OFFICE OF RATEPAYER ADVOCATES
California Public Utilities Commission

REPORT
ON
CALIFORNIA AMERICAN WATER’S
LOS PADRES DAM FISH PASSAGE PROJECT

[PUBLIC VERSION]

San Francisco, California
October 31, 2017
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I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

Pursuant to Administrative Law Judge (ALJ) Sophia Park’s September 13, 2017 ruling requiring the Office of Ratepayer Advocates (ORA) to file and serve a report of its reasonableness review of California - American Water’s (CAW) Los Padres Dam Fish Passage Project (FPP) costs, ORA recommends that the California Public Utilities Commission (Commission) reject CAW’s request to add project costs to rate base in this general rate case (GRC), for the following reasons:

- CAW’s request to add FPP costs to rate base in this GRC is premature, as $531,287 (nearly 10 percent) of CAW’s $5,375,190 proposed “completed” total project cost continue to be “estimated.”
- Of the $4,843,903 in actual costs CAW itemized in its workpapers as having accrued to-date, only $4,644,588 of those costs are supported by invoices or other documentation submitted by CAW.
- Of the $4,644,588 in FPP project costs verified with invoices submitted by CAW, $931,740 in invoices match invoices CAW previously submitted in support of requests for recovery of Endangered Species Act Memorandum Account (ESA Memo Account) balances, that the Commission has authorized for recovery.
- CAW has recovered certain FPP costs through its ESA Memo Account, has inserted $5.051 million in FPP costs into rate base in its pending GRC, and has filed Advice Letter (AL) 1168, requesting that $4.2 million in FPP costs be put into rate base, all creating the potential for CAW to triple-recover FPP costs.
- Significant and systemic deficiencies in CAW’s record keeping frustrate attempts to separate costs CAW tracks in memorandum accounts, costs CAW assigns to advice letter projects, and costs CAW associates with its revenue requirement in GRCs.

The Commission should reject CAW’s request to add FPP costs to rate base in this GRC. The Commission should allow CAW to request recovery of reasonable, verifiable FPP costs not already recovered in its next GRC or in a separate application, if the project

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is completed and in service. Finally, the Commission should require CAW to put in place a system that attaches unique identifiers to purchase-orders and all processed invoices in order to separate costs associated with CAW’s various cost recovery mechanisms.

II. BACKGROUND

CAW first proposed including FPP reconstruction costs in its authorized capital project budget in A.10-07-007. In direct testimony in that proceeding, CAW proposed an FPP budget of $850,000 over three years (2012-2014). Supporting documentation for this proposed budget included a Project Description and Justification Document (PDJD) with an attached “Los Padres Dam Fish Passage Alternative Analysis Technical Memorandum,” prepared by HDR Engineering, Inc.

ORA opposed inclusion of FPP costs in rate base in that proceeding, questioning the need for the project as well as the reasonableness of the cost estimates provided. ORA noted that FPP construction costs were estimated by HDR Engineering, Inc. at $480,000, for the project option selected by CAW. However, CAW “took this estimate and included various adders (additional construction management, additional 20% contingency, 11% engineering overhead, and 12% escalation) to almost double the total cost estimate to $850,000.”

After ORA filed its testimony in that rate case, CAW filed rebuttal testimony increasing proposed FPP costs to $2,342,000, stating:

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² CAW Direct Testimony of Mark Schubert, P.E., filed in support of A.10-07-007, at 109, 120-121.
³ Id. at 109.
⁴ See CAW IP-0540-250 Los Padres Dam Fish Passage - Project Description and Justification Document, March 2010, filed in support of A.10-07-007.
⁵ DRA [Division of Ratepayer Advocates, now ORA] Testimony on Utility Plant-in-service of California American Water Company Monterey County District and Toro Service Area, Including Special Requests 7, 15, and 19, filed Jan. 21, 2011 in A.10-07-007, at 1-71 through 1-73.
⁶ Id. at 173.
⁷ Id.
A stakeholder group comprised of [National Oceanic and Atmospheric Administration] NOAA Fisheries, California Department of Fish and Game (CDFG), and the [Monterey Peninsula Water Management District] MPWMD, has been working to reach a consensus on fish passage improvements at Los Padres Dam that best address the Carmel River Steelhead Associations’ concerns, and meet the requirements of NOAA Fisheries. Based on the recent consensus that a Floating Surface Collector best meets these objectives, and completion of the 90% design, California American Water is revising its proposal in this GRC to request authorization to include in rate base a total project cost of $2,342,000.8

Ultimately, ORA and CAW included the following language in their proposed settlement agreement in that proceeding:

[CAW] agrees to pursue the least cost option ("LCO") that satisfies the objectives for avoiding a "take" under the Endangered Species Act ("ESA"). [ORA] understands that the presently selected Floating Surface Collector options is not the LCO, but rather [ORA] recognizes that this option is the best fit option agreed to by the stakeholder group. [CAW] also recognizes that because ratepayers could likely be funding this project’s recovery in rates, which accordingly, [CAW] agrees to make and document all of its good faith efforts to seek grant funding from appropriate agencies to the extent that this fish passage would qualify. Finally, [ORA] and [CAW] agree that [CAW] will request recovery of such expenditures, subject to reasonableness review, as part of its next General Rate Case application, or, if the fish passage project is finished earlier, [ORA] and [CAW] agree that [CAW] may file a Tier 2 advice Letter [sic] for rate base offset, with the defined budget not to exceed an amount of $2,342,000 less the amount secured by grant funding.

