

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 7, 2022

Tiffany Thong
Manager, Rates and Regulatory Affairs
Liberty Utilities (Park Water) Corp.
9750 Washburn Road
Downey, CA 90241

Dear Ms. Thong,

The Water Division of the California Public Utilities Commission has approved Liberty Utilities' (Park Water) Advice Letter No. 318, filed on December 8, 2021, regarding authorization to update Schedule 14.1 and Rule 14.1.

Enclosed are copies of the following revised tariff sheets, effective January 7, 2022, for the utility's files:

P.U.C. Sheet No.	Title of Sheet
1533-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 1
1534-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 2
1535-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 3
1536-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 4
1537-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 5
1538-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 6
1539-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 7

P.U.C.

Sheet No.	Title of Sheet
1540-W	Schedule 14.1, Water Shortage Contingency Plan With Staged Mandatory Reductions, Restrictions And Drought Surcharges, Sheet 8
1541-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 1
1542-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 2
1543-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 3
1544-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 4
1545-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 5
1546-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 6
1547-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 7
1548-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 8
1549-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 9
1550-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 10
1551-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 11
1552-W	Rule No. 14.1, Water Shortage Contingency Plan, Sheet 12
1553-W	Table Of Contents, Sheet 1
1554-W	Table Of Contents (Continued), Sheet 2

Please contact Eustace Ednacot at ERE@cpuc.ca.gov or 415-703-1492, if you have any questions.

Thank you.

Enclosures



Liberty Utilities (Apple Valley Ranchos Water) Corp.
21760 Ottawa Road
Apple Valley, CA 92308-6533
Tel: 760-247-6484
Fax: 760-247-1654

Advice Letter No. 259-W

December 8, 2021

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Liberty Utilities (Apple Valley Ranchos Water) Corp. (U 314-W) (“Liberty Apple Valley”) hereby submits the following revised tariff sheets applicable to water service in its service territory:

Purpose

Liberty Apple Valley requests authorization to update its existing Rule 14.1 and Schedule 14.1, and remain in Stage 1 of Schedule 14.1, to incorporate updates to its Water Shortage Contingency Plan and the State of Emergency Proclamation of Governor Gavin Newsom and local agencies regarding current drought conditions in county served by Liberty Apple Valley.

Background

In response to a drought emergency proclamation by Governor Edmund G. Brown on January 17, 2014, the Commission established Drought Procedures in Resolution No. (“Res”) W-4976 (February 27, 2014), prescribing the process by which to establish Rule 14.1 for voluntary conservation measures, and Schedule 14.1 for mandatory rationing measures¹.

As the drought deepened the following year, the State Water Resources Control Board (“Water Board”) established mandatory use restrictions and penalties for violations on March 17, 2015. In Res W-5034 (April 9, 2015), the Commission laid out the steps that regulated water utilities must take to comply with the water Board’s requirements. Right before the adoption of Res. W-5034, however, Governor Brown issued an Executive Order (EO B-29-15, April 1, 2015) directing the Water Board and the Commission to impose restrictions and rate structures with the goal of achieving a statewide 25% reduction in potable urban water usage, as compared with the amount used in 2013, by February 2016. The Commission established additional requirements in response to the Executive Order in Res. W-5041 (May 7, 2015).

Rule 14.1 – On September 21, 2015, Liberty Apple Valley filed Advice Letter 201-W pursuant to Resolutions W-4976 and W-5034. The Commission approved Liberty Apple Valley’s current Rule 14.1 and has been in effect since October 13, 2015.

¹ Subsequently, Governor Brown issued a second executive order (April 25, 2014) and the State Water Resources Control Board (“Water Board”) adopted an emergency regulation for statewide water conservation (July 15, 2014). The Commission then adopted Res. W-5000 on August 14, 2014 requiring water companies to notify their customers of the mandatory water use restrictions and potential fines.

Schedule 14.1 – On May 22, 2015, Liberty Apple Valley filed Advice Letter 197-W pursuant to Resolution W-5034, adding Schedule 14.1 which contains the Staged Mandatory Reductions, Mandatory Restrictions, and Drought Surcharges associated with its Water Shortage Contingency Plan. As required by the California Water Code Sections 350 et seq., public hearing was held in June 2015. The Commission approved Liberty Apple Valley’s Schedule 14.1, activated Stage 2 effective June 21, 2015. On November 1, 2015, the Commission approved Liberty Apple Valley’s de-activation of Stage 2 of its water shortage contingency plan and concurrently implemented Stage 1 of the plan in Advice Letter 203-W and has remained in Stage 1 since that time.

Discussion

The Governor of the State of California proclaimed a State of Emergency on April 21, 2021, May 21, 2021, July 8, 2021, and October 19, 2021, declaring severe drought conditions in all counties in the State of California. These counties include: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba, Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. The October proclamation added the remaining counties of: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura. Of which now effects the Liberty Apple Valley service area. Now statewide, all counties are experiencing dire and severe drought conditions.

In his Emergency Drought Declaration on October 19, 2021, Governor Newsome cited, “climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State and extreme or exceptional drought in most of the State; and WHEREAS the meteorological summer in California and the rest of the western United States was the hottest on record...”. (See Attachment A)

Accordingly, the Water Board issued a notice on June 8, 2021 regarding “Ongoing Dry Conditions in California – Prepare for Drought Impacts Statewide, Water Source Contingency and Conservation Planning” highlighting the need for immediate action. On the same day, President Marybel Batjer sent a letter to the Commission-regulated water utilities calling on companies to “remind your water customers of ongoing dry conditions and encourage actions to reduce water usage”. (See Attachment B)

In June 2021, Liberty Apple Valley completed its 2020 Urban Water Management Plan (UWMP), which contains its Water Shortage Contingency Plan (WSCP). Section 10632(a)(3)(A) of the California Water Code requires the inclusion of “Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages, and greater than 50 percent shortage.” Therefore, Liberty Apple Valley’s WSCP included the six mandatory conservation stages.

To be consistent with Liberty Apple Valley's WSCP, Liberty Apple Valley requests modification of its existing Rule 14.1 and Schedule 14.1 from four to six mandatory conservation stages. In addition, Liberty Apple Valley proposes minor edits to its Rule 14.1 and Schedule 14.1. The context of the Rule and Schedule remain intact.

Because Liberty Apple Valley is only requesting modifications to its existing Rule 14.1 and Schedule 14.1 at this time and is not requesting activation of a higher mandatory conservation stage, there are no public hearings scheduled that relate to the proposals in this advice letter.

Tier Designation

This advice letter is submitted with a Tier 2 designation.

Effective Date

Liberty Apple Valley is requesting that this filing become effective January 7, 2022.

Notice and Service

This advice letter does not seek to increase any rate or charge. Therefore, customer notice is unnecessary. In accordance with General Order 96-B, General Rule 4.3 and 7.2 and Water Industry Rule 4.1, a copy of this advice letter will be mailed or electronically transmitted to Liberty Apple Valley's Advice Letter service list.

Response or Protest

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (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 upon 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 re-litigating a prior order of the Commission.

