

CALIFORNIA PUBLIC UTILITIES COMMISSION
DIVISION OF WATER AND AUDITS

Advice Letter Cover Sheet

Utility Name: San Gabriel Valley Water Company
Los Angeles County and Fontana Water
District: Company Divisions

Date Mailed to Service List: 01/07/20

CPUC Utility #: U337W

Protest Deadline (20th Day): 01/27/20

Advice Letter #: 545

Review Deadline (30th Day): 02/06/20

Tier 1 2 3 Compliance

Requested Effective Date: 03/15/19

Authorization

Rate Impact: N/A

Description: Polyflouroakyl Substances Memorandum
Account (PFASMA) request

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

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DWA Contact: Tariff Unit

Phone: (415) 703-1133

Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

DATE

STAFF

COMMENTS

DATE	STAFF	COMMENTS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPROVED

WITHDRAWN

REJECTED

Signature: _____

Comments: _____

Date: _____

SAN GABRIEL VALLEY WATER COMPANY

January 7, 2020

Advice Letter No. 545

U337W

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

San Gabriel Valley Water Company ("San Gabriel") hereby submits one original and four copies of the following changes in tariff sheets applicable to its Los Angeles County and Fontana Water Company divisions:

<u>CPUC Sheet No.</u>	<u>Title</u>	<u>Schedule No.</u>	<u>Cancelling CPUC Sheet No.</u>
3011-W	Preliminary Statement W	N/A	N/A
3012-W	Table of Contents	N/A	3010-W

Purpose

This advice letter requests authorization from the California Public Utilities Commission ("Commission") to establish the Polyfluoroalkyl Substances Memorandum Account (PFASMA). The purpose of the PFASMA is to record incremental expenses and carrying costs of new facilities, that are not otherwise reflected in San Gabriel's revenue requirement or subject to existing balancing or memorandum account treatment, to comply with the regulatory standards set by the State Water Resources Control Board ("SWRCB") to detect, monitor, report, and remediate per- and polyfluoroalkyl substances ("PFAS") in drinking water.

This advice letter is designated as Tier 2 pursuant to Water Industry Rule 7.3.2 under General Order 96-B and is similar to requests made by Golden State Water Company in Advice Letter 1795-WA, submitted on October 31, 2019, and Suburban Water Systems in Advice Letter 343-W, submitted on December 6, 2019.

Discussion

On August 23, 2019, the SWRCB announced¹ updated guidelines for public water systems to follow in detecting and reporting the presence of perfluorooctanoic ("PFOA") and perfluorooctanesulfonic acid ("PFOS"), two types of PFAS, in drinking water. The SWRCB also announced it has begun the process of establishing regulatory standards for these chemicals. The updated state guidelines lower the current Notification Levels from 14 parts per trillion ("ppt") to 5.1 ppt for PFOA and from 13 ppt to 6.5 ppt for PFOS.

Notification Levels are a precautionary health-based measure for concentrations in drinking water that warrant notification and further monitoring and assessment. Public water systems are encouraged to test their water for contaminants with Notification Levels, and in some circumstances may be ordered to test. If the systems do test, they are required to report exceedances to their governing boards and the SWRCB, and are urged to report this information to customers.

In addition to the updated Notification Levels, the SWRCB has requested that the California Office of Environmental Health Hazard Assessment ("OEHHA") develop public health goals ("PHGs") for both PFOA and PFOS, the next step in the process of establishing regulatory standards, known as maximum contaminant levels (MCLs), in drinking water. Other chemicals in the broader group of PFAS may be considered later, either individually or grouped, as data permits. Unlike other states, California has not yet developed its own MCLs for PFAS.

The SWRCB is currently conducting a statewide assessment to determine the scope of contamination by PFAS, including PFOA and PFOS, in water systems and groundwater. In the first phase, pursuant to Health and Safety Code section 116400, in March 2019 public water systems were ordered to sample (quarterly for one year) approximately 600 drinking water supply wells located near airports and landfills, where contamination is more likely, and near locations where PFAS was previously found. Within this phase, San Gabriel was mandated to test eight of its 66 active wells. San Gabriel also voluntarily and proactively

¹ State Water Board Media Release, August 23, 2019: https://www.waterboards.ca.gov/press_room/press_releases/2019/pr082319_pfoa_pfos_guidelines_news_release.pdf

sampled additional sources, with confirmed test results from seven active wells detecting PFOA and PFOS at concentrations above the revised Notification Levels for both compounds. Following this initial phase, SWRCB will likely require public water systems to expand sampling of water sources near industrial sites and down-gradient of wastewater treatment plant discharges. As a result, San Gabriel anticipates additional required testing of its remaining wells.

