

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 14, 2021

Natalie Wales
Director of Regulatory Policy & Compliance
California Water Service Co.
1720 North First St
San Jose, CA 95112-4598

Dear Ms. Wales,

The Commission has approved California Water Service Company's Advice Letter No. 2416, filed on August 10, 2021, regarding Addition to Rule 3 re Affordable Housing.

Enclosed are copies of the following revised tariff sheets, effective August 10, 2021, for the utility's files:

P.U.C. Sheet	
No.	Title of Sheet
12604-W	Rule No.3 - Application for Service (Page 1)
12605-W	Rule No.3 - Application for Service (Page 2)
12606-W	Table of Contents Page 12
12607-W	Table of Contents Page 1

Please contact Kevin Truong at VT4@cpuc.ca.gov or 415-703-1353, if you have any questions.

Thank you,

/s/ROBIN BRYANT

Robin Bryant
Water Division

Enclosures

**CALIFORNIA PUBLIC UTILITIES COMMISSION
DIVISION OF WATER AND AUDITS**

Advice Letter Cover Sheet

California Water Service
Utility Name: Company
Date Mailed to Service List: 08/10/2021
All Regulated Areas (including
District: Travis and Grand Oaks)
CPUC Utility #: U-60-W
Protest Deadline (20th Day): 08/30/2021
Advice Letter #: 2416
Review Deadline (30th Day): 09/09/2021
Tier: 1 2 3 Compliance
Requested Effective Date: 08/10/2021
Authorization: SB 1087 (2005)
Rate Impact: none
Description: Addition to Rule 3 re Affordable Housing

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was e-mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

Utility Contact: Natalie Wales
Phone: 408-367-8566
Email: Nwales@calwater.com

Utility Contact: Sergio Esquivel
Phone: 408-367-8574
Email: sesquivel@calwater.com

DWA Contact: Tariff Unit
Phone: (415) 703-1133
Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

<u>DATE</u>	<u>STAFF</u>	<u>COMMENTS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPROVED WITHDRAWN REJECTED

Signature: _____
Date: _____

Comments: _____



August 10, 2021

Advice Letter No. 2416

To the California Public Utilities Commission:

California Water Service Company (“Cal Water”) respectfully submits this Tier 1 advice letter applicable to all regulated areas in California (including Travis and Grand Oaks) requesting authority to make the changes in its tariff as described below.

Please note that, consistent with the Commission’s guidelines during the COVID-19 pandemic, this advice letter is only being distributed electronically to the Water Division and the attached service lists.

New/Revised CPUC Sheet No.	Title of Sheet	Schedule No.	Cancelling CPUC Sheet No.
12604-W	Rule No.3 - Application for Service (Page 1)	Rule No.3	10415-W
12605-W	Rule No.3 - Application for Service (Page 2)	Rule No.3	5065-W
12606-W	Table of Contents Page 12	TOC 12	12480-W
12607-W	Table of Contents Page 1	TOC 1	12603-W

Summary

Senate Bill 1087, section 65589.7 of the Government Code was amended. Therefore, Cal Water proposes to update its Rule 3 tariff, to include language related to the application of service to affordable housing.

Background

On July 27, 2006 the California Public Utilities Commission requested for regulated water and sewer utilities to update their application of service and to grant priority to those that include affordable housing for lower income households.

Discussion

Government Code Section 65589.7

- (A) The housing element adopted by the legislative body and any amendments made to that element shall be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential,



within the territory of the legislative body. Each public agency or private entity providing water or sewer services shall grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

- (B) A public agency or private entity providing water or sewer services shall adopt written policies and procedures, not later than July 1, 2006, and at least once every five years thereafter, with specific objective standards for provision of services in conformance with this section. For private water and sewer companies regulated by the Public Utilities Commission, the commission shall adopt written policies and procedures for use by those companies in a manner consistent with this section. The policies and procedures shall take into account all of the following:
- (1) Regulations and restrictions adopted pursuant to Chapter 3 (commencing with Section 350) of Division 1 of the Water Code, relating to water shortage emergencies.
 - (2) The availability of water supplies as determined by the public agency or private entity pursuant to an urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.
 - (3) Plans, documents, and information relied upon by the public agency or private entity that is not an “urban water supplier,” as defined in Section 10617 of the Water Code, or that provides sewer service, that provide a reasonable basis for making service determinations.
- (C) A public agency or private entity that provides water or sewer services shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the public agency or private entity makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:
- (1) The public agency or private entity providing water service does not have “sufficient water supply,” as defined in paragraph (2) of subdivision (a) of Section 66473.7, or is operating under a water shortage emergency as defined in Section 350 of the Water Code, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
 - (2) The public agency or private entity providing water service is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.



