RULES COMMITTEE: 02-11-09
Item: 8

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Honorable Mayor & City Council Members

FROM: Lee Price, MMC City Clerk

SUBJECT: The Public Record January 30 – February 5, 2009

DATE: February 6, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

(a) Notification of application by San Jose Water Company for a rate increase request for public comments in Application No. 09-01-009 received January 30, 2009.

(b) Email from SF Regional Water Quality Control Board to City Clerk Lee Price received February 30, 2009 regarding the SF Bay Planning Project: Addition of Unnamed Water Bodies & Beneficial Uses.

(c) Letter from David S. Wall to Mayor Reed and City Council dated February 4, 2009 regarding "Public Intoxication Force: Do any Task Force Members have criminal convictions?"

(d) Letter from David S. Wall to Mayor Reed and City Council dated February 5, 2009 regarding "Council "heaps" well over due praise on the Auditor, City Manager hates life".

(e) Letter from David S. Wall to Mayor Reed and City Council dated February 5, 2009 regarding "The Ghetto Life: Update on the SCEP: Variation of the SCEP".

Lee

Lee Price, MMC
City Clerk

LP/np

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Assistant City Manager
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PUBLIC RECORD a

P U B L I C N O T I C E

RECEIVED
San Jose City Clerk
2009 JAN 30 P 3:54

NOTIFICATION OF APPLICATION BY SAN JOSE WATER COMPANY FOR A RATE INCREASE
REQUEST FOR PUBLIC COMMENTS IN APPLICATION NO. 09-01-009

The California Public Utilities Commission (CPUC) is seeking public comments on Application 09-01-009 filed by the San Jose Water Company (SJWC). As noted below, the filing is seeking to increase rates for water service in 2010, 2011, and 2012. As part of its decision-making process, the CPUC is interested in your comments on any aspect of the company's operation including proposed rates, service quality or any other issue that may be of concern.

The purpose of this notice is to inform SJWC's customers of the filing of the Application and to give instructions on how to provide input in the review process.

The Application

SJWC has filed an Application requesting rate increases of $36,207,000 or 18.44% in 2010, $15,171,000 or 6.52% in 2011, and $19,899,000 or 8.10% in 2012. SJWC is also requesting consolidation of the rates charged in its Mountain District with the rates charged throughout SJWC's remaining service area. Finally, SJWC is requesting that the Commission authorize the (1) disbursement of $1,649,106 from its Balancing Account via a 12-month $0.0278/ccf customer surcredit, and (2) allow recovery 0f $90,669 from the Water Quality Expense Memorandum Account via a one-time customer surcharge of $0.41.

SJWC is proposing this rate increase due to escalating operating expenses as well as significant system infrastructure replacement requirements over the next several years. . The capital budgets for the period are also increasing due to significantly higher construction costs. The infrastructure improvements such as water main and well replacements, improvements to pumping stations and well fields, as well as water tank upgrades and replacements throughout SJWC's about 140 square miles service area are necessary in order to maintain safe and reliable water service.

The following tables summarize SJWC's forecasted rate changes by meter size:

Schedule 1 – General Metered Service

Monthly Service Charge		Rates Proposed in SJWC's Application		
Meter Size	Present Rates	2010 Rates	2011 Rates	2012 Rates
5/8 x 3/4-inch	$15.07	$17.47	$19.19	$20.50
3/4-inch	$15.07	$17.47	$19.19	$20.50
1-inch	$25.12	$29.12	$31.98	$34.16
1 1/2-inch	$50.26	$57.08	$63.97	$68.33
2-inch	$80.40	$93.20	$102.35	$109.33

3-inch	$150.75	$174.74	$191.91	$204.99
4-inch	$251.26	$291.24	$319.85	$341.65
6-inch	$502.52	$582.48	$639.70	$683.30
8-inch	$804.03	$931.96	$1,023.51	$1,093.28
10-inch	$1,155.80	$1,339.69	$1,471.30	$1,571.59

Quantity Charges (Per Ccf)

Residential Customers with a 5/8 x 3/4-inch, ¾-inch or 1-inch meter:				
0 to 13 Ccf	$2.2082	$2.639	$2.711	$2.918
Over 13 Ccf	$2.4282	$2.902	$2.981	$3.209
Residential Customers with 1 ½-inch or 2-inch meter:				
0 to 26 Ccf	$2.2082	$2.639	$2.711	$2.918
Over 26 Ccf	$2.4282	$2.902	$2.981	$3.209
All Other Customers:				
All Usage	$2.2821	$2.7272	$2.8017	$3.0159