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received by the Division of Water 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 by mail (or e-mail) to Liberty Apple Valley, addressed to:

Tiffany Thong
Manager, Rates and Regulatory Affairs
Liberty Utilities
9750 Washburn Road
P. O. Box 7002
Downey, CA 90241
Fax: (562) 861-5902
E-Mail: AdviceLetterService@libertyutilities.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform the Division of Water and Audits within the 20-day protest period so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

If you have not received a reply to your protest within 10 business days, contact Tiffany Thong at (562) 805-2088.

Very truly yours,

LIBERTY UTILITIES (APPLE VALLEY RANCHOS WATER) CORP.

/s/ Tiffany Thong

Tiffany Thong
Manager, Rates and Regulatory Affairs
Tiffany.Thong@libertyutilities.com

TT/aml

cc: Hani Moussa, Public Advocates Office, mani.moussa@cpuc.ca.gov
Public Advocates Office, PublicAdvocatesWater@cpuc.ca.gov

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
1133-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 1	804-W
1134-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 2	805-W
1135-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 3	806-W
1136-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 4	807-W
1137-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 5	808-W
1138-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 6	809-W
1139-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 7	810-W
1140-W	SCHEDULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES Sheet 8	
1141-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 1	831-W

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
1142-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 2	832-W
1143-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 3	833-W
1144-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 4	834-W
1145-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 5	835-W
1146-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 6	836-W
1147-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 7	837-W
1148-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 8	838-W
1149-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 9	839-W
1150-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 10	840-W
1151-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 11	841-W
1152-W	RULE NO. 14.1 WATER SHORTAGE CONTINGENCY PLAN Sheet 12	842-W
1153-W	TABLE OF CONTENTS Sheet 1	1132-W

SCHEDULE NO. 14.1

Page 1

**WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES**

A. APPLICABILITY

This schedule applies to all Liberty Apple Valley water customers in all California service areas. This schedule is effective in times of voluntary conservation or mandatory rationing, as required by Rule No. 14.1. To the extent any provision in this Schedule is inconsistent with Rule 14.1, the provisions of this Schedule apply. The drought emergency surcharges listed in this schedule are in addition to the regular water use charges under the current Schedules as authorized by the California Public Utilities Commission (CPUC) for the respective ratemaking area.

(T)

To the extent that a stage of the water shortage contingency plan in Schedule No. 14.1 has been activated, and a provision of Rule No. 14.1 is inconsistent with the activated stage in Schedule No. 14.1, the provisions of Schedule No. 14.1 apply.

B. TERRITORY

This schedule is applicable to all Liberty Apple Valley water customers in California.

(T)

C. MANDATORY WATER USE REDUCTIONS, MANDATORY RESTRICTIONS, AND DROUGHT EMERGENCY SURCHARGES

(D)

The State Water Resources Control Board has established the following mandatory restrictions for all water users.

(D)
(T)

No customer shall use utility-supplied water for non-essential or unauthorized uses as defined below:

(L)

- a. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- b. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- c. The use of potable water for washing buildings, structures, sidewalks, walkways, patios, tennis courts, or other hard-surfaced, non-porous areas.
- d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(L)

(Continued)

SCHEDULE NO. 14.1

Page 2

**WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES**

C. MANDATORY WATER USE REDUCTIONS, MANDATORY RESTRICTIONS, AND DROUGHT EMERGENCY SURCHARGES (continued)

- e. The use of potable water for watering outside plants, lawn, landscape, and turf area during certain hours prohibited by applicable laws, during and up to 48 hours after measurable rainfall (0.1" or more).
- f. The utility will promptly notify customers when aware of leaks within the customer's control. (T)
The failure to promptly repair any leaks, breaks, or other malfunction resulting in water waste in a customer's domestic or outdoor water system after notification by the utility, unless other, (T)
specific arrangements are made with and agreed to by the utility. (T)
- g. The serving of water, other than upon request, in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, bars, or other public places where food or drink are served and/or purchased.
- h. Hotels/motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option in each guestroom.
- i. The use of potable water for irrigation of ornamental turf on public street medians.
- j. The use of potable water for irrigation outside of newly constructed homes and buildings that is not delivered by drip or micro spray systems.
- k. Commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water use in an amount consistent with the mandated reduction.
- l. Further reduction in or the complete prohibition of any other use of water declared non-essential, unauthorized, prohibited, or unlawful by an authorized government or regulatory agency or official. (L)
- m. Use of potable water for watering streets with trucks, or other vehicles, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public. (L)

The following stages will be implemented as needed to achieve the annual mandated reduction. The utility may implement Stage 2 and the associated Drought Emergency Surcharge without first implementing Stage 1 if warranted by the mandated reduction. (L)

(Continued)

Advice Letter No. 259-W
Decision No.

Issued by
CHRISTOPHER G. ALARIO
PRESIDENT

Date Filed 12/08/2021
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SCHEDULE NO. 14.1 Page 3
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Stage 1 – Stage 1 is a “Water Alert” where voluntary conservation is encouraged.

1. Outdoor irrigation is restricted to no more than three days per week. Customers may choose what days they would like to water OR follow the below schedule:

(C)
(N)
(N)

Addresses Ending In:	Watering Days
Even Numbers (0, 2, 4, 6, 8)	Monday, Wednesday, and Saturday
Odd Numbers (1, 3, 5, 7, 9)	Tuesday, Thursday, and Sunday

2. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than 10 minutes of watering per day per station, with no watering between 8:00 a.m. and 7:00 p.m. This provision does not apply to landscape irrigation zones that exclusively use drip-type irrigation systems that use less than 1.0 inch per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive action shut-off nozzle or device that causes it to cease dispensing water immediately when not in use, or for the express purpose of adjusting or repairing an irrigation system. However, no irrigation that results in runoff can occur regardless of method.
3. Apart from the above outdoor irrigation restrictions, when a city, county, or other local public agency in the utility’s service area adopts restrictions on the number of days or hours of the day that customers may irrigation that are different than those adopted by the utility, the utility may adopt the city, county, or other local public agency’s restrictions.
4. All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by the utility, unless other arrangements are made with the utility.
5. Failure to comply with these restrictions may result in the installation of a flow restrictor device along with associated fees for installation and removal.
6. Failure to comply with these restrictions may result in the installation of a real time measurement device on the customer’s service line to provide the customer and the utility with access to information from the device. The cost of the device, including installation, shall be billed to the customer, and nonpayment may result in discontinuance of service.
7. If conditions warrant, the utility will change the number of watering days and the specific day of watering after first notifying its customers in accordance with Rule No. 14.1.
8. If conditions warrant, the utility will change the number of days allowed for a customer to fix leaks, breaks or other malfunctions after first notifying its customers in accordance with Rule No. 14.1.
9. The utility will identify the year to be used for establishing the customer baseline water use.