The Commission adopted this settlement in D.12-06-016.9

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In CAW’s next rate case application, A.13-07-002, CAW again requested Commission approval of the FPP as an advice letter project, but with a larger budget than that requested in A.10-10-007. CAW asserted that the FPP “had been approved as an advice letter project in the 2010 GRC, and included detailed designs, permitting, and construction of a floating weir surface collector and bypass conduit design . . . .”\(^{10}\) CAW went on to describe how projected costs had increased from the $2.3 million contemplated in the D.12-06-016 settlement agreement to $4.2 million.\(^{11}\)

The settlement agreement adopted in A.13-07-002 includes a provision again stating that ORA “agrees that [the FPP] may be added to rate base once it is completed and in service, after ORA has completed a reasonableness review of this project in the next GRC.”\(^{12}\) The review directed by that settlement agreement is the subject of ALJ Park’s ruling and of this report.

In the current GRC, CAW “recommend[s] that the Commission approve this capital advice letter project . . . for a total recorded capital expenditure amount of $5,375,190.”\(^{13}\) CAW stated in direct testimony that it intended to file an advice letter concerning the project in June, 2016.\(^{14}\) Though it stated it was requesting that the project be approved as an advice letter project, CAW also included $5,051,932 of FPP costs in its 2015 year-end, plant-in-service account in its Results of Operations (RO) tables in its currently pending general rate case.\(^{15}\) Despite including project costs in its GRC workpapers, CAW filed AL 1129-W on July 1, 2016, requesting recovery for FPP costs.\(^{16}\) The Commission’s Water Division rejected that advice letter, as ORA had not

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\(^{10}\) Direct Testimony of F. Mark Schubert, P.E., filed July 1, 2013, in support of A.13-07-002 at 63.

\(^{11}\) Id. at 64.

\(^{12}\) D.15-04-007, Adopting the 2015, 2016, and 2017 Revenue Requirement for CAW, Attachment A at 207.

\(^{13}\) CAW Direct Testimony of F. Mark Schubert, P.E, filed July 1, 2016 in support of A.16-07-002 at 80.

\(^{14}\) Id.

\(^{15}\) CAW Response to DR. A.16-07-002 ORA-002 Q003 (b).

\(^{16}\) ALJ Sophia Park’s September 13, 2017 ruling.
performed a reasonableness review on the proposed costs. Later, on June 7, 2017, Cal-Am filed AL 1168, which requested recovery of [FPP] costs in the amount of $4.2 million, with the remainder (estimated at $1,175,190) to be determined in the current GRC.”

III. DISCUSSION
A. The Commission Should Reject CAW’s Request Because CAW’s Proposed Project Cost Total Continues to Contain Un-Itemized, Estimated Costs

The Commission should reject CAW’s request for FPP reimbursement because CAW has repeatedly failed to identify actual FPP costs, relying in part on “estimated” costs. In A.16-07-002 direct testimony, CAW requests that the Commission approve $5,375,190 “total recorded capital expenditure” associated with its FPP. However, CAW submitted workpapers itemizing only $4,830,047.59 in FPP costs. CAW was unable to account for over half a million dollars of costs despite noting that the project was “commissioned in March 2016, and is completed and in service.”

More than a year after CAW submitted its A.16-07-002 workpapers, ORA again requested itemization of FPP total project costs. Despite assertions that the project has been in service for over a year, CAW submitted workpapers with itemized costs subtotaling just $4,843,903.32, and a place-holder line item labelled “Estimated Contractor Service at 5/31/2016” with an amount of $531,287 (see Attachment 1 – CAW Schedule of FPP Costs). The Commission should reject CAW’s request for recovery of FPP

17 Id.
18 Id.
19 Id.
20 CAW Workpaper I15-400049 Los Padres Dam Fish Passage charges.2016.03.31.
21 CAW Direct Testimony of F. Mark Schubert, P.E, filed July 1, 2016 in support of A.16-07-002 at 80.
22 Data Request (DR) A.16-07-002 ORA-001 Q001, issued Sept. 29, 2017.
23 CAW Response to DR A.16-07-002 ORA-001 Q001 Attachment 1, received Oct. 9, 2017. See Attachment 7.
costs because ORA continues to be unable to perform a reasonableness review on
unverified costs for which only an estimate exists.