For the typical residential customer with a ¾-inch meter using 16 ccf (one ccf = 748 gallons) of water per month, the monthly water bill will increase by $9.42 or 18.45% from $51.06 at present rates to $60.48 in 2010, by $2.90 or 4.79% to $63.38 in 2011, and by $4.68 or 7.4% to $68.06 in 2012. These bill amounts include 1.5% charge to fund the California Public Utilities Commission. The rates shown on your water bill may vary slightly from the existing rates shown above due to temporary surcredits or surcharges in effect from time to time.

Schedule 1C - Mountain District:

Monthly Service Charge		Rates Proposed in SJWC's Application		
Meter Size	Present Rates	2010	2011	2012
5/8 x 3/4-inch	$81.37	$17.47	$19.19	$20.50
3/4-inch	$81.37	$17.47	$19.19	$20.50
1-inch	$81.37	$29.12	$31.98	$34.16
1 1/2-inch	$81.37	$58.25	$63.97	$68.33
2-inch	$81.37	$93.20	$102.35	$109.33
3-inch	$81.37	$174.74	$191.91	$204.99

Quantity Charges (Per Ccf)

0 to 13 Ccf	$3.43	$2.639	$2.711	$2.918
14 to 16 Ccf	$3.43	$2.902	$2.981	$3.209
17 to 22 Ccf	$4.29	$25.00	$25.00	$25.00
23 to 25 Ccf	$6.88	$25.00	$25.00	$25.00
26 to 35 Ccf	$10.32	$25.00	$25.00	$25.00
36 to 46 Ccf	$13.76	$25.00	$25.00	$25.00
47 to 55 Ccf	$17.20	$25.00	$25.00	$25.00
56 Ccf and above	$20.64	$25.00	$25.00	$25.00

Elevation Charge Per Ccf	N/A	$0.7632	$0.7632	$0.7632

For the typical residential customer with a ¾-inch meter using 16 ccf (one ccf = 748 gallons) of water per month, the monthly water bill will decrease by $63.56 or 46.65% from $136.25 at present rates to $72.69 in 2010, and will then increase by $2.89 or 3.9% to $75.58 in 2011, and by $4.69 or 6.21% to $80.27 in 2012. These bill amounts include 1.5% charge to fund the CPUC. The rates shown on your water bill may vary slightly from the existing rates shown above due to temporary surcredits or surcharges in effect from time to time.

Under SJWC's proposal, rates for each year would become effective on January 1 for that particular year. As required, the rate increases for 2011 and 2012 are derived using inflation factors provided by the CPUC. The factors used to calculate rates in these years will be the most recent inflation forecast at that point in time. In its Application, SJWC has requested to increase its rates by actual inflation without further notice to customers. This means that if inflation is greater than that assumed here, rates for 2011 and 2012 may be higher than shown in this notice.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review the Application and submit its independent analysis and recommendations in a written report for the CPUC's consideration. That report will become available to the public. DRA is staffed with engineers, auditors, and other professional staff and is tasked with representing the interest of all utility ratepayers. Other interested parties may also participate in the proceeding.

Evidentiary hearings may be held whereby of parties of record will present their testimony and will be subject to cross-examination before the assigned Administrative Law Judge (ALJ) . These evidentiary hearings are open to the public, but only parties to the proceeding may present evidence or cross-examine witnesses. If you wish to become a party and participate in the evidentiary hearings, please contact the CPUC's Public Advisor at the address shown below.

Parties at these hearings may offer proposals to the Commission that differ from those requested by SJWC. After considering all proposals and evidence presented during the formal hearing process, the assigned ALJ will issue a proposed decision. When the CPUC issues a final decision on Application 09-01-009, it may adopt, amend or modify all or part of the ALJ's proposed decision as written. The CPUC's final decision may be different from SJWC's proposal.

PROTESTING THE APPLICATION

Protests to this application should be mailed to the CPUC's Public Advisor's Office. For assistance in filing a protest or otherwise participating in the proceeding, please contact the Public Advisor's Office at:

California Public Utilities Commission
Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102,
E-mail: public.advisor@cpuc.ca.gov

You may also call 866.849.8390 (toll free) or 415.703.2074. Please mention that you are writing about Application 09-01-009.