(T)
(T)
(L)
(T)

(T)

(T)
(L)
(N)
(N)

(Continued)

SCHEDULE NO. 14.1 Page 4
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Stage 2 – 20% Mandatory Reduction Stage

Stage 2 is a “Moderate Shortage” and will be implemented if the Stage 1 restrictions are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

(C)
(C)

In addition to the restrictions identified in Stage 1, the following restrictions, allocations, and drought emergency surcharges are in effect:

1. Outdoor irrigation is restricted to no more than two (2) days per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than ten (10) minutes of watering per day per station.
2. All leaks, breaks, or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within three (3) business days of written notification by the utility, unless other arrangements are made with the utility.
3. The use of potable water to refill residential swimming pools or outdoor spas more than one foot or initial filling with potable water except when existing pools are drained to repair leaks.
4. All customers will have their baseline established by using the system wide average use for the year identified in Stage 1.
5. The customer's allocation will be based upon the year identified in Stage 1, less 20%.
6. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency.
7. All usage in excess of residential customer's allocation will be charged at the regular Schedule No. PR-1-R rate plus a drought emergency surcharge rate that is calculated from the Tier 1 quantity rate multiplied by a factor of 1.0.
8. All usage for non-residential customers served under Tariff Schedule No. PR-1-NR will be charged at the regular Schedule No. PR-1-NR quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.15.
9. If feasible, customer’s allocation may be based on a customer’s consumption during a historical base period and will include a percentage reduction designed to meet necessary water use reductions. In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established allocation for the billing period.

(T)
(T)

(L)

(C)
(C)

(C)

(D)
(C)
(C)

(L)

(Continued)

Advice Letter No. 259-W
Decision No.

Issued by
CHRISTOPHER G. ALARIO
PRESIDENT

Date Filed 12/08/2021
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Resolution No.

SCHEDULE NO. 14.1 Page 5
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Stage 3 – 30% Mandatory Reduction Stage

Stage 3 is a “Severe Shortage” and will be implemented if the Stage 2 allocations and drought emergency surcharges are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

(C)
(C)

In addition to the restrictions identified in Stage 2, the following restrictions and drought emergency surcharges are in effect:

1. Outdoor irrigation is restricted to no more than two (2) day per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than five (5) minutes of watering per day per station. (L)
2. All leaks, breaks or other malfunctions in the customer’s plumbing fixtures and/or irrigation system must be repaired within two (2) business days of written notification by the utility, unless other arrangements are made with the utility. (T)
(T)
3. All usage in excess of residential customer's allocation will be charged at the regular Schedule No. 1 quantity rate plus a drought emergency surcharge rate that is calculated as the Tier 1 quantity rate multiplied by a factor of 1.5
4. All usage for non-residential customers served under Tariff Schedule No. 3 will be charged at the regular Schedule No. 3 quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.30.
5. The customer’s allocation will be based upon the year identified in Stage 1, less 30%. (N)
6. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency. (N)
(N)
7. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency. (N)
(N)

Stage 4 – 40% Mandatory Reduction Stage

Stage 4 is a “Critical Shortage” and will be implemented if the Stage 3 allocations and drought emergency surcharges are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

(C)
(C)

In addition to the restrictions identified in Stage 3, the following restrictions and drought emergency surcharges are in effect:

1. Outdoor irrigation is restricted to no more than one (1) day per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than five (5) minutes of watering per day per station.
2. All usage in excess of residential customer's allocation will be charged at the regular (L)

(Continued)

SCHEDULE NO. 14.1

Page 6

**WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES**

Stage 4 – continued

Schedule No. 1 quantity rate plus a drought emergency surcharge rate that is calculated as the Tier 1 quantity rate multiplied by a factor of 2.0.

3. All usage for non-residential customers served under Tariff Schedule No. 3 will be charged at the regular Schedule No. 3 quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.45.
4. The customer's allocation will be based upon the year identified in Stage 1, less 40%. (N)
5. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency.
6. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency.

Stage 5 – 50% Mandatory Reduction Stage

Stage 5 is a "Shortage Crisis" and will be implemented if the Stage 4 allocations and drought emergency surcharges are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 4, the following restrictions and drought emergency surcharges are in effect:

1. All usage in excess of residential customer's allocation will be charged at the regular Schedule No. 1 quantity rate plus a drought emergency surcharge rate that is calculated as the Tier 1 quantity rate multiplied by a factor of 2.5.
2. All usage for non-residential customers served under Tariff Schedule No. 3 will be charged at the regular Schedule No. 3 quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.60.
3. The customer's allocation will be based upon the year identified in Stage 1, less 50%.
4. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency.
5. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency.

Stage 6 – 55% Mandatory Reduction Stage

Stage 6 is an "Emergency Shortage" and will be implemented if the Stage 5 allocations and drought emergency surcharges are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 5, the following restrictions and drought emergency surcharges are in effect: (N)

(Continued)

SCHEDULE NO. 14.1 Page 7
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Stage 6 (continued)

1. All usage in excess of residential customer's allocation will be charged at the regular Schedule No. 1 quantity rate plus a drought emergency surcharge rate that is calculated as the Tier 1 quantity rate multiplied by a factor of 3.0.
2. All usage for non-residential customers served under Tariff Schedule No. 3 will be charged at the regular Schedule No. 3 quantity rate plus a drought emergency surcharge rate that is calculated as the quantity rate multiplied by a factor of 0.75.
3. The customer's allocation will be based upon the year identified in Stage 1, less 55%.
4. No allocation will be less than eight (8) Ccf per month or sixteen (16) Ccf per bi-monthly period, unless directed otherwise by an authorized government agency.
5. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency

(N)
|
(N)

D. FLOW RESTRICTOR REMOVE CHARGE

The charge for installation and removal of a flow-restricting device shall be \$30 during normal business hours, and \$150 during outside normal business hours. The flow restrictor will remain installed for a minimum of 7 days.

(C)
(C)

E. EXEMPTION AND APPEALS PROCESS

Any customer who seeks a variance from any of the provisions of this Water Shortage Contingency plan shall notify the utility in writing using the appeals form, explaining in detail the reason for such a variation. The utility shall respond to each such request in writing.

(T)
(T)

The appeals form is available online at the utility's website, www.libertyutilities.com, the Liberty Apple Valley office located at 21760 Ottawa Road, Apple Valley, CA 90308 or by calling 1-760-247-6484.

(C)
(T)

If the customer disagrees with such disposition, the customer shall have the right to file a complaint with the Commission.

Except as set forth in this section, no person shall have any right or claim in law or in equity against the utility, or any of its employees, or the Commission because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this Schedule No. 14.1.

F. SPECIAL CONDITIONS

1. The active stage of Schedule No. 14.1 is to remain in effect until a Tier 2 advice letter is filed with the Commission to activate a different Stage or when Schedule No. 14.1 is deactivated.
2. Drought Emergency Surcharges must be separately identified on each bill.
3. All bills are subject to reimbursement fee set forth on Schedule No. UF.

(Continued)

Advice Letter No. 259-W
Decision No.

Issued by
CHRISTOPHER G. ALARIO
PRESIDENT

Date Filed 12/08/2021
Effective 01/07/2022
Resolution No.

