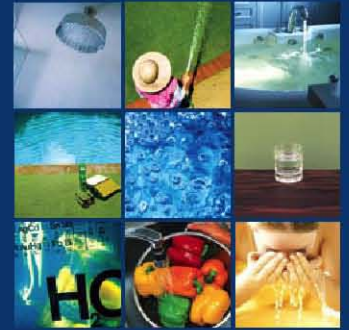


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The Weekly Wrap



June 15, 2012

No. 2012-24

TO: CWA Member Companies
FROM: Jack Hawks, Executive Director
SUBJECT: Highlights for the Week Ending June 15, 2012

Water Session Draws Most Interest at WCPSC Annual Meeting—As has been the case in recent years, the session on water drew the most attendance and interest at the 2012 Annual Meeting of the Western Conference of Public Service Commissioners, hosted this year from June 10-13 by the Oregon Public Utility Commission in Sunriver, OR. California American Water President and former California PUC Commissioner John Bohn joined representatives from the Nevada PUC, the Western Water Assessment at the University of Colorado and the Electric Power Research Institute (EPRI) in a panel titled “Will We Have Enough Water?,” which turned out to have the most appeal for the 250 registrants. Unfortunately, Commissioner Mike Florio was the only California commissioner in attendance, but it worked out well for the CWA members at the conference because he was very receptive to spending time with us talking about California water issues.

In his presentation, Rob steered the answer to the question toward “Yes” by describing the positive influences on supply from supplemental supply sources such as desalination and water use efficiency, the latter being especially true in California’s agricultural sector. He also showed how urban demand has changed over the years by illustrating consumption patterns in various California cities, including Fresno, Chico, Monterey, Riverside, Sacramento, Los Angeles, San Diego and San Francisco. Rob also showed how the global price of water correlates with per capita demand, whereby the nations with less expensive water universally have higher consumption rates. Of significance, Rob noted, was the dramatic differences in price between urban and agricultural water. He compared Metropolitan Water District’s treated wholesale water rate of \$794/acre-foot versus retail ag water for irrigation at \$6 - \$58 per acre-foot, but noted the dramatic and untenable increases in the cost of agricultural goods if they had to be irrigated with more expensive desalinated water.

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John Bohn clearly enjoyed his role as an observer now, saying that the problem for water supply is the structure of the regulatory process, not the resource itself. Regulators necessarily worry about affordability first, he said, rather than the global cosmic supply issues. He lamented the fact that water conservation takes precedence over water supply and that regulatory tools such as the Water Revenue Adjustment Mechanism make the investor-owned water company a “contractor” to the regulator – not a comfortable situation for either party, he noted. He closed his message with a warning not to expect a master plan for water in California because regulators are faced with ad hoc decision-making on water matters, principally because of the concerns on price, but also because water will always be a local resource with local concerns. He had a few choice words for public participation hearings, calling them a “religious experience” for those who don’t care about anything but water, which drew a laugh from Commissioner Florio.

The Western Water Assessment and EPRI representatives (Kristen Averyt and Bryan Hannegan, respectively) focused their presentations on the ever-present water-energy nexus (the energy intensity of water production and conveyance and the water intensity of energy production), and Hannegan also covered EPRI’s work on water management. He called everyone in the non-water sectors “takers” of the water resource, and planning must follow this “truth” accordingly. EPRI’s four program areas emphasize (1) reduction of water use by the energy industry; (2) reduction of energy by the water sector; (3) the impacts on fish from temperature changes; and (4) managing the wastewater streams from power plants. “We can set the limits on carbon,” he said, “but Mother Nature sets the limits on water.”

All of these presentations prompted numerous questions, many on the water situation in California, and Rob called on me to answer a few of them. The conference’s other subject areas were on emerging technologies in the energy sector, the future of telecommunications regulation, and integrating variable (electricity) resources at the lowest cost. Conference highlights include field trips to a geothermal plant, the Pelton Round Butte Dam’s fish passage tower and the High Desert Museum in Bend, OR. Next year’s conference will be in Santa Fe, NM.

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CWA Sends Oppose Unless Amended Letter on AB 1650—In advance of the scheduled hearing for Assembly Bill 1650 (Portantino) on July 3rd before the Senate Energy, Utilities & Communications Committee, CWA sent an “Oppose Unless Amended” letter to EU&C Chair Alex Padilla (D-Van Nuys) on June 13th expressing its opposition to the bill, which would require that regulated water utilities (1) develop, adopt, and update an emergency and disaster preparedness plan in compliance with standards established by the CPUC, and (2) hold meetings with city and county representatives in the water company’s service area.

