



110 W. Taylor Street
San Jose, CA 95110-2131

May 1, 2020

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

Advice Letter No. 549

Dear Madame/Sir:

San Jose Water Company (U-168-W) (SJWC) hereby submits this filing as required by the California Public Utilities Commission (Commission) in Resolution M-4842 issued on April 17, 2020 (Attachment A). This advice letter is designated a Tier II Advice Letter consistent with Resolution M-4842. Water Industry Rule 3.2 of General Order 96-B indicates that this Tier II filing does not require customer notice.

Purpose

Pursuant to Resolution M-4842, SJWC is filing this advice letter to confirm compliance with the resolution based upon actions undertaken previously and to request exemptions from two customer protections that do not apply in this emergency.

Resolution M-4842 requires utilities to identify any customer protection are not applicable. SJWC does not believe the following disaster relief protections are applicable to the current pandemic emergency:

- (6) waive bills for victims who lost their homes or if their homes are rendered uninhabitable; and
- (7) authorize a pro rata waiver of any fixed element of a water bill or the time that the home is uninhabitable, even if the reason for it being uninhabitable is not loss of water service.

Set forth in Decision (D.) 19-07-015, these protections are clearly for customers whose real property suffers damage or destruction during a wildfire, earthquake, flood or other disaster. The current pandemic emergency is viral and does not damage or destroy real property. Therefore, SJWC has not extended these protections to customers and has instead emphasized the other pertinent relief available to customers during this emergency.

Background

Previously, and in response to Executive Director Alice Stebbins's March 17, 2020 letter, "Emergency Customer Protections to Support Customers Affected by the COVID-19 public health emergency," as well as D.19-07-015 and D.19-08-025, SJWC filed Advice

Letter 546 to implement emergency customer protections to support customers impacted by COVID-19 State of Emergency and to start tracking costs related to our response in the Catastrophic Event Memorandum Account (“CEMA”). Advice Letter 546 was approved effective March 4, 2020, and actions taken included:

- Activating the Disaster Relief Customer Protections and Outreach Plan on March 6, 2020;
- Suspending shutoffs beginning on March 12, 2020 (no SJWC customers are currently without service);
- Notifying the Commission and local governments of the above on March 12 and March 13, respectively;
- Posting information on our website beginning on March 12, 2020 and continuing to update the information as necessary;
- Issuing a press release on March 16, 2020; and,
- Pushing the information out through our social media channels on March 18, 2020.

With the exception of the two customer protections discussed above, SJWC’s actions are consistent with those required in Resolution M-4842 and include:

- (1) Activating our Catastrophic Event Memorandum Account (CEMA) effective to the date of the Governor’s declaration of a state of emergency - March 4, 2020;
- (2) Making insurance claims on all costs and expenses incurred as a result of the pandemic, and credit insurance payments to their CEMA;
- (3) Working cooperatively with affected customers to resolve unpaid bills, and minimize disconnections for non-payment;
- (4) Waiving reconnection or facilities fees for customers and suspend deposits for customers who must reconnect to the system; and,
- (5) Providing reasonable payment options to customers.

The Commission adopted D.19-07-015 on July 11, 2019. The decision implements an emergency disaster relief program for electric, natural gas, water, and sewer utility customers under the Commission’s jurisdiction. The emergency disaster relief program is designed to ensure that utility customers who experience a housing or financial crisis due to a disaster can keep vital utility services in the wake of a disaster.

On September 9, 2019, SJWC filed Advice Letter 536 with the Commission to submit its Disaster Relief Customer Protections and Outreach Plan (Plan). The Plan required certain outreach to customers prior to the declaration of a disaster including via a press

release, website, bill insert, and social media. The outreach was completed in early March 2020 and communicated to the Water Division.

SJWC had initially activated its CEMA effective October 10, 2019, as approved in Advice Letter 540, to deal with the impacts from the Public Safety Power Shutoffs (PSPS). The CEMA remained open to deal with other PSPS and catastrophic events. As such, SJWC began tracking the costs and expenses to respond to the COVID-19 pandemic beginning on March 4, 2020.

