



**San Jose  
Water  
Company**

110 W. Taylor St.  
San Jose, CA 95110  
Phone 408 279-7800  
Fax 408 279-7934

June 24<sup>th</sup>, 2016

Public Utilities Commission  
of the State of California  
505 Van Ness Avenue  
San Francisco, CA 94102

Advice Letter No. 491

The San Jose Water Company (U-168-W) (SJWC) hereby transmits for filing the following changes in tariff schedules applicable to its service area and which are attached hereto:

<u>Cal. P.U.C. Sheet No.</u>	<u>Title of Sheet</u>	<u>Canceling Cal. P.U.C. Sheet No.</u>
1765-W	Schedule 14.1 Water Shortage Contingency Plan With Staged Mandatory Reductions and Drought Surcharges (Continued)	1670-W
1766-W	Schedule 14.1 Water Shortage Contingency Plan With Staged Mandatory Reductions and Drought Surcharges (Continued)	1674-W
1767-W	Schedule 14.1 Water Shortage Contingency Plan With Staged Mandatory Reductions and Drought Surcharges (Continued)	1675-W
1768-W	Rule No. 14.1 Water Shortage Contingency Plan (Continued)	1661-W
1769-W	Table of Contents (Continued)	1677-W
1770-W	Table of Contents	1764-W

With this advice letter San Jose Water Company (SJWC) requestes authority from the California Public Utilities Commission (CPUC) to modify the CPUC approved Rule 14.1 and Schedule 14.1. Specifically, SJWC seeks to modify the Limits on Watering Days in Stage 3 - Critical Water Reduction, as provided in Rule 14.1 and Schedule 14.1, from 2 days per week to 3 days per week, and to modify the existing drought allocations in Schedule 14.1 to implement a mandatory percentage reduction of 20%. This request is made in compliance with CPUC Resolution W-5103. This advice letter is designated a Tier II Advice Letter pursuant to Resolution W-4976.

SJWC requests that the advice letter become effective July 1, 2016. SJWC currently has non-related advice letters 488, 489, and 490 outstanding. Advice letter 487 is currently under suspension.

### Background

On June 23<sup>rd</sup>, 2016, the CPUC adopted Resolution W-5103 (Attachment A). Ordering Paragraph #1 of Res W-5103 provided that “All water utilities under the jurisdiction of the California Public Utilities Commission shall comply with the Drought Emergency Water Conservation Regulation (Emergency Regulation) for statewide urban water conservation adopted by the State Water Resources Control Board by Resolution No. 2016-0029 at its meeting of May 18, 2016.” The revised Emergency Regulation replaces the prior percentage reduction-based water conservation standard with a locally-developed conservation standard based on each water supplier’s specific circumstances.

Subsequent to the adoption of the Emergency Regulations, on June 14, 2016, SJWC’s wholesale provider, the Santa Clara Valley Water District (SCVWD), passed Resolution No. 16-55 (Attachment B) resolving that:

*“the Board of Directors of the Santa Clara Valley Water District calls for a water use reduction target equal to 20 percent of 2013 water use and a restriction on outdoor watering of ornamental landscapes or lawns with potable water to a maximum of three days a week (odd numbered and no address may water on Mondays, Thursdays and Saturday; even numbered address may water on Tuesdays, Fridays, and Sundays) through January 31, 2017, effective July 1, 2016, and it is further recommended that retail water agencies, local municipalities and the County of Santa Clara continue to implement mandatory measures as needed to achieve the 20 percent water use reduction target.”*

Based on the guidance provided in the Emergency Regulation SJWC has self-certified at a 2% reduction. However, SJWC will use the higher mandatory conservation standard of 20% as reflected in the SCVWD Resolution No. 16-55.

Resolution W-5103, Ordering Paragraph #6 states: “Class A and B water utilities shall file an appropriate advice letter to amend their Tariff Schedule 14.1, if necessary, based upon their

compliance with the Emergency Regulation.” With this advice letter filing SJWC requests authority to modify the currently active Stage 3 provisions of Rule 14.1 and Schedule 14.1 to change the Limits on Watering Days to 3 days a week and to modify the drought allocations in Schedule 14.1 to reflect the 20% reduction standard set by the SCVWD.

### Proposed Tariff Revisions

SJWC’s Rule 14.1 and Schedule 14.1 became effective, with CPUC approval, on June 15, 2015.<sup>1</sup> Simultaneous with activation of Schedule 14.1 SJWC immediately implemented Stage 3 – Critical Water Reduction and Drought Allocation and Drought Surcharges. At that time the water use reduction targeted by the SCVWD was 30%, therefore, SJWC set the drought allocations at a level based on a 30% reduction.

