral argument.

Stedman on Monday called Prosper's promise "great news," and said the current schedule "marks considerable progress" and would ultimately "avoid water cutbacks."

But that assumes the commission would approve the project by the end of September, which project opponents have said is anything but guaranteed given what they argue is the project's numerous vulnerabilities, technical and legal.
Peninsula mayors water authority executive director Jim Cullem said he was so concerned by the potential for a delay in issuance of the proposed decision, and missing the river cutback order deadline, that he put it on the authority board's agenda for Thursday's meeting and suggested the board might have to consider the possibility of contacting the state water board if it became clear the milestone would be missed.

On Monday, Cullem expressed relief that the Public Utilities Commission had promised to issue the proposed decision shortly, and that the commission was apparently poised to consider the project by mid- September.

Jim Johnson can be reached at 831-726-4348.

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