PUBLIC COMMENT

Written public comment may be sent to the Public Advisor's Office at the address shown above. These comments will become part of the formal correspondence file of the proceeding and will be circulated for review to the assigned ALJ, the assigned Commissioner and the appropriate CPUC staff. Comments will be collected on an ongoing basis until such time that the evidentiary hearings commence. . Please send comments to the CPUC's Public Advisor's Office listed above. In addition, public participation hearings may be held. Please refer to San Jose Water Company's Application No. 09-01-009 in all of your communications.

A copy of SJWC's Application and further information may be obtained from the company's customer service office located at:

San Jose Water Company
110 West Taylor Street
San Jose, CA 95110
Telephone: 408.279.7900
www.sjwater.com

PUBLIC RECORD b

Public record

-----Original Message-----
From: lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]
Sent: Friday, January 30, 2009 4:11 PM
To: Price, Lee
Subject: SF Bay Basin Planning Project: Addition of Unnamed Water Bodies & Beneficial Uses

This is a message from the California Regional Water Quality Control Board, San Francisco Bay Region (2).

On September 19, 2008, Water Board staff announced our intention to propose adding water bodies and beneficial uses to Table 2-1 of the Basin Plan. Our intention was to address surface water bodies in the South Bay, Santa Clara, and San Mateo Coastal basins, with the remainder of the San Francisco Bay basins to follow at a later date.

Today we wish to inform you that we have expanded this effort to cover our entire Region. We invite all interested parties to contribute names, locations, and information about beneficial uses of surface water bodies located anywhere in the San Francisco Bay Region. We are particularly interested in (1) creeks, sloughs, and channels that presently are not named in Table 2-1, and (2) beneficial uses of water bodies that are named in Table 2-1 but have no uses assigned.

If you have information you would like us to consider, please send me your input by April 30, 2009.

Thanks for your attention,
Jan O*Hara, johara@waterboards.ca.gov
SF Regional Water Quality Control Board, Suite 1400
1515 Clay ST
Oakland, CA 94612
(510)622-5681
(510)622-2459 fax

A map of the San Francisco Bay Basin is at
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/basin_plan/docs/fig_1-01.pdf.

Table 2-1 may be found at
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/tab/tab_2-01.pdf.

For more information about beneficial uses, please see
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/bp_ch2.shtml.

You are currently subscribed to reg2_tmdl_basinplanning as: lee.price@sanjoseca.gov To unsubscribe send a blank email to leave-reg2_tmdl_basinplanning-133740W@swrcb18.waterboards.ca.gov

David S. Wall

PUBLIC RECORD C

RECEIVED
San Jose City Clerk

2009 FEB -4 P 1:35

February 4, 2009

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Public Intoxication Task Force: Do any Task Force Members have criminal convictions?

I am curious as to the selection methodology for the Public Intoxication Task Force.

How was NOTICE TO PARTICIPATE communicated to the Public?

Was there a "questionnaire" concerning criminal convictions (if any) part of the selection process?

"Do any Task Force Members have criminal convictions?"

Specifically, does any Task Force Member have Misdemeanor(s) or Felony conviction(s)?

Does any Task Force member have both Misdemeanor and Felony convictions?

The aforementioned questions do not imply, suggest or infer that any Task Force Member has a criminal conviction(s).

Respectfully submitted,

David S. Wall
02.04.09

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Cc: City Attorney / Auditor / City Manager

David S. Wall

PUBLIC RECORD d
RECEIVED
San Jose City Clerk

2009 FEB -5 P 1:13

February 5, 2009

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Council "heaps" well over due praise on the Auditor, City Manager hates life.

Council Praises ...NO... Worships Auditor!

No Love shown to Office of City Manager

Currently, there is a shortage of rose petals in San José to be continuously showered in the path of the Auditor by the San José City Council.

Tuesday afternoon's San José Council meeting (02.03.09) signaled a triumph of Office of the Auditor that would surely embarrass everyone connected with the Office of the City Manager.

But then again, the Office of the City Manager is a shameless administrative entity; always cool, calm and collected. "Vulcan like" in emotion and appearance (except for the ears) but never in logical reasoning or decision making.

The out pouring of worship and the accompanying epiphany by a Councilmember, "Can you (the Auditor) prepare our budget for us?" resulted from the Auditor's published report entitled,

"City of San José
Service Efforts and Accomplishments Report 2007-2008
Annual Report on City Government Performance"

As to the aforementioned budget assistance request, the City Charter must be changed first.
And such a change is well over due.