CWA acknowledged its support for the bill’s objective, which was to ensure that electrical corporations’ emergency and disaster preparedness plans are in optimal condition, but explained that there were several reasons why the bill need not apply to CPUC-regulated water utilities. First, CWA noted that unlike electrical corporations, regulated water utilities with more than 10,000 service connections, like their public agency counterparts, are already required under California Government Code Section 8607.2 to ensure that their emergency and disaster preparedness plans are reviewed by and in compliance with relevant state agencies.

Second, we explained that requiring CPUC-regulated water utilities to develop and provide a separate emergency response plan to the CPUC from what they already provide to other state agencies places an unnecessary burden on these water utilities that is not imposed on public water agencies. Such a redundant requirement would not benefit the CPUC-regulated water utility customers. Also, AB 1650 would apply to large and small regulated water utilities alike. In making a whole class of very small water utilities with much smaller operations subject to the bill, AB 1650 would again impose an unnecessary burden.

Finally, CWA noted the logistical problems with a mandate to meet with city and county representatives served by regulated water utilities because they cannot be compelled to attend emergency planning meetings. CWA said the better option is to apply the more practical approach of inviting municipal representatives to these water utility meetings.

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We concluded by suggesting that if the will of the committee is to leave the provisions pertaining to water companies in the legislation, then subsection (f) should be amended to: *(f)(2) A water company developing, adopting, or updating an emergency and disaster preparedness plan pursuant to paragraph (1) shall ~~hold meetings with~~ **invite appropriate** representatives from the counties and cities in the water company's service area **to meet with, and provide consultation to, the water company** regarding the emergency and disaster preparedness plan.* CWA also said it would drop its opposition to AB 1650 if the bill is amended to delete the subsections applicable to water utilities.

Delta Stewardship Council to Remain an Independent State Agency—

Resources Agency Secretary John Laird announced June 13th that the Delta Stewardship Council (Council) will not be folded into the Natural Resources Agency as was proposed in Governor Brown's Reorganization Plan submitted to the Little Hoover Commission in March 2012. Secretary Laird announced the change during a meeting of the Assembly Special Committee on the Governor's Reorganization Plan.

"The Council agrees with the Administration," said Phil Isenberg, Chair of the Council. "The decision will allow the Council to remain an independent body as is stated in the Delta Reform Act of 2009. We appreciate this decision by the Governor."

Section 85200(a) of the Reform Act establishes the Council as an independent agency of the state. As part of a streamlining effort, however, the Reorganization Plan proposed that the Council become an entity within the Natural Resources Agency.

Independent Panel Fairly Critical of BDCP Effects Analysis—Peter Goodwin, Lead Scientist of the Delta Stewardship Council's (DSC) Delta Science Program, in a constructive, but critical June 8 transmittal letter to the Bureau of Reclamation and the California Department of Water Resources, presented a new independent scientific review report titled "Bay Delta Conservation Plan (BDCP) Effects Analysis Review Phase 2 Partial Review." The report fulfilled a request from the BDCP participants to provide independent external scientific review of the adequacy of the Effects Analysis component of the BDCP.

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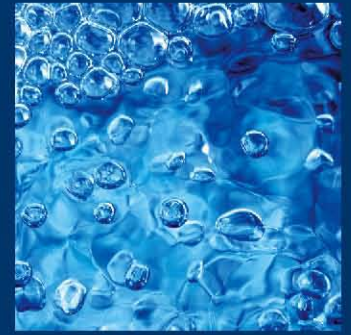


The Phase 2 review was designed to provide the BDCP participants with an assessment of the scientific quality of BDCP Chapter 5: Effects Analysis to inform the further development of the Effects Analysis. Phase 1 of the review was completed in November 2011 and included an early assessment of the scientific quality of the BDCP's Conceptual Foundation and Analytical Framework. Goodwin noted that the Panel could only partially complete Phase 2 because three of the technical appendices involving climate change implications for natural communities, terrestrial species and aquatic species, as well as for habitat restoration and fish life-cycle models were not completed in time.

