

# **NOTICE OF ADVICE LETTER FILING 1337**

## **California American Water's Filing to Activate Mandatory Conservation Measures**

### **Stage 2 of Rule and Schedule 14.1**

### **ADVICE LETTER 1337**

#### **WHY AM I RECEIVING THIS NOTICE?**

On June 4, 2021, California American Water submitted Advice Letter [AL 1337] with the California Public Utilities Commission (CPUC).

If the CPUC approves this advice letter, mandatory conservation measures will go into effect for the Geyserville service area and California American Water may fine customers for repeated violations of its rules upon proper notice.

#### **California American Water is activating STAGE 2 of its Water Shortage Contingency Plan:**

Under the proposed Schedule 14.1 for Geyserville that is part of AL 1337, a Stage 2 condition exists when it is determined, due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Water Shortage Contingency Plan will be enacted upon a determination that water usage should be further reduced from current levels, a temporary water emergency exists necessitating implementation or that the requirements in Stage 1 are ineffective in complying with the necessary reduction, and/or that a government agency requests implementation of this stage to meet physical supply limitations.

#### **WHY IS CALIFORNIA AMERICAN WATER ACTIVATING ITS MANDATORY CONSERVATION MEASURES NOW?**

Sonoma County is now in its second year of drought conditions. On April 21, 2021, Governor Newsom declared a drought emergency for Sonoma and Mendocino Counties and Sonoma Water is reducing flows in the Russian River to preserve water supply. The cities of Healdsburg and Cloverdale have activated a mandatory 20% reduction, and the Sonoma County Board of Supervisors have declared a drought emergency. In response to these conditions, California American Water is proposing a separate Schedule 14.1 for the Geyserville system and requesting activation of Stage 2 of its Water Shortage Contingency plan and asking customers to avoid prohibited uses of water, fix leaks promptly and reduce water use outdoors.

### **CALIFORNIA AMERICAN WATER WILL CONDUCT AN ONLINE PUBLIC HEARING TO GET INPUT FROM CUSTOMERS**

**THURSDAY, JUNE 17, 6 P.M.**

**<https://bit.ly/3uyLf9S>**

**Or call in (audio only): +1 916-244-8157 | Phone Conference ID: 410 830 51#**

#### **PROTESTS AND RESPONSES TO ADVICE LETTER #1337**

The deadline to protest this advice letter is June 24. Please include "Advice Letter #1337" in any response or protest you submit.

The reasons for the protest can be one of the following:

1. The utility did not properly serve or give notice of the advice letter;
2. The relief requested in the advice letter would violate statute or CPUC order, or is not authorized by statute or CPUC order on which the utility relies;
3. The analysis, calculations, or data in the advice letter contain material error or omissions;
4. The relief requested in the advice letter is pending before the CPUC in a formal proceeding;
5. The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or
6. The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided that such a protest may not be made where it would require re-litigating a prior order of the CPUC).

If you would like to submit a protest or response about this advice letter, please write to:

California Public Utilities Commission  
Water Division, 3rd Floor  
505 Van Ness Avenue, San Francisco, CA 94102  
Email: **Water.Division@cpuc.ca.gov**

On the same date the response or protest is submitted to the Water Division, the respondent or protestant shall send a copy by mail (or email) to California American Water at the following address:

Kamilah Jones  
California American Water  
4701 Beloit Drive, Sacramento CA 95838  
Kamilah.Jones@amwater.com

#### **WHERE CAN I GET MORE INFORMATION?**

Customers with internet access may view and download California American Water's advice letter on their website by visiting <https://www.amwater.com/caaw/Customer-Service-Billing/Water-Rates/Advice-Letters>. If you have technical issues accessing the documents through the website, please email [Kamilah.Jones@amwater.com](mailto:Kamilah.Jones@amwater.com) for assistance and reference Advice Letter #1337 in your email.