Effective Date

This advice letter is designated as Tier II and effective March 4, 2020, in compliance with Executive Director Stebbin's directive applying customer protections retroactively to this date.

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, 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 of the protest by mail to us, addressed to:

Regulatory Affairs
San Jose Water Company
110 West Taylor Street
San Jose, CA 95110
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. Public notice is not required.

The present rates of the SJWC became effective on January 1, 2020, by Advice Letter No. 541. SJWC has Advice Letters 547 and 548 pending before the Commission.

In compliance with Paragraph 4.3 of GO 96-B, a copy of this advice letter has been sent to all interested and affected parties as detailed in Attachment B. Please note that due to the COVID-19 pandemic, advice letters can only be delivered electronically to the service list. Hardcopies will be sent out as soon as staff are able to return to the office.

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

Very truly yours,

/S/ JOHN TANG

JOHN TANG
Vice President of Regulatory Affairs

Attachments

Index of Workpapers

Attachment A

Resolution M-4842

Attachment B

Service List

SAN JOSE WATER COMPANY

ADVICE LETTER NO. 549

ATTACHMENT A

Date of Issuance
April 17, 2020

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EXECUTIVE DIVISION

**San Francisco, California
Date: April 16, 2020
Resolution M-4842**

R E S O L U T I O N

**EMERGENCY AUTHORIZATION AND ORDER DIRECTING
UTILITIES TO IMPLEMENT EMERGENCY CUSTOMER
PROTECTIONS TO SUPPORT CALIFORNIA CUSTOMERS
DURING THE COVID-19 PANDEMIC**

SUMMARY

The Commission issues this Resolution on its own motion in response to Governor Gavin Newsom’s declaration of a state of emergency and issuance of executive orders due to the novel coronavirus (COVID-19) pandemic. This Resolution ratifies directions provided by the Commission’s Executive Director on March 17, 2020 to energy, water and communications corporations to retroactively apply customer protection measures from March 4, 2020 onward – during the pendency of the COVID-19 pandemic.¹

Specifically, this Resolution orders electric, gas, communications, and water and sewer corporations in California to file a Tier 2 Advice Letter describing all reasonable and necessary actions to implement the Emergency Customer Protections contained in this resolution to support California customers; and authorizes the electric, gas, communications, and water and sewer corporations to establish memorandum accounts to track incremental costs associated with complying with this resolution. The Emergency Customer Protections apply to customers for up to one year from the date of this resolution.

¹

https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/Exec%20Director%20Letter%20to%20Energy%20Companies%20re%20COVID19%20March%2017,%202020.pdf;

https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/Exec%20Director%20Letter%20to%20Water%20Companies%20re%20COVID-19%20March%2017,%202020.pdf

https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/News_Room/NewsUpdates/2020/Exec%20Director%20Letter%20to%20Communications%20Companies%20re%20COVID-19%20March%2017,%202020.pdf

BACKGROUND

On March 4, 2020, Governor Newsom declared a State of Emergency in California related to COVID-19; there were 53 known cases of COVID-19 in California, and officials expected the number of cases to increase.²

The Governor has taken additional actions, including:

- Issuing a new Executive Order³ recognizing that individuals exposed to COVID-19 may be unable to report to work due to illness or quarantines, and ordering numerous measures including social distancing;
- Issuing an Executive Order⁴ requesting that the Commission monitor the measures undertaken by public and private utility providers to implement customer service protections in response to COVID-19;
- Issuing a statewide shelter-in-place order directing Californians to remain in their homes except to meet essential needs;⁵ and
- Deploying the California National Guard to assist California's food banks, which have been affected by a drop in volunteers and a disruption to the food distribution infrastructure.⁶

By April 1, 2020, the number of confirmed COVID-19 cases in California had risen to 9,191, with 203 deaths.⁷ The situation is rapidly evolving, and the number of confirmed cases is predicted to continue rising.

