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Refer To File #: 030466-9999

July 29, 2013

California Energy Commission  
Dockets Unit  
Attn: Docket #12-AAER-2C  
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California Energy Commission

**DOCKETED**  
**12-AAER-2C**

TN 71741

JUL 29 2013

Re: Response of California Water Association to the June 13, 2013  
Invitation to Submit Proposals in the California Energy  
Commission's 2013 Appliance Efficiency Pre-Rulemaking

Dear Commissioners and Staff of the Appliances and Process Energy Office:

The California Water Association ("CWA") hereby respectfully submits this response to the June 13, 2013 Invitation to Submit Proposals in Docket #12-AAER-2C (the "Rulemaking") issued by the California Energy Commission (the "CEC"). CWA is a statewide association of investor-owned water utilities subject to the regulation of the California Public Utilities Commission (the "CPUC"). CWA is charged with representing the interests of approximately 125 investor-owned water utilities in matters of regulatory policy and submits these comments on behalf of its members (the "Water IOUs").

CWA recently became aware of the CEC's proceeding to consider amendments to its Appliance Efficiency Regulations (Title 20, Cal. Code Regs., Sections 1601-1608, the "Regulations"), and is pleased to have the opportunity to participate while the Rulemaking is still in a preliminary, information-gathering stage. As the representative of the Water IOUs, CWA seeks to contribute to the CEC's consideration of efficiency standards and other proposals applicable to water meters and water-consuming appliances.

I. CWA SUPPORTS AWWA'S JULY 29, 2013 COMMENTS OPPOSING THE TREATMENT OF WATER METERS AS "WATER APPLIANCES" WITHIN THE SCOPE OF THIS PROCEEDING .

CWA has reviewed a draft letter to be submitted on this date by the American Water Works Association Standards Committee on Water Meters ("AWWA") and wishes to express its agreement with AWWA's comments. Specifically, CWA joins AWWA in

opposing the consideration of water meters as "water appliances" within the scope of the CEC's jurisdiction to regulate in this proceeding. CWA concurs in AWWA's observation that the CEC Regulations do not purport to regulate or otherwise address water meters. CWA also shares AWWA's view that a water meter does not "consume" water like other devices specifically referenced by the CEC's Regulations, such as toilets and faucets. Consequently, CWA submits that the regulation of water meters is not within the jurisdiction of the CEC and that water meter standards – whether mandatory or advisory – should not be adopted by the CEC as part of this proceeding.

II. WATER METER REGULATION SHOULD REMAIN UNDER THE AUTHORITY OF THE CPUC.

In contrast to the absence of existing regulations applicable to water meters in the CEC's Regulations, the CPUC has promulgated extensive requirements governing water meters. Consistent with Public Utilities Code section 781, which generally dictates that all water provided by a utility be metered,<sup>1</sup> the CPUC's General Order ("GO") 103-A already sets forth requirements for the implementation, testing, and accuracy requirements of water meters. GO 103-A defines a "water meter" as "any device used for the purpose of measuring the quantity of water delivered,"<sup>2</sup> and sets requirements for the accuracy of meters by reference to the applicable AWWA standards.<sup>3</sup>

Additionally, it is the CPUC's stated objective, as set forth in its 2010 Water Action Plan, to improve reporting and enforcement of leak detection as part of its effort to strengthen water conservation. As correctly noted by the "Water Meters" report prepared by Forest Kaser, Energy Solutions and submitted in this docket on May 9, 2013, water meters are primarily owned by the Water IOUs. Accordingly, the Water IOUs have been working for years, under the authority and direction of the CPUC, to formulate and implement measures to reduce water loss, identify system leaks and achieve associated water and energy efficiencies. Importantly for the Water IOUs and their customers, however, the CPUC does not consider its conservation objectives in a vacuum. Instead, the CPUC is obligated to balance its conservation goals against other statewide policies, including, especially, water service affordability. Water meter regulation by the CPUC is, therefore, consistent with the agency's broad mandate to ensure the provision of safe, reliable utility service at reasonable rates, and CWA submits that this existing regulatory model should remain in place.

III. CONCLUSION

CWA agrees that accurate water meters provide critical feedback to both the Water IOUs and their customers by identifying events of water loss and by sending and reinforcing appropriate water conservation signals. However, CWA is concerned that if

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<sup>1</sup> Pub. Util. Code, § 781.

<sup>2</sup> GO 103-A, p. 2.

<sup>3</sup> *Id.* at 22-23.

the CEC exceeds the scope of its jurisdiction by regulating water meters as "appliances," it may undermine the AWWA's existing processes for setting and modernizing water meter standards and may be at cross-purposes with the existing regulation of water meters by the CPUC. Therefore, CWA respectfully urges the CEC to decline to regulate water meters as water-consuming "appliances" and to refine the scope of a future formal rulemaking proceeding to exclude water meters from further regulatory consideration.

Very truly yours,



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