

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 7, 2021

Edward N. Jackson
Director, Rates and Regulatory Affairs
Liberty Utilities (Apple Valley Ranchos Water) Corp.
21760 Ottawa Road
Apple Valley, CA 92308-6533

Dear Mr. Jackson,

The Commission has approved Liberty Utilities' (Apple Valley Ranchos Water) Advice Letter No. 251, filed on March 4, 2021, regarding compliance with Ordering Paragraphs 11 and 12 of D.19-07-015.

Enclosed is a copy of the advice letter with an effective date of March 4, 2021 for the utility's files.

Please contact Carmen Rocha at MDC@cpuc.ca.gov or 415-703-2162, if you have any questions.

Thank you,

/s/ROBIN BRYANT

Robin Bryant
Water Division

Enclosures



Liberty Util

Advice Letter No. 251-W

FILED
MAR 04 2021
PUBLIC UTILITIES COMMISSION WATER DIVISION

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

March 4, 2021

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Summary

Liberty Utilities (Apple Valley) Corp. (U 346 W) (“Liberty Apple Valley”) hereby submits this Tier 1 Advice Letter in compliance with Decision 19-07-015, issued by the California Public Utilities Commission (Commission) on July 19, 2019. This Advice Letter complies with Ordering Paragraphs 11 and 12 of D.19-07-015.

Background

On March 4, 2020, in response to the COVID-19 pandemic, Governor Newsom officially proclaimed a State of Emergency in California, and on March 13, 2020, the President of the United States proclaimed a National State of Emergency.

On March 27, 2020, Liberty Apple Valley notified the Commission’s Executive Director that the Company was activating the Emergency Disaster Relief Protections described in Advice Letter (“AL”) 297, filed in compliance with Decision (“D.”) 19-07-015, to the extent they are applicable during the COVID-19 Emergency (“Emergency Protections”), and that the Company was also activating its Catastrophic Event Memorandum Account (“CEMA”) in order to record the extraordinary costs Liberty Apple Valley is incurring as a result of the COVID-19 Emergency.

By letter dated March 17, 2020, the Commission’s Executive director instructed all Commission-regulated investor-owned utilities (IOUs) and service providers subject to D.19-07-015 to extend the same applicable Emergency Protections directed in that decision to customers during the COVID-19 Emergency, and to report to the Commission on all measures they implemented in response to COVID-19 as soon as they are implemented.

On April 2, 2020, Governor Newsom issued Executive Order N-42-20 suspending the authority of water utilities to discontinue service for nonpayment to residential customers and small businesses operating in the critical infrastructure sectors.

On April 16, 2020, the Commission issued Resolution M-4842, ratifying the directives issued by the Executive Director on March 17, 2020, and to retroactively apply the Emergency Protections from March 4, 2020. Resolution M-4842 also required Commission-regulated IOUs to identify any customer protections set forth in D.19-07-015 that are not applicable during the COVID-19 pandemic, and to provide justification as to why they are not applicable.

In compliance therewith, on May 1, 2020 Liberty Apple Valley filed AL 241-W setting forth the specific provisions of D.19-07-015 that comprise Liberty Apple Valley’s Emergency Protections and which provisions are not applicable during the COVID-19 pandemic.

On February 11, 2021, in response to extraordinary circumstances and the ongoing state of emergency related to the COVID-19 pandemic, the Commission issued Resolution M-4849, extending the Emergency Protections for residential and small business customers through June 30, 2021. Resolution M-4849 also extends the memorandum accounts established and/or activated for the purpose of tracking the incremental costs of complying with the Commission's resolution, and requires IOUs to file Tier 1 advice letters describing all reasonable and necessary actions to extend the emergency Protections through June 30, 2021. Additionally, Resolution M-4849 requires IOUs to file a Tier 2 AL outlining their transition plans associated with discontinuance of the Emergency Customer Protections after June 30, 2021.

To demonstrate compliance, Liberty Apple Valley filed AL 250-W on February 22, 2021. On February 25, 2021, Liberty Apple Valley submitted a draft AL of its transition plan and currently under review by the Commission's Staff.