- (3) The public agency or private entity providing sewer service does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.
 - (4) The public agency or private entity providing sewer service is under an order issued by a regional water quality control board that prohibits new sewer connections.
 - (5) The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the public agency or private entity, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Section 66013.
- (D) The following definitions apply for purposes of this section:
- (1) “Proposed developments that include housing units affordable to lower income households” means that dwelling units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.
 - (2) “Water or sewer services” means supplying service through a pipe or other constructed conveyance for a residential purpose, and does not include the sale of water for human consumption by a water supplier to another water supplier for resale. As used in this section, “water service” provided by a public agency or private entity applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.
- (E) This section is intended to neither enlarge nor diminish the existing authority of a city, county, or city and county in adopting a housing element. Failure to deliver a housing element adopted by the legislative body or amendments made to that element, to a public agency or private entity providing water or sewer services shall neither invalidate any action or approval of a development project nor exempt a public agency or private entity from the obligations under this section. The special districts which provide water or sewer services related to development, as defined in subdivision (e) of Section 56426, are included within this section.



(F) The Legislature finds and declares that this section shall be applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is a matter of vital statewide importance.

Requested Effective Date

Cal Water requests an effective date of **August 10, 2021**.

Notice

Customer Notice – Customer notice of Tier 1 advice letters is not required under General Order 96-B, General Rule 7.3.1.

Service Lists – In accordance with General Order 96-B, General Rule 4.3 and 7.2 and Water Industry Rule 4.1, a copy of this advice letter will be transmitted **electronically** on **August 10, 2021** to competing and adjacent utilities and other utilities or interested parties having requested such notification. ***Please note that, consistent with the Commission’s guidelines for service during the COVID-19 pandemic, this advice letter is only being distributed electronically.***

Response or Protest

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (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 Commission order, or is not authorized by statute or Commission 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 Commission in a formal proceeding; or
- (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 relitigating a prior order of the Commission.)

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received by the Water Division within 20 days of the date this advice letter is filed. The advice letter process does not provide for any responses, protests or comments, except for the utility’s reply, after the 20-day comment period. The address for mailing or delivering a protest is:



Tariff Unit, Water Division 3rd floor
California Public Utilities Commission,
505 Van Ness Avenue, San Francisco, CA 94102
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 e-mail) to us, addressed to:

Natalie Wales
California Water Service Company
1720 North First Street,
San Jose, California 95112
cwsrates@calwater.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Water Division, within the 20-day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

Replies

The utility shall reply to each protest and may reply to any response. Each reply must be received by the Water Division within 5 business days after the end of the protest period, and shall be served on the same day to the person who filed the protest or response. If you have not received a reply to your protest within 10 business days, contact California Water Service Company at 408-367-8200.

CALIFORNIA WATER SERVICE COMPANY

A handwritten signature in cursive script that reads "Natalie Wales".

Natalie Wales
Director of Regulatory Policy and Compliance

cc: Syreeta Gibbs (Public Advocates Office)
PublicAdvocatesWater@cpuc.ca.gov

Rule No. 3
Application for Service

A. Application for Service

(T)

Each applicant for water service may be required to complete a form provided by the Utility, an application which will set forth:

1. Date and place of application.
2. Location of premises to be served.
3. Date applicant will be ready for service.
4. Whether the premises have been heretofore supplied with water by the Utility.
5. Purposes for which service is to be used.
6. Address to which bills are to be mailed, or delivered.
7. Whether applicant is owner or tenant of, or agent for, the premises.
8. Rate schedule desired where optional rates are in effect.
9. Such other information as the utility may reasonably require.

The application is merely a written request for service and does not bind the applicant to take service for a period of time longer than that upon which the rates and minimum charge of the applicable rate schedule are based; neither does it bind the Utility to serve, except under reasonable conditions.

B. Individual Liability for Joint Service

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

C. Change in Customer's Equipment

Customers making any material change in the size, character or extent of the utilizing equipment or operations for which the Utility is supplying water service shall immediately give the Utility written notice of the extent and nature of the change.