B. The Commission Should Reject CAW’s Request Because
CAW’s Requested Project Costs Are Not Verifiable

The Commission should reject CAW’s request for FPP reimbursement because
CAW failed to support itemized FPP costs with invoices or other supporting
documentation totaling the alleged amounts. In response to ORA discovery, CAW
submitted itemized FPP costs totaling $4,843,903 (see Attachment 1 – CAW Schedule of
FPP Costs). ORA requested that, in addition to itemizing project costs, CAW submit
all “documentation supporting the total [requested] amount of $5,375,190.” ORA
specified that “[d]ocumentation should include all paid invoices and all other invoice
support.” CAW responded to ORA’s data request with a 635-page PDF of various
documents including invoices (see Attachment 2 – CONFIDENTIAL PDF of A.16-07-002 Invoices) totaling just $4,644,588 (see Attachment 3 – ORA Summary of A.16-07-002 Invoices). Thus, even of those project costs which CAW has been able to itemize,
$199,315 remain unverifiable by invoices or other supporting documentation.

To summarize, of the $5,375,190 in alleged completed project costs, a total of
$513,287 continues to be shown by Cal Am as estimates (see section 1, above), and an
additional $199,315 cannot be verified by invoices or supporting documentation. As a
result, ORA continues to be unable to perform a reasonableness review on $712,602, or
roughly 13 percent of the purported final costs.

24 Id.
26 CAW Response to DR A.16-07-002 ORA-001 Q001 1_Los Padres Dam Fish Passage -
CONFIDENTIAL, received Oct. 9, 2017. See Attachment 2.
C. The Commission Should Reject CAW’s Request Because Portions of CAW’s FPP Costs Have Been Presented and Authorized for Recovery Elsewhere

The Commission should reject CAW’s request for FPP reimbursement because $937,965 of CAW’s itemized, verifiable FPP costs requested have already been authorized for recovery by the Commission in D.15-04-007. In D.15-04-007, the Commission adopted a settlement agreement in which ORA and CAW agreed that CAW should transfer two separate balances into its Monterey Consolidated Expense Balancing Account (CEBA) for recovery. 27 The first balance transfer moved $889,797 from CAW’s ESA Memo Account to the CEBA, while the second balance transfer moved $1,018,090 related to ESA projects from CAW’s Construction Work in Progress account (CWIP) to the CEBA. 28

Analysis of these transferred balances, 29 including side-by-side comparisons with the entries of invoices CAW has submitted in support of FPP project costs shows repeated duplication (see Attachment 4 – Summary of Overlapping Invoices). Corresponding payees, dates, and amounts in entries indicate that CAW submitted invoices used to substantiate balances approved for recovery in prior proceedings again in this proceeding to substantiate its pending FPP recovery request (see Attachments 5 and 6). 30 Authorizing recovery of CAW’s current FPP request would allow CAW to recover the amount of those entries twice.

27 D.15-04-007, Adopting the 2015, 2016, and 2017 Revenue Requirement for CAW, Attachment A at 158.
28 Id.
29 ORA received the itemization of the $889,797 balance through CAW Response to DR ORA A.13-07-022 PR1-028 Attachment Q0005.xlsx. See Attachment 5 – CAW Response to DR ORA A.13-07-002 PR1-028 Q005. ORA received the itemization of the (roughly) $1,018,090 through CAW Response to DR ORA A.13-07-002 AL7-012, question 2 (a. ii), Attachment 7_CAW ORA-AL7-012_Q2(a)(ii) – ESA reclass v1.xls. See Attachment 6 – CONFIDENTIAL PDF of A.13-07-002 Invoices.
30 Id.

In an apparent attempt at triple-recovery of FPP costs, CAW included requests for recovery of costs in both its current GRC and in AL 1168, filed June 7, 2017. While AL 1168 requests that $4.2 million related to the FPP be included in rate base, CAW had already filed A.16-07-002, which incorporated $5,051,932 in FPP costs in CAW’s 2015 year-end plant-in-service amount. The Commission’s Water Division suspended AL 1168, though it remains unclear how its disposition would affect CAW’s seemingly-overlapping request that $5.051 million be considered plant-in-service in the pending rate case proceeding.

Thus, CAW’s request for recovery of FPP costs should be rejected. The $5.051 million should be removed from CAW’s 2015 recorded plant balance and all other pending requests for recovery of costs associated with the FPP (including AL 1168) should be postponed until such time that in a separate application or its next general rate case, CAW can support all costs with actual documentation and demonstrate that no portion of its requested recovery has been previously authorized and collected.

E. The Commission Should Require CAW to Modify Its Purchase Order and Cost-Tracking System to Mitigate the Future Likelihood of Similar Occurrences of Duplicative Recovery Requests and Authorizations

Significant and systemic deficiencies in CAW’s record keeping make it necessary that CAW be required to initiate a system that attaches unique identifiers to purchase orders and invoices in order to distinguish between costs that are tracked in memorandum accounts, assigned to advice letter projects or accounted for in CAW’s general revenue

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31 See CAW Direct Testimony of F. Mark Schubert, P.E, filed July 1, 2016 in support of A.16-07-002 at 80.

