



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

April 11, 2023

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

Advice Letter No. 591

To Whom It May Concern:

San Jose Water Company (U-168-W) (SJWC) hereby requests authority from the California Public Utilities Commission (CPUC) to adjust its drought response under Schedule 14.1 Water Shortage Contingency Plan with Staged Mandatory Reduction and Drought Surcharges. SJWC requests that this advice letter become effective upon its filing date and remain in effect until modified or terminated by SJWC or the Commission.

SJWC requests authority to move from Stage 3 (Severe Water Reduction) to Stage 1 (Conservation and Outreach) of its Schedule 14.1 in light of improving water supply conditions and actions taken by Valley Water, its wholesale water provider, and Governor Gavin Newsom. SJWC also requests authority to discontinue its Schedule 14.1 drought allocation and surcharges.

This advice letter is designated as a Tier 1 Advice Letter filing in accordance with Rule 14.1 (A.7).

Background

SJWC's Schedule 14.1, Mandatory Conservation with Allocations and Drought Surcharges implementation, was established in response to Valley Water's emergency declaration via Advice Letter 569. On April 11, 2023, Valley Water rescinded its water shortage emergency declaration and call for mandatory conservation initially established on June 9, 2021 (Attachment A).

On March 24, 2023, Governor Newsom eased drought restrictions¹ via Executive Order N-5-23 but maintained other measures including:

- Ends the voluntary 15% water conservation target, while continuing to encourage that Californians make conservation a way of life;
- Ends the requirement that local water agencies implement level 2 of their drought contingency plans;
- Maintains the ban on wasteful water uses, such as watering ornamental grass on commercial properties;

¹ <https://www.gov.ca.gov/2023/03/24/governor-newsom-eases-drought-restrictions/>

- Preserves all current emergency orders focused on groundwater supply, where the effects of the multi-year drought continue to be devastating;
- Maintains orders focused on specific watersheds that have not benefited as much from recent rains, including the Klamath River and Colorado River basins, which both remain in drought;
- Retains a state of emergency for all 58 counties to allow for drought response and recovery efforts to continue

However some rules remain in effect under both the Governor's and Valley Water's actions which fall into Stage 1 of SJWC's Schedule 14.1 including:

- Restrictions against runoff – (Customer must repair leaks, breaks, and malfunctions in a timely manner – within 5 days)
- Watering lawns within 48 hours of rainfall
- Restriction on midday watering

In addition, Valley Water is maintaining its prohibition on the 2-day per week residential outdoor watering which is part of Stage 3 of our Schedule 14.1. Since most of the rules apply to Stage 1, SJWC proposes to move from Stage 3 of its Schedule 14.1 to Stage 1.

Effective Date

SJWC requests an effective date of April 11, 2023

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 or email 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.

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

SJWC Currently has Advice Letter 590 outstanding before the Commission.

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

Very truly yours,

/S/ Nanci Tran
Nanci Tran
Manager of Regulatory Affairs

Attachments

SAN JOSE WATER COMPANY

ADVICE LETTER NO. 591

ATTACHMENT A

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

RESOLUTION NO. 23-

**RESCINDING RESOLUTION 22-20 THAT AMENDED AND RESTATED RESOLUTION 21-68
DECLARING A WATER SHORTAGE EMERGENCY CONDITION CALLING FOR WATER
USE REDUCTION**

WHEREAS, locally and across California, severely dry conditions culminated in a historic multi-year drought, which included one of the driest January through March periods on record in 2022; and

WHEREAS, on June 9, 2021, the Board adopted Resolution 21-68 which declared a water shortage emergency condition pursuant to California Water Code §350, called for water use reduction of 15% compared to 2019, and urged the County of Santa Clara (County) to proclaim a local emergency; and

WHEREAS, on June 22, 2021, the County adopted a resolution ratifying the proclamation of a local emergency due to the drought; and

WHEREAS, through Executive Order N-10-21 dated July 8th, 2021, Governor Gavin Newsom (Governor) called on all Californians to voluntarily reduce their water usage by 15% from 2020 levels; and

WHEREAS, in his July 8th, 2021 Proclamation of a State of Emergency, the Governor recognized Santa Clara County as one of 50 Counties in the State where a drought state of emergency is in effect; and

WHEREAS, in his October 19, 2021 Proclamation of a State of Emergency, the Governor included the remaining counties of California in the drought state of emergency, which effectively recognized that a drought state of emergency existed statewide; and

WHEREAS, on March 28, 2022, the Governor issued Executive Order N-7-22, which among other things, directed the State Water Resources Control Board to consider adopting emergency regulations, including requiring urban water suppliers to move to at least Level 2 of their water shortage contingency plans and banning irrigation of non-functional turf on commercial, industrial and institutional sites; and

WHEREAS, in response to the Governor's Executive Order N-7-22, the State Water Resources Control Board issued a regulation (California Code of Regulations, Title 23, Section 996(c)(1)), which became effective on June 10, 2022, specifying mandatory drought response actions, including a requirement that urban water suppliers move to at least Level 2 of their water shortage contingency plans, and a temporary ban on irrigation of non-functional turf with drinking water on commercial, industrial, and institutional (CII) properties; and

WHEREAS, Board Resolution 22-20 amended Board Resolution 21-68 on April 12, 2022 to call for no more than 2 days of irrigation in a week for ornamental lawns and avoid excessive runoff, midday irrigation, and irrigation after rainfall; and

