BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA WATER SERVICE COMPANY (U-60-W) for authority to discontinue fluoridation of the water in its Oroville Water System.

Application 24-10-003 (Filed October 9, 2024)

AMENDED APPLICATION OF CALIFORNIA WATER SERVICE COMPANY (U-60-W) TO DISCONTINUE FLUORDIATION IN OROVILLE

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I. INTRODUCTION

In accordance with Rule 1.12 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission") and the January 31, 2025 Administrative Law Judge's Ruling Directing the Applicant to File an Amended Application ("Ruling"), Applicant California Water Service Company ("Cal Water" or the "Company") respectfully submits this Amended Application to seek Commission authorization to discontinue the requirement for Cal Water to fluoridate the water supply in the Oroville water system of the North Valley Region ratemaking area. This Amended Application supplements the Original Application filed on October 9, 2024 by providing additional information responding to the issues specifically identified in the Ruling, plus other updates.

In this proceeding, Cal Water requests that the Commission eliminate the requirement for the Company to fluoridate the water in the Oroville system¹ set forth in Decision ("D.") 54444, which was issued in 1957.² Cal Water submitted the Original Application at the request of the City of Oroville ("City") following the adoption of the City's Resolution No. 9284 on July 16,

¹ The Oroville District is a water system that is part of a larger ratemaking area, the North Valley Region, that also includes the Chico District. The two districts were consolidated for ratemaking purposes in D.24-03-042. This Amended Application only relates to the water system in the Oroville District.

² A copy of D.54444 is attached hereto as **Attachment A**.

2024, which directed City staff to work with the Commission and Cal Water to "take all appropriate steps necessary to discontinue domestic water fluoridation in the City."³

II. BACKGROUND

On February 1, 1954, City passed Resolution No. 1436, entitled "A Resolution of the City Council of the City of Oroville Approving Fluoridation of the City Water Supply and Requesting the State of California Board of Health to Issue an Appropriate Permit and Requesting the California Water Service to Obtain Such Permit and Thereupon Take Such Steps as are Necessary to Cause Fluoridation of the City Water Supply." A copy of Resolution No. 1436 is attached hereto as Attachment C. In that resolution, City requested that the State of California Board of Public Health issue a permit enabling Cal Water to introduce fluorides at the level the board deemed advisable. It also requested that Cal Water "take such steps as are necessary as to authorize and thereupon forthwith to commence fluoridation of the domestic water supply of the City of Oroville in accordance with the rules and regulations of and such permit issued by the State of California Board of Public Health."

On March 1, 1954, City passed Resolution No. 1438, entitled "A Resolution Authorizing and Directing the City Attorney to File a Complaint Before the State of California Public Utilities Commission and to Prosecute the Same to Completion with Reference to the Failure of the California Water Service to Comply with Resolution No. 1436 Requesting Said Company to Apply for a Permit from the State of California, Board of Public Health, to Fluoridate the City of Oroville Domestic Water Supply." A copy of Resolution No. 1438 is attached hereto as

³ A copy of the City's Resolution No. 9284 is attached hereto as **Attachment B**.

⁴ City Resolution No. 1436, pp. 1-2.

⁵ *Id.*, p. 2.

Attachment D. In that resolution, City authorized its attorney to file a complaint with the Commission to obtain an order requiring Cal Water to fluoridate its water.⁶

The City consequently filed a complaint with the Commission that was consolidated with a similar request.⁷ On January 29, 1957, the Commission issued D.54444, in which it ordered: "California Water Service Company is hereby *ordered* and *directed* to fluoridate said water supply and to notify this commission in writing, within sixty days after the effective date of this order of the action taken and progress made and every thirty days thereafter until said water supply has been fluoridated."

Cal Water has since been serving fluoridated water to its Oroville customers, which consists primarily of customers located in the City, but also includes some customers located outside of the City in unincorporated portions of Butte County ("County"). In its last General Rate Case ("GRC"), the Commission authorized Cal Water to consolidate the revenue requirement of its Oroville District with the much larger revenue requirement of its Chico District, creating a new ratemaking area, the "North Valley Region." The rates for Oroville customers are now lower than they would have been without consolidation, but are slightly higher than those for Chico customers to reflect the higher cost of service in the Oroville system. Nevertheless, Cal Water's operations in the Oroville area are still generally referred to as the "Oroville District" for purposes of this Amended Application.

On July 16, 2024, the City passed Resolution No. 9284, which expressly rescinded Resolution Nos. 1436 and 1438. The resolution also "directs staff to work with the

⁶ City Resolution No. 1438, pp. 1-2.

⁷ D.54444, p. 1.

⁸ *Id.*, p. 5.

⁹ City Resolution No. 9284, p. 1.

[Commission] and [Cal Water] to take all appropriate steps necessary to discontinue domestic water fluoridation in the City."¹⁰ The request to eliminate the requirement for Cal Water to fluoridate its water would impact customers in the City as well as in the County. Accordingly, Cal Water has been coordinating with City, the County, the Commission's Water Division, and the State Water Resources Control Board ("Water Board") regarding how to implement Resolution No. 9284.

III. SUMMARY OF REQUEST

At the request of the City, Cal Water filed the Original Application asking the Commission to eliminate the requirement in D.54444 for the Company to fluoridate the water in its Oroville system. Cal Water anticipates that ceasing fluoridation of its water in Oroville would not result in a material change in the operating expenses of the North Valley Region.

Concurrently with this proceeding, Cal Water sought and has now obtained authorization from the Water Board to cease fluoridation in the Oroville system. Cal Water does not propose any changes in rates in this Amended Application because the reduction in expenses from approval of the Application would be offset by one-time costs for removing and disposing of fluoride-related materials if approved in 2025, and cost impacts starting in 2026 will be captured in the revenue requirement of the North Valley Region in the pending GRC proceeding A.24-07-003.

In summary, Cal Water respectfully requests that the Commission eliminate the requirement in D.54444 for the Company to fluoridate the water in the Oroville system of its

¹⁰ *Id*.

¹¹ More information regarding the State Water Board operating permit is provided below in Section IV.A.

¹² More information regarding the cost impacts of this Amended Application is provided below in Section IV.F.