D. Use of Water Without Application for Service Having Been made

Any person or firm taking possession of and using water without having made application to the Utility for service, shall be held for the full amount of the service rendered.

(T)

(Continued)

(To be inserted by utility)	Issued By	(To be inserted by CPUC)
Advice Letter <u>2416</u>	<u>Greg A. Milleman</u>	Date Filed <u>08/10/2021</u>
Decision	<u>Vice President</u>	Effective <u>08/10/2021</u>
		Resolution _____

Rule No. 3
Application for Service

E. Service to a Tenant

No tenant applying for residential water service shall be required to pay charges or penalties on account of nonpayment of charges by a previous tenant. The Company may, however, require that service to subsequent tenants be furnished on the account of the landlord or property owner.

F. Service to Affordable Housing

(N)

Applications for service to a proposed development that includes housing units affordable to lower income households shall not be denied, conditioned, or reduced unless the utility finds in writing that said action is necessary due to the existence of one or more of the following:

1. The utility does not have "sufficient water supply," as defined in paragraph (2) of subdivision (a) of Section 66473.7 of the Government Code, or is operating under a water shortage emergency as defined by Section 350 of the Water Code, or has reached the limit of its capacity to supply water pursuant to Section 2708 of the Public Utilities Code, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
2. The utility is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
3. The utility providing sewer service does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of treatment or collection works, to serve the needs of the proposed development.
4. The utility providing sewer service is under an order issued by a regional water quality control board that prohibits new sewer connections.
5. The applicant for service has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects, including, but not limited to, the requirements of local, state, or federal laws and regulations.

Unless otherwise stated, definitions of the language herein are governed by Section 65589.7(d) of the Government Code.

(N)

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RULES

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<u>Rules</u>	
No. 1 Definitions	
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No. 2 Descriptions of Services	1485-W
No. 3 Application for Service	
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No. 6 Establishment and Re-establishment of Credit	643-W
No. 7 Deposits	
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No. 8 Notices	
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No. 9 Rendering and Payment of Bills	
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No. 10 Disputed Bills	
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No. 11 Discontinuance and Restoration of Service	
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No. 12 Information Available to the Public	
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No. 13 Temporary Service	
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(continued)

(To be inserted by utility)
 Advice Letter No. 2416
 Decision No. _____

Issued by
 GREG A. MILLEMAN
 Name
 Vice President
 TITLE

(To be inserted by CPUC)
 Date Filed 08/10/2021
 Effective 08/10/2021
 Resolution No. _____

Table of Contents - Page 1

The following listed tariff sheets contain all effective rates and rules affecting the rates and service of the Utility together with information relating thereto:

<u>Sheet Subject Matter</u>	<u>Service Area</u>	<u>Schedule No.</u>	<u>CPUC Sheet No.</u>
Title Page			5613-W
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Page 1	Table of Contents		12607-W (C)
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Page 3	Preliminary Statements		12514-W
Page 4	Preliminary Statements		12602-W
Page 5	Rate Schedules - All Districts		12593-W
Page 6	Rate Schedules - District Specific		12599-W
Page 7	Rate Schedules - District Specific		12598-W
Page 8	Rate Schedules - District Specific		12463-W
Page 9	Rate Schedules - District Specific		12476-W
Page 10	Rate Schedules - District Specific		12461-W
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Page 13	Rules		12589-W
Page 14	Sample Forms		12553-W
Page 15	Sample Forms		2926-W
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(continued)

(To be inserted by utility)
 Advice Letter No. 2416
 Decision No. _____

Issued by
GREG A. MILLEMAN
 Name
Vice President
 TITLE

(To be inserted by CPUC)
 Date Filed 08/10/2021
 Effective 08/10/2021
 Resolution No. _____



Antelope Valley District (Los Angeles Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Leona Valley Cherry Growers

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JOSEPH S. LUCIDO

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GABE NEVAREZ, PUBLIC WORKS

MANAGER

City of Lancaster

615 West Avenue H

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gnevarez@cityoflancaSTERca.org



Bakersfield District

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bakersfield, CA 93304

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Bay Area Region

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bay Area Region

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Bear Gulch District
ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Chico District
ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Dixon District
ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Dominguez District
ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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East Los Angeles District
 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Palos Verdes District (Los Angeles Region)

ADVICE LETTER FILING MAILING LIST
PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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Travis District
 ADVICE LETTER FILING MAILING LIST
 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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 PER SECTION III (G) OF GENERAL ORDER NO. 96-A

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