



GREAT OAKS WATER COMPANY

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June 9, 2021

California Public Utilities Commission
Division of Water and Audits
Room 3102
505 Van Ness Avenue
San Francisco, CA 94102-3298

**Advice Letter 302-W
Great Oaks Water Company (U-162-W)
To the California Public Utilities Commission**

Great Oaks Water Company (Great Oaks) submits this Tier 2 advice letter filing requesting authorizing to establish a Conservation Lost Revenue and Expense Memorandum Account. The following tariff sheets pertaining to the requested memorandum account are attached to this advice letter:

CPUC Sheet Number	Title	Canceling
971-W	Preliminary Statement	NA (new tariff sheet)
972-W	Preliminary Statement	NA (new tariff sheet)
973-W	Table of Contents	970-W

Summary

This advice letter requests the establishment of a Conservation Lost Revenue and Expense Memorandum Account (Memorandum Account) pursuant to

California Public Utilities Commission (Commission) Resolution W-4976 and Standard Practice U-40-W (as revised).

Background Information

California is once again experiencing extremely dry conditions. On June 8, 2021, the State Water Resources Control Board (Water Board) issued a Notice to Public Drinking Water Systems regarding ongoing dry conditions in California and drought preparation.

On the same day, the President of the California Public Utilities Commission (Commission) issued a letter to all investor-owned water utilities calling upon the utilities to remind their customers of the ongoing dry conditions and to encourage actions to reduce water usage. The letter referenced Standard Practice U-40-W, which was adopted pursuant to Resolution W-4976, issued February 28, 2014.

On June 9, 2021, the Santa Clara Valley Water District (Valley Water) adopted a resolution declaring a Water Shortage Emergency Condition in Santa Clara County and called for water service providers (referenced as “retailers” in the Valley Water resolution) to “achieve a water use reduction target equal to 15 percent of 2019 water use (33 percent of 2013 water use).” A copy of the unsigned Valley Water resolution is attached as Exhibit A.

Resolution W-4976 ordered all water utilities to comply with directives under emergency declarations calling for mandatory water use reductions or rationing. The resolution adopted by Valley Water on June 9, 2021 calls for such mandatory water use reductions due to its declared Water Shortage Emergency.

Resolution W-5000, issued August 14, 2014, found that water utilities regulated by the Commission are required to assist in assuring compliance with restricted water uses adopted by local public agencies.

Great Oaks is taking action to comply and assist with Valley Water’s June 9, 2021 declaration of a Water Shortage Emergency and its call for 15% water use reductions as compared to water usage in 2019. Great Oaks filed Advice Letter 301-W to update and activate its Schedule No. 14.1 Mandatory Water Conservation to be consistent with Valley Water’s mandates. This Advice Letter 302-W is also consistent with that mandate and Commission requirements.

Resolution W-4976 authorizes utilities to establish memorandum accounts to track lost revenues and expenses from conservation efforts:

Utilities requesting a lost revenue memorandum account should activate either voluntary conservation measures pursuant to Rule 14.1 or mandatory rationing pursuant to Schedule 14.1 before booking revenue shortfalls to the memorandum account. Lost revenues should be tracked only so long as conservation measures are in effect. Affected utilities should file a Tier 2 advice letter to add the memorandum account to the Preliminary Statements in its tariff.¹

Great Oaks does not have a full water revenue adjustment mechanism (WRAM) and is eligible for the requested Conservation Lost Revenue and Expense Memorandum Account.

Consistent with Resolution W-4976, Great Oaks now requests Commission authority to establish a Conservation Lost Revenue and Expense Memorandum Account. The tariff sheets with the proposed terms and conditions of the requested Memorandum Account for Great Oaks' Preliminary Statement are included with this advice letter filing.

Rate Impact

There is no rate impact associated with the requested Memorandum Account, although there may be a rate impact when the balance in the Memorandum Account is amortized.

Tier Designation

This is a Tier 2 advice letter under Resolution W-4976 and General Order 96-B, Industry Rule 7.3.2(6).

Requested Effective Date

Great Oaks requests that the tariff sheets setting forth the terms of the Conservation Lost Revenue and Expense Memorandum Account have an effective date of June 9, 2021.

Notice and Service

This advice letter is being served upon the Distribution List provided below. No other notice or publication of the Advice Letter is required.