To her undying shame, the City Manager is, "looking forward to a debriefing from the Auditor" and acknowledged, "We need to clean up the data." No vote of confidence here.

Now, the "debriefing" part is typical of the Office of the City Manager. Basically, it is a version of, "*O.K. we're busted. What do we have to do to shut you up and have you go away?*"

As to the, "We need to clean up the data" part, this is a conundrum. On the surface the comment appears as the contrite act of the penitent but, I'm not so sure. It could be a coded message whose real meaning is, "...I got your FUND 001 hangin' and your punctilious punditry of my sanctimonious house is going to cost you!"

Well, Council may be starting to wise up. Let us hope such inchoate conduct evolves into the necessary organizational changes that result in the elimination of the Office of the City Manager from the face of the San José administrative earth.

Respectfully submitted,

David S. Wall
02.05.09

Cc: City Attorney / Auditor / City Manager

PUBLIC RECORD e

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San Jose City Clerk

2009 FEB -5 P 1:14

David S. Wall

February 5, 2009

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: THE GHETTO LIFE: UPDATE ON THE SCEP: Variation of the SCEP

On Tuesday, (02.03.09) approximately 1020 hours I went to an upscale market for the express purpose of providing my wife a tasty lunch. Now, before anyone thinks that I am a kind and dutiful husband let me put this opinion to rest. My wife had forgotten her lunch and I had to reroute my busy day to see that she was well fed and this caused me great consternation and irritation. Well, I document such occasions on my trusty 3x5 index cards and trust me, I will hold this day of transgression over her head for years to come.

As I was about to enter the upscale market there was a stolen and unattended Safeway Shopping Cart in the area where the upscale market puts their clean shopping carts. This stolen Safeway Shopping Cart was filthy, laden with apparent virulent contagions and full of recyclable items (bottles, cans, plastics). A pair of filthy shoes was next to the stolen and unattended Safeway Shopping Cart. I say unattended, for the thief was in the upscale market hopefully to purchase an item or two.

As I left the upscale market, the stolen and unattended Safeway Cart and the contagions contained therein had vanished.

Why I mention this snippet of unpunished crime, the possible spread of disease(s) and the degradation of civilization and the embrace of the Ghetto Life is that the San José City Council does not care one iota about the theft of shopping carts. The San José City Council only cares about themselves.

Five (5) billion shopping carts could be stolen and the San José City Council would just tell the taxpaying, law abiding public, "Look at this pricy new Convention Center that we cannot afford or look at all the Redevelopment Agency Debt we are piling on your grandchildren's necks or look at all the housing developments that we are permitting in the taxpayer's names without any regard to the cost of services these projects will require or the fact there is not enough potable water." "Look at us, you gullible dumb as dirt taxpayers, pay no attention at the failing Public school system", decries the San José City Council.

In my opinion, the San José City Council are failures who can vote themselves; pay raises, vehicle allowances, "stipends to attend committee meetings" just an elevator ride from the 18th floor to the 10th floor and have scores of highly paid administrators who continuously trip over themselves to kiss the Mayor or a Council person's butt. Get used to San José being the regional Ghetto for Santa Clara County.

So, at 1202 hours, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the **SCEP** (**S**hopping **C**art **E**ntitlement **P**rogram). I arrived on station and found eleven (11) stolen and abandoned shopping carts. *A 27% decrease of theft of shopping carts from last Wednesday is hereby recorded.*

The breakdown of ownership of the stolen and abandoned shopping carts is as follows;

Savers (2), Target (1), Safeway (1), DaI Thanh Supermarket (1), Toys "R" Us (1), Payless (1), Trader Joe's (1), Star Market (1), PW Market (1) and Unmarked (1).

*****special note***** the overall cleanliness of Shopping carts in stores should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge.

Welfare Check of the New Shanty Town Resident(s) undertaken.

A "welfare check" to establish the status of any and all occupant(s) of the New Shanty Town along the railroad tracks; proceeding Northbound from Taylor Street to North Tenth Street @ Horning Street, was initiated and carried out. Hector was not at home.

There were no interviews this week.

Respectfully submitted,

David S. Wall
02.05.09

Cc: City Attorney / Auditor / City Manager / Chief of Police
Director PBCE