I. **Compliance with Ordering Paragraph 11 of D.19-07-015**

Ordering Paragraph 11 of D.19-07-015 provides:

All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).), shall file a Tier 1 Advice Letter at the default, 12-month conclusion of customer protection period (running from the date that customer protections related to the specific disaster became effective), or as reasonably determined by the Governor's Office of Emergency Services, detailing the mandated protections offered to the customer affected by the disaster, the start and end periods customers received the emergency customer protections, the outreach efforts conducted, the customer impacts, and the associated cost.

In response to the State of Emergency declaration in California related to COVID-19, Liberty Apple Valley filed AL 239-W Emergency Disaster Relief Program on March 27, 2020 indicating each protections that will be offered to its customers as well as its communication plan during the pandemic.

Description Customer Protections

- Suspension of service disconnections for non-payment for residential and business customers.
- Disconnection, late fees, and security deposits waived for affected customers.
- Temporary suspension of the recertification and verification process for the California Alternative Rates for Water (CARW) program.
- Work with customers to inform and support them through payment options and assisting in payment arrangements.

Customer Communication Plan

- Notifying customers through websites, social media and direct mail.
- Offered a 24-hour emergency hotline that is equipped to answer calls from customers seven days a week, 365 days a year.
- Included a website page dedicated to COVID-19 related updates, which will also be shared via email and social media posts.

In addition, Liberty Apple Valley also activated its Catastrophic Event Memorandum Account (CEMA). On March 27, 2020 the Commission approved Liberty's Advice Letter 239-W.

On April 2, 2020, Governor Newsom issued Executive Order N-42-20 initiating a “shutoff moratorium” which prohibited the disconnection of service due to nonpayment during the COVID-19 State of Emergency. Liberty Apple Valley confirms that it has fully complied with this Executive Order and no Liberty Apple Valley customer has had their water service disconnected due to nonpayment.

On May 1, 2020, Liberty Apple Valley submitted AL 241-W to confirm its compliance with Resolution M-4842 on the actions it has taken during the pandemic and identifies customers protections listed in the resolution that do not apply in this emergency. In AL 241-W, Liberty Apple Valley identified the following customer protections as not applicable to the current emergency as these protections apply to customers whose real property suffers damage or destruction during a wildfire, earthquake, flood, or other disaster:

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

On June 10, 2020 the Commission approved Liberty Apple Valley's AL 241-W regarding compliance with Resolution M-4842.

On February 12, 2021, the Commission issued Resolution M-4849, which authorized and directed utilities to extend Emergency Customer Protections to support California customers through June 30, 2021, and to file Transition Plans for the expiration of Emergency Customer Protections. On February 22, 2021, Liberty Apple Valley submitted AL 250-W to the commission demonstrating compliance with Resolution M-4849.

Resolution M-4849 also required Class A and Class B water utilities to submit a draft Transition Plan to CPUC staff by February 25, 2021 which required each water utility to include the following items in its plan:

1. Activities Timeline
2. Marketing, Education and Outreach Strategy
3. Compliance and Safety
4. Progress Tracking and Reporting

On February 25, 2021, Liberty Apple Valley submitted its Draft Transition Plan as directed including all elements listed above.

All Emergency Customer Protections described above began on March 4, 2020, and all will remain in place for Liberty Apple Valley's customers through June 30, 2021.

As stated in AL 239-W, Liberty Apple Valley has communicated its customer's protection with customers through websites, social media, periodic direct mail and through our Customer Service representatives. Within these outreach efforts Liberty Apple Valley included information about bill payment options and encouraged customers to participate in payment plan options to help reduce their past due amounts.

Liberty Apple Valley has been reporting to the Commission's Water Division on the financial impacts of past due balances during the pandemic. The financial reports included a summary of customer past-due balances in 30-day aging categories (30-60 days, 60-90 days, 90-120 days and 120+ days). Liberty Apple Valley has also provided data including the number of Customer Assistance Program (CAP) customers on a monthly basis as well as the number of customers signing up for the payment arrangement program. Below is a brief summary of the last report filed with the Water Division. If additional information is needed or required for purposes of compliance with Ordering Paragraph 11 of D.19-07-015, Liberty Apple Valley requests to be advised so that the information may be provided.