The Panel recognized the challenge of integrating such a complex and voluminous body of analyses and supporting documentation, but it still concluded that the "Chapter 5: Effects Analysis fails to achieve the fully integrated assessment that is needed to draw conclusions about such a momentous Plan." It said the Effects Analysis "falls short of presenting an analytical framework for a compelling and rigorous analysis of whether and how the BDCP would achieve its biological and other objectives." Accordingly, the report has a number of recommendations:

1. The analysis of biological effects needs more consistency and specificity.
2. The net effects assessment needs greater objectivity.
3. There is a need to increase consistency of stressor analysis across covered species, and provide more detail.
4. Chapter 5 must be a "stand alone" document.
5. The baseline comparative data should be clarified.
6. The chapter should provide systematic understanding and planning for conservation actions, especially restoration.
7. It should include indirect effects of contaminants as part of Appendix D: Contaminants.
8. It should accurately characterize food resources and food webs.
9. The hydrodynamic modeling needs to capture the entire domain of effects.
10. It should incorporate life-cycle models for all species as quantitatively as possible.
11. It should consider salmonids at stock and life history scale.

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12. It should develop analytical tools to address the extremely high uncertainty involved with calculating sediment supply and turbidity.
13. The levels of uncertainty are not adequately addressed.
14. The DSM2 model Sacramento boundary condition should be moved northward to above Fremont Weir.
15. Sensitivity analyses and model validation in the effects analysis for covered fish species should be included.
16. It should provide more detail about the specific approaches that will be used when implementing adaptive management.
17. It should ensure that the declining fish population (e.g., longfin smelt) does not decline further while waiting for possible beneficial effects of habitat restoration.

The Report concluded that the Effects Analysis at this point is too inconsistent in its treatment of how effects are analyzed across listed species. Further, it said the potential costs and benefits of the planned BDCP activities are too uncertain to provide an objective assessment of the BDCP on covered species. Therefore, it noted, the Effects Analysis should be viewed as a working hypothesis with considerable uncertainty that requires a strong monitoring and adaptive management plan to ensure status of species improves over time.

Detailed information on the BDCP Effects Analysis Review can be found on the Delta Science Program web page (<http://deltacouncil.ca.gov/events/science-program-review/independent-review-draft-bay-delta-conservation-plan-effects-analysis->).

Meral-Nawi Response to Goodwin: Agree with Many of the Comments—Rather than taking offense at the scientific critique of the Effects Analysis, Deputy Natural Resources Agency Secretary Jerry Meral and U.S. Dept. of the Interior Senior Advisor David Nawi responded in a June 13th letter that they appreciated the seven-member panels review and report on the BDCP Effects Analysis, especially since they were dealing with an incomplete draft. Noting that they agreed with many of the report's comments, Meral and Nawi said they plan to ask the panel to review a complete, revised draft document later this year and to let them know if the latter document is responsive to the panel's suggestions and concerns.

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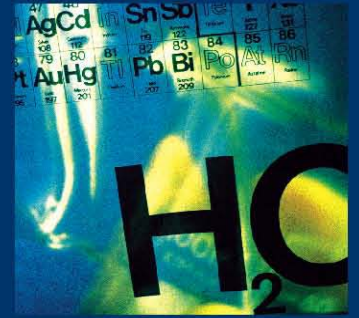


As background, the BDCP is being prepared by the California Department of Water Resources and United States Bureau of Reclamation, with the cooperation of state and federal agencies and other interest groups. The BDCP is being developed to satisfy the Federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (NCCPA). When complete, the BDCP will provide the basis for issuing ESA and NCCPA permits for operations of the state and federal water projects. The plan would be implemented over 50 years. The effects analysis, probably the most critical and contentious component of the BDCP, is intended to provide the best scientific assessment of the likely effects of BDCP actions on the species of concern and ecological processes of the Bay-Delta system. At the request of the BDCP participants, the Delta Science Program has convened an Independent Science Review Panel to assess the scientific soundness of the BDCP Effects Analysis components. The panelists are:

1. Alex Parker, Ph. D., Romberg Tiburon Center, California State University San Francisco (Panel Chair)
2. Charles "Si" Simenstad, Research Professor, University of Washington (Lead Author)
3. T. Luke George, Ph.D., California State University Humboldt
4. Nancy Monsen, Ph.D., Stanford University
5. Tom Parker, Ph.D., California State University San Francisco
6. Greg Ruggione, Ph.D., Natural Resources Consulting, Inc.
7. John Skalski, Ph.D., University of Washington

UOP Study Says Delta Tunnel Conveyance Fails Benefit-Cost Analysis—The Eberhardt School of Business at the University of the Pacific (UOP) in Stockton issued a report June 14th that says the presumed water conveyance tunnel being contemplated in the Bay-Delta Conservation Plan (BDCP) fails any threshold benefit-cost analysis. The report, prepared and written by Dr. Jeffrey Michael, Director of the Business Forecasting Center (BFC) at UOP, finds the tunnel is not economically justified, because the costs of the tunnel are 2.5 times larger than its benefits.