SCHEDULE NO. 14.1 Page 8
WATER SHORTAGE CONTINGENCY PLAN
WITH STAGED MANDATORY REDUCTIONS, RESTRICTIONS AND DROUGHT SURCHARGES

Special Conditions (continued)

4. All monies collected by the utility through Drought Emergency Surcharges shall not be accounted for as income but shall be accumulated in the Water Revenue Adjustment Mechanism (WRAM) Balancing Account and used to offset under-collected revenues and lost revenue portion tracked in the appropriate memorandum account for non-WRAM tariffs. (N)
(N)

5. All expenses incurred by the utility to implement Rule No. 14.1, and Schedule No. 14.1, and requirements of the Water Board that have not been considered in a General Rate Case or other proceeding shall be accumulated by the utility in a separate memorandum account, authorized in Resolution No. W-4976, for disposition as directed or authorized from time to time by the Commission. (T)
(T)

WATER SHORTAGE CONTINGENCY PLAN

The water supply for Liberty Apple Valley may be interrupted or reduced due to a variety of circumstances, for instance, in response to a drought or a catastrophic event, such as an earthquake or fire that damages water delivery and storage facilities, or a power outage that affects water treatment or pumping operations. This Water Shortage Contingency Plan enables the utility to respond efficiently and effectively to all water shortage contingencies. (T)

A. GENERAL INFORMATION

1. Wasteful water use practices, as outlined in Section B of this Rule, constitute prohibited, non-essential or unauthorized water use, and are declared to be a waste of water, subject to the terms and conditions of Rule No. 11, which allow the utility to discontinue service after due notice to the customer of wasteful or negligent use of water on the customer's premises. The utility's customers shall be notified of these conservation measures through a bill insert or a direct mailing, and/or through electronic communications, pursuant to the direction of the California Public Utilities Commission ("Commission"). (T)
2. If water supplies are projected to be insufficient to meet normal customer demand for reasons beyond the control of the utility, or if directed under an emergency regulation by an authorized government agency, commission, or official, the utility may implement additional water-saving conservation measures and mandatory restrictions, as described in Section C of this Rule. As directed by the Commission, the utility's customers shall be notified of the applicable mandatory restrictions or conservation measures through newspaper inserts, website and other electronic communications, bill inserts or direct mailings, as appropriate, as long as the declaration of emergency is in effect. (T)
3. Should supply conditions or government directives dictate, prior to, or in response to, executive orders, state agency-promulgated emergency regulations, or a declaration of emergency issued by a water wholesaler or other government agency, the utility may request permission from the Commission to add a Schedule No. 14.1 – Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions, and Drought Surcharges, via a Tier 2 advice letter as set forth in Section D. Utilities without a full decoupling Water Revenue Adjustment Mechanism ("WRAM") balancing account in one or more ratemaking areas also may request a lost revenue memorandum account at this time. (T)
4. The utility shall file a Tier 2 advice letter to request activation of a particular stage of Schedule 14.1 – Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions and Drought Surcharges, as set forth in Section D, under the following conditions: (T)

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

A. GENERAL INFORMATION (Continued)

- a. If the Commission, wholesale water supplier, or the utility declares an emergency requiring mandatory water use restrictions, or; (T)
 - b. If a government agency with legal jurisdiction over the utility or its service area declares a state of emergency in response to severe drought conditions, earthquake or other catastrophic event that severely reduces the utility's water supply, or; (T)
 - c. If voluntary conservation levels or mandatory restrictions on certain uses of water, set by the Commission, the utility, wholesale water supplier, or government agency, are insufficient, or; (T)
 - d. If a Declaration of Mandatory Water Restrictions is made by the utility or governing body or agency, or; (T)
 - e. If the utility chooses to subsequently activate a different stage. (T)
5. All monies collected by the utility through surcharges, penalties or fees shall be booked to the WRAM or a memorandum account to offset recovery of lost revenues. (T)
6. All expenses incurred by the utility to implement Rule No. 14.1 and Schedule No. 14.1 that have not been considered in a General Rate Case or other proceeding shall be recoverable by the utility if determined to be reasonable by the Commission. These additional monies shall be accumulated by the utility in a separate memorandum account, authorized in Resolution W-4976 for disposition as directed or authorized from time to time by the Commission. (T)
7. When Schedule No. 14.1 is in effect, but the utility determines that water supplies are again sufficient to meet normal demands, and mandatory restrictions are no longer necessary, or if the utility wants to implement a lower stage of mandatory restrictions, the utility shall seek Commission approval via a Tier 1 advice letter to de-activate the particular stage of mandatory reductions or allocations that had been authorized. (T)
8. None of the restrictions listed below apply to the use of recycled water. (T)

B. NON-ESSENTIAL OR UNAUTHORIZED WATER USES

The following non-essential or unauthorized uses of water are declared to be a waste of water and are subject to the terms and conditions of Rule No. 11.

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

B. NON-ESSENTIAL OR UNAUTHORIZED WATER USES (Continued)

1. The application of potable water to outdoor landscape in a manner that causes runoff such that water flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
3. The use of potable water for washing buildings, structures, sidewalks, walkways, patios, tennis courts, or other hard-surfaced, non-porous areas.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
5. The use of potable water for watering outside plants, lawn, landscape, and turf area during certain hours prohibited by applicable laws, during and up to 48 hours after measurable rainfall (0.1" or more).
6. The failure to promptly repair any leaks, breaks, or other malfunction resulting in water waste in a customer's domestic or outdoor water system after notification by the utility, unless other, specific arrangements are made with and agreed to by the utility. (T)
7. The serving of water, other than upon request, in eating and drinking establishments, including but not limited to restaurants, hotels, cafes, bars, or other public places where food or drink are served and/or purchased. (T)
8. Hotels/motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option in each guestroom.
9. The use of potable water for irrigation of ornamental turf on public street medians.
10. The use of potable water for irrigation outside of newly constructed homes and buildings that is not delivered by drip or micro spray systems.
11. Commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water use in an amount consistent with the mandated reduction.

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

B. NON-ESSENTIAL OR UNAUTHORIZED WATER USES (Continued)

12. Further reduction in or the complete prohibition of any other use of water declared non-essential, unauthorized, prohibited, or unlawful by an authorized government or regulatory agency or official.
13. Use of potable water for watering streets with trucks, or other vehicles, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
14. Other restrictions on use of potable water as prescribed from time to time by the Commission, the utility, or another governing body or agency. (T)

C. STATED REDUCTION OF WATER USAGE AND MANDATORY RESTRICTIONS

If a water supply shortage exists or is threatening, or if the utility is unable to meet conservation targets as set by a wholesale provider or governing body or agency, in addition to the restrictions on wasteful water use practices outlined above, the following restrictions may be imposed by the utility in stages, as indicated below. Failure to comply with these mandatory restrictions will be deemed a wasteful and unreasonable use of water and may result in the installation of a flow restrictor, discontinuance of service, or other actions as authorized by Rule No. 11. (T)

The following stages will be implemented as needed to achieve the mandated reduction. The utility may implement Stage 2 without first implementing Stage 1 if warranted by the mandated reduction. (T)

