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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates.

Application 04-09-019
(Filed September 20, 2004;
Amended July 14, 2005)

NOTICE OF AVAILABILITY AND PROOF OF SERVICE

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June 24, 2009

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The exhibits in support of Marina Coast Water District’s Phase 2 Testimony on Regional Project Cost Issues exceed 50 pages in length. Therefore, pursuant to Rule 1.9(c)(1), Marina Coast Water District hereby provides this Notice of Availability of the exhibits in support of its Phase 2 Testimony on Regional Project Cost Issues.

Marina Coast Water District will provide a copy of the exhibits in support of its Phase 2 Testimony on Regional Project Cost Issues by posting copies of all of its June 24, 2009, testimony and exhibits at the following URL: www.friedumspring.com/cpucdocs The documents are being made available at the URL today, June 24, 2009.

The testimony and exhibits being made available at the URL are:

DIRECT TESTIMONY OF JAMES HEITZMAN
Exhibits JH-1 though JH-2 (ZIP File)

- JH-1 Maps of MCWD’s Service Territory and The CAW Monterey District Service Territory
- JH-2 Resolutions and Letters of Support for the Regional Alternative

DIRECT TESTIMONY OF LYNDEL W. MELTON
Exhibits LWM-1 through LWM-13 (ZIP File)

- LWM-1 Lyndel Melton Curriculum Vitae
- LWM-2 Regional Water Supply Program: EIR Project Description (June 4, 2008)
- LWM-3 Monterey Regional Water Supply Program Phase 1 Project Summary (December 24, 2008)
- LWM-4 California Department of Public Health Letter (May 12, 2009)
- LWM-5 MCWD and MRWPCA Memorandum of Understanding for Use of Outfall
- LWM-6 Desalination Intake Well Location Map
- LWM-7 North Marina Groundwater Model Evaluation of Regional Project Scenario 4f (February 26, 2009)

- 1 LWM-8 Geologic Update Shoreline Recession Study Marina Coast Water District Regional
Urban Water Augmentation Project Desalination Facility (April 15, 2004)
- 2 LWM-9 Monterey Regional Waste Management District DEIR Comment Letter (March
20, 2009)
- 3 LWM-10 DEIR Regional Project Cost Estimate - Updated
- 4 LWM-11 Institute for Homeland Security Water System Evaluation
- 5 LWM-12 Monterey Regional Water Supply Project Schedule
- 6 LWM-13 Regional Project Cash Flow
- 6 **DIRECT TESTIMONY OF MARK P. BERKMAN AND DAVID L. SUNDING**
- 7 Exhibits BEC-1 and BEC-2 (Zip File)
- 8 BEC-1 Dr. Berkman's Curriculum Vitae
- 9 BEC-2 Dr. Sunding's Curriculum Vitae
- 10 **DIRECT TESTIMONY OF LLOYD W. LOWREY, JR.**
- 11 Exhibits LWL-1 through LWL-39 (ZIP File)
- 11 LWL-1 Summary of Education and Professional Experience
- 12 LWL-2 Resolution 60-7
- 13 LWL-3 Resolution 94-5
- 14 LWL-4 Water Code section 31180
- 15 LWL-5 Water Code section 31001
- 16 LWL-6 Water Code section 31041, 31042, 31048 and 31049
- 17 LWL-7 Chapter 10.72 of the Monterey County Code
- 18 LWL-8 Government Code section 5956
- 19 LWL-9 Water Code section 31022
- 20 LWL-10 Section 8 and 9 of the MCWRA Act, codified as Chapter 52 of West's Water Code
Appendix
- 21 LWL-11 Memorandum of Understanding, Planning for Use of MRWPCA Outfall for Brine
Disposal
- 22 LWL-12 Memorandum of Understanding Regarding Cooperative Planning and Joint
Analysis for A Monterey Regional Water Supply Program
- 23 LWL-13 Monterey Regional Water Supply Program Recycled Water Three-Way
Memorandum of Understanding
- 24 LWL-14 Katz v. Walkinshaw (1903) 141 Cal. 116
- 25 LWL-15 City of Pasadena v. City of Alhambra (1949) 33 Cal. 2d 908
- 26 LWL-16 Barstow v. Mojave Water Agency (2003) 23 Cal 4th 1224
- 27 LWL-17 California Water Law and Policy (Matthew Bender 2008) Chapter 7 and decisions
cited therein
- 28 LWL-18 Vineland I.R. v. Azusa I.C. (1899) 126 Cal. 486, 497
- LWL-19 Allen et al. v. California Water & Telephone Co. (1946) 29 Cal. 2d 466
- LWL-20 City of Los Angeles v. City of Glendale (1943) 23 Cal. 2d 68, 77-78
- LWL-21 Memorandum of Agreement Between The United States Of America And The
Monterey County Water Resources Agency, Subject: Annexation of Fort Ord into
Zones 2 and 2A of the Monterey County Water Resources Agency, Subject:
Annexation of Ford Ord into Zones 2 and 2A of the Monterey County Water
Resources Agency (September 1993)