To request a hard copy of California American Water's Advice Letter, or to obtain more information about the Advice Letter, please write to:

California American Water - Advice Letter #1337  
4701 Beloit Drive  
Sacramento, CA 95838  
Attention: Kamilah Jones  
[Kamilah.Jones@amwater.com](mailto:Kamilah.Jones@amwater.com)

**The following are non-essential or prohibited water uses during a Stage 2 Water Shortage Condition:**

1. Watering Days. The watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than three (3) days per week. Additional limitations on the number of days of the week and times of the day may be enforced at the discretion of the utility. The other provisions of water days as detailed in Stage 1 (as described below) continue unchanged. This provision does not apply to landscape irrigation zones that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. Watering hours. Watering or irrigating of lawn, landscape, or other vegetated areas with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day, except by use of a handheld bucket or similar container, a handheld hose equipped with a positive self-closing water shut-off nozzle or device, or for the express purpose of adjusting or repairing an irrigation system.
3. Watering duration. Watering or irrigating of any lawn, landscape, or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes of watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation equipment when no emitter produces more than (2) gallons of water per hour and weather-based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
4. Watering during and for 48 hours after measurable precipitation. Watering or irrigating of any lawn, landscape, or other vegetated area with potable water during and for 48 hours following measurable precipitation is prohibited.
5. Excessive water flow or run-off. Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
6. Washing vehicles. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it, is prohibited. Use of water for washing commercial aircraft, cars, buses, boats, trailers or other commercial vehicles at any time is prohibited, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use.
7. Washing down hard or paved surfaces. Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard surfaced areas is prohibited, except in cases where health and safety are at risk.
8. Re-circulating water required for water fountains and decorative features. Operating a water fountain or other decorative feature that does not use re-circulated water is prohibited.
9. Commercial businesses, including restaurants and other food service providers can only serve drinking water to customers on request.
10. Hotel/motel operators must provide guests with the option of choosing not to have towels and linens laundered daily. Information about this option must be prominently displayed.
11. Unmetered fire hydrant water cannot be used by individuals for any reason other than fire suppression or utility system maintenance purposes.
12. Obligation to fix leaks, breaks or malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification from California American Water Company.
13. There cannot be unreasonable or excessive use of potable water for dust control or earth compaction.
14. Operation of commercial car washes that do not recycle the potable water used as required by the California Water Code Sections 10950-10953.
15. Other wasteful practices identified from time to time by the Commission, utility, or governmental agency.
16. Other specific water use restrictions as from time to time may be imposed by the Commission or other governmental agencies as specifically noted in General Metered Special Conditions

When the utility observes wasteful water use practices or when such wasteful uses of water are reported to the utility, the utility shall attempt face-to-face contact with the customer or other person on the premises to request compliance with these restrictions, or if that is not possible, shall leave at the premises a door hanger notice making such request.

**Schedule 14.1 details how California American Water may enforce the prohibition of water uses detailed above. Although the company is requesting these authorities, it plans to prioritize education over enforcement:**

**A. APPLICABILITY**

1. This schedule applies to all water customers served under all tariff schedules authorized by the Commission for the Geyserville system. It is only effective in times of implementation of the Water Shortage Contingency Plan enforcement stages, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.
2. This Schedule shall remain dormant until activated by Commission authorization via a Tier 2 advice letter.
3. Once the Schedule is activated, utility can implement Stages of the Schedule by filing a Tier 1 advice letter
4. When this schedule is activated, it shall remain in effect until the utility files a Tier 1 advice letter to deactivate a specific stage of the Water Shortage Contingency Plan and such is authorized by the Commission.

**B. TERRITORY**

1. This Schedule applies to all customers in the Geyserville system. All other customers served by California American Water Company are excluded from this particular tariff but are included in separate and distinct Water Shortage Contingency Plans.