North Valley Region, and make any other necessary changes to enable Cal Water to cease fluoridation of its Oroville system subject to the requirements of the Water Board.¹³

IV. ADDITIONAL INFORMATION REQUIRED BY THE RULING

In accordance with the Ruling, Cal Water provides the following information below regarding the issues identified in the Ruling.

A. Commission Decision 54444 (A.24-10-003, at Attachment A) found "that the injection of fluorides, in the quantity testified to by several experts, in defendant's water supply will promote the health of the customers of defendant and will not cause injury to the consumers of such water. (Sections 451 and 768, Public Utilities (Pub. Util.) Code.)" Upon review, A.24-10-003 is silent on the issue of the public health impacts of the relief sought. The Applicant shall provide information describing the rationale for including fluoride in the water supply, the expected impacts of removing fluoride, and the basis for those expected impacts.

Since D.54444 was adopted in 1957, the regulatory framework governing public health impacts relating to drinking water has evolved considerably. Today in California, the Water Board's Division of Drinking Water ("DDW") is responsible for regulating the activities of fluoridating public water systems in the State. ¹⁴ This responsibility includes assuring water fluoridation is conducted in a safe and effective manner. ¹⁵ In accordance with that role designated by the Legislature, DDW has thoroughly evaluated the health impacts relating to the

¹³ This request is limited to the Oroville system because (1) no other system was addressed in D.54444, and (2) no other city in Cal Water's service areas has directed its staff take action like that of the City of Oroville.

Health & Safety Code § 116410(a) ("The [Water Board DDW] shall adopt regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code, requiring the fluoridation of public water systems."); 116415(b) ("The [Water Board DDW] shall enforce Section 116410 and this section, and all regulations adopted pursuant to these sections, unless delegated pursuant to a local primary agreement.").

¹⁵ Health & Safety Code § 116410(b) (requiring that DDW's regulations for fluoride in drinking water include "[m]inimum and maximum permissible concentrations of fluoride to be maintained by fluoridation of public water systems" and "[t]he requirements and procedures for maintaining proper concentrations of fluoride, including equipment, testing, recordkeeping, and reporting" among other things).

level of fluoride in drinking water and is in the best position to evaluate the health impacts associated with the change being requested with respect to the Oroville water system in this proceeding. As detailed below, DDW has approved a domestic water supply permit amendment for Cal Water to discontinue fluoridation of the water supply in the Oroville water system. Cal Water defers to DDW's expertise in this subject area and directs the Commission's attention to the material that DDW has published for a more comprehensive discussion of the topic, which is summarized below.¹⁶

The rationale for including fluoride in the water supply today is largely the same as it was when D.54444 was originally issued. According to DDW, tooth decay is the number one chronic condition for children. Fluoridated water in the optimum quantity appears to be the most economical approach to improve the oral health of residents in a community. Studies continue to show that widespread community water fluoridation prevents cavities and saves money, both for families and the health care system according to the Centers for Disease Control and Prevention ("CDC") website. Drinking water containing the optimal concentration of fluoride protects the dental health of people of all ages.

While beneficial overall, health authorities have also found that there are also risks to ingesting too much fluoride. For example, some people who drink water containing fluoride more than the federal maximum contaminant level ("MCL") of 4 mg/L over many years may get bone disease, including pain and tenderness of the bones. For many years, health authorities recommended adding fluoride to drinking water within the range of 0.7 mg/L to 1.2 mg/L depending on water temperature. However, in April 2015, the U.S. Department of Health and

¹⁶ https://www.waterboards.ca.gov/drinking water/certlic/drinkingwater/Fluoridation.html.

 $^{^{17}}$ *Id*

¹⁸ https://www.cdc.gov/fluoridation/about/index.html.

Human Services adjusted the recommended fluoride levels in drinking water to 0.7 mg/L. This new target goal was aimed at providing the benefits of fluoridation while minimizing the chance that children develop dental fluorosis, a typically mild condition that causes teeth discoloration. This condition can happen in children who drink water containing fluoride in excess of the state MCL of 2 mg/L. According to DDW, detailed information on the basis for this change is available via the CDC's website. Some of the reasons listed by DDW were the availability of fluoride through other sources, trends in the prevalence and severity of dental fluorosis, and fluid intake by children across various ambient air temperatures. However, even with these risks, federal health officials still maintain strong and long-standing support regarding the value of fluoridation of drinking water.

Nevertheless, Cal Water leaves the decision on whether water systems should be fluoridated to the public health experts and the will of our customers. Our primary water quality responsibility is to adhere to all federal and state water quality regulations, and we are committed to complying with all applicable standards.

Cal Water filed its Original Application in this proceeding at the request of the City, as explained above, and with the assent of Butte County.²⁰ By removing the fluoride in the Oroville water system, customers will no longer be provided with the benefits or risks noted above. It is Cal Water's understanding that the basis of the City's Resolution No. 9284 is driven by the belief that fluoride in drinking water is not unhealthy but is rather unnecessary since it is more readily available from other sources than it was in the 1950s when the Commission first directed Cal Water to fluoridate its water in the Oroville water system. Today, it appears that almost every

¹⁹ https://www.cdc.gov/fluoridation/index.html.

²⁰ In contrast to the complaint proceedings that culminated in D.54444, Cal Water is taking action consistent with the desire of the City.

brand of toothpaste now contains fluoride and in many cases is cheaper than non-fluoride options.

Public water systems like Cal Water must obtain a permit from DDW to fluoridate their drinking water supplies and must monitor the fluoride levels in their water system on a daily basis. The operational and monitoring information is also reported to DDW. Therefore, in accordance with the City's Resolution No. 9284, Cal Water applied for a domestic water supply permit amendment from DDW on November 26, 2024 to "[r]emove fluoride system wide from the treatment process." DDW approved this modification and issued Permit Amendment No. 75-012A7 on December 20, 2024, subject to the requirement that Cal Water implement its proposed customer notification plan as discussed below in Section IV.D. A copy of the Permit Amendment No. 75-012A7 is attached as **Attachment E**.

- B. Applicant shall include information to enable the Commission to determine whether this application is consistent with the Environmental and Social Justice (ESJ) Action Plan (Plan), including the following of its Goals and Objectives:
 - 1. Does the application comport with the Plan's goal to strive to improve access to high-quality water services for the ESJ Communities that relate to the Oroville water system?

