

PUBLIC TRUST ALLIANCE
A PROJECT OF THE RESOURCE RENEWAL INSTITUTE
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July 30, 2015

Mary Jo Borak, CPUC
C/O ESA
550 Kearney St, Suite 800
San Francisco, CA 94108

Dear Ms. Borak,

Thank you for the opportunity to comment on the ongoing process of Environmental Evaluation of the MPWSP currently proposed for cities on the Monterey Peninsula. The Public Trust Alliance is a non-profit education and advocacy organization with the mission of seeking reasonable and feasible solutions to providing public services in a changing environment. We have been engaged as a Party to A. 12-04-019 and its predecessor, A. 04-09-019, before the California Public Utilities Commission for a number of years. And because of rapidly changing circumstances in both physical and institutional environments in which the “project” will be implemented, we have repeatedly re-evaluated our own assessments of “reasonable and feasible” alternatives.

We are now unable to provide a response to the questions posed in the July 9, 2015 Notice to Parties to A. 12-04-019 from the Energy Division because we do not believe that a continuation of the current environmental review process as it is currently designed can be reasonably expected to cure the legal challenges posed by recent developments in the Proceeding (some, but not all, noted in ALJ Weatherford’s July 9 Ruling). However, this does not mean that a reasonable and feasible alternative path does not exist. In fact, a renewed commitment to being “reasonable” on the part of all parties could actually result in leading to appropriate actions toward solving the complex challenge facing the Cities and State Agencies and the various communities affected in fairly short order. This may, however, require a renewed commitment to openness and transparency on the part of the Commission as well.

Throughout these proceedings, mutually contradictory “Statements of Facts” have been attached to all arguments of parties before the Commission. This isn’t surprising to any party involved because different people tend to see things differently depending on what they perceive as their “legal situation” or “physical environment.” This situation has persisted for decades as the “Record” has increased in volume and density. At some point though, one would expect that lawyers or their clients could credibly explain to “the public” what they are doing and why. Curiously enough, this is the fundamental concern of “CEQA, its Guidelines, and associated jurisprudence.”

Naturally, we share some of the concerns articulated by Marina Coast Water District in its response yesterday to the July 9, 2015 Notice from the Energy Division and the recent filing by George Riley considering the position of Citizens for Public Water and Public Water Now. But we are deeply concerned, as well, by what may be a fatally narrow definition of “the problem” and possible alternative “solutions.” This challenge cannot be “cured” by revised presentation of technical material.

One recent development proposed “in” this proceeding is the Public Forum sponsored by the Public Policy Institute of California on this coming August 18 titled: “Meeting Water Challenges on the Central Coast.” Several of the parties to this action will be articulating their positions and some of their assumptions in a forum accessible to the broader public. There is a wonderful opportunity with this event to show how various concerns have been perceived and balanced so that public infrastructure is reasonable, appropriate, and in compliance with law. This path is far more promising than further excursions into controversial and fundamentally speculative technical details.

Thank you again for this opportunity to comment in the ongoing proceeding.

Sincerely,

Michael Warburton
Executive Director