STAGE 1:

A Stage 1 Water Shortage occurs when the Commission or the utility determines that measures are needed to reduce water consumption. In addition to the non-essential, unauthorized uses of water listed in Section B, the following restrictions may be imposed: (T)

1. Outdoor irrigation restricted to no more than three days per week. The customer may choose their own three-day watering schedule OR water on a schedule established and posted by the utility on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows: (T)

Addresses Ending In:	Watering Days
Even Numbers (0, 2, 4, 6, 8)	Monday, Wednesday, and Saturday
Odd Numbers (1, 3, 5, 7, 9)	Tuesday, Thursday, and Sunday

2. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

C. STAGED REDUCTION OF WATER USAGE AND MANDATORY RESTRICTIONS (Continued)

limited to no more than 10 minutes of watering per day per station. The prohibited time periods for water are shown below:

(N)

Seasonal Period	Watering Prohibited
Sept 15 thru March 15 (Fall/Winter)	9:00 a.m. to 9:00 p.m.
March 16 thru Sept 16 (Spring/Summer)	8:00 a.m. to 7:00 p.m.

(N)

(N)

(N)

This provision does not apply to landscape irrigation zones that exclusively use drip-type irrigation systems that use less than 1.0 inch per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive action shut-off nozzle or device that causes it to cease dispensing water immediately when not in use, or for the express purpose of adjusting or repairing an irrigation system. However, no irrigation that results in runoff can occur regardless of method.

3. Apart from the above outdoor irrigation restrictions, when a city, county, or other local public agency in the utility's service area adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by the utility, the utility may enforce the city, county, or other local public agency's restrictions.

(T)

(T)

4. All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by the utility, unless other arrangements are made with the utility.

(T)

(T)

5. Failure to comply with these restrictions may result in the installation of a flow restrictor device along with associated fees for installation and removal.

6. Failure to comply with these restrictions may result in the installation of a real time measurement device on the customer's service line to provide the customer and the utility with access to information from the device. The cost of the device, including installation, shall be billed to the customer, and nonpayment may result in discontinuance of service.

(T)

7. If conditions warrant, the utility may change the number of watering days and the specific day of watering after first notifying its customers in accordance with Rule No. 14.1.

(T)

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

C. STATED REDUCTION OF WATER USAGE AND MANDATORY RESTRICTIONS (Continued)

8. If conditions warrant, the utility may change the number of days allowed for a customer to fix leaks, breaks or other malfunctions after first notifying its customers in accordance with Rule No. 14.1. (T)
9. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency. (T)

STAGE 2:

Stage 2 Water Shortage occurs when the Stage 1 conditions are deemed insufficient to achieve identified water usage goals established by an authorized government agency or official. The following water restrictions may be imposed by the utility if directed by an authorized government or regulatory agency or official, or in an effort by the utility to comply with water-saving conservation goals or requirements applicable to the utility. The following restrictions are designed to allow the utility additional flexibility in imposing water use restrictions. (T)
(T)
(T)
(T)

In addition to the restrictions identified in Stage 1, the following restrictions will be enacted:

1. Outdoor irrigation restricted to no more than two (2) days per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than ten (10) minutes of watering per day per station.
2. All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation system must be repaired within three (3) business days of written notification by the utility, unless other arrangements are made with the utility. (T)
(T)
3. The use of potable water to refill residential swimming pools or outdoor spas more than one foot or initial filling with potable water except when existing pools are drained to repair leaks.
4. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency. (T)

STAGE 3:

Stage 3 Water Shortage occurs when the Stage 2 conditions are deemed insufficient to achieve identified water usage reductions established by an authorized government agency or official. (L)

In addition to the restrictions identified in Stage 2, the following restrictions will be enacted:

1. Outdoor irrigation restricted to no more than two (2) days per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended limited to no more than five (5) minutes of watering per day per station. (L)
2. All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

C. STATED REDUCTION OF WATER USAGE AND MANDATORY RESTRICTIONS (Continued)

STAGE 3 (continued)

system must be repaired within two (2) business days or written notification by the utility, (T)
unless other arrangements are made with the utility. (T)

3. Other restrictions on use of potable water as prescribed by the Commission, the utility, or (T)
another governing body or agency.

STAGE 4:

Stage 4 Water Shortage will be implemented if the Stage 3 conditions are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 3, the following restrictions will be enacted:

1. Outdoor irrigation restricted to no more than one (1) day per week. Watering or outdoor irrigation of outside plants, lawn, landscape, and turf areas with potable water using a landscape irrigation system or a watering device that is not continuously attended limited to no more than five (5) minutes of watering per day per station.
2. Other restrictions on use of potable water as prescribed by the Commission, the utility, or (T)
another governing body or agency. (N)

STAGE 5:

Stage 5 Water Shortage will be implemented if the Stage 4 conditions are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 4, the following restrictions will be enacted:

1. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency.

STAGE 6:

Stage 6 Water Shortage will be implemented if the Stage 5 conditions are deemed insufficient to achieve reductions due to water supply shortages or to achieve identified water usage goals established by an authorized government agency or official.

In addition to the restrictions identified in Stage 5, the following restrictions will be enacted: (N)

1. Other restrictions on use of potable water as prescribed by the Commission, the utility, or another governing body or agency.

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGED MANDATORY WATER REDUCTIONS – SCHEDULE NO. 14.1

1. Upon the declaration of a water shortage emergency by a water wholesaler, government agency or the governing body of a distributor of a public water supply (per Water Code Section 350), the utility may request addition of a Schedule No. 14.1 – Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions and Drought Surcharges tariff, via a Tier 2 advice letter, with full justification. The utility may not activate Schedule No. 14.1 until it has been authorized to do so by the Commission, as delegated to the Water Division. (T)
- a. A staged Schedule No. 14.1 that has been authorized by the Commission shall remain dormant until triggered by specific conditions detailed in the Schedule No. 14.1 tariff and the utility has requested and received authorization for activating a stage by the Commission. (T)
- b. Notice of the Tier 2 advice letter and associated public participation hearing if required shall be provided to customers through a bill insert or a direct mailing. (T)
- c. The utility shall comply with all requirements of Sections 350-358 of the California Water Code. (T)
- d. The Tier 2 advice letter requesting the addition of a Schedule No. 14.1 shall include but not be limited to:
 - i. The proposed Schedule No. 14.1 tariff, which shall include but not be limited to:
 1. Applicability;
 2. Applicable Territory;
 3. A detailed description of each Stage of Mandatory Water Reductions;
 4. A detailed description of the Trigger that Activates each Stage of Mandatory Water Reductions;
 5. A detailed description of each water use restriction, prohibition and/or reduction level for each Stage of Mandatory Water Reduction;
 6. Water use violation levels, written warning levels, applicable rate schedules and drought surcharges, associated penalties, surcharges or fees, if applicable, and exception procedures;
 7. Conditions for installation of a flow restrictor;
 8. Charges for installation and removal of flow restrictors, and
 9. Special Conditions.