### C. STAGES

1. Stage 1 of the Water Shortage Contingency Plan enacts water conservation requirements established in Rule 14.1 Section D. The non-essential or unauthorized water uses in Section D are in effect at all times.
2. Stage 2 First Enforcement Stage of the Water Shortage Contingency Plan - A Stage 2 Water Shortage Contingency Plan condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 2 of the Water Shortage Contingency Plan will be enacted upon a determination that water usage should be further reduced from current levels, that a temporary water emergency exists necessitating implementation or that the requirements of Stage 1 are ineffective in complying with the necessary reduction.
3. Stage 3 Second Enforcement Stage of the Water Shortage Contingency Plan - A Stage 3 Water Shortage Contingency Plan Condition exists when it is determined that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Stage 3 will be enacted upon a determination that water usage should be reduced further from current levels, that a temporary water emergency exists necessitating implementation or that the requirements in Stages 1 and 2 are ineffective in complying with the necessary reduction.
4. Stage 4 Third Enforcement Stage of the Water Shortage Contingency Plan - A Stage 4 Water Shortage Contingency Plan condition is also referred to as an "Emergency" condition. A Stage 4 condition exists when it is determined that a critical water shortage emergency exists, or that the measures in Stages 1 through 3 are ineffective in complying with a necessary reduction.
5. Stage 5 Mandatory Rationing. A rationing plan will be implemented when it is determined that the efforts in Stage 4 are insufficient to meet the regulatory or physical limitations of the available water supply.

### D. WATER USE VIOLATION FINE

1. When an Enforcement Stage of the Water Shortage Contingency Plan has been activated by Commission authorization, the water use restrictions of Stage 1 in the Water Shortage Contingency Plan in Section D of Rule 14.1 become subject to fines and penalties imposed by the utility. The utility will first work closely with local law enforcement and public agencies charged with enforcing the mandatory water use restrictions. However, should the utility find that the local agency is not effectively enforcing the mandatory use restrictions, the utility, after written warnings, such as door hangers and letters, may begin to issue fines. If a customer is seen violating the water use restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following fine structure:
  - a. First offense: Written warning, including explanation of penalty for subsequent offense.
  - b. Second offense within 1 year (of the same restriction): Written warning, including explanation of penalty for subsequent offense and \$100 fine.
  - c. Third offense within 1 year (of the same restriction): Written warning, including explanation of penalty for subsequent offense and a \$250 fine.
  - d. Fourth offense within 1 year (of the same restriction): Written warning, including explanation of penalty for subsequent offense and a \$500 fine.
  - e. Fifth offense within 1 year (of the same restriction): Written warning, including explanation of penalty for subsequent offense and service termination pursuant to Rule 11 and a \$500 fine.
  - f. Sixth offense within 1 year. (of the same restriction): Installation of a flow restricting device on customer's water meter for duration of enforcement stage of the Water Contingency Plan.
2. Offenses for separate water use restrictions will each start at the warning stage.
3. The water use violation fine is in addition to the regular rate schedule charges and any applicable drought surcharge rates.

### E. APPLICABLE DROUGHT SURCHARGE RATES

1. When in Stage 3 of the Water Shortage Contingency Plan - a surcharge rate be will be added to all residential water usage in excess of 8 CCF. The surcharge rate will be equal to the Tier 3 residential rate in effect at the time Stage 3 is enacted. The surcharge rate for low income customers will be 50% of the Stage 3 surcharge rate. For all other customers there will be no surcharge imposed at Stage 3.
2. When in Stage 4 of the Water Shortage Contingency Plan – The Stage 3 residential drought surcharge rates will be tripled for all usage in excess of 8 CCF in Stage 4. The surcharge rate for low income customers will be 50% of the residential Stage 4 surcharge rate. All other customers will pay a drought surcharge rate of 25% of the regular rate on all usage in Stage 4.
3. Rule 14.1 includes provisions to allow customers to seek a variance to the drought surcharge rates. Those residential customers who prevail in their request for a variance will receive a 50% increase in the amount of usage not subject to the surcharge rate. The usage not subject to the surcharge rate would be increased from 7 CCF to 10 CCF.

### F. ENFORCEMENT

1. Letter/Fine: From second violation of the same restriction within a one-year period and onwards, a violation letter will be posted on property and sent to billing address, if different.
2. Aging of violation: Violations will accrue for the period of one year and be considered corrected and expunged one year after the violation occurs. The purpose of this rule is to prevent discrete violations from accruing in the event of a multi-year enforcement of the Water Contingency Plan.
3. Applies to all Enforcement Stages of Water Shortage Contingency Plan.