At this time it is necessary to remain at Stage 3 – Critical Water Reduction in Rule 14.1 and Schedule 14.1. However, Rule 14.1 and Schedule 14.1 must be revised to match the provisions of the SCVWD Resolution. Therefore, SJWC requests that:

1. The Limits on Watering Days outlined in Rule 14.1: Stage 3 – Critical Water Reduction section 1 and in Schedule 14.1: Stage 3 – Critical Water Reduction section 1 be modified to provide that: “Watering or irrigating of lawns, landscape or other vegetated area with potable water is limited to three days per week. Irrigation will be allowed on Monday, Thursday, and Saturday for odd numbered and numberless addresses and will be allowed on Tuesday, Friday, and Sunday for even numbered addresses
2. The Drought Allocations for residential and landscape services provided in Schedule 14.1 be revised to match the 20% water use reduction standard set by SCVWD. The revised allocations for residential customers are shown in the table below.

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<sup>1</sup> The CPUC’s Division of Water and Audits approval of SJWC’s Schedule 14.1 was ultimately affirmed by the CPUC via Resolution W-5074

Residential Allocation Plan			
2013 Base Year	2013 Average Monthly Residential Usage (ccf)	Monthly Drought Allocation (ccf)	Monthly Drought Allocation (gallons)
Jan*	10	9	6,732
Feb*	9	9	6,732
Mar*	9	9	6,732
Apr	11	9	6,732
May	14	12	8,976
Jun	16	13	9,724
Jul	19	16	11,968
Aug	19	16	11,968
Sep	19	16	11,968
Oct	17	14	10,472
Nov	17	14	10,472
Dec	14	12	8,976

\* Monthly Drought Allocation based on minimum average usage for a residential household

For identified landscape services the Drought Allocation is based on the individual landscape customer's monthly usage during the base year 2013 less the reduction percentage required. In this case the reduction is 20%. Thus, for dedicated landscape services the Drought Allocation is essentially 80% of the 2013 usage for each specific service.

All other aspects of the CPUC approved Rule 14.1 and Schedule 14.1 will remain unchanged.

#### Effective Date

It was necessary for SJWC to delay the filing of this advice letter until after the CPUC had adopted Resolution W-5103 on June 23<sup>rd</sup>. Tier 2 advice letters typically require a 30 day review period per General Order 96B, which in this instance would provide an effective date of July 24<sup>th</sup>. However, both the Emergency Regulations adopted by the State Water Resources Control Board and the water use reduction target set by the SCVWD become effective on July 1<sup>st</sup>. Therefore SJWC requests expedited review and approval of this advice letter so that the revised Rule 14.1 and Schedule 14.1 can become effective on July 1<sup>st</sup>.

Protests and Responses

Anyone may respond to or protest this advice letter. A response does not oppose the filing but presents information that may prove 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 may include 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 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;
- (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 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 address for mailing or delivering a protest is:

Tariff Unit, Water Division, 3<sup>rd</sup> 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 of the protest by mail to us, addressed to:

Regulatory Affairs  
San Jose Water Company  
110 West Taylor Street  
San Jose, California 95196  
Fax 408.279.7934  
regulatoryaffairs@sjwater.com.

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.

In compliance with Paragraph 4.3 of General Order 96-B, a copy of this advice letter has been mailed to all interested and affected parties as detailed in Attachment C.

This filing will not cause the withdrawal of service, nor conflict with other schedules or rules.

Very truly yours,

/S/ WES OWENS  
WES OWENS  
Director of Regulatory Affairs

A copy of Advice Letter No. 491 has been sent to the following municipalities, water companies and interested parties:

City of San Jose  
Municipal Water Dept.  
Attn: Mansour Nasser  
3025 Tuers Road  
San Jose, CA 95121

California Water Service Co.  
Attn: Regulatory Affairs  
1720 North First Street  
San Jose, CA 95112

City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

City of Campbell  
70 North First Street  
Campbell, CA 95008

City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Great Oaks Water Company  
P.O. Box 23490  
San Jose, CA 95153

City of Milpitas  
Attn: Utilities Engineering  
455 East Calaveras Blvd.  
Milpitas, CA 95035

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

San Jose Mercury News  
Attn: Paul Rogers  
4 N. Second St., Suite 800  
San Jose, CA 95113

Town of Los Gatos  
Attn: Director of Public Works  
110 E. Main Street  
Los Gatos, CA 95032

City of Monte Sereno  
Attn: Director of Public Works  
18014 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

City of Saratoga  
Attn: Director of Public Works  
13777 Fruitvale Avenue  
Saratoga, CA 95070

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

Department of Water Resources  
Safe Drinking Water Office,  
Room 804  
1416 9<sup>TH</sup> Street  
Sacramento, CA 95814

James M. Fiedler P.E., D.WRE  
Chief Operating Officer  
Water Utility Enterprises  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118