Some companies have already implemented emergency protections in response to the COVID-19 pandemic, including but not limited to:

² <https://www.gov.ca.gov/2020/03/04/governor-newsom-declares-state-of-emergency-to-help-state-prepare-for-broader-spread-of-covid-19/>

³ Executive Order N-25-20, available at <https://www.gov.ca.gov/wpcontent/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

⁴ Executive Order N-28-20, available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.16.20-Executive-Order.pdf>

⁵ <https://covid19.ca.gov/stay-home-except-for-essential-needs/>

⁶ <https://www.gov.ca.gov/2020/03/20/governor-newsom-deploys-california-national-guard-to-help-distribute-food-at-food-banks-protect-californias-most-vulnerable/>

⁷ <https://www.cdph.ca.gov/covid19>

- Observing a moratorium on electric and gas service disconnections for nonpayment and waiving late fees;⁸
- Signing the Federal Communications Commission’s Keep Americans Connected Pledge to open wi-fi hotspots and observe a moratorium on internet service disconnections for nonpayment;²
- Boosting broadband speeds and lifting data caps.¹⁰

The Commission takes specific action in this Resolution, in response to the Governor’s emergency proclamation and executive orders, to provide continuity and consistency between all utility actions resulting from the COVID-19 pandemic.

DISCUSSION

The response to COVID-19 has been extremely disruptive to all Californians and has impacted many Californians’ ability to work. The Commission has dealt with highly disruptive events, most recently with the devastating wildfires in Northern and Southern California. In response to reoccurring natural and manmade disasters, the Commission initiated a disaster relief Rulemaking ((R.) 18-03-011) and adopted a series of requirements for utility companies (electric, gas, water and sewer) and communications providers, culminating in customer protection measures adopted in decisions (D.)19-07-015 and D.19-08-025.

The customer protection measures adopted in R.18-03-011 apply in cases where a gubernatorial or presidential declared emergency relates to the disruption or degradation of service. The COVID-19 pandemic represents a different type of emergency, one where the threat --in this case, a virus-- necessitates a response which impacts Californians’ ability to pay for utility service. Social distancing and shelter-in-place requirements have required the closure of non-essential businesses including bars, dine-in restaurants, and shops, and subsequent employee layoffs have created a risk that customers may fall behind on utility payments due to the COVID-19 pandemic at the same time that shelter in place orders will likely cause increased usage of utility services resulting in higher utility bills.

⁸ https://www.pge.com/en_US/about-pge/company-information/protective-protocols/covid19.page?WT.mc_id=Vanity_covid19; <https://www.sce.com/safety/coronavirus>; <https://www.sdge.com/coronavirus>

² <https://www.fcc.gov/keep-americans-connected>

¹⁰ <https://www.consumerreports.org/internet-providers/isps-respond-to-coronavirus-raise-speeds-suspend-data-caps-keep-america-connected-pledge/>

Having access to essential utility services is critical to maintaining Californians' health and safety during the COVID-19 pandemic. Therefore, due to the COVID-19 pandemic, the Commission extends to California customers the emergency customer protections from D.19-07-015 and D.19-08-025, through April 16, 2021, with an option to extend. The Commission takes this action in response to extraordinary circumstances and the state of emergency to ensure continuity of essential service to customers during this health and safety crisis. This Resolution does not establish precedent for standard Commission ratemaking or customer protection processes.

All residential and small business customers in California are eligible for the emergency customer protections set forth in this Resolution.

These customer protections are a floor, not a ceiling.¹¹ As we stated in D.19-07-015 and D.19-08-025, we support and encourage the utilities and communications service providers to do more to help Californians in this time of need.¹² The utilities and communications service providers have the discretion to add additional customer relief efforts that are unique to their customers' experience, or the specific type of damage a customer may suffer from as a result of COVID-19.¹³ In addition, we acknowledge that some of the provisions adopted in D.19-07-015 and D.19-08-025 in response to disasters such as earthquakes and wildfires may not apply in the case of a pandemic; for example, the requirement that electric and gas utilities identify the premises of affected customers whose utility service has been disrupted or degraded and discontinue billing these premises without assessing a disconnection charge. If the electric, gas, communication, and water corporations subject to this Resolution believe that specific provisions from D.19-07-015 and D.19-08-025 do not apply during the pandemic, they shall identify such provisions in their Advice Letters and provide a justification for why they believe the provisions do not apply.