Cal Water is committed to supporting environmental and social justice efforts throughout all of its service areas. The Commission's Environmental & Social Justice Action Plan 2.0 ("ESJ Action Plan") lays out the goals, objectives, vision, and steps the Commission will take to ensure equity in its programs and services.

In the original ESJ Action Plan 1.0, the Commission included broad criteria used to define Environmental and Social Justice ("ESJ") Communities to include where residents are:²¹

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²¹ ESJ Action Plan 1.0 (February 21, 2019), p. 9, available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/environmental-and-social-justice.pdf

- Predominantly communities of color or low-income;
- Underrepresented in the policy setting or decision-making process;
- Subject to a disproportionate impact from one or more environmental Hazards;
 and
- Likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities.

The ESJ Action Plan 1.0 noted Environmental and Social Justice Communities also include, but are not limited to:²²

- Disadvantaged Communities (defined pursuant to CalEnviroScreen 4.0 as census tracts that score in the top 25% of CalEnviroScreen 4.0, those that score within the highest 5% of CalEnviroScreen 4.0's Pollution Burden but do not receive an overall CalEnviroScreen score, census tracts identified as Disadvantaged Communities in CalEnviroScreen 3.0, and areas under the control of federally recognized Tribes);
- All Tribal Lands
- Low-income households (defined as (defined as household incomes below 80 percent of the area median income); and
- Low-income census tracts (defined as census tracts where aggregated household incomes are less than 80 percent of area or state median income).

The Commission's ESJ Community definition is broad and inclusive. ESJ Action Plan 2.0 continues to utilize this definition and takes further steps towards the Commission's goals. Applying the various criteria as listed above, the City does not itself appear to meet the definition of an ESJ Community under the ESJ Action Plan 2.0. However, the Water Board considers the Oroville system to be a Disadvantaged Community (DAC) according to their criteria. For further discussion below, and in the spirit of the Commission's ESJ Action Plan, Cal Water will consider the Oroville system as potentially having pockets of ESJ Communities because,

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²² *Id.*, pp. 9-10.

regardless of labels, Cal Water is committed to serving safe, reliable water service to all the customers and communities it serves including its Oroville customers.

Cal Water provides safe, high-quality water that meets all drinking water standards promulgated by DDW. The Oroville water system serves approximately 3,600 connections using a combination of one conventional surface water treatment plant and one active well. This system generally has good water quality with the exception of recent detections of per- and polyfluoroalkyl substances ("PFAS") in each of its wells. Well 10-01, which has high boron levels, and Well 5-01, currently on stand-by with low levels of tetrachloroethylene (PCE), are also of concern. Surface water is treated with conventional filtration using coagulation, flocculation, clarification, down-flow mixed media filtration, and chlorine disinfection. All active wells are equipped with continuous chlorine disinfection facilities. Granular Activated Carbon for removal of PFAS was installed at well 10-01 in 2022. DDW conducted a sanitary survey in January 2024 and provided an inspection report dated May 14, 2024. The survey findings indicate that the water system is operated and maintained in compliance with the State's water quality standards.

Ceasing fluoridation of the water system will not affect any of the above steps that Cal Water will continue to take to ensure that it provides high-quality water services for any ESJ Communities that may be served by the Oroville water system. Therefore, this Application comports with that goal of the ESJ Action Plan.

2. Will the application achieve Plan's goal to enhance outreach and public participation opportunities for ESJ Communities related to the Oroville water system to meaningfully participate in the CPUC's decision making process and benefit from CPUC programs?

The issue of ceasing fluoridation of the water system is well known to Cal Water's Oroville customers. The City Council has already voted affirmatively on this matter in

Resolution No. 9284 and City residents (who are Cal Water's customers) were able to participate in the City Council's public process that allows for oral and written comments pursuant to the Brown Act, as well as through conferences with councilmembers.

As discussed below, when Cal Water filed the Original Application the company provided notice to its Oroville customers, as well as to the City and the County. Further details of these efforts are outlined below in Section IV.D. Customers and other members of any ESJ Communities served by the Oroville water system will have an opportunity to both follow the progress of the proceeding, and comment on the application in the Commission's Public Comments section online according to the Commission's own procedures for public input. As discussed below, in addition to the extensive customer notification plan approved by DDW, Cal Water intends to send another letter to update customers and provide further clarification. With the past and future communications discussed below in Section IV.D, this Amended Application is consistent with the ESJ Action Plan's goal of enhancing outreach and public participation opportunities for ESJ Communities.

3. Will the application enable the monitoring of the CPUC's ESJ efforts to evaluate how they are achieving their objectives?

As explained above, Cal Water has taken many steps towards increasing outreach and public participation, consistent with the Commission's goals and objectives in its ESJ Action Plan. This Amended Application provides greater detail on those outreach steps taken in Section IV.D below and therefore allows the Commission to monitor the manner in which Cal Water is helping the Commission achieves its ESJ Action Plan objectives.

C. Applicant filed this application to implement Oroville Resolution No. 9284 (A.24-10-003, at Attachment B). Applicant shall explain whether or not the City of Oroville should be a party to this proceeding.

Cal Water is committed to serving safe, reliable water service to all customers and is indifferent on the matter of fluoridation of its water supply. As explained above, the Original Application and this Amended Application is being submitted to implement the City's resolution. Cal Water determined that developing a joint application with the City that is then approved by the City Council could unnecessarily extend the time before an application could be filed. Accordingly, Cal Water filed the Original Application and informed the City, which did not file a protest or response (or otherwise choose to participate yet) in this proceeding. Cal Water does not oppose the City becoming a party to this proceeding if it so chooses. Given that the City's position on the issues in this matter is clearly outlined in its Resolution No. 9284, and that Cal Water's Original Application was filed at the behest of the City, Cal Water does not believe it is necessary for the City to be a formal party to the proceeding in order for the Commission to fully adjudicate this matter.

D. A.24-10-003 states "Cal Water [] intends to provide notice of this Application to customers in its Oroville system." Applicant shall describe the efforts taken to notify customers receiving water from its Oroville system (Oroville System Customers) of this application and summarize the communicated impacts of this application that were shared with customers. If such outreach could not occur prior to filing the amended application, Applicant shall explain why it could not occur, describe how it intends to notify Oroville System Customers, and summarize how it will communicate the impacts this application would have on them.