WHEREAS, on May 24, 2022, the Board approved Ordinance 22-02 to enforce these restrictions beginning June 1, 2022; and on September 13, 2022, the Board amended Ordinance 22-02 to include the State's ban against watering commercial, industrial, and institutional (CII) non-functional turf amongst its list of enforceable water use restrictions; and

WHEREAS, on February 13, 2023, the Governor's Executive Order N-3-23 maintained almost all of the drought-response actions of prior drought-related proclamations and executive orders; and ordered State agencies to submit recommendations on whether any existing provisions in the Governor's drought proclamations and executive orders are no longer needed by April 28, 2023; and

WHEREAS, in 2023, California is experiencing historic levels of rainfall and snowpack, including one of the wettest three-week periods on record in January 2023; and

WHEREAS, Valley Water (along with local water supplies) relies on water supply imported from the State Water Project and the Central Valley Project to meet the water supply needs of the County by delivering that water to its water treatment plants for treatment and distribution to water retailers; and by using that imported water to replenish local groundwater basins and prevent the return of historic overdraft and land subsidence that could damage Bayfront levees and other critical infrastructure in Northern Santa Clara County; and

WHEREAS, currently, the 2023 State Water Project allocation is 75 percent; and the Central Valley Project allocation is 100 percent for the South of Delta Municipal and Industrial allocation, and 80 percent for the South of Delta Agriculture allocation; and

WHEREAS, on March 24, 2023, the Governor through Executive Order N-5-23 terminated his voluntary call for 15 percent water use reduction and requirement that urban water suppliers activate Level 2 of their water shortage contingency plans; however, he left in place other State water use restrictions, including, but not limited to, restrictions against runoff and watering lawns within 48 hours of rain, and using drinking water to irrigate non-functional turf on CII properties; and

WHEREAS, in 2023 local watershed runoff was well above average and local reservoirs received significant inflows causing some to spill; and

WHEREAS, through careful water management and significant water use savings by the community, the County's groundwater reserves at the start of 2023 were within the "Normal" stage of Valley Water's Water Shortage Contingency Plan and groundwater levels were well above thresholds established to minimize the risk of permanent subsidence; and

WHEREAS, the estimated end-of-year 2023 groundwater storage will remain within Stage 1 (Normal) of Valley Water's Water Shortage Contingency Plan due to the improved imported water allocations and local water supply conditions in 2023; and

WHEREAS, Valley Water commends water retailers, municipalities, and the community for their efforts to respond to the drought and conserve water, including the replacement of over 3 million square feet of turf with water-efficient landscape since 2020; and

WHEREAS, Valley Water's Water Shortage Contingency Plan calls for no water use reductions at Stage 1 (Normal) groundwater conditions.

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

1. Rescinds both Board Resolution 21-68 and Amended Resolution 22-20; and
2. Commends water retailers, municipalities, and the community for their drought response actions and the water use reduction achieved during the recent drought.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on April 11, 2023:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

JOHN VARELA
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

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SAN JOSE WATER COMPANY

ADVICE LETTER NO. 591

ATTACHMENT B

SAN JOSE WATER COMPANY (U-168-W)

ADVICE LETTER 591 SERVICE LIST

Big Redwood Park Water	waldburford@gmail.com;
Brush & Old Well Mutual Water Company	BOWMWC@brushroad.com;
Cal Water	cwsrates@calwater.com;
City of Campbell	publicworks@cityofcampbell.com;
City of Cupertino City Attorney	cityattorney@cupertino.org;
City of Cupertino Director of Public Works	rogerl@cupertino.org;
City of Milpitas	tndah@ci.milpitas.ca.gov ;
City of Milpitas	smachida@ci.milpitas.ca.gov;
City of Monte Sereno	steve@cityofmontesereno.org;
City of Monte Sereno	bmekechuk@cityofmontesereno.org;
City of Santa Clara	water@santaclaraca.gov;
City of San Jose	jeffrey.provenzano@sanjoseca.gov;
City of Saratoga	jcherbone@saratoga.ca.us;
County of Santa Clara	county.counsel@cco.sccgov.org;
DB Davis	dbdavis@rockwellcollins.com;
Dept. of Water Resources, Safe Drinking Water Office	sdwo@water.ca.gov;
Valley Water	dtaylor@valleywater.org;
Gillette Mutual Water Company	gapowerz@gmail.com;
Gillette Mutual Water Company	goldiey@pacbell.net;
Gillette Mutual Water Company	keyoung@pacbell.net;
Great Oaks Water	jroeder@greatoakswater.com;
Great Oaks Water	tguster@greatoakswater.com;
Cal Water	jpolanco@calwater.com;
James Hunter	j88hunter882@gmail.com;
City of Cupertino	KirstenS@cupertino.org;
Public Advocates Office	mukunda.dawadi@cpuc.ca.gov;
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Oakmount Mutual Water Company	gortiz12@comcast.net;
Patrick Kearns MD	pjk3@comcast.net;
Raineri Mutual Water Company	info@rainerimutual.org;
Ridge Mutual Water Company	pmantey@yahoo.com;
Rishi Kumar	rkumar@saratoga.ca.us;
San Jose Mercury News	progers@bayareanewsgroup.com;
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