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June 22, 2015

Via U.S. Mail and Electronic Mail

Andrew Barnsdale
California Public Utilities Commission
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CC Email only:

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**Re: Follow Up to Request for Immediate Access to Documents
Referenced or Relied Upon in the Draft Environmental Impact
Report for the Monterey Peninsula Water Supply Project**

Dear Mr. Barnsdale and Ms. Steer:

We are writing on behalf of California Unions for Reliable Energy ("CURE") to follow up on our May 21, 2015 request for immediate access to any and all documents referenced or relied upon in the Draft Environmental Impact Report ("DEIR") prepared for the Monterey Peninsula Water Supply Project. We appreciate the CPUC's quick response with many of the DEIR's referenced documents. However, when we followed up on June 17 requesting the "the unlocked Excel spreadsheet that support the emission calculations in Appendix G of the DEIR," the CPUC (via Ms. Steer) informed us that it would not comply with our request.

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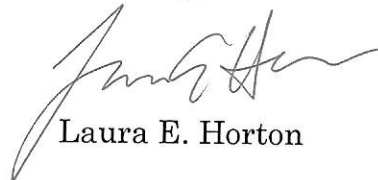
CEQA requires the underlying technical data necessary to fully assess the Project's environmental impacts, which were referenced and relied on in the DEIR, to be included in the DEIR or made available to the public. Otherwise, the CPUC precludes informed participation by the public. Pub. Resources Code § 21092(b)(1); CEQA Guidelines §§ 15087(c)(5), 15147; *Madera Oversight Coalition, Inc.*, 199 Cal.App.4th at 76-77. Furthermore, under California Public Records Act ("CPRA"), any information requested that is not exempt from disclosure – including electronic data – must be provided to the public for a nominal charge related solely to the actual cost of duplication in any electronic format in which it was kept. *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161.

Disclosing the spreadsheet (or spreadsheets) is necessary because the emissions estimates in the DEIR are contained in a large number of Excel spreadsheets presented in PDF format, thus obscuring the underlying calculations. The calculations, which sometimes extend over several linked spreadsheets, are difficult to follow without access to the underlying calculations. Interested parties should not bear this burden when the information is readily available to the applicant. Furthermore, some calculations cannot be verified because not all inputs are shown in the printouts. This information has been frequently provided on request by applicants during review of CEQA projects, as required under CEQA and the CPRA.

The CPUC is violating CEQA and the CPRA as a matter of law by withholding the electronic data from public review. Therefore, please provide immediate access to the unlocked Excel spreadsheet or spreadsheets that support the emission calculations in Appendix G of the DEIR.

Thank you for your assistance with this matter.

Sincerely,



Laura E. Horton

LEH:clv

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