Prior to the filing of the Original Application, customer notifications about the issue of fluoridation in Oroville's water supply have taken several forms since the City process began. At the request of the City, Cal Water advertised the City's May 21, 2024 Public Hearing via bill onsert to all customers served by the Oroville water system during April 2024. The onsert contained the following language:

Water Fluoridation: Oroville City Council Wants to Hear from You

In 1957, the Oroville City Council required Cal Water to fluoridate the water it provides to customers in order to prevent tooth decay. As background, most sources of drinking water naturally contain some fluoride. Fluoridation is the process of adding to the naturally occurring fluoride level to reach the level recommended by the State Division of Drinking Water to prevent tooth decay. State law enacted in 1995 requires systems with 10,000 or more service connections to fluoridate their water if public funding is available to do so.

As Oroville's fluoridation is currently not publicly funded and the council's decision was enacted nearly 70 years ago, the City Council wants to hear from residents whether it should continue requiring Cal Water to fluoridate its water supplies.

Have an opinion? Please share it at the Oroville City Council meeting on May 21, 2024.

On May 21, 2024, the Oroville City Council hosted a public hearing regarding the proposal to cease fluoridation of Cal Water's water supply. Cal Water's manager for the Oroville water system, Loni Lind, attended and presented at this hearing. The slide deck she presented is attached as **Attachment F**. The City addressed this topic further during its July 16, 2024 public meeting in which Resolution No. 9284 was adopted. It was included in the City's meeting agenda in accordance with the Brown Act requirements for the public meeting.²³

Following submission of the Original Application in October 2024, Cal Water notified customers served by the Oroville water system through the following bill message that ran on customer bills during the November monthly billing cycle to alert them of the Original Application and this proceeding:

At the request of the City of Oroville, Cal Water submitted an application to the California Public Utilities Commission (CPUC) on 10/9/24 for authority to stop adding fluoride to our Oroville water system. Cal Water will also need permission from the State

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²³ https://www.cityoforoville.org/government/agendas-minutes/city-council-agendas-and-minutes.

Water Board. To submit a comment, please visit apps.cpuc.ca.gov/c/A2410003. For questions, contact us at 530-533-4034 or infoORO@calwater.com, or the CPUC's Public Advisor Office (reference Cal Water Application 24-10-003) at 866-849-8390 or Public.Advisor@cpuc.ca.gov.

Additionally, Oroville customers were notified about Cal Water's effort to amend its domestic water supply permit with DDW. Consistent with the notification plan approved by DDW,²⁴ Cal Water sent hardcopy letters to Oroville residential customers on January 16, 2025. An example of the letter regarding the DDW permit amendment is attached as **Attachment G**.

Cal Water will now take additional steps to inform customers specifically regarding the submission of this Amended Application consistent with the Ruling, including sending an updated letter to Oroville customers to convey the information and impacts described in this Amended Application. A draft of this updated letter regarding the Amended Application is attached as Attachment H. Cal Water will also notify customers of the Amended Application through social media (e.g. Facebook and Next Door), bill onserts, e-mail, Cal Water's website, and individual letters to customers, the Oroville City Council, and to Butte County Board of Supervisors. Lastly, Cal Water's Oroville personnel plan to conduct outreach to doctor's and dentist offices and provide handouts to apartment buildings and senior living facilities in the City.

²⁴ The "Fluoride Discontinuation Community Notifications Plan" is provided in the Amended Permit package provided as Attachment E. *See* Appendix 2(c) of Attachment E.

E. Applicant shall explain whether unincorporated Butte County, California Native American Tribes, or other relevant communities are served by the Oroville Water System. If so, Applicant shall describe the efforts taken to notify the relevant entities of the impacts this proceeding would have on their constituents. If such outreach has not occurred, Applicant shall provide a plan it will follow for notifying the relevant entities of the impacts this proceeding would have on their constituents.

As far as Cal Water is aware, there are no tribes in Oroville service area.²⁵ There are currently 217 customers, or approximately 6% of the total customers in Cal Water's Oroville system, that reside in Butte County outside of the City's boundaries. These customers were and will be notified under the same procedures outlined in Section IV.D above. It is also Cal Water's understanding that it is the only water system in the County currently adding fluoride to the water supply. Of the 54 water systems in Butte County, 53 are not fluoridated including South Feather Water and Power (Oroville and rural), Thermalito Water and Sewer District (Oroville and Thermalito), Cal Water Chico, Paradise Irrigation District (Town of Paradise), City of Gridley, City of Biggs, and Durham Irrigation District.

F. Applicant shall describe the rate impact of granting the relief sought in this application. Applicant shall include a table or tables demonstrating the annual cost impacts of this application. Applicant must demonstrate, with specificity, requested changes to (a) approved funding levels that have been authorized by the Commission and (b) proposed funding levels that are pending before the Commission. Moreover, Applicant must provide pinpoint citations to approved funding levels in Commission decision(s) and proposed funding levels in Applicant filing(s).

As a preliminary matter, it is important to note that ceasing fluoridation of the water system in the Oroville service area would not require dismantling a facility or removing a capital asset – it would simply be a matter of ceasing to add fluoride additives. As a result of this cessation, no capitals cost will be impacted.²⁶ However, there are two types of operating expense

²⁵ In the general area, there appear a handful of tribes that are served by other water providers.

As a general matter, expense dollars are considered to be "one-to-one" in terms of the impact to an annual revenue requirement, so \$1.00 of expense adds \$1.00 to that year's revenue

drivers (increases and decreases) that will be affected: the costs for the fluoride additives, and the costs associated with the saturators needed to dissolve the additives.

Cost of Fluoride. Cal Water purchases a variety of chemicals to treat groundwater, surface water, raw purchased water and to maintain the water quality throughout its distribution system. For most service areas, including Oroville, Cal Water utilizes the standard methodology for forecasting chemicals expense which is to calculate a unit cost (\$/ccf) for all chemicals (not just fluoride),²⁷ and multiply it by the estimated groundwater and surface water treatment plant production quantities. In both recorded (actual) costs and forecasted (proposed) costs, fluoride chemical costs are embedded within the total chemical expense line item. Because this methodology was used to determine current rates (2021 GRC, A.21-07-002) and future proposed rates in the currently-active 2024 GRC application (A.24-07-003), there is not a specific cost for fluoride that can be singled out in either current or proposed rates.