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Michael writes that benefit-cost analysis is an essential and normal part of assessment and planning of large infrastructure projects such as the \$13 billion water conveyance tunnel proposal, which would divert water from the Sacramento River and convey it around the Delta to state and federal water projects serving southern California rather than conveying the fresh water through Delta channels. Michael emphasized that such analyses have not been part of the BDCP. The report states that it fills an important information gap for policy makers and water ratepayers “who will ultimately bear the multi-billion dollar costs of the project.” The results can be easily updated if changing plans generate updated estimates of benefits and costs, but the gap between benefits and costs is so large that it seems unlikely that the tunnels could be economically justified in any future scenario.

This report's bottom line is that the costs of the tunnel are 2.5 times larger than its benefits, and that the project is not economically justified due to a benefit-cost ratio of 0.4. The report calculates the annual benefits of the tunnel to be approximately \$500 million annually through a variety of activities: (1) 5.5 million acre-feet (maf) exported, creating about \$250 million in benefits; (2) earthquake risk reduction at \$50 million annually; (3) export water quality at \$200 million/year; and (4) environmental benefits of 5.5 maf of exports at \$0/year.

In contrast, the costs are calculated as follows: (1) debt service capital cost at \$1.1 billion/year; (2) operation and maintenance at \$85 million/year; and (3) In-Delta and upstream impacts at \$65 million/year. The total annual costs of \$1,250,000,000 exceed the \$500,000,000 in benefits by a factor of 2.5, with the benefit-cost ratio at 0.4.

The analysis examines the most favorable operating criteria for financing the tunnels, the maximum average water exports of 5.5 maf. This analysis looks only at the water conveyance proposal in the BDCP, and does not evaluate habitat creation proposals that provide their own benefits and have several billion dollars in additional construction costs. As noted in a later section, this separate analysis is consistent with Department of Water Resources' economic analysis guidelines.

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The report notes that this preliminary benefit-cost assessment can be updated with new information as it becomes available. Its intention is to motivate public agencies and others to conduct comprehensive benefit-cost analysis, and to provide appropriate economic justification of the project. Given the poor performance of the tunnel in this initial benefit-cost analysis with several assumptions favorable to tunnel construction, it is highly unlikely that any subsequent benefit-cost analysis will find that the project is not economically justified.

Agenda Highlights for the June 21st California PUC Open Meeting—The California PUC has posted its agenda for the June 21st Open Meeting, which starts at 9:00 a.m. Relevant water agenda items are summarized below. If you want to view any of the related documents, just copy and paste the website link into your Internet browser.

Consent Agenda

Item 2 – A10-01-012; Interim Decision Authorizing Aquifer Storage And Recovery Project Phase 2 And Carmel River Mitigation Agreement. In the Matter of the Application of California-American Water Company for an Order Authorizing the Collection and Remittance of the Monterey Peninsula Water Management District User Fee. Proposed outcome: Approves expedited construction of well ASR-4, and agreement for Carmel River Mitigation. Estimated cost: \$6.3 million. (Comr Peevey - ALJ Bushey).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583694

Item 9 – Res W-4921; Town of Apple Valley’s Protest to Golden State Water Company’s Advice Letter 1454-WA and Apple Valley Water Company’s Advice Letter 168-WA. Proposed outcome: Affirms the Division of Water and Audits’ denial of the Town of Apple Valley’s protests of Golden State Water Company’s Advice Letter (AL) 1454-WA and Apple Valley Water Company’s AL No. 168-WA. Estimated cost: None. http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583640.