Emergency Customer Protections for Electric and Gas Utility Customers

The electric and gas utilities under this Commission's jurisdiction subject to this Resolution are the following: (1) Pacific Gas & Electric Company; (2) Southern California Edison Company; (3) San Diego Gas and Electric Company; (4) Southern California Gas Company; (5) PacifiCorp; (6) Liberty Utilities (CalPECO Electric) LLC; (7) Bear Valley Electric Service (a division of Golden State Water Company); (8) Southwest Gas Corporation; (9) Alpine Natural Gas, Inc.; (10) West Coast Gas Company, Inc.; and (11) Catalina Island Gas Services.

¹¹ D.19-07-015 at 24-25; *see also* D.19-08-025 at 34.

¹² *Id.*

¹³ *Id.*

The electric and gas utilities subject to this Resolution shall take the following immediate actions and file a Tier 2 Advice Letter no later than 15 days after this Resolution's approval demonstrating compliance to the Commission's Energy Division:¹⁴

- (1) waive deposit requirements for residential customers seeking to reestablish service for one year and expedite move in and move out service requests;
- (2) stop estimated usage for billing attributed to the time period when a home/unit was unoccupied as a result of the emergency;
- (3) identify the premises of affected customers whose utility service has been disrupted or degraded, and discontinue billing these premises without assessing a disconnection charge;
- (4) prorate any monthly access charge or minimum charges;
- (5) implement payment plan options for residential customers;
- (6) suspend disconnection for nonpayment and associated fees, waive deposit and late fee requirements for residential customers;
- (7) support low-income residential customers by: (a) freezing all standard and high-usage reviews for the California Alternate Rates for Energy (CARE) program eligibility for 12 months and potentially longer, as warranted; (b) contacting all community outreach contractors, the community based organizations who assist in enrolling hard-to-reach low-income customers into CARE, to help better inform customers of these eligibility changes; (c) partnering with the program administrator of the customer funded emergency assistance program for low-income customers and increase the assistance limit amount for the next 12 months; and (e) indicate how the energy savings assistance program can be deployed to assist customers;
- (8) suspend all CARE and FERA program removals to avoid unintentional loss of the discounted rate during the period for which the customer is protected under these customer protections;
- (9) discontinue generating all recertification and verification requests that require customers to provide their current income information;
- (10) offer repair processing and timing assistance and timely access to utility customers pursuant to Section 8386(c)(18);

¹⁴ D.19-07-015 at 21-24.

- (11) include these customer protections as part of their larger community outreach and public awareness plans under Section 8386(c)(16)(b);
- (12) meet and confer with the Community Choice Aggregators as early as possible to discuss their roles and responsibilities for each emergency customer protection.

To the extent that they have not already done so in response to the Executive Director's March 17, 2020 letter, or to the extent to which their response was not fully responsive to the requirements of this Resolution, we direct electric and gas utilities subject to this Resolution to file Tier 2 compliance Advice Letters with the Commission's Energy Division to implement the ordering paragraphs of this resolution and modify their tariffs as necessary.

In order to allow for recovery of expenses reasonably incurred while complying with this Resolution, electric and gas utilities subject to this Resolution shall each establish a COVID-19 Pandemic Protections Memorandum Account (CPPMA), to book only those costs associated with protections ordered by this Resolution. The recorded costs must meet the following conditions: (1) those ordered by this Resolution; and (2) incurred starting with the date of the Governor's emergency declaration - March 4, 2020. The review of these costs for possible collection in rates will be conducted in a General Rate Case, a Biennial or Triennial (as applicable) Cost Allocation Proceeding, the Energy Resource Recovery Account, or another proceeding. This affords Commission staff an opportunity to review any incremental expense associated with this Resolution.