Response or Protest

¹ Resolution W-4976, at pp. 11 – 12. See also Finding and Conclusion Nos. 22 and 23, at pp. 15 – 16.

Anyone may protest and respond to 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 specific grounds on which it is based. These grounds may be based upon the following:

- (1) The utility did not properly serve or give notice of the advice letter;
or
- (2) The relief requested in the advice letter would violate a statute or Commission order, or is not authorized by statute or Commission order on which the utility relies; or
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions; or
- (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 re-litigating a prior order of the Commission).

Any protest or response must be made in writing or by electronic mail and must be received by the Commission's Division of Water and Audits within 20 days of the date this advice letter is filed. The advice letter process does not provide for any protests, responses or other comments, except for a reply by Great Oaks, after the 20-day comment period expires. The address for mailing or delivering a protest or response is:

Tariff Unit, Division of Water and Audits, 3rd floor
California Public Utilities Commission,
505 Van Ness Avenue, San Francisco, CA 94102
water_division@cpuc.ca.gov

On the same date any protest or response is submitted to the Water Division, the protesting or responding person, entity or party must serve a copy of the protest or response on Great Oaks addressed to:

Timothy S. Guster
Great Oaks Water Co.
PO Box 23490
San Jose, CA 95153
Telephone: (408) 227-9540

Facsimile: (408) 227-7126
Email: tguster@greatoakswater.com

Great Oaks Water Company

/s/

Timothy S. Guster
General Counsel
Legal and Regulatory Affairs

cc: Syreeta Gibbs (via email)

VERIFICATION

I am an officer of the Great Oaks Water Company and am authorized to make this verification on its behalf. The statements in the foregoing document, Great Oaks Water Co.'s Advice Letter 302-W, are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 9, 2021 at San Jose, California.

/s/
Timothy S. Guster

Certificate of Service

I hereby certify that I have this day served a copy of Great Oaks Water Co.'s Advice Letter 302-W on the parties listed on the following Distribution List by mailing a properly addressed copy by first class mail with postage prepaid.

Executed on June 9, 2021 at San Jose, California.

/s/
Timothy S. Guster

Great Oaks Water Co.
Distribution List

Municipal Water System
City of San Jose
3025 Tuers Road
San Jose, CA 95121

County Clerk
County of Santa Clara
70 W. Hedding Street
San Jose, CA 95110

Safe Drinking Water Office
Department of Water Resources
1416 9th Street, Room 804
Sacramento, CA 95814

Office of Regulatory Affairs(e)
California Water Service Company
1720 North First Street
San Jose, CA 95112

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Richard Rauschmeier (e)
Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Syreeta Gibbs (e)
Public Advocates Office
California Public Utilities
Commission
505 Van Ness Avenue
San Francisco, CA 94102

Legal Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3214

Regulatory Affairs (e)
San Jose Water Company
110 West Taylor Street
San Jose, CA 95156

Great Oaks Water Company

Advice Letter 302-W

Exhibit A

**Santa Clara Valley Water District
Resolution Calling for Mandatory Water Conservation
Adopted at Special Board Meeting on June 9, 2021**

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 21-

**RESCINDING RESOLUTION 17-43, DECLARING A WATER SHORTAGE
EMERGENCY CONDITION CALLING FOR WATER USE RESTRICTIONS, AND
URGING THE COUNTY OF SANTA CLARA TO PROCLAIM A LOCAL EMERGENCY**

WHEREAS, a public hearing was held on June 9, 2021, on the matter of whether the Santa Clara Valley Water District (Valley Water) Board of Directors should declare that a water shortage emergency condition exists within Santa Clara County (County); and

WHEREAS, notice of said hearing was published on June 2, 2021, in the *San Jose Mercury News*, a newspaper of general circulation printed and published within the County; and

WHEREAS, at said hearing, all persons present were given an opportunity to be heard by the Board; and

WHEREAS, the Board heard and considered public testimony, staff's presentation, and other evidence presented at said hearing; and

WHEREAS, the County is in its second consecutive year of drought, and the County is now in an extreme drought condition according to the United States Drought Monitor; and

WHEREAS, pursuant to Water Code Section 350 a "governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection"; and