Notwithstanding the above, Cal Water can make some assumptions that show that the overall costs associated for the cost of fluoride additives is relatively small compared to total chemical costs, and *de minimis* compared to Oroville's annual revenue requirement. For example, the total chemical costs for the entire North Valley Region ("NVR") ratemaking area (Oroville and Chico service areas combined), included in rates in 2025 is \$250,800.²⁸ Cal Water has forecasted that the chemical costs for the 2026 test year will be approximately \$521,800 due

needs. However, for a dollar spent on a capital project (that therefore results in an asset), only a portion of that dollar will add to the year's revenue needs, and customers will continue to pay increasingly smaller portions of that asset each year, plus a rate of return, over the course of the asset life until it is fully depreciated. One common rule of thumb is that, for every \$1 of capital costs, the revenue needs for the year increase by thirteen cents (\$0.13).

²⁷ These unit costs are based on averages over multiple years because chemical needs can vary year-over-year.

²⁸ Advice Letter 2539 submitted on November 15, 2024.

to a projected increase in the use of groundwater in the NVR ratemaking area (unrelated to the issue of fluoridation). In response to the Ruling, Cal Water obtained invoices for its actual fluoride expenses for the three years of 2022-2024. The average annual cost for fluoride over those years was approximately \$17,000, which is equivalent to 6.8% of all the chemical expenses in current NVR rates and 3.3% of the total chemical expenses in proposed NVR rates.

Cost of Saturators. Saturators are small tanks (roughly the size of a 50-gallon trash can each) with attached pumps that convert the dry sodium fluoride additive into a saturated liquid before it is injected into the water supply for distribution. The cost for saturators is considered an expense (not an asset) because the general life expectancy of a saturator is less than one year. During a typical year, there are usually two sets of costs associated with saturators. First, there is the cost of removal of the worn-out tanks and the associated hazardous waste disposal. Second, there is the procurement of replacement saturator tanks. With the elimination of the fluoridation requirement, these costs would no longer be necessary. Based on average annual expenditures for the years 2022-2023, Cal Water estimates that foregoing saturator replacements will result in future reduction in Other Operation and Maintenance (Other O&M) expenses of approximately \$14,000 annually, which is equivalent to 0.5% of Other O&M expenses in current NVR rates and 0.4% of total Other O&M expenses in proposed NVR rates. With regard to removal and disposal expenses, there are three saturators that are typically replaced annually at a cost of approximately \$4,500 total (3 saturators x \$1,500 each). Together, these changes would result in an expense reduction of approximately \$18,500 per year.

However, there will also be one-time expenses to account for (1) the removal/disposal of the final remaining saturators (\$4,500); (2) removal/disposal of miscellaneous equipment (injectors, hoses, clamps, etc.) of \$2,500; and (3) \$15,000 for the disposal of any remaining dry

chemical inventory. These one-time additional costs are estimated to be approximately \$22,000 which will partially offset the overall the noted expense decreases.

Total Expense Impact in 2025. To put these dollars in context, the annual revenue requirement for the North Valley Region in 2025 is \$39.8 million. With the avoided fluoride expense of approximately \$17,000, plus the avoided saturator expense of approximately \$18,500, offset by the one-time removal and disposal expenses of approximately \$22,000, the net impact of having fully eliminated fluoridation at the beginning of 2025 would have been an estimated \$13,500 in expense savings, or 0.034% of the 2025 annual revenue requirement for the combined Oroville and Chico Districts. Given that these numbers are ballpark estimates, and that Cal Water currently continues to fluoridate pending disposition of this proceeding, Cal Water is not recommending that approval of this application be accompanied by a rate change in 2025.

Total Expense Impact in 2026 and Later. In its current GRC (A.24-07-003), Cal Water is proposing rates for the period of 2026-2028 and is scheduled to serve rebuttal testimony on March 28, 2025. It is unclear when a final decision on this Amended Application will be issued, but Cal Water has a narrow window of opportunity in its rebuttal testimony to recalculate 2026 rates for the Oroville District that *exclude* fluoride-related expenses. Cal Water therefore plans to modify its proposed GRC rates to remove the modest expenses associated with fluoride in Oroville (technically, in NVR). If this Amended Application is not approved, Cal Water does not anticipate requesting that fluoride expenses be added into 2026 rates (or later rates) unless there happened to be a procedurally appropriate opportunity (such as a settlement addressing expenses in the current GRC proceeding).

G. Applicant shall provide an updated proposed schedule and state whether it believes there will be a need for an evidentiary hearing.

Cal Water provides an updated proposed schedule in Section VI.D below. There were no protests or responses filed on the Original Application in this proceeding, nor does Cal Water anticipate that any protests or responses will be filed on this Amended Application here.

Therefore, Cal Water does not believe that there will be a need for an evidentiary hearing.

V. CORPORATE INFORMATION

A. Company Information

The legal name of the Applicant is California Water Service Company, a California corporation. Its principal place of business is located at 1720 N. First Street, San Jose, California, 95112. A copy of Applicant's Restated Articles of Incorporation, certified by the California Secretary of State, was filed with the Commission in connection with Application 96-12-029. Cal Water is engaged in the business of supplying and distributing water for domestic, commercial, industrial, and landscaping purposes in service territories designated by the Commission located in 19 ratemaking areas throughout the state.²⁹

While Cal Water obtained a Certificate of Public Convenience and Necessity ("CPCN") in D.21-08-007 to serve customers in a newly created "Millerton District" in Madera County, the area is not included in this count of ratemaking areas because Cal Water does not yet have customers there and is currently seeking revocation of the CPCN for the Millerton District in proceeding A.25-01-008.

B. Correspondence

Correspondence and communications with respect to this Amended Application should be addressed to:

Natalie D. Wales Director, Rates California Water Service Company 1720 North First Street San Jose, CA 95112 (408) 367-8566 nwales@calwater.com

Willis Hon Nossaman LLP 50 California Street, 34th Floor San Francisco, CA 94111 (415) 398-3600 whon@nossaman.com

VI. PROCEDURAL INFORMATION

A. Proposed Categorization

Cal Water agrees with the preliminary categorization of this proceeding as ratesetting in Resolution ALJ 176-3554 issued on November 7, 2024.

