

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

Application of California-American Water  
Company (U210W) for Approval of the  
Monterey Peninsula Water Supply Project and  
Authorization to Recover All Present and Future  
Costs in Rates.

A.12-04-019

(Filed April 23, 2012)

**COMMENT ON LACK OF RESPONSE TO DATA REQUEST  
AUTHORIZED BY 9 JULY 2014 NOTICE OF RELEASE  
OF GROUNDWATER MODELING AND DATA**

Date: August 21, 2015

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## I. INTRODUCTION

This comment is at the invitation of ALJ Gary Weatherford in his ruling on July 9, 2015, inviting comment and authorizing the release of groundwater modeling and data possibly questionable as a result of a conflict of interest revealed a number of months ago and possibly compromising not only the draft Environmental Impact Report (“Draft EIR”) but also the project itself proposed in this proceeding. Despite repeated requests over months, I have to date received none of the data requested. The water-supply project proposed by California-American Water in A.12-04-019 is in fact an extremely costly and risky experiment funded by ratepayers who are neither entrepreneurs nor venture capitalists. The Commission must take a serious look at regulating a utility when it has moved out of the monopolistic market of water purveyance and into the competitive market of water supply. Regulation in a competitive market is not the appropriate business of the Commission and is likely the source of all the problems experienced by California-American Water and its Monterey District ratepayers since the inception of this proceeding.

## II. REQUEST HISTORY.

In a notice dated July 9, 2015, ALJ Weatherford ruled the following:

“ . . . During the remainder of the Draft EIR comment period, we specifically invite you to comment on the issues raised above, and we solicit your suggestions as to what remedies, if any, we should undertake.

“Second: Independent of the possible conflicts addressed above, several parties have submitted comments asking for greater access to the data, models, and assumptions used by Geosciences in the hydrogeology modeling work they have performed. That is not required by CEQA, and ordinarily, the Commission would not make those data, models, or assumptions available to the public. But this is not an ordinary situation. Under the circumstances, we find it appropriate to make that information available to the parties.

“Please tell us in what form it would be most helpful to you to have those data, models, and assumptions, no later than close of business on July 30, 2015.”

This is the fourth time since over a month prior to July 30, 2015, that I am requesting data from the Energy Division, and, except for a rejection prior to the ALJ ruling above, I have not even received even an acknowledgment of my requests. Each of these requests is for data used to develop the scatterplot shown in the Draft EIR to demonstrate the validity of the model supporting the use of slant wells at the CEMEX site. Following is the rejected request, which I sent to the Energy Division on June 30, 2015, the same day I sent it the

Draft EIR comment in Appendix A detailing serious problems with the model's evaluation:

*Attn: Andrew Barnsdale*

*Dear Mr. Barnsdale:*

*As the attached comment I submitted earlier today indicates, I need to see the Excel spreadsheet containing the data used to construct the scatterplot in Appendix E-2 intended to illustrate the evaluation of the model used at the CEMEX site to make groundwater elevation predictions extending 60 years into the future at or near the CEMEX site of Cal Am's proposed slant wells.*

*Please email the spreadsheet to me in a reply email in a form that I could use Excel to analyze.*

*Thank you.*

*Respectfully,*

*Ron Weitzman*

*President, Water Plus (dba Water Ratepayers Association of the Monterey Peninsula)*

Also together with my Draft EIR comment in Appendix A as an attachment, I sent the email message in Appendix B on July 12, 2015, again requesting the same data and specifying the form in which I seek to receive the data requested. All these requests were made prior to July 30, 2015.

### III. CONCLUSION

For these reasons, including the considerable time that has gone by since my initial data request, I now make the following three requests:

1. The Energy Division immediately send me by email, either as an attachment or by means of a link, the data I have requested numerous times beginning on June 24 when I filed a response supporting the request for recirculation of the Draft EIR by the Marina Coast Water District.
2. The Draft EIR comment period be extended for at least another two months to provide me sufficient time to analyze the requested data.
3. The Commission seriously consider ending its regulation of California-American Water in its pursuit of the water-supply project that is the subject of this proceeding. The water company should pursue this project unregulated by the Commission like any other private company in a competitive market.

Dated August 21, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Weitzman". The signature is written in a cursive, flowing style.

Ron Weitzman  
President, Water Plus

# APPENDIX A

## Problems with the Evaluation of the CEMEX Model

In investigating the DEIR evaluation of the CEMEX model, I have found some serious problems. Appendix E-2 shows a graph (attached) of observed and model-predicted measurements of groundwater elevations at different sites and times. To critique the evaluation thoroughly, I would need the Excel spread sheets showing the data and the calculations, which the DEIR does not supply.