Brush & Old Well Mutual  
Water Company  
20732 Brush Road  
Los Gatos, CA 95033

Bob Burke  
Regulatory Liaison For The Six  
Mutual Water Companies  
420 Alberto Way, Unit 49  
Los Gatos, Ca 95032

Brush & Old Well Mutual  
Water Company  
21105 Brush Road  
Los Gatos, CA 95033

Gillette Mutual Water Company  
21976 Gillette Drive  
Los Gatos, CA 95033

Oakmount Mutual Water Company  
P.O. Box 31536  
Stockton, CA 95213

Summitt West Mutual Water Company  
P.O. Box 974  
Los Gatos, CA 95031

Ridge Mutual Water Company  
22316 Citation Drive  
Los Gatos, CA 95033

Villa Del Monte Mutual Water Company  
P.O. Box 862  
Los Gatos, CA 95031

Big Redwood Park Water  
& Improvement Assoc.  
18375 Main Blvd  
Los Gatos, CA 95033

Redwood Estates Services Association

PO Box 591  
Redwood Estates, CA 95044-0591

Stagecoach Mutual Water Co  
21825 Stagecoach Road  
Los Gatos, CA 95033

Mt. Summit Mutual Water Co  
P.O. Box 3416  
Saratoga, CA 95070

Mountain Springs Mutual Water Co.  
17956 Greenwood Road  
Los Gatos, CA 95033

Raineri Mutual Water Company  
P.O. Box 11  
Los Gatos, CA 95031

James Hunter  
6475 Dwyer Street  
San Jose, CA 95120



**SCHEDULE No. 14.1**  
**WATER SHORTAGE CONTINGENCY PLAN**  
**WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES**  
**(Continued)**

**STAGE 2 -WATER REDUCTION NEEDED (Continued):**

3. Use of potable water for construction purposes, including washing streets, backfill, and dust control, if other actions to accomplish the same purposes without water are feasible and/or permitted or if recycled water is reasonably available as determined by a government agency.
4. The failure to repair any leak, break, or other malfunction in a customer's domestic or outdoor water system within 72 hours of notification by the utility, unless other, specific arrangements are made with and agreed to by the utility.
5. Other restrictions on use of potable water as prescribed by the Commission, SJWC, or another governing body or agency.

**STAGE 3 - CRITICAL WATER REDUCTION**

Stage 3 Water Shortage occurs when the Stage 2 limitations are deemed insufficient to achieve identified water usage goals established by authorized government entities. The following restrictions will be enacted:

1. Limits on Watering Days: Watering or irrigating of lawns, landscape or other vegetated area with potable water is limited to three days per week. Irrigation will be allowed on Mondays, Thursdays and Saturdays for odd numbered and numberless addresses and will be allowed on Tuesday, Friday and Sunday for even numbered addresses. (l)  
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(l)
2. The use of potable water to refill residential swimming pools or outdoor spas more than one foot or initial filling with potable water except when existing pools are drained to repair leaks.
3. Limits on Filling Ornamental Lakes or Ponds: prohibition of the use of potable water for filling or re-filling decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under Rule 14.1
4. Use of potable water for washing of vehicles, except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water. 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 recirculated to avoid wasteful use.
5. Other restrictions on use of potable water as prescribed by the Commission, SJWC, or another governing body or agency.

**STAGE 4 -EMERGENCY WATER REDUCTION**

Stage 4 (Emergency Water Reduction) occurs when the Stage 3 limitations are deemed insufficient to achieve identified water usage goals established by authorized government entities. The following restrictions, in addition to those provided for in the preceding stages, will be enacted:

(Continued)

(To be inserted by utility)

Issued by

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

Advice No. 491

PALLE JENSEN

Date Filed \_\_\_\_\_

Sr. Vice President,

Effective \_\_\_\_\_

Dec. No. \_\_\_\_\_

Regulatory Affairs

Resolution No. \_\_\_\_\_

TITLE

**SCHEDULE No. 14.1**  
**WATER SHORTAGE CONTINGENCY PLAN**  
**WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES**  
**(Continued)**

**NOTICE (Continued)**

- a. SJWC shall consult with the Division of Water and Audits staff prior to filing the advice letter, in order to determine the details of the public meeting.
2. If activation of Schedule No. 14.1 occurs one year or more since the public hearing associated with adding Schedule No. 14.1 to its tariffs, then the utility shall conduct a public hearing pursuant to California Water Code Section 351 prior to activating the rationing stage.
3. During the period that a stage of Schedule No. 14.1 is activated, SJWC shall provide customers with updates regarding its water supply status and the results of customers' conservation and water use reduction efforts.
4. During the period that a stage of Schedule No. 14.1 is activated, SJWC shall provide customers with updates regarding its water supply status and the results of customers' conservation and water use reduction efforts.