At the end of October 2020, Liberty Apple Valley's non-CAP customers had a total of \$512,283 in unpaid bills of 90 days or more past due. At the end of November 2020, Liberty Apple Valley's non-CAP customers had a total of \$475,386 in unpaid bills of 90 days or more past due. At the end of December 2020, Liberty Apple Valley's non-CAP customers had a total of \$657,769 in unpaid bills of 90 days or more past due. At the end of January 2021, Liberty Apple Valley's non-CAP customers had a total of \$609,061 in unpaid bills of 90 days or more past due consisting of 2,899 customers.

Regarding the costs associated with Liberty Apple Valley's outreach efforts, Liberty Apple Valley has spent approximately \$38,000 as of December 31, 2020.

II. Compliance with Ordering Paragraph 12 of D.19-07-015.

Ordering Paragraph 12 of D.19-07-015 provides

All Class-A Water utilities (California Water Service Company, California American Water Company, Golden State Water Company, Great Oaks Water Company, Liberty Utilities (Apple Valley Ranchos Water, and Park Water), San Jose Water Company, San Gabriel Valley Water Company, and Suburban Water Systems as well as all Class-B Water utilities (Fruitridge Vista Water Company, Bakman Water Company, Del Oro Water Company, East Pasadena Water Company, Santa Catalina Island Water (a division of Southern California Edison Company), and Alco Water Service).) shall file a Tier 1 Advice Letter twelve months from a qualifying event, documenting the collaborative

engagement they had with the Governor's Office of Emergency Services and the California Department of Forestry and Fire Protection demonstrating information sharing that aided these entities in carrying out their mission.

While the Emergency Customer Protections adopted in D.19-07-015 were primarily geared towards wildfire disasters, Liberty Apple Valley interprets the language of Ordering Paragraph 12, in the context of the COVID-19 State of Emergency, to require reporting on Liberty Apple Valley's collaboration with State and local emergency services and the information-sharing that has taken place during the pandemic State of Emergency.

At the start of the pandemic, Liberty Apple Valley has sent email correspondence regarding the suspension of service disconnections due to late payments, recertification/verification of all CARW programs and late fees. The correspondence also included Liberty Apple Valley's commitment to providing safe and reliable water to its customers as well as the measures it has taken to protect customers and its employees. In addition a website, and social media links were included to allow each recipients to receive up to date information regarding Liberty Apple Valley's efforts during the pandemic. Liberty Apple Valley has sent emails to officials in the Town of Apple Valley, the County of San Bernardino and the state assembly member. Liberty Apple Valley has also reached out to the Governor's office, and the Department of Public Health and provided information on what Liberty Apple Valley is doing to protect its customers and employees.

Through the California Water Association (CWA), Liberty Apple Valley has been kept informed of State government activities pertaining to the COVID-19 State of Emergency as well. The CWA meetings on such topics also are continuing.

III. Compliance with D.19-07-015

Liberty Apple Valley respectfully submits this Tier 1 Advice Letter in compliance with Ordering Paragraphs 11 and 12 of D.19-07-015. If further or different information is required of Liberty Apple Valley in order to comply with Res. M-4849, Liberty Apple Valley respectfully requests that it be provided with guidance so that such information may be provided.

Tier Designation

This is a Tier 1 Advice Letter pursuant to General Order 96-B and Water Industry Rule 7.3.1(3) (Compliance with mandatory statute, decision, or resolution).

Effective Date

Liberty Apple Valley requests an effective date of March 4, 2021.

Notice and Service

In accordance with General Order 96-B, General Rules 4.3 and 7.2, and Water Industry Rule 4.1, a copy of this advice letter will be electronically transmitted on March 4, 2021 to competing and adjacent utilities and other utilities or interested parties having requested such notification.

During the COVID-19 pandemic, Liberty Apple Valley can only provide electronic copies of this advice letter to the service list. Pursuant to Water Industry Rule 3.2 of General Order 96-B, public notice is not required.

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:

Edward N. Jackson
Director, Rates and Regulatory Affairs
Liberty Utilities (West Region)
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 Edward Jackson at (562) 923-0711.

Very truly yours,

LIBERTY UTILITIES (APPLE VALLEY) CORP.

/s/ Edward N. Jackson

Edward N. Jackson
Director, Rates and Regulatory Affairs (West Region)
Edward.Jackson@libertyutilities.com

ENJ/aml