Finally, in order to provide immediate assistance and customer protections, electric and gas utilities subject to this Resolution must act with expediency in filing their Advice Letters, must request expedited Advice Letter treatment pursuant to the Commission's General Order (GO) 96-B, must request a waiver or a shortened protest and reply period of five days, and must include in their Advice Letters: (1) a communication plan to convey the availability of these protections to customers; and (2) preliminary statement tariff language for the new CPPMA.

Emergency Customer Protections for Water Customers

The water and sewer corporations under this Commission's jurisdiction subject to this Resolution are the following: all Class-A water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems; and all Class-B water utilities (Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, and Alco Water Service).

The water and sewer corporations subject to this Resolution shall take the following immediate actions. To the extent that they have not already done so in response to the Executive Director's March 17, 2020 letter, or to the extent to which their response was not fully responsive to the requirements of this Resolution, the water and sewer corporations subject to this Resolution shall file a Tier 2 Advice Letter no later than 15 days after this Resolution's approval demonstrating compliance to the Commission's Water Division:¹⁵

- (1) activation of their Catastrophic Event Memorandum Account (CEMA) effective to the date of the Governor's declaration of a state of emergency - March 4, 2020;
- (2) make insurance claims on all costs and expenses incurred as a result of the pandemic, and credit insurance payments to their CEMA;
- (3) work cooperatively with affected customers to resolve unpaid bills, and minimize disconnections for non-payment;
- (4) waive reconnection or facilities fees for customers and suspend deposits for customers who must reconnect to the system;
- (5) provide reasonable payment options to customers;
- (6) waive bills for victims who lost their homes or if their homes are rendered uninhabitable; and
- (7) authorize a pro rata waiver of any fixed element of a water bill for the time that the home is uninhabitable, even if the reason for it being uninhabitable is not loss of water service.

Emergency Customer Protections for Communications Customers

The emergency customer protections established in D.19-08-025 ensure that residential and small business communications service customers who experience a housing or financial crisis due to a disaster keep vital services and receive support in the wake of the disaster.

The customer protections for facilities based and non-facilities-based landline providers (e.g., 9-1-1/E9-1-1 providers, LifeLine providers, VoIP providers, COLRs, and other landline providers) are:¹⁶

¹⁵ *Id.* at 42-43.

¹⁶ D.19-08-025 at 31-33.

- (1) Waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and messaging services;
- (2) Waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services;
- (3) Waiver of the service charge for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to the premises;
- (4) Waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an Inside Wire Plan;
- (5) Waiver of the fee for up to five free jacks and associated wiring for Inside Wiring Plan customer upon their return to their permanent location;
- (6) Waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location;

Decision 19-08-025 describes the customer protections for wireless providers (e.g., those that provide access to E9-1-1 and/or Lifeline services) as follows. Items 1-6 apply to facilities-based wireless providers, and items 4-8 apply to resellers and non-facilities-based wireless providers, (e.g. mobile virtual network operators [MVNOs]):¹⁷

- (1) Deploy mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 9-1-1/E9-1-1 service;
- (2) Provide device charging stations in areas where impacted wireless customers seek refuge; and
- (3) Provide WiFi access in areas where impacted wireless customers seek refuge.

The following are directed to all facilities-based and non-facilities based wireless providers, including resellers:¹⁸

¹⁷ *Id.* at 33.

¹⁸ *Id.* at 34.

- (4) Provide mobile phones for customers seeking shelter from a disaster to use temporarily at a county or city designated shelter.
- (5) The Commission urges wireless carriers to allow customers to defer or phase payment for coverage charges for data, talk, and text for defined periods of time;
- (6) The Commission urges wireless carriers to extend payment dates for service for defined periods of time;
- (7) Consider providing temporary replacement phones for customers whose phones were lost or damaged as a result of a disaster or evacuation.
- (8) Consider providing temporary replacement phones for customers whose phones were lost or damaged as a result of a disaster or evacuation.

Decision 19-08-025 incorporates the interim emergency protections applicable to LifeLine service adopted in D.18-08-004,¹⁹ which are in effect during the COVID-19 state of emergency for all providers of LifeLine service:²⁰

- (1) Delay the California LifeLine Renewal Process and suspend the de-enrollment for non-usage rules; and
- (2) Implement the LifeLine outreach methods.