WHEREAS, the Board seeks to conserve the limited water supply of Valley Water for the greatest public benefit with particular regard to public health, fire protection, and domestic use without threatening local land subsidence, by ensuring the conservation of water, by avoiding the waste of water, and to the extent necessary and by reason of the existing water shortage emergency condition, by reducing water use in the County in a manner that is fair and equitable; and

WHEREAS, on March 22, 2021, the California State Water Resources Control Board mailed early warning notices to water rights holders in California, including Valley Water, urging them to plan for potential shortages by reducing water use and adopting practical conservation measures; and

WHEREAS, local watershed runoff was substantially limited in the 2020 and 2021 water years due to extreme dry conditions and Valley Water's current local surface water storage as of June 1 is at 26 percent of the 20-year average; and

WHEREAS, Anderson Reservoir is Valley Water's largest surface water reservoir and holds up to 89,278 acre-feet of water—more than all of Valley Water's other nine surface water reservoirs combined; and

WHEREAS, on February 20, 2020, the Federal Energy Regulatory Commission, for public health and safety reasons, ordered Valley Water to drain Anderson Reservoir to deadpool beginning no later than October 1, 2020; and

WHEREAS, Anderson Reservoir has been drained to deadpool and will not be available as a surface water storage facility for the duration of the Anderson Dam Seismic Retrofit Project, which is expected to last 10 years; and

WHEREAS, the availability of Coyote Reservoir, Valley Water's second largest reservoir, is also limited because of California Department of Water Resources Division of Safety of Dams storage limits; and

WHEREAS, due to the unavailability of Anderson Reservoir and limited availability of Coyote Reservoir due to regulatory restrictions, Valley Water's ability to store water locally for groundwater recharge and water treatment plant supplies, and as a buffer to mitigate against current and future water shortages, is significantly limited; and

WHEREAS, the snowpack in the northern Sierra Nevada Mountains was 5 percent of normal and the statewide snow water equivalent was zero percent of normal as of June 1, 2021; and the 2021 State Water Project allocation is 5 percent, and the 2021 South-of-Delta Central Valley Project allocation is currently 25 percent for Municipal & Industrial water and zero percent for Agricultural water; and

WHEREAS, there is significant uncertainty as to local and statewide water supply conditions, and imported supplies may continue to be negatively impacted; and

WHEREAS, Santa Clara County relies heavily on unpredictable imported water to supplement local water to supply its drinking water treatment plants, to replenish the local groundwater basins, and to prevent adverse community impacts such as the return of historic overdraft and land subsidence in northern Santa Clara County; and

WHEREAS, through careful groundwater management, Santa Clara County groundwater storage at the start of 2021 was well within the "Normal" stage (Stage 1) of Valley Water's Water Shortage Contingency Plan, but without additional water use reduction this storage is expected to drop significantly by as much as 80,000 acre-feet by the end of 2021 due to limited recharge and increased pumping as a result of drought conditions, reduced imported water allocations, and the loss of Anderson Reservoir as a surface water storage facility; and

WHEREAS, if drought conditions continue into 2022 and imported water supplies continue to be severely limited, the worst case scenario projects groundwater to drop to the "Emergency" stage (Stage 5) of the Water Shortage Contingency Plan without additional water use reduction, which would greatly increase the risk of resumed land subsidence in northern Santa Clara County, risk wells going dry in residential areas of the County where groundwater is the sole source of drinking water, and risk that the ordinary demands and requirements of water consumers will

not be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, due to historic groundwater overdraft, the greater San José metropolitan area and heart of Silicon Valley had up to 14 feet of permanent subsidence, which resulted in seawater intrusion, increased flood risk, and widespread damage to infrastructure, conservatively estimated to cost over \$947 million in 2021 dollars; and

WHEREAS, over 3,000 domestic wells users in southern Santa Clara County depend on groundwater for potable water supplies and these wells are often more vulnerable than public water supply wells, which are typically deeper; and

WHEREAS, Valley Water must maintain sufficient groundwater storage to guard against land subsidence, meet local water demands, cope with supply interruptions from natural disasters and ensure sufficient water for fire protection; and

WHEREAS, it is Valley Water's policy and is in the interest of Valley Water and the community to reduce the severity and occurrences of drought or dry weather induced water shortages by encouraging water use reduction measures so that available water supplies can meet at least 80 percent of average annual demand in drought years; and