- 1 LWL-22 Annexation Agreement and Groundwater Mitigation Framework for Marina Area
Lands (March 1996)
- 2 LWL-23 MCWRA Act, section 8 (Water Code App. §52-8); Pajaro Valley Water Mgt.
Agency v. Amrhein (CA 6th, 2007) 150 Cal. App.4th 1364, 1370
- 3 LWL-24 Lanai Company, Inc. v. Land Use Comission (S. Ct. of Hawai’I 2004) 97 P.2d
4 372, 376
- 5 LWL-25 Annexation Agreement between the Marina County Water District and the
6 Monterey Regional Water Pollution Control Agency
- 7 LWL-26 Water/Wastewater Facilities Agreement
- 8 LWL-27 Assignment of Easement on Former Fort Ord and Ord Military Community,
County of Monterey, and Quitclaim Deed for Water and Wastewater Systems
- 9 LWL-28 Amendment Affecting Marina Coast Water District and J.G. Armstrong Family
Members To Annexation Agreement And Groundwater Mitigation Framework For
Marina Area Lands
- 10 LWL-29 Memorandum of Amendment
- 11 LWL-30 Grant of Easement
- 12 LWL-31 Memorandum of Understanding, Regional Urban Water Augmentation Project

13 **DIRECT TESTIMONY OF R. RHODES TRUSSELL, Ph.D., P.E.**

14 Exhibits RRT-1 though RRT-13 (ZIP File)

- 15 RRT-1 Rhodes Trussell, Ph.D, PE C.V.
- 16 RRT-2 Letter from CDPH to MCWD: Desalination Treatment Plant
- 17 RRT-3 Conceptual Design of Desalination Facilities (TM2)
- 18 RRT-4 Water Quality Goals and Design Criteria for the Groundwater Desalination
Facility (TM3)
- 19 RRT-5 Process Description and Design of Desalination Facility
(TM4 – June 19, 2009)
- 20 RRT-6 Equipment Data Sheets for the Marina Coast Water District Desalination Plant
(TM5 – June 19, 2009).
- 21 RRT-7 CDPH Permitting Meeting Handout on Marina Coast Water District Desalination
Plant (October 22, 2008)
- 22 RRT-8 CDPH Monitoring Plan for the Water Supply Permitting of the Marina Coast
Water District’s Desalination Treatment Plant (December 22, 2008)
- 23 RRT-9 Email regarding Groundwater Under the Direct Influence of Surface Water from
Rhodes Trussell, PhD, PE (January 25, 2009)
- 24 RRT-10 Marina Coast Water District Desalination Treatment Plant
- 25 RRT-11 Response to “Desalination Treatment Plant
- 26 RRT-12 Conceptual Design of a Microfiltration Facility to Treat Salinas River Water (TM1
April 11, 2008)
- 27 RRT-13 CDPH Permitting Meeting Handout on Marina Coast Water District Salinas River
Surface Water Treatment Plant (October 20, 2008)

28 **DIRECT TESTIMONY OF THOMAS E. GAFFNEY**

Exhibits TEG-1 though TEG-5 (ZIP File)

- TEG-1 Letter from Hutchinson, Shockey, Erley & Co. dated June 23, 2009
- TEG-2 Letter from Jones Hall dated June 23, 2009

- 1 TEG-3 Amount of Bond Issues
- 2 TEG-4 Sources and Uses of Funds
- 3 TEG-5 Comparison of project costs

4 **DIRECT TESTIMONY OF ROBIN CORT**
5 Exhibit RC-1 (ZIP File)

- 6 RC-1 Resume of Robin Cort, Ph. D.