To the extent that they have not already done so in response to the Executive Director's March 17, 2020 letter, or to the extent to which their response was not fully responsive to the requirements of this Resolution, communications corporations subject to this Resolution shall file an Advice Letter no later than 15 days after this Resolution's approval demonstrating compliance to the Commission's Communications Division.

Community Awareness and Public Outreach of Customer Protection Implementation during COVID-19

In D.19-07-015 and D.19-08-025, we directed the utilities and communications service providers to raise awareness about the existence of the emergency customer protections

¹⁹ D.18-08-004 at 9.

²⁰ Nothing in this Resolution supersedes other customer protections which may be ordered by the Commission. For example, the March 19, 2020 Assigned Commissioner Ruling (ACR) in R.20-02-008 suspended the LifeLine renewal process, including de-enrollment due to the renewal process, for all California LifeLine participants including those who do not meet federal LifeLine eligibility criteria for a period of 90 days from the date of the ACR unless modified by a Commission decision. (R.20-02-008 ACR at 3.)

before, during, and after a disaster so customers are prepared. In these decisions, we established a baseline set of required outreach and education activities to ensure ratepayers have robust awareness about the Commission’s customer protections.²¹ Then in D.20-03-004 we adopted further in-language community outreach awareness and public outreach requirements before, during and after a wildfire for our regulated, investor-owned electrical utilities.²²

For meaningful public impact during this COVID-19 crisis, we direct the utilities and communications service providers to conduct outreach of these protections to customers. Outreach and public awareness should be consistent with D.19-07-015, D.19-08-025, and D.20-03-004 regarding the type of service the various utilities and communications service providers offer.²³ The utilities and communications service providers have flexibility in how they deliver messages about the customer protections ordered in D.19-07-015, D.19-08-025 and in the languages ordered in D.20-03-004 as long as the messages are designed to reach customers to the maximum extent and aid them in their understanding of these customer protections.

General Compliance with other State Statutes and Applicable Regulations

The electric, gas, communications, and water and sewer corporations subject to this Resolution are directed to ensure compliance with existing statutes, regulations, ordinances and work in cooperation with all appropriate California, federal, and local government agencies.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived “in an unforeseen emergency” The Commission’s Rules of Practice and Procedure also provide that public review and comment may be waived or reduced in an “unforeseen emergency situation” specifically where there are “[a]ctivities that severely impair or threaten to severely impair public health or safety...” (Rule 14.6(a)(1) and/or where there are “[c]rippling disasters that severely impair public health or safety.” (Rule 14.6(a)(2)). “Requests for relief based on extraordinary conditions in which time is of the

²¹ D.19-07-015 at 35-37; *see also* D.19-08-025 at 39-42.

²² D.20-03-004 at 19-25.

²³ The requirements in D.19-08-025 apply to the communications service providers. The requirements in D.19-07-015 and D.20-03-004 apply to the electrical corporations. The requirements of D.19-07-015 apply to the natural gas and Class A and Class B water corporations.

essence.” (Rule 14.6(a)(2)). “Unusual matters that cannot be disposed of by normal procedures if the duties of the Commission are to be fulfilled.”

The 30-day comment period is waived pursuant to these authorities due to the extraordinary nature of the pandemic. In order to better disseminate the directives in this resolution it was served on the service list of the proceeding that developed the customer protection measures discussed herein - R.18-03-011. Interested persons can participate in the forthcoming Advice Letter processes.