B. Need for Hearings

As explained above, Cal Water does not believe that there will be a need for hearings in this proceeding.

C. Issues to be Considered

The sole issue to be considered in this proceeding is whether the Commission should eliminate the requirement in D.54444 for Cal Water to fluoridate the water in its Oroville District.

D. Procedural Schedule

Cal Water proposes the following updated schedule for the remainder of this proceeding:

- Amended Application Filed March 3, 2025.
- Protest and Responses to Amended Application Due April 2, 2025
- Prehearing Conference April 11, 2025
- Scoping Memo 60 days after Amended Application filed.
- **Proposed Decision** 150 days after Amended Application filed.
- Comments on Proposed Decision 170 days after Amended Application filed.
- **Reply Comments on Proposed Decision** 175 days after Amended Application filed.
- **Final Decision** Next scheduled Commission meeting.

VII. SERVICE AND NOTICE

Cal Water will serve a copy of this Amended Application on the official service list for the A.24-10-003 proceeding. Cal Water will also provide a copy of this Amended Application to the City, the Water Board, the County, and the Public Advocates Office. Cal Water will also be providing notice of this Amended Application through the methods outlined above in Section IV.D.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Rule 2.4 of the Commission's Rules of Practice and Procedure requires applications to address the applicability of the California Environmental Quality Act ("CEQA") to the proposed project or transaction that is the subject of the application. Public Resources Code Section 21080.26 provides that CEQA "does not apply to minor alterations to utilities made for the purposes of complying with Sections 116410 and 116415 of the Health and Safety Code or regulations adopted thereunder." In turn, Health and Safety Code Section 116415(f) provides that "A public water system with less than 10,000 service connections may elect to comply with the standards, compliance requirements, and regulations for fluoridation established pursuant to this section and Section 116410." As the Oroville water system is a public water system with less than 10,000 service connections, the decision whether or not to fluoridate the water in that water system would otherwise fall within Cal Water's discretion under subsection (f), notwithstanding

the Commission's requirement to fluoridate the water under D.54444. Additionally, the requested elimination of that requirement here is a minor alteration to the overall operation of that water system. Therefore, the relief requested in this application is exempt from further CEQA review by the Commission.

IX. CONCLUSION

For the reasons set forth above, Cal Water respectfully requests that the Commission eliminate the requirement in D.54444 for it to fluoridate the water in the Oroville water system of its North Valley Region, and make any other necessary changes to enable Cal Water to cease fluoridation of the system.

March 3, 2025 Respectfully submitted,

/s/ Natalie D. Wales

NATALIE D. WALES Director, Rates California Water Service Company 1720 North First Street San Jose, California 95112 Phone: (408) 367-8566 nwales@calwater.com

Attorney for California Water Service Company

VERIFICATION

I, Greg Milleman, declare and say that I am an officer, Vice President of California Water Service Company, a California corporation, making the foregoing Amended Application; that I make this verification on behalf of said corporation; that I have read the Amended Application and know the contents thereof; that the same is true of my own knowledge except as to the matters that are therein stated on information or belief, and as to those matters that I believe to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2025, at San Jose, California.

/s/ Greg A. Milleman

Greg A. Milleman Vice President, Rates and Regulatory Affairs

Attachment A: Commission Decision No. 54444

1957 Cal. PUC LEXIS 11

California Public Utilities Commission
January 29, 1957

Case No. 5628; No. 5650; Decision No. 54444

Reporter 1957 Cal. PUC LEXIS 11 *

City of Oroville et al. v. California Water Service Company; Lois Deconter et al. v. California Water Service Company, Case

Core Terms

fluoride, water supply, customer, public utility, has, was, water utility, said, city, consumer, quantity, religious, medicine, section, elect

Counsel

[*1] APPEARANCES: City of Oroville, by Robert V. Blade; county of Butte, by Charles H. Andrews; Lois De Conter et al., by Thomas J. Corkin, or complainants; California Water Service Company, by Robert Mingc Brown of McCutchen, Thomas, Matthew, Griffiths & Greene, for defendant; Oroville and Butte County Committee Against Fluoridation, by Jack B. Tenney; National Health Federation and No. California Committee of The Pure Water Association of America, by C. P. Von Herzen and Wm. E. Gearhart; Oroville & Butte County Committee Opposed to Fluoridation of Water, by Clifford B. Johnson; City of Oroville & Butte County Committee Opposed to Fluoridation of Drinking Water, by Fannie E. Trussell; Pacific Gas and Electric Company, by F. T. Searls and John Carroll Morrissey; Dorothy Henderson et al., by Allan E. Charles of Lillick, Geary, Olson, Adams & Charles, for intervenors.

Opinion

By the COMMISSION: The above-entitled proceedings, Case No. 5628 and Case No. 5650, were consolidated for hearing and heard upon a common record, hence this opinion and order will dispose of both of said proceedings.

Four days of public hearing were held before Commissioner Matthew J. Dooley and examiner F. Everett Emerson. [*2] The matters were submitted upon the filing of briefs by all interested parties.

The two complaints filed herein asked this commission to require defendant, California Water Service Company, to add fluorides to its domestic water supply in and adjacent to the city of Oroville, county of Butte. Defendant is a public utility water company subject to the jurisdiction of this commission. (§§ 216, 241, and 2701. Public Utilities Code.)

The evidence showed that on February 1, 1954, the city council of Oroville adopted a resolution requesting the defendant to add fluorides to its water supply in accordance with the pertinent provisions of the Health and Safety Code of this state. This resolution was adopted after public hearings and said council thereafter determined that the public health, welfare, and safety required fluoridation of the water served by defendant in the city of Oroville. On February 15, 1954, the board of supervisors of the county of Butte adopted a similar resolution. Despite the request

of the city and the county the defendant refused to add fluorides to its water supply. Shortly thereafter the city and the county jointly filed their complaint in Case No. 5628. Subsequently, [*3] a similar complaint in Case No. 5650 was filed jointly by certain individuals, clubs, and organizations, within the service area of the defendant, also seeking fluoridation of defendant's water supply.