While the SWRCB continues to assess the scope of contamination based on initial data reporting for the statewide assessment, the Response Levels for PFOA and PFOS remain at 70 parts per trillion for the total combined concentration of both contaminants, consistent with the U.S. Environmental Protection Agency's health advisory level. The Response Levels are expected to be updated and most likely lowered in the near future.

On July 31, 2019, California Governor Gavin Newsom signed into law Assembly Bill No. 756 ("AB 756") which authorizes the SWRCB to order a public water system to monitor for PFAS more broadly and provide public notification as prescribed in the bill. AB 756 took effect on January 1, 2020.

Under AB 756, "(a)ll monitoring results shall be submitted to the state board electronically as directed by the state board in its order."² "If any monitoring undertaken pursuant to an order...results in a confirmed detection, a community water system or a nontransient noncommunity water system shall report that detection in the water system's annual consumer confidence report."³ "(F)or perfluoroalkyl substances and polyfluoroalkyl substances with notification levels, a community water system or a nontransient noncommunity water system shall report the detection if the level exceeds the notification level as required by Section 116455."⁴ "For perfluoroalkyl substances and polyfluoroalkyl substances with response levels where detected levels of a substance exceed the response level, a community water system or nontransient noncommunity public water system shall

² AB 756, Section 1(b)

³ AB 756, Section 1(c)(1)

⁴ AB 756, Section 1(c)(2)

take a water source where detected levels exceed the response level out of use or provide public notification within 30 days of the confirmed detection.”⁵

Memorandum Account Justification

Public water systems have been ordered by the SWRCB to monitor, report and remediate PFOA and PFOS. Upon detections above the Notification Levels, San Gabriel would temporarily inactivate impacted drinking water wells until such time the Company installed best available treatment technology to remove the contaminants. San Gabriel has begun and anticipates incurring substantial costs in order to comply.

The substantial costs San Gabriel expects to incur include, but are not limited to, the following:

- Laboratory testing and monitoring – due to the specialized nature of the analyses (new and developing methods, low detection limits and sensitivity for sample contamination), the cost for each analysis is much greater than routine monitoring tests.
- Customer/public notifications.
- Alternative sources of supply – In its Los Angeles County division, San Gabriel estimates that it will incur incremental costs exceeding of \$1 million annually as a result of delivering replacement water from the higher-cost Main San Gabriel Basin for delivery in the Central Basin, where confirmed test results from all three of the Company’s active Central Basin wells have detected PFOA and PFOS entering the distribution system at concentrations exceeding the revised Notification Levels for both compounds. Because San Gabriel does not have a full cost balancing account for purchased water and pumping assessments in the Los Angeles County division, these incremental costs will go unrecovered in the absence of a PFASMA.
- Chemical and operating costs for treatment.
- Special studies related to treatment options, engineering design, and distribution system hydraulic modeling.

⁵ AB 756, Section 1(c)(3)

San Gabriel anticipates that the state will require an additional phase of testing that will expand the SWRCB's monitoring and reporting scope of its original mandate. San Gabriel expects to incur up to \$100,000 for testing going forward, excluding estimated costs for resampling. Testing is estimated to be performed on a quarterly basis for one annual period consistent with the SWRCB's original mandate. This estimated cost excludes any costs to be incurred to address follow-up or confirmation sampling results, including notification and treatment costs, which San Gabriel is unable to estimate at this time. The cost of treatment can vary greatly depending on site-specific factors, such as capacity and treatment technology, and is difficult to estimate.

San Gabriel will record the carrying costs at its adopted rate of return for all incremental plant investment in the PFASMA. Incremental plant investment San Gabriel expects to make include, but are not limited to, the following:

- Treatment facilities to remove PFAS, including potential Granular Activated Carbon (GAC) and/or Ion Exchange treatment processes.

In the event that San Gabriel loses a source well due to PFAS and makes incremental plant investment such as addition and/or modification of facilities (wells, treatment plants, interconnection(s) with neighboring suppliers, etc.), San Gabriel will demonstrate that the incremental plant investment is necessary to (1) meet the water system's demand, and (2) provide the most cost-effective water supply.

The PFASMA will track, by division, only incremental costs, i.e., costs not otherwise covered in San Gabriel's authorized revenue requirement or subject to existing balancing or memorandum account treatment. The PFASMA balances will be amortized within each respective division following Commission review and approval.

Request To Establish A Memorandum Account

In accordance with the Commission's Standard Practice U-27-W, establishing a memorandum account requires consideration of the following five criteria which have been met by San Gabriel:

a. The expense is caused by an event of an exceptional nature that is not under the utility's control.

The costs tracked in the PFASMA will be incurred due to orders issued by the SWRCB to public water systems to monitor PFAS, which is out of San Gabriel's control.

b. The expense cannot have been reasonably foreseen in the utility's last general rate case and will occur before the utility's next scheduled rate case.