FINDINGS

1. On March 4, 2020, Governor Newsom declared a State of Emergency in California related to COVID-19.
2. On March 19, 2020, Governor Newsom ordered Californians to shelter in place except to meet essential needs.
3. Social distancing and shelter-in-place requirements have required the closure of non-essential businesses and resulted in layoffs.
4. Employee layoffs due to the COVID-19 pandemic have created a risk that residential customers may fall behind on utility payments through no fault of their own.
5. Some companies have already implemented customer protections in response to the COVID-19 pandemic, including observing moratoria on disconnections for nonpayment and lifting broadband data caps.
6. In order to assist Californians affected by the COVID-19 pandemic, it is reasonable to provide continuity and consistency between all utility actions related to the pandemic.
7. The Commission has previously issued Resolutions and opened Rulemakings to address highly disruptive events, most recently in response the devastating wildfires in Northern and Southern California.
8. In response to the reoccurring natural and manmade disasters, the Commission opened Rulemaking (R.) 18-03-011 and adopted customer protection measures adopted in decisions (D.)19-07-015 and D.19-08-025.
9. Having access to essential utility services is critical to maintaining Californians’ health and safety during the COVID-19 pandemic.

10. In order to expeditiously assist Californians affected by the COVID-19 pandemic, it is reasonable to apply the emergency customer protections adopted in D.19-07-015 and D.19-08-025 during the pendency of the pandemic.
11. Public Utilities Code section 311(g)(2) allows the Commission to reduce or waive the public review and comment period in an unforeseen emergency.

THEREFORE, IT IS ORDERED that:

1. Electric, gas, communications, and water and sewer corporations subject to this Resolution shall retroactively apply the customer protection measures adopted in D.19-07-015 and D.19-08-025 from March 4, 2020 onward.
2. To the extent that they have not already done so in response to the Executive Director's March 17, 2020 letter, or to the extent to which their response was not fully responsive to the requirements of this Resolution, electric, gas, communications, and water and sewer corporations subject to this Resolution shall file a Tier 2 Advice Letter describing all reasonable and necessary actions to implement the emergency customer protections adopted in D.19-07-015 and D.19-08-025 to support California customers.
3. Commission staff will review the Advice Letters for compliance with the customer protection measures adopted in D.19-07-015 and D.19-08-025.
4. In the Tier 2 Advice Letter required in Ordering Paragraph #2, rate regulated electric, gas, communications, and water and sewer corporations subject to this Resolution may request authorization to track and recover incremental costs associated with complying with this resolution.
5. The Emergency Customer Protections apply to residential and small business customers for up to one year from the date of this Resolution, with the option to extend.
6. The electric, gas, communications, and water and sewer corporations subject to this resolution shall conduct community awareness and public outreach of the customer protection measures adopted in D.19-07-015 and D.19-08-025 consistent with the requirements of D.19-07-015, D.19-08-025, and D.20-03-004.²⁴
7. This order is effective today.

²⁴ The requirements in D.19-08-025 apply to the communications service providers. The requirements in D.19-07-015 and D.20-03-004 apply to the electrical corporations. The requirements of D.19-07-015 apply to the natural gas and Class A and Class B water corporations.

I certify that the foregoing resolution was adopted by the California Public Utilities Commission at its regular meeting of April 16, 2020, and the following Commissioners approved favorably thereon:

/s/ ALICE STEBBINS

Alice Stebbins
Executive Director

MARYBEL BATJER
President

LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners

SAN JOSE WATER COMPANY

ADVICE LETTER NO. 549

ATTACHMENT B

A copy of Advice Letter No. 549 has been sent to the following municipalities, water companies and interested parties:

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

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

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

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

City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

City of Monte Sereno
Attn: Jessica Kahn, City Engineer
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

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

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 9TH Street
Sacramento, CA 95814

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

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

Nina Hawk
Chief Operating Officer
Water Utility Enterprises
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

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

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

Pat Kearns, MD
7 W Central Ave
Los Gatos, CA 95030

Redwood Estates Services Association
PO Box 591
Redwood Estates, CA 95044-0591

Saratoga City Council Member
Rishi Kumar
13777 Fruitvale Avenue
Saratoga, CA 95070

Big Redwood Park Water
& Improvement Assoc.
18522 Mt. View Avenue
Los Gatos, CA 95033

WRATES
Rita Benton
18555 Ravenwood Drive
Saratoga, CA 95070

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

Saratoga Heights Mutual Water Company
P.O. Box 337
Saratoga, CA 95071

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

James Hunter
6475 Dwyer Street
San Jose, CA 95120

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

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

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

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

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