32 AL 1168 filed by CAW on June 7, 2017.

33 Id. at 2.

34 This is the amount CAW states was “placed into service” in December, 2015, at the time CAW determined that the project was “substantially complete.” CAW Response to DR. A.16-07-002 ORA-002 Q003 (b). See Attachment 8.
requirement. As observed in ORA’s review of CAW’s actions in requesting recovery of FPP costs, the potential for the same invoices to be used repeatedly to substantiate duplicative recovery requests necessitates a modification to CAW’s existing system.

IV. CONCLUSION

The Commission should reject CAW’s request to put FPP project costs into rate base and postpone any further recovery of costs associated with the FPP project because (1) CAW has been unable to account for total project costs and has provided only estimates for more than 10% of the alleged total project cost, (2) CAW has been unable to substantiate the total of non-estimated costs with invoices or verifiable documentation, and (3) In support of portions of its requested recovery of FPP costs, CAW has provided identical invoices and supporting documentation to those previously provided to the Commission and authorized for recovery.

CAW should be given an opportunity in its next GRC or in a separate application to demonstrate that all previously-recovered costs have been removed and to provide documented support for the FPP costs being requested. Finally, in order to mitigate the possibility of CAW providing identical support for multiple and duplicative recovery requests in the future, the Commission should require CAW to establish a system that assigns unique identifiers to purchase orders and invoices in order to distinguish between costs that are tracked in memorandum accounts, assigned to advice letter projects or accounted for in CAW’s general revenue requirement.
Cal Am Support for Los Padres Fish Passage Project Costs provided in Response to ORA Data Request ORA-001.

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<td>1140</td>
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| Estimated Contractor Services at 6/30 | 531,287 |
| Total                             | 5,578,196 |
ATTACHMENT 2

Invoices Support for Cal Am’s Los Padres Fish Passage Project Provided in Response to ORA Data Request ORA-001

CONFIDENTIAL
ATTACHMENT 3

Summary of Supported Costs and Schedule of Invoices Provided by CAW in response to ORA Data Request ORA-001 for support of $5.3 Million in Claimed Costs Related to the Los Padres Fish Passage Project

Summary of Supported Costs by Vendor:

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<th>Row Labels</th>
<th>Sum of Amount</th>
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<td>Bestor Engeineers, Inc.</td>
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<tr>
<td>Denise Duffy &amp; Associates</td>
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<td>HDR Engineering</td>
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<td>Monterey Peninsula Engineering</td>
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<td>Pacific Crest Engineering Inc.</td>
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<td>Shimmick Construction Co.</td>
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<td>State Water Resources Control Board</td>
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<tr>
<td>HILTI</td>
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*Note: All items are provided by XYZ Manufacturing.*
Duplicate Invoices Supporting CWIP Balances Authorized in A.13-07-012 (D.14-07-006) and CAW’s ESA Memo Account Balances in A.13-07-012 (D.14-07-006), and CAW’s $5.3 Million in Costs for the Los Padres Fish Passage Project

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Note:
*Incorrect invoice provided by Cal Am. However, the invoice provided references the correct invoice in arriving at the “Total due in full.”
ATTACHMENT 5

CAW Response to DR ORA A.13-07-022 PR1-028 Q005;
Excerpt of Attachment Q0005.xlsx, with ORA modifications (in orange)
to illustrate overlap with Attachment 2, CONFIDENTIAL PDF

Invoices

California-American Water Company
Statewide GRC Test Year 2015
APPLICATION NO. A.13-07-002
DATA REQUEST RESPONSE

Response Provided By: James Bozman
Title: Financial Analyst III
Address: 131 Woodcrest Road, Cherry Hill, NJ 08003
DRA Request: PR1-028
Company Number: CAW-ORA-A.13-07-002.PR1-028 Q005
Date Received: 2/4/2014
Date Response Due: 2/13/2014
Subject Area: ESA Memorandum Account

ORA QUESTION:
5. What is the total of all costs associated with ESA compliance and recorded to the
   ESA Memorandum Account from June 1, 2010 through May 31, 2013?

COMPANY RESPONSE:
Please refer to attachment PR1-028 Q005_Attachment.xlsx.
ATTACHMENT 6


CONFIDENTIAL
ATTACHMENT 7

Cal Am Response to ORA Data Request ORA-001
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to
Increase its Revenues for Water Service by
$34,559,200 or 16.29% in the year 2018, by
$8,478,500 or 3.43% in the year 2019, and
by $7,742,600 or 3.03% in the year 2020.