WHEREAS, Santa Clara County and the region are subject to reoccurring droughts of varying severity, such as those prompting Valley Water to call for water use reductions in 1977, 1987 to 1992, 2007 to 2010; and

WHEREAS, Santa Clara County and California experienced a historic, multiyear drought from 2012 to 2016, prompting Valley Water to call for mandatory water use reductions between 20 to 30 percent since 2014; and

WHEREAS, on June 13, 2017, by Resolution 17-43, Valley Water continued its call for a voluntary 20 percent water use reduction (as compared to 2013 water use), and called for efforts to make water conservation a way of life; and

WHEREAS, on April 27, 2021, the Board voted to call for a voluntary 25 percent water use reduction (as compared to 2013 water use); and

WHEREAS, continuing the progress and momentum of community water use reductions and water wise efforts to make water conservation a way of life will improve long-term water supply reliability; and

WHEREAS, increasing long-term water conservation efforts and improving water use efficiency; strengthening local and regional drought planning; and increasing water supply and land use planning coordination are critical to Santa Clara County's resilience to drought, which may be intensified in the future with climate change; and

WHEREAS, Valley Water continues to work closely with its retail water agencies, untreated surface water customers, well owners, farmers, regulatory agencies, state and federal project operators, other water districts, and local municipalities and land use agencies to develop common sense approaches with the goal of achieving drought resiliency.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District hereby:

1. Rescinds Board Resolution 17-43; and
2. Declares pursuant to California Water Code Section 350 that a water shortage emergency condition now prevails within the County and a continued supply of water cannot be assured for human consumption, sanitation, and fire protection without threatening local land subsidence, and that such water shortage emergency condition shall continue until the Valley Water's Board adopts a finding determining otherwise; and
3. *Establishes a water reduction program pursuant to Article C(4)(c) of Valley Water's treated water contracts by calling for water retailers to achieve a water use reduction equal to 33 percent of 2013 water use (15 percent of 2019 water use), which will result in a 23 percent reduction of Valley Water treated water scheduled deliveries to water retailers while such water reduction program is in effect; and
4. Commits to aggressively promote its conservation programs and information for the public, residents, businesses, agricultural and untreated water customers, and retailers to support all sectors in reducing water use; and
5. Urges Santa Clara County farmers and untreated water customers to consider the water shortage emergency condition in planting and irrigation practices; and
6. Calls for the public to restrict outdoor watering of ornamental landscapes or lawns with potable water to a maximum of three days a week; and
7. Urges local enforcement of other water waste restrictions currently in effect by local agencies and retailers, or as may be amended; and
8. Requests that the Santa Clara County Board of Supervisors proclaim a local emergency now exists throughout the County due to drought conditions; and
9. Supports local adoption and enforcement of additional water waste restrictions by cities, retailers, and the County as needed to achieve the water use reduction target of 15 percent of 2019 water use (33 percent of 2013 water use); these may include prohibitions against the following:
 - Use of potable water for more than minimal landscaping, as defined in the landscaping regulated of the jurisdiction or as described in Article 10.8 of the California Government Code in connection with new construction;
 - Excessive use of water: when a utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to affect such repairs within five business days, the utility may install a flow restriction device;
 - Use of potable water that results in flooding or runoff in gutters or streets;

- Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, 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;
 - Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk;
 - Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example: 1) before 9:00 a.m. and after 5:00 p.m.; 2) every other day; or 3) selected days of the week;
 - Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;
 - Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used;
 - Use of potable water for construction purposes unless no other source of water or other method can be used;
 - Use of potable water for street cleaning;
 - Operation of commercial car washes without recycling at least 50 percent of the potable water used per cycle;
 - Use of potable water for watering outside plants, lawn, landscape, and turf areas during certain hours if and when specified in CPUC Tariff Schedule No. 14.1 when the schedule is in effect;
 - Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water;
 - Use of potable water for the filling or refilling of swimming pools;
 - Service of water by any restaurant except upon the request of a patron; and
 - Use of potable water to flush hydrants, except where required for public health or safety.
10. Recommends cities, retailers, and the County consider adopting water waste restrictions that are permanent.

Rescinding Resolution 17-43, Declaring a Water Shortage Emergency Condition Calling for
Water Use Restrictions, and Urging the County of Santa Clara to Proclaim a Local Emergency
Resolution No. 21-

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by
the following vote on June 9, 2021:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

TONY ESTREMER
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

Great Oaks Water Company

Advice Letter 302-W

Proposed Tariff Sheets

PRELIMINARY STATEMENT
(Continued)

DD. Conservation Lost Revenue and Expense Memorandum Account.