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

D. STAGED MANDATORY WATER REDUCTIONS – SCHEDULE NO. 14.1 (Continued)

- ii. Justification for, and documentation and calculations in support of the Schedule, including but not limited to each item in D.1.d.i. above.
- 2. The number of Stages requested by each utility/district/water system may vary, depending on local conditions and specifics of the water shortage event. The utility shall file a Tier 2 advice letter to request activation of a particular stage of Schedule No. 14.1 – Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions and Drought Surcharges under the following conditions:
 - a. If the Commission, wholesale water supplier, or the utility declares an emergency requiring mandatory water use restrictions, or; (T)
 - b. If a government agency with legal jurisdiction over the utility or its service area declares a state of emergency in response to severe drought conditions, earthquake or other catastrophic event that severely reduces the utility's water supply, or; (T)
 - c. If voluntary conservation levels or mandatory restrictions on certain uses of water, set by the Commission, the utility, wholesale water supplier, or government agency are insufficient, or; (T)
 - d. If a Declaration of Mandatory Water Reductions is made by the utility or governing body or agency, or; (T)
 - e. If the utility chooses to subsequently activate a different stage. (T)
- 3. The Tier 2 advice letter requesting activation of a Schedule No. 14.1 shall include but not be limited to:
 - a. Justification for activating this particular stage of reductions, as well as the period during which this particular stage of mandatory restrictions and reductions measures will be in effect.
 - b. When the utility requests activation of a particular stage, it shall notify its customers as detailed in Section E. below.

E. ENFORCEMENT OF STAGED MANDATORY WATER REDUCTIONS

- 1. The staged reduction of water usage and mandatory restrictions in Section C of this Plan become enforceable through additional tariff rates when the Schedule No. 14.1-Water Shortage Contingency Plan with Staged Mandatory Water Reductions and Drought Surcharges program is triggered, at which time the utility files a Tier 2 (T)

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. ENFORCEMENT OF STAGED MANDATORY WATER REDUCTIONS (Continued)

- advice letter requesting activation of a particular stage, and authorization is received from the Commission as delegated to the Water Division. (T)
- a. In the event a customer is observed to be using water for any nonessential or unauthorized use as defined in Section B and C of this Rule, the utility may charge a water use violation fine in accordance with Schedule No. 14.1. (T)
- b. In the event an authorized governing body has established water usage levels through an executive order or emergency regulation, the utility may establish water usage targets conforming to the level established by the regulation and adopt appropriate rate schedules for the target levels decreed in the order in accordance with Schedule No. 14.1. (T)
2. The utility may, after one written warning, install a flow-restricting device on the service line of any customer observed by utility personnel to be using water for any non-essential or unauthorized use as defined in Section B and C above. (T)
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall be capable of providing the premise with a minimum of 3 Ccf/person/month. The restricting device may be removed only by the utility, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge as set forth in Schedule No. 14.1. (T)
4. After the removal of the restricting device, if any non-essential or unauthorized use of water continues, the utility may install another flow-restricting device without written notice. This device shall remain in place until water supply conditions warrant its removal and until the appropriate charge for removal has been paid to the utility. (T)
5. Any tampering with flow restricting device by customer can result in discontinuation of water use at the utility's discretion. (T)
6. If, despite installation of such flow-restricting device pursuant to the provisions of the previous enforcement conditions, any such non-essential or unauthorized use of water continues, then the utility may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the utility as a condition for restoration of service. (T)

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

E. ENFORCEMENT OF STAGED MANDATORY WATER REDUCTIONS (Continued)

7. The charge for removal of a flow-restricting device shall be in accordance with Schedule No. 14.1.

F. APPEAL PROCEDURE

1. Any customer who seeks a variance from any of the provisions of this Water Shortage Contingency Plan shall notify the utility in writing using the appeals form, explaining in detail the reason for such a variation. The utility shall respond to each such request in writing. (T)
(T)
2. The appeals form is available online at the utility's website, www.LibertyUtilities.com, the Liberty Apple Valley office located 21760 Ottawa Road, Apple Valley, CA 92308 or call 760.247.6484. (C)
3. If the customer disagrees with such disposition, the customer may contact the Commission.
4. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility or any of its employees, or the Commission because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of the Water Shortage Contingency Plan. (T)

G. NOTICE

1. As stated under Section D.1.b and c, when the utility requests the addition of a Schedule 14.1 – Staged Mandatory Water Allocation tariff, via a Tier 2 advice letter, it shall provide notice of the Tier 2 advice letter and associated public hearing, if necessary. Notice will be provided to customers through bill inserts or direct mailing, and it shall comply with all requirements of Sections 350-358 of the California Water Code (CWC), including but not limited to the following: (T)
- a. In order to be in compliance with both General Order 96-B and CWC, the utility shall provide notice via both newspaper and bill insert/direct mailing. (T)
- b. The utility shall file one notice for each advice letter filed, that includes both notice of the filing of the Tier 2 advice letter as well as the details of the public hearing (date, time, place, etc.). (T)
- c. The public meeting shall be held after the utility files the Tier 2 advice letter, and before the Commission authorizes the addition of Schedule 14.1 to the tariff (T)

(Continued)

WATER SHORTAGE CONTINGENCY PLAN

G. NOTICE (Continued)

except in cases of emergency water shortages approved by the Water Division. (T)

- d. The utility shall consult with the Division of Water and Audits staff prior to filing the advice letter, in order to determine the details of the public meeting. (T)
(T)

In the event that Schedule 14.1 – Water Shortage Contingency Plan with Staged Mandatory Reductions, Restrictions and Drought Surcharges is triggered, and the utility requests activation through the filing of a Tier 2 advice letter, the utility shall notify its customers and provide each customer with a summary of Schedule No. 14.1 by means of bill insert or direct mailing. Notification shall take place prior to imposing any fines associated with this plan. If activation of Schedule No. 14.1 occurs one year or more since the public hearing associated with adding Schedule No. 14.1 to its tariffs, then the utility shall conduct a public hearing pursuant to California Water Code Section 351 prior to activating the rationing stage. (T)
(T)

2. During the period that a stage of Schedule No. 14.1 is activated, the utility shall provide customers with updates in at least every other bill, regarding its water supply status and the results of customers' conservation and water-use reduction efforts. (T)

TABLE OF CONTENTS

Page 1

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information:

<u>Subject Matter of Sheet:</u>		<u>CPUC Sheet No.</u>
Title Page		900-W
Table of Contents		1153-W, 1097-W (T)
Preliminary Statement	845-W, 533-W, 1069-W, 624-W, 914-W, 1104-W, 902-W, 1070-W, 1071-W, 1072-W, 1073-W, 1074-W, 1075-W, 1076-W, 1077-W, 1078-W, 1079-W, 934-W, 1080-W, 994-W, 996-W, 1044-W, 1105-W, 1046-W, 1047-W	
Service Area Map-Apple Valley Ranchos		1131-W
Service Area Map-Yermo		846-W
<u>Rate Schedules:</u>		
Schedule No. 1	Residential General Metered Service-Apple Valley	1098-W, 1107-W, 1108-W
Schedule No. 1 YE-R	Residential General Metered Service-Yermo	1100-W, 1083-W
Schedule No. 2	Gravity Irrigation Service	1099-W, 1084-W
Schedule No. 3	Non-Residential General Metered Service-Apple Valley	1101-W, 1109-W, 1110-W
Schedule No. 3 YE-NR	Non-Residential General Metered Service-Yermo	1102-W, 1086-W
Schedule No. 4	Non-Metered Fire Services	1103-W, 1087-W
Schedule No. 5	Fire Flow Testing Charge	850-W
Schedule No. LC	Late Payment Charge	1028-W
Schedule 14.1	Water Shortage Contingency Plan	1133-W through 1140-W (T)
Schedule UF	Surcharge to Fund PUC Reimbursement Fee	1031-W
Schedule CAP	Customer Assistance Program	1093-W, 1094-W
Schedule No. CAP-SC	Customer Assistance Program Sur-Charge	1095-W 819-W

LIST OF CONTRACTS AND DEVIATION:

<u>Rules:</u>		
No. 1	Definitions	999-W, 1000-W
No. 2	Description of Service	159-W
No. 3	Application for Service	13-W, 553-W
No. 4	Contracts	361-W
No. 5	Special Information Required on Forms	1022-W, 1023-W, 1001-W, 1002-W
No. 6	Establishment and Re-establishment of Credit	362-W
No. 7	Deposits	711-W, 730-W
No. 8	Notices	1003-W through 1006-W
No. 9	Rendering and Payment of Bills	689-W through 691-W, 1033-W
No. 10	Disputed Bills	1007-W, 1008-W
No. 11	Discontinuance and Restoration of Services	1029-W, 1010-W through 1019-W
No. 12	Information Available to Public	366-W, 367-W
No. 13	Temporary Service	368-W, 369-W
No. 14	Continuity of Service	370-W
No. 14.1	Water Conservation and Rationing Plan	1141-W through 1152-W (T)
No. 15	Main Extensions	386-W through 392-W, 529-W, 1044-W, 1045-W, 564-W, 396-W through 398-W, 983-W, 984-W
No. 16	Service Connections, Meters, and Customer Facilities	399-W through 405-W

(Continued)

Attachment A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State and extreme or exceptional drought in most of the State; and

WHEREAS the meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS on April 12, 2021, May 10, 2021, and July 8, 2021, I proclaimed states of emergency to exist in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Marin, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, due to severe drought conditions; and

WHEREAS since my July 8, 2021 Proclamation, sustained and extreme high temperatures have increased water loss from reservoirs and streams, increased demands by communities and agriculture, and further depleted California's water supplies; and

WHEREAS the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura are now experiencing severe drought conditions; and

WHEREAS long-term weather forecasts for the winter rainy season, dire storage conditions of California's largest reservoirs, low moisture content in native vegetation, and parched soils, magnify the likelihood that drought impacts will continue in 2022 and beyond; and

WHEREAS the increasing frequency of multiyear droughts presents a significant risk to California's ability to ensure adequate water supplies for communities, agriculture, and fish and wildlife; and

WHEREAS the most impactful action Californians can take to extend available supplies is to re-double their efforts to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of my July 8, 2021 Executive Order N-10-21; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions to ensure the protection of health, safety, and the environment; and

WHEREAS under Government Code Section 8558(b), I find that the conditions caused by the drought, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under Government Code Section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code Section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State due to drought in the remaining counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura, such that the drought state of emergency is now in effect statewide.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government are to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, to protect their safety, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The orders and provisions contained in my April 21, 2021, May 10, 2021, and July 8, 2021 Proclamations remain in full force and effect, except as modified herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
3. Operative paragraphs 3, 5, 6, and 10 of my July 8, 2021 Proclamation are withdrawn and replaced with paragraphs 4 through 8 below.
4. Consistent with the policies stated in Water Code Section 1011.5(a), local agencies are encouraged to take actions to coordinate use of their available supplies and to substitute an alternate supply of groundwater from existing groundwater wells for the unused portion of surface water that the local agency is otherwise entitled to use. For actions taken pursuant to this paragraph, the provisions of Chapter 3 (commencing with Section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are suspended for any (a) actions taken by state agencies pursuant to this paragraph, (b) actions taken by a local agency where the state agency with primary responsibility for implementing the directive concurs that local action is required, and (c) permits or approvals necessary to carry out actions under (a) or (b). The entities implementing this paragraph shall maintain on their websites a list of all activities or approvals that rely on the suspension of the foregoing Water Code provisions.

5. To support voluntary approaches where hydrology and other conditions allow, the State Water Resources Control Board (Water Board) shall expeditiously consider water transfer requests. For purposes of carrying out this paragraph, the following requirements of the Water Code are suspended:
 - a. Section 1726(d) requirements for written notice and newspaper publication, provided that the Water Board shall post notice on its website and provide notice through electronic subscription services where interested persons can request information about temporary changes; and
 - b. Section 1726(f) requirement of a 30-day comment period, provided that the Water Board shall afford a 15-day comment period.
6. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the drought. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the drought. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
7. To proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.
8. To preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, local water suppliers are directed to execute their urban Water Shortage Contingency Plans and agricultural Drought Plans at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year. Suppliers shall ensure that Urban and Agricultural Water Management Plans are up to date and in place.
9. The Water Board may adopt emergency regulations, as it deems necessary, to supplement voluntary conservation by prohibiting certain wasteful water practices. Wasteful water uses include:
 - a. The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard-surfaced areas, except in cases where health and safety are at risk.
 - b. The use of potable water that results in flooding or runoff in gutters or streets.

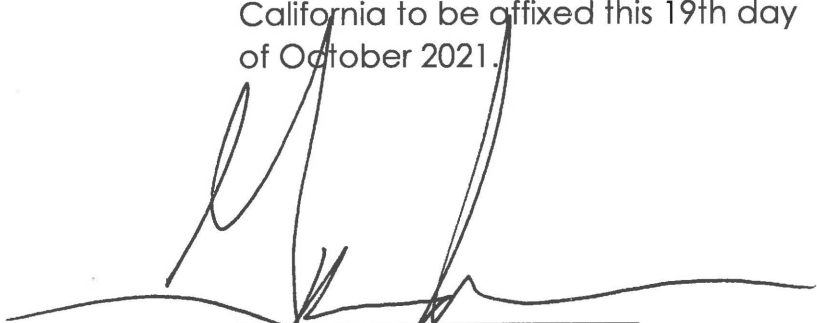
- c. The use of potable water, except with the use of a positive shut-off nozzle, for the individual private washing of motor vehicles.
 - d. The use of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.
 - e. The use of potable water for irrigation of ornamental turf on public street medians.
 - f. The use of potable water for street cleaning or construction purposes, unless no other source of water or other method can be used or if necessary, to protect the health and safety of the public.
 - g. The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds which utilize recycled water.
10. The California Department of Food and Agriculture, in collaboration with other relevant state agencies, shall evaluate water efficiency measures implemented in California agriculture over the past several years and develop a report with recommendations on how to further increase efficiencies.
11. The Office of Emergency Services shall provide assistance under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, title 19, section 2900 et seq., as appropriate to provide for, or in support of, the temporary emergency supply, delivery, or both of drinking water or water for sanitation purposes.
12. For purposes of carrying out or approving any actions contemplated by the directives in operative paragraphs 5, 6, and 9, the environmental review by state agencies required by the California Environmental Quality Act in Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought.