A.16-07-002
(Filed July 1, 2016)

CALIFORNIA-AMERICAN WATER COMPANY’S (U-210-W)
OBJECTIONS AND RESPONSES TO
THE OFFICE OF RATEPAYERS’ ADVOCATES’
DATA REQUEST NO. ORA-001

Sarah E. Leeper
Nicholas A. Subias
Cathy Hongola-Baptista
California-American Water Company
590 Montgomery Street, Suite 816
San Francisco, CA 94111
(415) 863-2960
sarah.leeper@amwater.com
nicholas.subias@amwater.com
cathy.hongola-baptista@amwater.com

Attorneys for Applicant California-American
Water Company

October 9, 2017
California-American Water Company

APPLICATION NO. A-16-07-002
DATA REQUEST RESPONSE

CALIFORNIA-AMERICAN WATER COMPANY’S (U-210-W)
OBJECTIONS AND RESPONSES TO THE OFFICE OF RATEPAYER
ADVOCATES’ DATA REQUEST NO. ORA-001

California-American Water Company (U-210-W; "California American Water,”
“CAW,” “Cal-Am” or the “Company”) hereby sets forth the following objections and
responses to Office of Ratepayer Advocates’ ("GRA") Data Request ORA-001
("Data Requests") propounded on September 29, 2017, in A.16-07-002.

RESERVATION OF RIGHTS

1. California American Water’s investigation into the Data Requests is
ongoing and the Company reserves the right, without obligating itself to do so, to
supplement or modify its responses and to present further information and produce
additional documents as a result of its ongoing investigation.

2. Any information or materials provided in response to the Data
Requests shall be without prejudice to California American Water’s right to object to
their admission into evidence, their use as evidence, or the relevance of such
information or materials. In addition, California American Water reserves its right to
object to further discovery of documents, other information or materials relating to
the same or similar subject matter upon any valid ground or grounds, including
without limitation, the proprietary nature of the information, relevance, privilege, work
product, overbreadth, burdensomeness, oppressiveness or incompetence.

GENERAL OBJECTIONS

1. California American Water objects to the Data Requests as improper,
overbroad, and unduly burdensome to the extent that they purport to impose upon
California American Water any obligations broader than those permitted by law.

2. California American Water objects to the Data Requests as improper, overbroad, and unduly burdensome to the extent that they improperly seek the disclosure of information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege or doctrine, and/or the client confidentiality obligations mandated by Business and Professions Code Section 6086(e)(1) and Rule 3-100(A) of the California Rules of Professional Conduct. Such responses as may hereafter be given shall not include information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.

3. California American Water objects to the Data Requests to the extent that the requests are duplicative and overlapping, cumulative of one another, overly broad, and/or seek responses in a manner that is unduly burdensome, unreasonably expensive, oppressive, or excessively time consuming to California American Water.

4. California American Water objects to the Data Requests to the extent they seek documents and/or information that are neither relevant nor material to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

5. California American Water objects to the Data Requests to the extent they seek an analysis, calculation, or compilation that has not previously been performed and that California American Water objects to performing.

6. California American Water objects to the Data Requests insofar as they request the production of documents or information that are publicly available or that are equally available to ORA because such requests subject California American Water to unreasonable and undue annoyance, oppression, burden and expense.

7. California American Water objects to the Data Requests to the extent the requests are vague, ambiguous, use terms that are subject to multiple
interpretations but are not properly defined for purposes of the Data Request, or otherwise provide no basis from which California American Water can determine what information is sought.

8. The objections contained herein, and information and documents produced in response hereto, are not intended nor should they be construed to waive California American Water’s right to object to the Data Requests, responses or documents produced in response hereto, or the subject matter of such Data Requests, responses or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.

9. The objections contained herein are not intended nor should they be construed to waive California American Water’s right to object to other discovery involving or relating to the subject matter of the Data Requests, responses or documents produced in response hereto.
California-American Water Company

APPLICATION NO. A 16-07-002
DATA REQUEST RESPONSE

Response Provided By: Stephen Wesley Owens
Title: Engineering Manager-Capital Assets and Planning
Address: California-American Water Company
4701 Beloit Drive, Sacramento, CA 95836

ORA Request: ORA A.16-07-002 ORA 001
Company Number: CAW-ORA A.16-07-002 ORA 001 Q001a-b
Date Received: September 29, 2017
Date Response Due: October 9, 2017
Subject Area: Documented Costs for Cal Am Project 15-400049

DATA REQUEST:

1. Page 80, line 23 of the Direct Testimony of F. Mark Schubert, P.E. indicates that for project 15-400049 – Los Padres Dam Fish Passage the “total recorded capital expenditure amount is $5,375,190.”
   (a) Provide all documentation supporting the total amount of $5,375,190. Documentation should include all paid invoices and all other invoice support.
   (b) Provide an explanation how the invoices and documentation provided in response to (a) above, have been organized.

CAL-AM’S RESPONSE:

Contractor invoices are provided in attachment “1_Los Padres Dam Fish Passage – CONFIDENTIAL.” Note certain documents with the attachment are CONFIDENTIAL pursuant to General Order 66-C, Pub. Util. Cod § 583 and Gov. Code § 6255(a). The attachment contains the same information provided with original advice letter filing.