At the time of hearing certain interested parties within and without the service area of defendant were granted permission to intervene in the proceeding. These intervenors may be grouped into two classes: those who attack the merits and claims of fluoridation, opposing the method as being one of unsafe compulsory medication. and those who oppose fluoridation on the ground that it deprives them of their constitutional right of freedom of religion by forcing medicinal treatment on people who have religious scruples against the use of medicines.

Defendant contends that, as the water supplier, it is within its discretion whether it will or will not undertake to fluoridate the water and that it would only do so provided certain conditions were complied with. The primary condition was that there should be an election of the water users determining whether or not they desire fluoridation. The question of requiring such an election was the real dispute between the complainants and the [*4] defendant water company which caused the filing of the complaint herein. Defendant's service area lies not only within the city of Oroville. but also covers an area adjacent thereto in the county of Butte. Hence, there is no established political subdivision with boundaries coterminous with defendant's service area that could be used for calling and supervising such an election.

The record is replete with expert medical, dental, chemical, and other scientific testimony on both sides of the question as to the advisability of the fluoridation of a domestic water supply. This evidence dealt with the effect upon the general health of all persons using fluoridated water and with the effectiveness of fluoridation in the prevention of dental caries in children.

A review of the record reveals that the preponderance of the evidence supports and we hereby find that the injection of fluorides, in the quantity testified to by several experts, in defendant's water supply will promote the health of the customers of defendant and will not cause injury to the consumers of such water. (Sections 451 ¹ and 768, ² Public Utilities Code.)

[1] We have examined the copious authorities cited in the [*5] briefs and oral argument and are of the opinion that those rights guaranteed by the *First Amendment to the federal Constitution*, and implied in the Fourteenth Amendment, would not be unlawfully infringed by requiring the defendant utility to fluoridate its water supply. We recognize that it is a fundamental constitutional principle that a person is entitled to adhere to any religious belief which he may choose. However, there is another principle which is equally true and fundamental—that no person may, by exercising his religious belief, infringe the sovereign power of the state to provide for the health, safety, or general welfare of its citizens. When these two principles collide, the power of the state must prevail. The Supreme Court of the United States has laid down the basic rule that the right to *think* and *believe* is unlimited but that the right to *act* in pursuance of such thought or belief is, necessarily, *limited*. The inadmissible position of these protestants is that the customers of this defendant utility must be denied the benefit derived from the fluoridation of the water supply of said utility because certain customers assert that fluoridation infringes their constitutional right to religious freedom.

¹ Section 451. . . . Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

² Section 768. The commission may, after a hearing, by general or special orders, rules. or otherwise, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.

[2] At the close [*6] of the hearings in these cases a motion was made by the attorneys for the intervenors Dorothy Henderson, Minnie Clarke, Percy C. McChesney, and Charles L. Reilly, and later a formal petition was filed requesting a proposed report be issued by the presiding officer pursuant to Rule 69 of the Rules of Practice and Procedure of this commission. After careful consideration of the record and the issues presented, the commission is of the opinion that the filing of such report would not serve any useful purpose. The issues herein are clear and the paramount question is one of law.

The law and the facts herein have been thoroughly argued and briefed and in the judgment of the commission each party has been accorded every opportunity to be heard in support of his position. Therefore, said petition for a proposed report of the presiding officer is denied.

The action which we are taking herein is not to be understood as holding that a water public utility which does not fluoridate its water supply, necessarily, is violating the law. All we hold is that, based upon the facts revealed by the record herein, it is appropriate for us to direct the defendant utility to fluoridate its water supply. [*7]

It is recognized that if defendant is required to fluoridate the water supply it may require additional capital investment and expenses. However, we do not deem this to be the proper proceeding for the determination of such additional cost and if after fluoridation commences defendant finds it needs rate relief it may make appropriate application to the commission.

ORDER

California Water Service Company is hereby *ordered* and *directed* to fluoridate said water supply and to notify this commission in writing, within sixty days after the effective date of this order of the action taken and progress made and every thirty days thereafter until said water supply has been fluoridated.

UNTEREINER, Commissioner, concurring: these cases have been long under submission, and my views have been made known to the commission. I would not delay the issuance of the order, finally agreed upon by the majority only this morning, by asking for sufficient time properly to prepare and document this separate opinion. I am simply setting down, as the commission has granted me the privilege of doing, the conclusions I have reached on the record and without the benefit of research or consultation with any member [*8] of the commission staff. For any error of fact, law, logic, or expression in what follows, the writer—with no excuse save necessary haste—is alone responsible.

I concur, subject to one condition, in the order entered by the majority of the commission. I cannot subscribe to the decision, however, because its sole basis is a finding of fact which I think the commission is not qualified to make, and which I further believe, even if properly made, will not support the order.

That finding is that the injection of fluorides into their water supply will promote the health of and not cause injury to defendant's customers.

Without raising any question as to the validity of this conclusion, I seriously question the competency of this commission to arrive at it with that degree of certainty which we should demand of ourselves in arriving at findings on which significant orders are to be based. We are neither physicians nor scientists; nor are we staffed with experts in medicine or science who can give us unbiased and competent advice in this area. Each of us is entitled to his personal opinion; and my own personal opinion is as favorable to fluoridation as is that of the other commissioners. [*9] But personal opinions, in areas where we are not competent to make authoritative findings, are dangerous grounds on which to make decisions which may vitally affect the public welfare.

I am fully aware of the fact that courts must frequently arrive at decisions, based on the evidence before them, in cases involving medical or other problems with respect to which the judges have no personal competence. The courts, however, are competent in the law, which presumably provides the answers to all judicial problems; and they discharge their duties when they properly interpret and apply the law. This commission, while bound to act always within the law, is by the law itself charged with legislative as well as judicial authority. It has the duty of formulating policies, in its designated area of responsibility, to promote the public interest. Commensurate with the

wide power given us should be our zeal to avoid extending the limits of our regulatory authority on the basis of findings we are not, or may not be, qualified to make. This is particularly true where, as in the present instance, the people of the state of California are amply protected by another public agency—the state department [*10] of public health—which has the competence to make and the responsibility for making such findings as the majority of the commission has taken upon itself to make.

