



# San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233  
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

March 4, 2016

Marcia Scully, Esq.  
General Counsel  
Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153

**MEMBER AGENCIES**

- Carlsbad Municipal Water District
- City of Del Mar
- City of Escondido
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- Fallbrook Public Utility District
- Helix Water District
- Lakeside Water District
- Olivenhain Municipal Water District
- Otay Water District
- Padre Dam Municipal Water District
- Camp Pendleton Marine Corps Base
- Rainbow Municipal Water District
- Ramona Municipal Water District
- Rincon del Diablo Municipal Water District
- San Dieguito Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuima Municipal Water District

Re: San Diego Public Records Act Request of February 18, 2016

Dear Ms. Scully:

I have reviewed your February 26 correspondence, which responds to our February 18 California Public Records Act Request (the "Request"). As you know, the Request seeks categories of information necessary to evaluate MWD's current proposed rates for 2017 and 2018.

In your correspondence, you have denied our request for Metropolitan's financial planning model, claiming that it is exempt under Government Code section 6254.9 as "a proprietary software program developed by Metropolitan that contains nondisclosable formulas and programming code." As you note, the Water Authority received the previous financial planning model in 2013. That disclosure, made in litigation, was subject to a protective order requested by MWD, which for timing reasons, the Water Authority chose not to challenge at that time. Our Request seeks public disclosure of the financial planning model, with updated data, relating to the current rate setting process for 2017 and 2018 rates and charges.

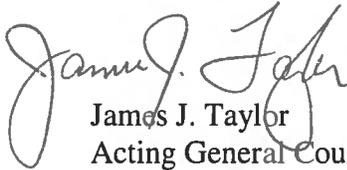
You may or may not be aware, after the protective order was issued, the California Supreme Court issued a decision that confirms the Water Authority's position that the data contained within MWD's financial planning model is a disclosable public record, and is not exempt from disclosure under Government Code 6254.9. See Sierra Club v. Superior Court (2013) 57 Cal.4th 157. Therefore, we ask again that MWD immediately provide us with its current financial planning model, in a fully functional electronic format, including all of the data contained therein. If MWD still refuses to do so, we will have no choice but to commence litigation to obtain this information, which is necessary in order to analyze how MWD has assigned its costs and set its rates.

As to the other requested records, your correspondence notes that MWD will notify us in 14 days of the date on which you will provide responsive records. However, a delay in both your response and the production of records is unacceptable since MWD is currently

Marcia Scully  
March 4, 2016  
Page 2

in the process of setting rates that will be formally acted upon by the board at its April 12 board meeting. Given the immediacy of rate adoption, it is evident that the responsive records, which all seek the underlying data that MWD used in determining its proposed rates, are readily available and should be immediately disclosed. Since the public hearing on MWD's proposed rates is just four days away, and the proposed rates are scheduled to be adopted on April 12, it is of great public importance that both MWD and the public receive as much information as possible now. At a minimum, MWD should immediately provide access to all available data, including any cost of service studies or reports upon which the data rely, and studies that may have been conducted, and more detailed budget information to the lowest level of data that MWD collects or uses to develop the budget (typically, this would include line by line account numbers, by department, including all activities and programs). Any additional data should also be provided on a rolling production basis.

Sincerely,

  
James J. Taylor  
Acting General Counsel