The contractor invoices are organized by contractor.

Cost detail is provided in attachment “A.16-07-002 ORA-001 Q001 Attachment 1”.

Attachment 7-6
DATA REQUEST:

2. CIF Workpapers submitted by Cal Am in A.16-07-002 contained file: 115-4000049 Los Padres Dam Fish Passage charges:20160331 which provided line item detail on project costs totaling $4,030,047.59

(a) Please indicate where in documents submitted by Cal Am in A.16-06-002 is the corresponding file for the total project cost of $5,375,190 referenced in Cal Am's Direct Testimony (see question 1, above).

(b) If the corresponding file referenced in (a) was not included in the documents previously submitted by Cal Am in A.16-07-002, please provide.

(c) For the file referenced in (a) or to be provided in (b), please provide detail explaining the following column headings and/or column entries:

- Project Code Suffix (e.g. AD, AD20, AD30, OH) found in Column B
- Document Type (e.g. SA, KR, SF, WE, PA, ZY, etc.) found in Column C
- Cost Element found in Column F

CAL-AM'S RESPONSE:

a) Cost detail for $5,375,190 was not submitted with the GRC Application as it was not complete when the GRC draft Application was filed. Engineering staff provided the most up to date information for project costs through March 31, 2016 with the draft filing and then subsequently with the final Application.
b) See attachment “A.16-07-002 WRA-001 Q002b Attachment 1”.

c) See attachment “A.16-07-002 ORA-001 Q002c Attachment 1”.
ATTACHMENT 8

Cal Am Response to ORA Data Request ORA-002
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to
Increase its Revenues for Water Service by
$34,559,200 or 16.29% in the year 2016, by
$8,478,300 or 3.43% in the year 2019, and
by $7,742,600 or 3.03% in the year 2020.

A.16-07-002
(Filed July 1, 2016)

CALIFORNIA-AMERICAN WATER COMPANY’S (U-210-W)
OBJECTIONS AND RESPONSES TO
THE OFFICE OF RATEPAYER ADVOCATES’
DATA REQUEST NO. ORA-002

Sarah E. Leeper
Nicholas A. Subias
Cathy Hongola-Baptista
California-American Water Company
555 Montgomery Street, Suite 816
San Francisco, CA 94111
(415) 863-2960
sarah.leeper@amwater.com
nicholas.subias@amwater.com
cathy.hongola-baptista@amwater.com
Attorneys for Applicant California-American
Water Company

October 18, 2017
APPLICATION NO. A 16-07-002
DATA REQUEST RESPONSE

CALIFORNIA-AMERICAN WATER COMPANY’S (U-210-W)
OBJECTIONS AND RESPONSES TO THE OFFICE OF RATEPAYER
ADVOCATES’ DATA REQUEST NO. ORA-002

California-American Water Company (U-210-W; “California American Water,”
“CAW,” “Cal-Am” or the “Company”) hereby sets forth the following objections and
responses to Office of Ratepayer Advocates’ (“ORA”) Data Request ORA-002
(“Data Requests”) propounded on October 11, 2017, in A. 16-07-002.

RESERVATION OF RIGHTS

1. California American Water’s investigation into the Data Requests is
ongoing and the Company reserves the right, without obligating itself to do so, to
supplement or modify its responses and to present further information and produce
additional documents as a result of its ongoing investigation.

2. Any information or materials provided in response to the Data
Requests shall be without prejudice to California American Water’s right to object to
their admission into evidence, their use as evidence, or the relevance of such
information or materials. In addition, California American Water reserves its right to
object to further discovery of documents, other information or materials relating to
the same or similar subject matter upon any valid ground or grounds, including
without limitation, the proprietary nature of the information, relevance, privilege, work
product, overbreadth, burdensomeness, oppressiveness or incompetence.

GENERAL OBJECTIONS

1. California American Water objects to the Data Requests as improper,
overbroad, and unduly burdensome to the extent that they purport to impose upon

I
California American Water Company

APPLICATION NO. A-18-97-032
DATA REQUEST RESPONSE

California American Water any obligations broader than those permitted by law.

2. California American Water objects to the Data Requests as improper, overbroad, and unduly burdensome to the extent that they improperly seek the disclosure of information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable privilege or doctrine, and/or the client confidentiality obligations mandated by Business and Professions Code Section 6088(e)(1) and Rule 3-100(A) of the California Rules of Professional Conduct. Such responses as may hereafter be given shall not include information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.

3. California American Water objects to the Data Requests to the extent that the requests are duplicative and overlapping, cumulative of one another, overly broad, and/or seek responses in a manner that is unduly burdensome, unreasonably expensive, oppressive, or excessively time consuming to California American Water.

4. California American Water objects to the Data Requests to the extent they seek documents and/or information that are neither relevant nor material to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

5. California American Water objects to the Data Requests to the extent they seek an analysis, calculation, or compilation that has not previously been performed and that California American Water objects to performing.