For purposes of carrying out the directive in operative paragraph 4 and 7, for any (a) actions taken by the listed state agencies pursuant to that directive, (b) actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with Section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of October 2021.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized with large, sweeping loops.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Attachment B

Notice to Public Drinking Water Systems

Ongoing Dry Conditions in California – Prepare for Drought Impacts Statewide

Water Source Contingency and Conservation Planning

June 8th, 2021

With California experiencing its second consecutive dry year, and due to the effects of climate change, we are all reminded that drought planning and conservation are now a California way of life.

The first six months of water year 2021 rank as the fourth driest on record. With warm temperatures and extended dry conditions, melting Sierra Nevada snow is soaking into parched ground rather than running into reservoirs. On some streams, runoff is lower now than during the critically dry year of 2014–15.

These conditions may contribute to reduced yield from your ground and/or surface water supply sources, challenges with water quality, and difficulties in meeting normal system demands resulting in water shortages or low pressure during peak demand periods, such as those that normally occur in the late summer and early fall months.

Sustained preparation and planning are critical. Most of California's water systems were able to manage drought impacts and maintain the high quality of water delivered to their customers during the last drought by taking actions early.

The State Water Resources Control Board urges you to prioritize three actions: 1) closely evaluate your water supply; 2) develop a contingency plan to mitigate any water supply problems that might result from current and future conditions, and 3) encourage your customers to conserve water voluntarily. The following components should be included in your system evaluation and drought contingency plan:

Evaluate Your Water Supply

An accurate determination of the system source capacity, including ground water levels, well yields, well-pumping capacities and pump bowl settings (depth to the pump's intake). The information you collect should include the following:

- a. **Monitor the depth-to-ground-water level in your wells under both pumping and non-pumping conditions:** Depth-to-groundwater is a very good indicator of well capacity. Too often, a well's pumping capacity is used as the sole indicator of pumping conditions with no attention given to ground water depth. As a result, depletion of the ground water table over time may not be apparent. In addition, not monitoring groundwater levels over pump bowls can ruin good pumping equipment if excessive drawdown in the groundwater table allows air to enter the pumping equipment. **If water levels drop below your pump bowl settings, significant damage to pump impellers, bearings and motors is likely to occur. As a result, your system could be without water until a new pump can be installed, and you might encounter significant equipment and labor costs to replace burned-out pumps and motors.**

- b. **Read and record well pumping capacity:** We *strongly* recommend that you read and record your well flow totalizing meter on a regular basis. This can help you monitor usage and identify your degree of water loss or "unaccounted-for-water." Unaccounted-for-water is the difference between the water you produce from your sources and the amount actually delivered to customers.

- c. **Monitor and record the water levels in your system storage tanks during various high-demand periods of the day:** We recommend that you monitor and record the level of the water in your storage tanks at the same time each day, which will help you identify increasing system demand or reduced source capacity conditions that can lead to major supply problems.

- d. **Repair any obvious leaks in your storage tanks and distribution system.** If your distribution system is over 25 years old, consider starting a leak detection program to identify and repair leaks in your distribution system that may not be obvious, particularly unaccounted-for-water losses. Water that is not wasted through unrepaired leaks will be available to customers when needed. It will also save you money, because you will consume less power for pumping water that will ultimately be wasted anyway.

Create a Contingency Plan

To start your drought contingency plan, review your past water use data and anticipate upcoming demand. Then, plan appropriately for anticipated shortages. Minimally, your plan should include:

- a. **Serious water conservation measures that will help mitigate water shortage problems:** If your system has experienced water shortages in prior years, and additional source capacity has not been brought online, it is imperative to begin conservation efforts immediately. Outdoor watering, and other non-essential water use should be curtailed.

- b. **A temporary or permanent interconnection to a neighboring utility that has excess production capacity:** Such interconnections should be discussed with the appropriate [Division of Drinking Water District office](#) before implemented. Arrangements for an interconnection should be made ahead of an emergency, so now is the time to plan one if appropriate.
- c. **Installation of treatment on standby sources that have water quality issues:** If you anticipate that you will need to treat standby sources to maintain drinking water quality standards, begin the planning and permitting process now and install the necessary equipment as soon as possible. Treatment equipment and constructional materials are already in tight supply and may not be available later to cover an emergency installation. Some treatment requires testing before it can come online, and this should be considered in your planning timeline.
- d. **Join a Mutual Aid & Assistance Program:** Belonging to mutual aid associations, such as California Water/Wastewater Agency Response Network (CalWARN), will give you access to information on topics like emergency preparedness, disaster response, and mutual assistance processes for public and private water and wastewater utilities. Benefits include a mutual assistance agreement, process for sharing emergency resources among signatories statewide, and resources to respond and recover more quickly from a disaster or drought.

It is important that even for systems that use groundwater wells that have never experienced an outage, you take steps to verify water table depth and well pump settings as indicated above. If you believe your water system will be facing water shortage problems, we recommend you contact your district office to alert them and work through the steps needed to remain in compliance.

Create awareness that voluntary conservation is critical

Conservation extends existing supplies, helping to ensure California's communities and ecosystems weather this crisis. The State Water Board urges you to work with all customers in your service area to voluntarily reduce:

- a. Watering of outdoor landscapes that causes incidental runoff onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- b. Individuals washing privately-owned cars with a hose, unless they are using a positive action shut-off nozzle.
- c. Applying potable water directly to driveways and sidewalks.
- d. Using potable water in an ornamental fountain or other decorative water feature.

- e. Using water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall.
- f. Serving drinking water that was not requested in eating or drinking establishments.
- g. Irrigating turf on public street medians or publicly owned and/or maintained landscaped areas between the street and sidewalk.

The State Water Board also encourages you to coordinate with:

- a. Hotels and motels to ensure they allow guests to opt out of having towels and linens laundered daily.
- b. Homeowners' associations, community service organizations, or similar entities to ensure they support water-efficient landscaping.

For more information about water supply planning, water conservation, drought-related events, and more, visit the Water Board's new [drought webpages](#). They include a new visualization tool that allows you to explore water system supplies and demands. The [water conservation portal](#) offers water-saving tips and suggested conservation measures, references to policies and laws, and more resources. These pages will be continuously updated so check back regularly.

Thank you for your continued partnership in ensuring Californians have access to high quality water. Together, we can make every drop count.

LIBERTY UTILITIES (APPLE VALLEY RANCHOS WATER) CORP.

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dcron@applevalley.org

Manuel Benitez
County of San Bernardino
Special Districts Department
Water and Sanitation Division
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California Public Utilities Commission
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ORA Water
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