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Item 18 – Res W-4922; Point Arena Water Works, Inc. for a General Rate Increase to Produce Additional Annual Revenue for Test Year 2011. Advice Letter 64 filed on September 19, 2011 - Related matters. Proposed outcome: Point Arena Water Works is authorized: (1) To file a supplemental advice letter for the revised rate schedule in Appendix B of resolution; (2) To file a Tier 2 advice letter within 30 days from the effective date of this resolution to collect over a thirty-six month period the under-collected revenues from the interim rate date to the effective date of the new rates; and (3) To file a Tier 2 advice letter within 30 days from the effective date of this Resolution to establish a surcharge to recover the \$38,311 in legal expenses recorded in Memorandum Account Case 08-12-007. Estimated cost: \$37,414 or 15.86%.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583776

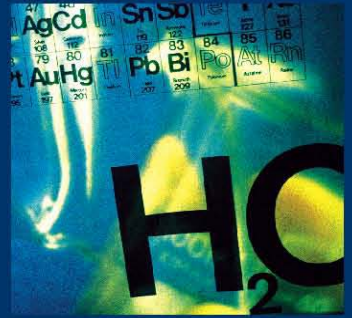
Item 22 - Res W-4923; Riverview Acres Water Company to Sell and Salyer Mutual Water Company to Buy. Advice Letter 12 filed on April 2, 2012 - Related matters. Proposed outcome: Grants the sale pursuant to Public Utilities Code Sections 851-854. After the sale, Walter G. Carpenter, owner of Riverview Acres Water Company (RAWC), is no longer required to provide regulated water service to customers of RAWC. Prior to finalizing the sale of RAWC to Salyer Mutual Water Company, RAWC shall pay the required Public Utilities Reimbursement Fee, and submit its Annual Fee Statement for the California Public Utilities Commission Reimbursement Account within 30 days from date of this resolution. Estimated cost: None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583646

Item 23 - A10-09-018; Order Extending Statutory Deadline. Application of California-American Water Company for Authorization to Implement the Carmel River reroute and San Clemente Dam Removal Project and to Recover the Costs Associated with the Project in Rates. Proposed outcome: Statutory deadline for this proceeding is extended for 60 days until August 23, 2012. Estimated cost: None. (Comr Peevey - ALJ Walwyn). http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=582444

Regular Agenda - Water/Sewer Orders

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Item 44 – A10-09-018; Approval to Implement the Carmel River Reroute and San Clemente Dam Removal Project. Application of California-American Water Company for Authorization to Implement the Carmel River reroute and San Clemente Dam Removal Project and to Recover the Costs Associated with the Project in Rates. Proposed outcome:

- Approves California-American Water Company's (Cal-Am) request to implement the Carmel River Reroute and San Clemente Dam Removal Project (Project) in partnership with the California State Coastal Conservancy and the National Marine Fisheries Service.
- Authorizes ratepayer recovery of Cal-Am's funding portion of the Project, \$49 million, to be paid through a volumetric surcharge on customers' bills over the next 20 years.
- Opens an adjudicatory phase of this proceeding to consider an order to show cause as to why applicant should not be fined or otherwise sanctioned for a failure to comply with Rule 1.1 of the Commission's Rules of Practice and Procedure, and Sections 2107 and 2108 of the Public Utilities Code.

Estimated cost: \$49 million. (Comr Peevey - ALJ Walwyn).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583774

Item 44a – ALTERNATE TO ITEM 44. Proposed outcome:

- Approves California-American Water Company's (Cal-Am) request to implement the Carmel River Reroute and San Clemente Dam Removal Project (Project) in partnership with the California State Coastal Conservancy and the National Marine Fisheries Service.
- Authorizes ratepayer recovery of Cal-Am's historical costs accumulated in its San Clemente Dam Memorandum Account.
- Authorizes rate base treatment for San Clemente Dam Removal Project costs.
- Finds Cal-Am's pursuit of dam buttressing prudent, reasonable and appropriate to enable it to comply with the California Department of Water Resources Division of Safety and Dams seismic safety requirements while seeking to resolve the issue at least cost to its ratepayers.
- Authorizes ratepayer recovery of Cal-Am's funding portion of the Project through a monthly surcharge on customer's bills over the next 20 years.

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- Finds the San Clemente Dam to be used and useful and an ongoing benefit to ratepayers.
- Authorizes Cal-Am to file a Tier 3 Advice Letter to request a change in its \$49 million Project cap should there be a need to change the cap.
- Excludes the transfer of a 77.6 acre land parcel being used for utility purposes and not part of the project from being donated to the project or designated open space.
- Finds no Rule 1.1 violation and no need to open an adjudicatory phase of this proceeding.
- Finds Planning Conservation League Foundation eligible to seek intervenor compensation.
- Closes the proceeding.