6. California American Water objects to the Data Requests insofar as they request the production of documents or information that are publicly available or that are equally available to ORA because such requests subject California American Water to unreasonable and undue annoyance, oppression, burden and expense.

7. California American Water objects to the Data Requests to the extent the requests are vague, ambiguous, use terms that are subject to multiple
interpretations but are not properly defined for purposes of the Data Request, or otherwise provide no basis from which California American Water can determine what information is sought.

8. The objections contained herein, and information and documents produced in response hereto, are not intended nor should they be construed to waive California American Water's right to object to the Data Requests, responses or documents produced in response hereto, or the subject matter of such Data Requests, responses or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.

9. The objections contained herein are not intended nor should they be construed to waive California American Water's right to object to other discovery involving or relating to the subject matter of the Data Requests, responses or documents produced in response hereto.
California-American Water Company

APPLICATION NO. A16-07-002
DATA REQUEST RESPONSE

Response Provided By: Stephen Wesley Owens
Title: Engineering Manager-Capital Assets and Planning
Address: California-American Water Company
4701 Beloit Drive, Sacramento, CA 95838

ORA Request: ORA A.16-07-002 ORA-002
Company Number: CAW-ORA A.16-07-002 ORA-002 Q001
Date Received: October 11, 2017
Date Response Due: October 16, 2017
Subject Area: Los Padres Dam Fish Passage Project

DATA REQUEST:

1. Related to the completed Los Padres Dam Fish Passage investment project discussed on p. 80 of Schubert’s Direct Testimony it states the project was completed in March 2016. In Advice Letter 1168, it states the project was completed in July 2016.
   a. State the final completion date of the fish passage project.

CAL-AM’S RESPONSE:

The project was determined to be substantially complete and placed into service in December of 2015. Final completion occurred in July of 2016.
California-American Water Company

APPLICATION NO. A 16-07-002
DATA REQUEST RESPONSE

Response Provided By: Stephen Wesley Owens
Title: Engineering Manager-Capital Assets and Planning
Address: California-American Water Company
        4701 Beloit Drive, Sacramento, CA 95836
ORA Request: ORA A.16-07-002 ORA-002
Company Number: CAW-ORA A.16-07-002 ORA-002 Q002a
Date Received: October 11, 2017
Date Response Due: October 16, 2017
Subject Area: Los Padres Dam Fish Passage Project

DATA REQUEST:

2. Please refer to A.10-17-007. D.12-06-016 adopts the Settlement Agreement between ORA and California American Water. Appendices 1 of the Settlement Agreement adopted in D.12-06-016 provides terms of the settlement related to the Los Padres Dam Fish Passage project.

   a. Item No. 6 on p. 2 states “California American Water agrees to use its best faith efforts to obtain other moneys for the fish passage and California American Water shall use its management discretion to make diligent efforts to defray ratepayer costs associated with the passage. DRA recognizes that these grant funding opportunities may be limited at this time, due to federal, state and local limitations. In addition, DRA understands that grant funding is usually tied to a future fiscal year, which means grant funding may not be available for a project that could already be under construction. In any event, California American Water will pursue what potential grant funding vehicles exist for this type of investment projects from applicable agencies.”

      i. Did Cal Am receive any grant funding for the project? If yes, please state the sources and amounts.

      ii. Please refer to Cal Am’s response to ORA Data Request AL7-014, Q0001a(ii) from proceeding A.13-07-002. Did Cal Am make efforts to obtain grant funding subsequent to 2012? If yes, please identify all sources and amounts.

Attachment 8-7
CAL-AM’S RESPONSE:

i. No grant funding was received for this project.

ii. California American Water staff determined that pursuit of grant funding as discussed in Data Request AL7-014 would have extended the project completion timeline and so decided to proceed with the project without grant funding.
DATA REQUEST:

2. Please refer to A.10-17-007. D.12-03-016 adopts the Settlement Agreement between ORA and California American Water. Appendices 1 of the Settlement Agreement adopted in D.12-06-016 provides terms of the settlement related to the Los Padres Dam Fish Passage project.

   b. Item No.7 on p.2 states, “In the event that California American Water is tracking the cost of the fish passage project design, engineering and construction in the ESA Memorandum account, then Parties agree that California American Water will request recovery of such expenditures, subject to reasonableness review, as part of its next General Rate Case application. Or, if the fish passage project is finished earlier, the Parties agree that California American Water may file a Tier 2 advice letter for rate base offset, with the defined budget not to exceed the amount stated in California American Water’s Rebuttal Testimony of the I.C.O or, for an amount not to exceed $2,342,000 less the amount secured by grant funding.”

   i. Were any costs related to the fish passage project recorded in any of Cal Am’s ESA related memo accounts? If yes, please identify the accounts, and state the total amount.

   ii. Were any costs related to the fish passage project authorized for recovery via Cal Am’s ESA related memo accounts? If yes, please identify the accounts, state the total amount, and cite to the authorizing document.
iii. In Cal Am Advice Letter 1168 it states the final project costs are $5,375,190. If costs related to the fish passage project are recorded in Cal Am’s ESA memo accounts, are costs recorded in Cal Am’s ESA Memo accounts included in or in addition to Cal Am’s stated final project cost of $5,375,190.