For example, I cannot tell from the graph and its description in the text whether the residuals between predicted and observed measurements were computed by subtracting the first from the second (correct) or the second from the first (incorrect), which Appendix A to Appendix A of Appendix E-2 indicates is being done. Supporting the belief that the determination of residuals might be incorrect is the mean residual reported on the graph. It is -0.7 feet when it should be zero if the residuals had been determined correctly. As presented, the graph shows the estimation of predicted from observed measurements when a prediction line having equal predicted and observed measurements at the two extremes would be correct only if the estimation were in the opposite direction, unless the prediction were perfect (all the points falling on the line).

If you look at the graph, the difference between these two methods of residual computation for each data point is the identification of its residual as the horizontal distance (correct) or the vertical distance (incorrect) between the point and the diagonal line running through the dots from lower left to upper right.

Doing the calculation incorrectly could give a substantially better, but incorrect, evaluation of model fit. I would need the Excel spread sheet showing the data and the calculations to determine which way the residuals were determined and, if determined incorrectly, what the correct model evaluation might be.

Another serious problem with model evaluation is that the data points in the graph represent an area far more extensive than the CEMEX site to which the model is applied, as well as depths not accessed by the slant well there. The depths represented include not only the 180-foot aquifer, which the slant well accesses, but also the 400- and 900-foot aquifers, which the slant well does not access. In fact, the graph shows no data points representing the Dune Sand aquifer, even though it is accessed by the slant well. To provide a truly apt model evaluation, I would need the Excel spread sheet to evaluate the model separately for the 180-foot aquifer. Examination of the graph suggests that the fit for these data points (yellow-filled circles) may not be very good at all, many of the predicted elevations being uniformly much too high.

Since the slant well draws water only from the Dune Sand and 180-foot aquifers, a graph and residual calculations should be based on data from only these depths within the CEMEX area.

All this may seem overly technical, but the model fit is crucial to the DEIR since its conclusions are based on unconfirmed model predictions of future slant-well effects.

**REPORTING REMEDIATION.** The EIR should report the correlation coefficient between observed and predicted values for both the entire data set and for the data set restricted to the CEMEX area and the 180-



foot aquifer. This statistic does not depend on the method of residual determination. One minus its square is the proportion of observed measurement variation that is not predicted, or is unaccounted for, by the model. This proportion is the statistical standard of model evaluation.

OPERATIONAL REMEDIATION. Since the model is unevaluated for one portion of its intake source region (Dune Sand aquifer) and is inadequately and likely erroneously evaluated for the other (180-foot aquifer) at the CEMEX site, reliance on the model to make predictions of the impact of slant-well pumping on groundwater elevations is out of the question for any envisioned scenario. Data collection over dozens of months of test-well pumping is necessary to evaluate the effects of the proposed project on groundwater elevations before a decision can responsibly be made to go forward with the project. Without such data collection, no EIR would be adequate and no CPCN could be justified.

If you do not take these remediation measures, please explain, Why not?

## APPENDIX B

Mary Jo Borak, CPUC  
c/o ESA

Dear Ms. Borak:

This is a request for data I made prior to the decision to grant such a request. So I am repeating it.

This is also a “vote” by Water Plus as a party to the proceeding on A.12-04-019 for recirculation of the DEIR as a CEQA-NEPA document.

Here is my data request: The scatterplot in Appendix E-2 of the DEIR provides inadequate and misleading information for the evaluation of the model. As a statistician, I need to see the data used to construct that scatterplot so I can professionally and responsibly evaluate the model. Not only does the scatterplot constitute inadequate information for model evaluation, the reported evaluation statistic computed from the same data used to construct the scatterplot is also very likely inaccurate, and the only way I or any other statistician can determine its accuracy is to have the data used to compute it. Unless you provide access to those data, the DEIR will be inadequate and likely erroneous on a matter crucial to the assessment of the project’s viability and environmental impacts. In the absence of available slant-well data collected on site over a period of years, the soundness if the decision to go forward on the project, costing hundreds of millions of dollars, depends on the validity of the model. Its appropriate evaluation is critical.

Please provide me as soon as possible the spreadsheet data used to construct the scatterplot and particularly provide me these data as an

Excel document that I can use to check on the calculations and make further calculations, as necessary.

Also, if currently available, please let me know ASAP the numerical value of the correlation coefficient describing the scatterplot and also be sure to report that correlation coefficient in any revised and recirculated DEIR.

Thank you.

Ron Weitzman

President, Water Ratepayers Association of the Monterey Peninsula  
(Water Plus)

P. S. To reinforce this request, I have attached a comment on the DEIR I submitted to the PUC Energy Division on June 30. This comment further details the problems I see in the DEIR on model evaluation.

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**CERTIFICATE OF SERVICE**

I certify that I have today served a copy of **Comment on Lack Of Response to Data Request Authorized by 9 July 2014 Notice of Release of Groundwater Modeling and Data** in A.12-04-019 to all parties on the Service List of A.12-04-019 this date via e-mail.

Executed on August 21, 2015, in Carmel, California.

Respectfully submitted,

WATER PLUS

By:

/Ron Weitzman

Signature

Ron Weitzman  
President, Water Plus

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