1. Purpose. The purpose of the Conservation Lost Revenue and Expense Memorandum Account (Memorandum Account) is to remove the financial disincentive to conserve under the policy of the California Public Utilities Commission (CPUC), and promote conservation consistent with the Water Shortage Emergency condition declared by the Santa Clara Valley Water District on June 9, 2021.

The utility shall activate either voluntary conservation measures pursuant to Rule 14.1 or mandatory rationing pursuant to Schedule 14.1 before booking revenue shortfalls to the Memorandum Account. Lost revenues associated with reduced sales as a result of activation of either Tariff Rule 14.1 or Schedule 14.1 will be tracked in this Memorandum Account, together with associated expenses not otherwise accounted for in rates.

2. Applicability. The Memorandum Account balance will be recovered from all customer classes, except those specifically excluded by the CPUC.

3. Definitions.

- a. Non-Memorandum Account Revenue is all revenue excluded from the Memorandum Account, such as metered service charges and public and private fire protection service revenues. In addition, surcharges and surcredits, unless specifically adopted in the CPUC-adopted revenue requirement for the utility, will be excluded from Memorandum Account tracking.
- b. Memorandum Account Revenue is all revenue not excluded in 3.a., above.
- c. Recorded Memorandum Account Revenue is the amount of quantity rate revenue collected from customers in any particular period.
- d. Adopted Revenue is the amount of quantity rate revenue necessary in conjunction with CPUC-adopted Non-Memorandum Account Revenue to generate the utility's CPUC-adopted revenue requirement.

4. Accounting Procedure.

- a. The following entries shall be recorded monthly in the Memorandum Account:
 - 1. The most recent Adopted Revenue adjusted for all relevant rate increases.
 - 2. Recorded Memorandum Account Revenue for the same time period.
 - 3. Most recently CPUC-adopted variable expenses for pump tax and power.

(N)

(N)

PRELIMINARY STATEMENT
(Continued)

- 4. Recorded sales quantity in acre feet, multiplied by CPUC-adopted unit variable expense per acre foot of water sold.
 - 5. Expenses of the utility associated with conservation not already included in rates.
 - 6. Total net Memorandum Balance = (1 minus 2) minus (3 minus 4) plus (5).
 - 7. A negative balance in the Memorandum Account reflects a utility over-collection to be refunded, while a positive balance in the Memorandum Account reflects a utility under-collection to be recovered in rates.
- b. The utility will record the accumulated Memorandum Account balance monthly by adding its entry in Section 4.a., above, to the prior accumulated balance.
 - c. Interest shall accrue on a monthly basis by applying a rate equal to one-twelfth of the 3-month non-financial Commercial Paper rate, as reported in the Federal Reserve Statistical Release, to the average of the beginning-of-month and the end-of-month balances.
 - d. Before seeking recovery of the Memorandum Account balance, if any, the balance shall be reduced by an amount equal to a 20-basis point reduction in the most recently adopted return on equity for the utility. Then, if necessary, the utility shall further reduce the balance in the Memorandum Account to a level sufficient to ensure that such recovery does not cause the utility to exceed its authorized rate of return for the period covered by the Memorandum Account.
5. Disposition. If the accumulated balance in the Memorandum Account exceeds two percent (2%) of the utility's total revenue requirement for the prior rate year, either alone or in combination with balances in other authorized memorandum accounts, the utility shall file an advice letter to amortize the balance. Prior to recovery, amounts recorded the Memorandum Account are subject to a reasonableness review. The recovery of under-collections or refunds of over-collections will be passed on to customers through volumetric surcharges or surcredits.
6. Effective Dates. June 9, 2021 until conservation measures are no longer in effect.

(N)

(N)

(To be inserted by utility) **Issued by** (To be inserted by Cal. P.U.C.)
Advice Letter No. 302-W **Timothy S. Guster** **Date Filed** _____
Decision No. Res. W-4976 **General Counsel** **Effective** _____
TITLE **Decision/Resolution No.** _____

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 302-W

Timothy S. Guster

Date Filed _____

Decision No. Res. W-4976

VP & General Counsel

Effective _____

TITLE