CAL-AM’S RESPONSE:

i. Yes, the Los Padres Dam Fish Bypass Performance Study was completed in August of 2017 and $54,232 of project costs were booked to the ESA.

ii. These costs have not yet been authorized for recovery. These costs will likely be submitted in the next GRC for review.

iii. These costs were expensed separately from the capital costs incurred on the project.
DATA REQUEST:

2. Please refer to A.10-17-007. D.12-06-916 adopts the Settlement Agreement between ORA and California American Water. Appendices 1 of the Settlement Agreement adopted in D.12-06-916 provides terms of the settlement related to the Los Padres Dam Fish Passage project.

   c. Item No.9 on p.2 states "California American Water and DRA agree that in the event that the Los Padres Dam is removed or demolished, and if the fish passage is similarly removed and demolished, then at that time California American Water and DRA shall agree to modify the ratemaking treatment for this capital investment."

      i. What is the current status of the removal of the Los Padres Dam.

CAL-AM'S RESPONSE:

i. There are no plans to remove the Los Padres Dam at this time.
DATA REQUEST:

3. Please refer to A.16-07-002. On p.80 of Schubert’s Direct Testimony it states that the fish passage project is “complete and in service.”
   a. Did Cal Am request to add the fish passage project to rate base?
   b. Was any portion of the project added to rate base?
   c. Please cite to the workpaper(s) showing the Los Padres Dam fish passage project was added to rate base, if it exists.

CAL-AM’S RESPONSE:

a. Yes, at page 80 of the Direct Testimony of Mark Schubert. California American Water requested that “the Commission approve this capital advice letter project as amended by California American Water for the additional costs, for a total recorded capital expenditure amount of $5,375,190.”
b. Yes, in December of 2015 the facility was determined to be substantially complete and placed in service. The amount placed into service at that time was $5,051,932. This amount is included in the 2015 year end utility plant in service was provided in the GRC RO Model workpapers.
c. Recorded utility plant balances are included in the RO Model file “ALL_CH07_PLT_RO_Recorded” in the tab “Plant Balances WS-1.”
California-American Water Company

APPLICATION NO. A.16-07-002
DATA REQUEST RESPONSE

Response Provided By: Stephen Wesley Owens
Title: Engineering Manager-Capital Assets and Planning
Address: California-American Water Company
4701 Beloit Drive, Sacramento, CA 95836

ORA Request: ORA A.16-07-002 ORA-002
Company Number: CAW-ORA A.16-07-002 ORA-002 Q004
Date Received: October 11, 2017
Date Response Due: October 18, 2017
Subject Area: Los Padres Dam Fish Passage Project

DATA REQUEST:

4. Please provide the following documents in full:


   b. The "Settlement Agreement" entered into by Cal Am and NOAA, effective March, 2009 (referenced at Q20 of the Direct Testimony of Craig Anthony, filed in support of A.13-07-002).

CAL-AM'S RESPONSE:

Find attached (1) the First Amendment to the 2009 Settlement Agreement (with the 2001 Conservation Agreement and the 2009 Settlement Agreement attached as Exhibits); and (2) the Second Amendment to the 2009 Settlement Agreement.
California-American Water Company

APPLICATION NO. A-16-07-002
DATA REQUEST RESPONSE

<table>
<thead>
<tr>
<th>Response Provided By:</th>
<th>Stephen Wesley Owens</th>
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<tbody>
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</tbody>
</table>
| Address:              | California-American Water Company  
                        | 4701 Beloit Drive, Sacramento, CA 95838 |
| ORA Request:          | ORA A.16-07-002 ORA-002 |
| Company Number:       | CAW-ORA A.16-07-002 ORA-002 Q005 |
| Date Received:        | October 11, 2017 |
| Date Response Due:    | October 18, 2017 |
| Subject Area:         | Los Padres Dam Fish Passage Project |

**DATA REQUEST:**

5. In support of requests made in A.10-07-007, CAW submitted a Project Description and Justification Document (PDJD) for IP 0540-250 Los Padres Dam Fish Passage Project. That document proposed a project budget of $850,000 over three years. Please confirm which of the alternatives listed in the engineering report presented in the Los Padres Dam Passage Alternatives Analysis – Technical Memorandum – Evaluation of Interim Juvenile Passage Alternatives prepared by HDR Engineering, Inc.[1] (cited by and included with the PDJD) correlates to the $850,000 budget contemplated by CAW’s PDJD.

**CAL-AM’S RESPONSE:**

Alternative B: Floating Surface Collector.