San Gabriel's last GRC was filed in January 2019. Monitoring Orders, issued by the SWRCB in March 2019, directed monitoring to begin during the second quarter of 2019. The Governor's approval of AB 756 occurred on July 31, 2019. San Gabriel's next GRC will be filed in January 2022. San Gabriel has begun and anticipates incurring significant incremental costs in order to comply with this new law and any regulatory standards set by the SWRCB.

On December 19, 2019, San Gabriel notified the Commission that confirmed testing at three of the Company's active wells detected levels of PFOA and PFOS entering the distribution system exceeding the revised Notification Levels of 5.1 ppt and 6.5 ppt, respectively. The SWRCB requires public water systems to report exceedances to their governing bodies and the SWRCB and urges them to report this information to customers.⁶ Consistent with the SWRCB's requirements and recommendations, San Gabriel is incurring costs in order to provide timely notification to governing bodies, required notification to customers, and proactively remediate the issue.

⁶ State Water Board Media Release, August 23, 2019: https://www.waterboards.ca.gov/press_room/press_releases/2019/pr082319_pfoa_pfos_guidelines_news_release.pdf

c. The expense is of a substantial nature such that the amount of money involved is worth the effort of processing a memo account.

To date, San Gabriel has already incurred \$32,660 in costs associated with the compliance requirements resulting from the monitoring orders and AB 756. San Gabriel estimates incremental costs for testing, monitoring, notifying customers, securing replacement supplies on an interim basis, and remediation due to the new requirements. The costs will be substantial. Additional monitoring and compliance requirements are expected to increase substantially over the next year, and therefore all of the costs to comply with AB 756 and future mandates from the SWRCB are uncertain. Additionally, the treatment costs to remove PFAS cannot be estimated at this time. However, the costs will not be inconsequential. Finally, the existence of the costs is not speculative.

San Gabriel estimates that it will incur incremental costs exceeding \$1 million annually as a result of delivering replacement water from the higher-cost Main San Gabriel Basin for delivery in the Central Basin, where confirmed test results from all three of the Company's active Central Basin wells have detected PFOA and PFOS entering the distribution system at concentrations exceeding the revised Notification Levels for both compounds. Because San Gabriel does not have a full cost balancing account for purchased water and pumping assessments in the Los Angeles County division, these incremental costs will go unrecovered in the absence of a PFASMA.

San Gabriel anticipates that the SWRCB will require on-going testing that will expand the SWRCB's monitoring and reporting scope of their original mandate. San Gabriel expects to incur up to \$100,000 for testing going forward, excluding estimated costs for resampling. Testing is estimated to be performed on a quarterly basis for one annual period consistent with the SCRCB's original mandate. This estimated cost excludes any costs to be incurred to address follow-up or confirmation sampling results, including public notification and treatment costs, which San Gabriel is unable to estimate at this time. San Gabriel is conducting, but has not yet completed, various technical engineering studies that will determine the most effective treatment technology to restore its impacted wells.

e. The ratepayers will benefit by the memo account treatment.

Exposure to PFOA and PFOS in drinking water above the Notification Levels can lead to adverse health effects, including harmful effects to a developing fetus or infant, immune system and liver effects, and cancer. While consumer products are a large source of exposure to these chemicals for most people, drinking water has become an increasing concern due to the persistence and tendency of these chemicals to accumulate in groundwater.⁷

San Gabriel's customers will benefit from the establishment of this memorandum account because it will allow continual testing, monitoring and timely notification to customers and remediation when detected levels of PFAS exceed the state's established Notification and Response Levels.

In the event San Gabriel removes a source well due to PFAS and makes incremental plant investment such as addition and/or modification of facilities (wells, treatment plants, etc.), San Gabriel will demonstrate that the incremental plant investment is necessary to (1) restore impacted supply wells required to meet water system demands, and (2) provide the most cost-effective water supply.

The expenses and capital carrying costs tracked in the PFASMA will go through a prudence review by the Commission's Water Division and the Public Advocates Office before recovery is granted to ensure the recorded amounts are reasonable. San Gabriel will request in its next GRC that the Commission provide the Public Advocates Office an opportunity to review the recorded expenses and capital carrying costs in the PFASMA.

Memorandum Account Treatment

San Gabriel is aware that a memorandum account is not a guarantee of eventual recovery of expenses, nor is it carried as a regular account under the Uniform System of Accounts for water utilities. It is carried "off the books" as a memorandum account. Further, it is also

⁷ *Id.*

known that the Commission's policy on memorandum account treatment has always been that the burden of proof of the reasonableness of costs charged to the account is the responsibility of the utility requesting reimbursement of such costs.

Effective Date

This advice letter is submitted with a Tier 2 designation. San Gabriel is requesting this filing become effective March 15, 2019 to coincide with the Monitoring Order issued by the SWRCB.