	<b>VIOLATION 1</b>	<b>VIOLATION 2</b> (of the same restriction)	<b>VIOLATION 3</b> (of the same restriction)	<b>VIOLATION 4</b> (of the same restriction)	<b>VIOLATION 5/6</b> <sup>(2)</sup> (of the same restriction)
<b>Proof of violation</b>	Employee or customer reports with no additional verification required	Verification with a written report by employee or contractor of California American Water	Verification with a written report by employee or contractor of California American Water	Verification with a written report by employee or contractor of California American Water	Verification with a written report by employee or contractor of California American Water
<b>Letter/fine</b>	Warning letter mailed to premise and billing address	Violation letter posted and mailed with \$100 penalty on next bill	Violation letter posted and mailed with \$250 penalty on next bill	Violation letter posted and mailed with \$500 penalty on next bill	Violation letter posted and mailed, shut off per Rule 11 with \$500 penalty on next bill
<b>Fixing leaks</b> <b>Stage 1</b> <b>Stage 2</b> <b>Stage 3</b> <b>Stage 4</b>	Customer has: 5 days 72 hours 24 hours Immediate	Customer has: 5 days 72 hours 24 hours Immediate	Customer has: 5 days 72 hours 24 hours Immediate	Customer has: 5 days 72 hours 24 hours Immediate	Customer has: 5 days 72 hours 24 hours Immediate
<b>Time to correct violation</b>	5 days	5 days	5 days	5 days	5 days
<b>Time customer has to request variance of the alleged violation</b>	14 days to contact California American Water in writing	14 days to contact California American Water in writing	10 days to file an appeal with California American Water in writing	10 days to file an appeal with California American Water in writing	10 days to file an appeal with California American Water in writing
<b>If the customer does not agree with California American Water's resolution</b> <sup>(1)</sup>  <b>Reference Section K of Rule 14.1</b>	Further reported violations of the same restricted use will not be counted in the determination of further action until one week after the variance request is resolved	Customers have 14 days to file an appeal with the CPUC's Division of Water and Audits. If the customer disagrees with DWA's director, they may file a formal complaint with the CPUC.	Customers have 10 days to file an appeal with the CPUC's Division of Water and Audits. If the customer disagrees with DWA's director, they may file a formal complaint with the CPUC.	Customers have 10 days to file an appeal with the CPUC's Division of Water and Audits. If the customer disagrees with DWA's director, they may file a formal complaint with the CPUC.	Customers have 10 days to file an appeal with the CPUC's Division of Water and Audits. If the customer disagrees with DWA's director, they may file a formal complaint with the CPUC.

<sup>(1)</sup> If a customer has appealed the receipt of the penalty, the penalty will continue to be posted on the customer's account, but will not result in further service action, until at least 14 days after the resolution of appeals. Once resolved, if in the customer's favor, the penalty will be immediately removed from the account. If not resolved in the customer's favor, then the penalty will be due and payable as part of the next billing cycle and subject to all such further actions as with any other billed charge.

<sup>(2)</sup> For violation 6, instead of shut-off per Rule 11 and \$500 penalty, a flow restrictor will be installed for duration of enforcement.

#### G. FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restricting device and/or reconnecting water service shall be:

<b>CONNECTION SIZE</b>	<b>REMOVAL CHARGES</b>
5/8" to 1"	\$150
1½" to 2"	\$200
3" and larger	Actual Cost

#### H. SPECIAL CONDITIONS

1. The Tier 1 advice letter requesting activation of any Enforcement Stage of Schedule 14.1 shall include documentation of the overall water shortage justifying activation of that particular stage.
2. This tariff schedule shall remain in effect until the utility files a Tier 1 advice letter to deactivate specific stage of Water Shortage Contingency Plan and such is authorized by the Commission.
3. Water use violation fines must be separately identified on each bill.
4. Water penalty surcharges must be separately identified on each bill.
5. All bills are subject to the reimbursement fee set forth on Schedule No. UF.
6. All monies collected by the utility through water use violation fines and water penalty surcharges shall not be accounted for as income. All expenses incurred by the utility to implement Rule 14.1 and Schedule 14.1, and the requirements of the California State Water Resources Control Board ("SWRCB") that have not been considered in a General Rate Case or other proceeding, shall be recoverable by the utility if determined to be reasonable by the Commission. These monies shall be accumulated by the utility in a separate memorandum account for disposition as directed or authorized from time to time by the Commission.



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