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June 26, 2015

BY E-MAIL & FIRST CLASS MAIL

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Andrew Barnsdale
Energy Division
California Public Utilities Commission
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108

Re: A.12-04-019 - Documents Referenced in Draft Environmental
Impact Report for the Monterey Peninsula Water Supply Project

Dear Mr. Barnsdale:

This letter follows up on my letters to you of June 15 and June 17, 2015 on behalf of Marina Coast Water District ("MCWD"), and acknowledges the delivery to my office yesterday afternoon of a CDrom and cover memorandum from Environmental Science Associates in partial response to requests made in those letters. The CDrom received yesterday appears to contain documents referenced in the Draft Environmental Impact Report ("DEIR") for the Monterey Peninsula Water Supply Project ("MPWSP") that were not included on the CDrom you provided on June 12, 2015, and some but not all of the documents referenced in the Appendices to the DEIR for the MPWSP. Thank you for providing us with the additional documents.

However, in light of the two weeks that have passed since our initial attempt to access all of the documents referenced in the DEIR and its Appendices on June 11, 2015, and in light of MCWD's need to provide its expert consultants with a meaningful opportunity to review those documents in order to draft its DEIR comments, and in light of MCWD's status as a public agency with an elected board of directors who similarly require sufficient time for meaningful deliberation on MCWD's written comments on the DEIR, MCWD has been functionally deprived of the ability to review the materials on the CDrom that I received yesterday. This has resulted in prejudice to MCWD, because it will be unable to fully comment on the DEIR.

This letter also reminds you of and reiterates our request that the Commission recirculate the Notice of Availability ("NOA") for the DEIR that was released on April 30, 2015 for the MPWSP. MCWD first alerted you to your obligation, pursuant to the requirements of Section 21092, subdivision (b)(1) of the Public Resources Code as well as section 15087(c)(5) of the California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14), to

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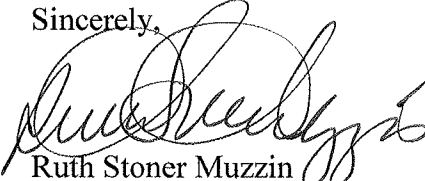
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(1) make all of those documents available for public access and review since April 30, 2015, the date that the Commission, published its NOA for the MPWSP DEIR; and (2) make all parties to the proceeding and members of the public aware of the location of the documents and provide access for review and copying during normal business hours. The Commission's failure to comply with these statutory requirements has adversely impacted the ability of parties and the public, as well as MCWD, to comment on the DEIR.

In my letter of June 15, 2015, MCWD requested that the CPUC make all of the documents referenced in the DEIR for the MPWSP readily accessible for public inspection, then reissue the Notice of Availability for the MPWSP DEIR with the required indication of the location where the documents referenced in the DEIR may be accessed and restart the comment period so that the public has access to all referenced documents in the DEIR for the full comment period. My letter of June 17, 2015 renewed that request. As you are aware, MCWD filed a motion with the Commission last Friday, June 19, 2015 for an order or ruling requiring recirculation. As you may also be aware, today the Assigned ALJ denied that motion, stating in his ruling "That decision lies within the discretion of Energy Division, and is not the proper subject for a motion." MCWD disagrees that there is any discretion involved in this decision. Section 21092, subdivision (b)(1) of the Public Resources Code states: "***The notice shall specify ... the address where copies of the draft environmental impact report or negative declaration, and all documents referenced in the draft environmental impact report or negative declaration, are available for review.***" Thus, the facts we have called to your attention constitute a clear and material violation of CEQA.

Nonetheless, we understand that the Energy Division is still considering our request. We encourage Energy Division to comply with CEQA by promptly granting our request and providing public access to all documents relied upon in the DEIR, recirculating the NOA, and restarting the comment period. Public disclosure of and accessibility to the latest groundwater modeling data is also required, as noted in my earlier letters.

Sincerely,



Ruth Stoner Muzzin

cc (via email):

Eric Zigas, ESA

Mark Fogelman, Esq.

Service list for A.12-04-019 (excluding Administrative Law Judges)