Protest and Responses

Anyone may respond to or protest this advice letter. When submitting a written response or protest, please include San Gabriel Valley Water Company's name and this advice letter number in the subject line. 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) San Gabriel 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 on which San Gabriel 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; or
- (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.

January 7, 2020

A response or protest must be made in writing or by electronic mail and must be received by the Water Division within 20 days of the date this advice letter is filed. When submitting a written response or protest please include San Gabriel Valley Water Company's name and this advice letter number in the subject line. 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 us, addressed to:

San Gabriel Valley Water Company
11142 Garvey Avenue
El Monte, CA 91733
Tel: (626) 448-6183
FAX (626) 448-5530
e-mail: jmreiker@sgwwater.com

Thank you for your assistance in processing this advice letter.



Joel M. Reiker
Vice President of Regulatory Affairs

cc: James Boothe, CPUC – Water Division,
Victor Chan, CPUC – Water Branch, Cal PA
Richard Smith, CPUC – Water Branch, Cal PA

W. Polyfluoroalkyl Substances Memorandum Account (PFASMA)

1. Purpose

The purpose of this memorandum account is to record incremental expenses and carrying costs of incremental plant investment, that are not otherwise reflected in San Gabriel's adopted revenue requirement, to comply with the regulatory standards set by the State Water Resources Control Board to detect, monitor, report, and remediate per- and polyfluoroalkyl substances (PFAS) in drinking water.

2. Applicability

The applicable incremental costs include, but are not limited to, the following:

- Laboratory testing and monitoring – due to the specialized nature of the analyses (new and developing methods, low detection limits and sensitivity for sample contamination), the cost for each analysis is much greater than routine monitoring tests.
- Customer/public notifications
- Costs related to pumping water from non-contaminated higher-cost groundwater basins where San Gabriel does not have a full-cost balancing account.
- Emergency Interconnections - San Gabriel may need to install new emergency interconnections and/or activate existing emergency interconnections with neighboring water agencies on an interim basis to the extent doing so is more cost-effective for the Company and its customers.
- Chemical and operating costs for treatment
- Special studies related to treatment options
- Carrying cost at the adopted rate of return for all incremental plant investment, including but not limited to, the following:
 - Treatment facilities, including potential Granular Activated Carbon (GAC) and/or Ion Exchange treatment processes, to remove PFAS.

In the event that San Gabriel loses a source well due to PFAS and makes incremental plant investment, such as addition and/or modification of facilities (wells, treatment plants, etc.), San Gabriel will demonstrate that the incremental plant investment is necessary to (1) meet the water system's demand, and (2) provide the most cost-effective water supply.

3. Memorandum Account Entries

Separately for each division, entries to the PFASMA shall be made at the end of each month as follows:

- a. All related costs including, but not limited to, laboratory testing/monitoring, customer/public notifications, alternative sources of supply, emergency interconnections, chemical costs, and special treatment studies (debit).
- b. The carrying costs (including return, income taxes, ad valorem tax, depreciation, and other taxes and fees) of each capital expenditure (debit).
- c. Monthly interest expense calculated at 1/12 of the most recent month's interest rate on Commercial Paper (prime, 3-month), published in the Federal Reserve Statistical Release, H.15 (<http://www.federalreserve.gov/releases/H15/data/m/cp3m.txt>), or its successor publication (debit or credit).

4. Disposition

Disposition of the balance in the PFASMA shall be determined in San Gabriel's next general rate case (scheduled to be filed in January 2022), or before then by a Tier 3 advice letter if the cumulative balance exceeds 2% of San Gabriel's adopted revenue requirement.

5. Effective Date

The PFASMA is effective March 15, 2019.

Authorization: Established pursuant to Advice Letter 545

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 545

J. M. Reiker
NAME

Date Filed _____

Decision No. _____

V. P. Regulatory Affairs
TITLE

Effective _____

Resolution No. _____

Revised
 Cancelling Revised

Cal. P.U.C. Sheet No. 3012-W

Cal. P.U.C. Sheet No. 3010-W

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(continued)

(To be inserted by utility)

Advice Letter No. 545

Decision No. _____

Issued by

J. M. Reiker
NAME

Vice President of Regulatory Affairs
TITLE

(To be inserted by Cal. P.U.C.)

Date Filed _____

Effective _____

Resolution No. _____

DISTRIBUTION LIST

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Los Angeles County Division

Advice Letter No. 545

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Rosemead, CA 91770

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11333 Valley Boulevard
El Monte, CA 91734

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Post Office Box 2120
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La Puente, CA 91744

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Covina, CA 91724-3603

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112 North 1st Street
La Puente, CA 91744

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14521 East Ramona Boulevard
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City of Montebello
1600 West Beverly Boulevard
Montebello, CA 90640

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Advice Letter No. 545

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