Estimated cost: (1) \$49 million project cost; (2) \$27 million Historical San Clemente Dam Memorandum Account Balance; (3) \$76 million in total cost. (Comr Sandoval)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583727

Item 45 – A10-11-009; Southern California Edison Company’s Catalina Water Company Seeks to Increase Rates by 80%. Application of Southern California Edison Company for Authority to, Among Other Things, Increase Its Authorized Revenues For Santa Catalina Island Water Operations, And to Reflect That Increase In Rates. Proposed outcome:

- Disallows approximately \$1 million of operating expenses; approximately \$8 million in rate base; and by adopting Southern California Edison Company’s alternate rate proposal, shifts \$10.7 million of the water company’s increased costs as a one-time cost to electric rates.
- The result of our disallowances and adjustments makes no change in the current revenue requirement of \$3.948 million.
- Closes the proceeding.

Estimated cost: \$10.7 million. (Comr Peevey - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=583845

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Upcoming Industry Meetings/Conferences/Events:

- June 18, 2012 – National Association of Water Companies Government Relations Committee Meeting (9:30a – 3:30p; Hyatt Regency Capitol Hill; 400 New Jersey Ave., N.W. Washington, DC 20001).
- June 19-20, 2012 – National Association of Water Companies Annual Report to Congress/Two-Day Fly-In (9:00a – 5:00p; Hyatt Regency Capitol Hill; 400 New Jersey Ave., N.W. Washington, DC 20001).
- June 19-20, 2012 – California PUC Workshop – Draft Resolution L-436 (9:30a – 4:00p; Golden Gate Conference Room; 505 Van Ness Ave., San Francisco 94102); J. Hawks will attend the first day.
- June 19, 2012 – CUWCC Advanced Metering Infrastructure Symposium (8:30a – 4:30p; LA Dept. of Water & Power; 1350 S. Wall St., Los Angeles, CA 90021)
- June 20, 2012 – CUWCC Plenary Meeting (9:30a – 3:00p; LA Dept. of Water & Power; 1350 S. Wall St., Los Angeles, CA 90021).
- June 21, 2012 – California Dept. of Water Resources – State Water Plan Update Advisory Committee Meeting (9:00a – 4:30p; Cal EPA Building; 1001 I St., Sacramento 95814); J. Hawks will attend.
- June 21, 2012 – California PUC Open Meeting (9:00a – 12:00p; 505 Van Ness Ave., San Francisco 94102)
- June 27, 2012 – California Water Association Annual Northern California Business Opportunities Fair (7:30a – 11:30a; San Ramon Valley Conference Center; 3301 Crow Canyon Road, San Ramon, CA 94583).
- June 27-28, 2012 – California PUC Recycled Water OIR – Workshop #4 (9:30a-4:30p both days; CPUC Auditorium; 505 Van Ness Ave., San Francisco)
- July 10-12, 2012 – CWA Annual Budget Planning Meeting – Tenaya Lodge; Fish Camp, CA (Yosemite).
- July 12, 2012 – California PUC Open Meeting (9:00a – 12:00p; 505 Van Ness Ave., San Francisco 94102)

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- July 22-25, 2012 – National Association of Regulatory Utility Commissioners – Annual Summer Committee Meetings (10:45a – 5:15p Committee on Water Meetings; Hilton Hotel - Broadway Room - 921 SW 6th Ave, Portland, OR 97204); J. Hawks is presenting CWA's Small Company Assistance Program to the Water Committee on July 24th).
- August 8, 2012 – California Urban Water Conservation Council Board of Directors Meeting (9:30a – 3:00p; Regional Water Authority, 5620 Birdcage Street, Ste 180, Citrus Heights, CA 95610)
- August 9, 2012 - CWA Directors Meeting (9:30a-2:30p; California American Water; 1033 B Ave., Suite 200, Coronado, CA 92118); J. Hawks will attend.
- August 15, 2012 – ACWA Annual Regulatory Summit (8:00a – 5:00p; Doubletree Hotel, 1 Doubletree Dr., Rohnert Park, CA 94928); J. Hawks will attend.
- August 23, 2012 – California PUC Open Meeting (9:00a – 12:00p; 505 Van Ness Ave., San Francisco 94102)

—CWA—