7 If any party has difficulty accessing these materials, please contact the following for
8 assistance:

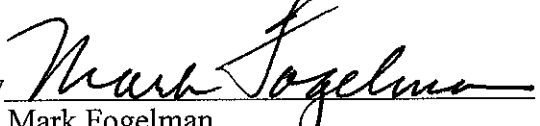
9 Katherine Hollander
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16 OR

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21 Tel: 415-834-3816
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24 Respectfully submitted,

25 FRIEDMAN DUMAS & SPRINGWATER LLP

26 By 
27 Mark Fogelman

28 Attorneys for MARINA COAST WATER DISTRICT

1 **PROOF OF SERVICE**

2 I, Celeste Alas, hereby declare:

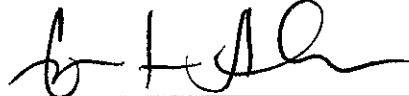
3 I am over the age of 18 years and not a party to or interested in the within entitled
4 cause. I am an employee of Friedman Dumas & Springwater LLP and my business address is 150
5 Spear Street, Suite 1600, San Francisco, California 94105. On June 24, 2009, at my place of
6 business as listed above, the following documents:

- 7 **1. DIRECT TESTIMONY OF JAMES HEITZMAN (WITHOUT EXHIBITS)**
- 8 **2. DIRECT TESTIMONY OF LYNDEL W. MELTON (WITHOUT EXHIBITS)**
- 9 **3. DIRECT TESTIMONY OF MARK P. BERKMAN AND DAVID L. SUNDING**
10 **(WITHOUT EXHIBITS)**
- 11 **4. DIRECT TESTIMONY OF LLOYD W. LOWREY, JR. (WITHOUT**
12 **EXHIBITS)**
- 13 **5. DIRECT TESTIMONY OF R. RHODES TRUSSELL (WITHOUT EXHIBITS)**
- 14 **6. DIRECT TESTIMONY OF THOMAS E. GAFFNEY (WITH EXHIBITS)**
- 15 **7. DIRECT TESTIMONY OF ROBIN CORT (WITH EXHIBIT)**
- 16 **8. NOTICE OF AVAILABILITY AND PROOF OF SERVICE**

17 were sent:

- 18 by first class mail. I am familiar with the business practice at my place of business for
19 collection and processing of correspondence for mailing with the United States Postal
20 Service. Correspondence so collected and processed is deposited with the United States
21 Postal Service that same day in the ordinary course of business. The document(s) was
22 (were) placed for deposit in the United States Postal Service in a sealed envelope(s), with
23 postage fully prepaid, addressed as set forth on the attached service list.
- 24 by messenger by handing a copy of said documents for personal service by its agent to
25 the persons at the addresses set forth on the attached service list.
- 26 by transmitting such document electronically from Friedman Dumas & Springwater
27 LLP, San Francisco, California, to the electronic mail addresses attached. I am readily
28 familiar with the practice of Friedman Dumas & Springwater, LLP for transmitting
documents by electronic mail, said practice being that in the ordinary course of business,
such electronic mail is transmitted immediately after such document has been tendered
for filing. Said practice also complies with Rule 1.10(b) of the Public Utilities
Commission of the State of California and all protocols described therein.

1 I declare under penalty of perjury, under the laws of the State of California that the
2 foregoing is true and correct, and that this declaration was executed at San Francisco, California
3 on June 24, 2009.

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5 _____
6 Celeste Alas

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