**DROUGHT ALLOCATIONS AND DROUGHT SURCHARGES****Residential**

The Drought Allocation for residential customers served under all potable tariff rate schedules is based on average residential customer usage in the Base Year 2013 for each month, less the percentage of conservation being required. In this instance, the required percentage reduction is 20%, so the Drought Allocation is 80% of the year 2013 Average Monthly Residential Usage for the month. Allocations falling between full hundreds of cubic feet (ccf) will be rounded up to the next full one hundred cubic feet.

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Residential Allocation Plan		
2013 Base Year	2013 Average Monthly Residential Usage (ccf)	Monthly Drought Allocation (ccf)
Jan*	10	9
Feb*	9	9
Mar*	9	9
Apr*	11	9
May	14	12
Jun	16	13
Jul	19	16
Aug	19	16
Sep	19	16
Oct	17	14
Nov	17	14
Dec	14	12

(l)

\*Minimum Monthly Drought Allocation based on minimum average usage for a residential household

(Continued)

(To be inserted by utility)

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**SCHEDULE No. 14.1  
WATER SHORTAGE CONTINGENCY PLAN  
WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES  
(Continued)**

**DROUGHT ALLOCATIONS AND DROUGHT SURCHARGES (continued)**

**Landscape Services**

The Drought Allocation for each landscape customer served under all potable tariff rate schedules is based upon the individual landscape customer's monthly usage during the Base Year 2013. The Monthly Drought Allocation is then calculated as 100% of monthly usage during Base Year 2013 minus the reduction percentage required. In this instance, a 20% required reduction percentage results in a 80% allocation. Allocations falling between full one hundreds of cubic feet will be rounded up to the next full hundred cubic feet.

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**DROUGHT ALLOCATION ADJUSTMENTS**

1. Any customer who seeks a variance from any of the provisions of this water shortage contingency plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each such request in writing.
2. Any customer not satisfied with the utility's response may file an appeal with the Director of the Division of Water & Audits.
3. If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of the Water Shortage Contingency Plan.

**DROUGHT SURCHARGE**

Excess water usage associated with exceeding the Monthly Drought Allocation will result in a Drought Surcharge. The Drought Surcharge will be assessed in addition to all other base charges allowed under the applicable tariffs authorized by the CPUC. The Drought Surcharge will be applied to the customer's bill based on the amount of usage that exceeds the Drought Allocation as follows:

For Residential Customers:

Excess usage over monthly Drought Allocation up to 2013 Average Monthly Usage	\$3.5634 per ccf
Excess usage over 2013 Average Monthly	\$7.1268 per ccf

For Landscape Customers:

Excess usage over monthly Drought Allocation up to 2013 Average Monthly Usage	\$3.5634 per ccf
Excess usage over 2013 Average Monthly Residential Usage	\$7.1268 per ccf

(Continued)

(To be inserted by utility)

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TITLE

**RULE NO. 14.1**  
**WATER SHORTAGE CONTINGENCY PLAN**

**STAGE 3 (CRITICAL WATER REDUCTION):** Stage 3 Water Shortage occurs when the Stage 2 limitations are deemed insufficient to achieve identified water usage goals established by authorized government entities. The following restrictions will be enacted:

1. Limits on Watering Days: Watering or irrigating of lawns, landscape or other vegetated areas with potable water is limited to three days per week. Irrigation will be allowed on Mondays, Thursdays and Saturdays for odd numbered and numberless addresses and will be allowed on Tuesdays, Fridays and Sundays for even numbered addresses. (I)
2. The use of potable water to refill residential swimming pools or outdoor spas more than one foot or initial filling with potable water except when existing pools are drained to repair leaks.
3. Limits on Filling Ornamental Lakes or Ponds: prohibition of the use of potable water for filling or re-filling decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this Rule.
4. Use of potable water for washing of vehicles, except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water. 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 recirculated to avoid wasteful use.
5. Other restrictions on use of potable water as prescribed by the Commission, SJWC, or another governing body or agency.

**STAGE 4 (EMERGENCY WATER REDUCTION):** Stage 4 Water Shortage occurs when the Stage 3 limitations are deemed insufficient to achieve identified water usage goals established by authorized government entities. The following restrictions will be enacted:

1. No Watering or Irrigating: Watering or irrigation of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use:
  - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive action shut-off nozzle or device;
  - ii. Maintenance of existing landscape necessary for fire protection;
  - iii. Maintenance of existing landscape for soil erosion control;
  - iv. Maintenance of plant materials identified to be rare or essential to the well-being of a protected species;
  - v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, fringes and tee boxes, and school grounds, provided that such irrigation does not exceed 2 days per week.
2. The failure to repair any leak, break, or other malfunction in a customer's domestic or outdoor water system within 48 hours of notification by the utility, unless other, specific arrangements are made with and agreed to by the utility.
3. Other restrictions on use of potable water as prescribed by the Commission, SJWC, or another governing body or agency.

(Continued)

(To be inserted by utility)

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