The finding which underlies this order is further, in my opinion, dangerously broad. The defendant provides water in many other districts in addition to the Oroville district. If the commission is convinced that "the injection of fluorides, in the quantity testified to by several experts, in defendant's water supply will promote the health of the customers of defendant"—and note that the finding is not limited to the Oroville customers—must not the order be interpreted to require the defendant to fluoridate the water in all its districts? And can we, in the discharge of our duties to the public, limit the benefits of fluoridation to the customers of the defendant? The decision says in words that "The action we are taking herein is not to be understood as holding that a water public utility which does not fluoridate its water supply, necessarily, is violating the law." But how can the commission escape its responsibility to issue a general order requiring all water utilities to fluoridate, if it has confidence in the [*11] broad finding of fact on which this order is based? Is it the intention of the majority to impose fluoridation on water consumers in areas where they do not want it?

My second ground for being unable to subscribe to this finding is that I believe it will not support the order. The legislative history of §§ 451 and 768 of the Public Utilities Code, relied on as authority for an order based on this finding, gives no indication that the legislature had in mind their use for accomplishment of any such purposes as they are applied to in the majority decision. I am convinced that the "health" of the customers of a water utility, as the legislature ordered the utility to promote it and authorized the commission to promote and safeguard it, is such health as will be promoted by the provision of clean, pure water in adequate quantities. I do not believe that the legislature intended by these provisions to order water utilities to enter into the unlicensed practice of medicine; nor to authorize the commission to order them so to do. The expansion of a utility's duties, and of the power of the commission, under the interpretation of these code sections, apparently adopted by the majority of the commission, is somewhat frightening. [*12] A commission that can find as a fact that fluorides contribute to health would surely have no difficulty in finding that vitamins do likewise--and in ordering them added to the water supply. Body deodorants and "tranquilizers" may surely be found to promote the "comfort," if not the health, of water consumersand there is no forecasting what the potentialities might be for some of the new "wonder" drugs. The code sections are not, of course, limited to water utilities. Bus companies, under the philosophy of this finding, might quite properly be ordered to provide massaging seats, sun lamps, and psychiatric treatment en route. The field for innovation is almost boundless. For, under the interpretation of the code sections adopted by the majority in basing its order on this finding, it is not the sole duty of a water utility to do what it holds itself out to the public to do--that is, to provide a satisfactory grade of water in adequate quantities --but it is its further duty to generally promote "the safety, health, comfort, and convenience of its patrons." I cannot believe that these code sections were intended by the legislature, or can properly be interpreted by this commission, [*13] to cast such a burden and responsibility on a water utility. I cannot believe, therefore, that the finding in this decision will support the order requiring fluoridation. That something may be good for people does not in itself justify this commission in ordering a public utility to supply

This is a concurring opinion—at least, on a condition—not a dissent. I am as unwilling as my fellow commissioners to hold that the customers of a utility cannot have the kind of service they reasonably desire unless the company voluntarily agrees to provide it. Like they, I have sought for some proper ground on which we might order the defendant to give the people of Oroville what they want. The findings on which I would base the order are fully supported by the record but have been rejected by the other commissioners. Those findings may be as faulty as the finding on which the majority decision rests. But if they will support the order they will do so without the reckless "stretching" of the statutes involved in the majority decision. If they will not, then I think the commission has no present authority to order fluoridation and cannot make such an order until the legislature gives it [*14] that authority.

Naturally occurring water, which by common understanding is the water which utilities are expected to provide, is virtually never the pure H[2]O of the chemical laboratory. It contains a variety of mineral and biological substances. If these are sufficiently harmful, they must be removed or reduced in quantity to make the water potable. Filtering, flocculation, aeration, and chlorination are accepted and widespread practices, and may unquestionably be ordered, where necessary, by this commission. Water so treated is different in quality from untreated water; but it is still water in the common meaning of the word and in the intent of the statutes. When this commission orders chlorination, for example, it does not do so in order that consumers may get a daily ration of chlorine gas; but in order that they may get a better quality water. We are not prescribing chlorine, but setting a standard for the water to be served. This, we are clearly authorized and qualified to do.

In some areas, the natural water contains fluorides which, the medical evidence indicates, are beneficial to health, particularly in the prevention of dental caries in children. This ingredient [*15] docs not change its identity as "water." It simply differs in kind and quality from water which does not contain such fluorides. If fluorides be added to water which does not contain them naturally, it likewise continues to be water--differing in kind and quality from what it was before the addition was made.

While I do not feel qualified, as a layman, to make a finding that the taking of fluorides into the human body is beneficial to health, and do not believe that the legislative intent in enacting §§ 451 and 768 of the Public Utilities Code was to require water utilities to provide medication for their customers, I have no difficulty in finding, from the record, that fluoridated water differs, in kind and quality, from unfluoridated water. I do so find.

I further find, from the record, that the majority of the customers of the defendant in the Oroville district desire to be served with the kind and quality of water that will result from fluoridation. In the absence of a public election, which no existing political subdivision is authorized to call or supervise, the commission has no alternative but to conclude that the elected representatives of the people of the city and the county speak for the majority of their [*16] constituents. On the basis of these findings, and on a condition yet to be mentioned, I concur in the order of the majority.

It may appear that I have drawn a very fine distinction. One who refuses to order fluoridation on the ground that fluorides are medically beneficial may seem to be catching at straws when he orders it on the grounds that it provides a different kind and quality of water and that the consumers want that different kind and quality. In effect, however, it appears to me that the majority decision orders the defendant and, by logical implication, all other water utilities, to provide medication. This concurring opinion only establishes the standard of water to be served in the Oroville district.

The distinction between the two positions may be narrow, but to me it seems deep enough to justify this separate opinion. Incidentally, while it is not to be expected that any order requiring fluoridation will be palatable to the protestants who appeared in these proceedings, an order based on the findings I have made might reasonably be expected to be less objectionable to them than the opinion and order of the majority. Those who believe that the presence of fluorides [*17] in drinking water is harmful can scarcely take issue with the finding that fluoridated water differs in kind and quality from unfluoridated water. Those who have religious scruples against the use of medicines may find the establishment of standards for a water supply more acceptable, as a principle, than compulsory medication. Neither group is likely to be as affronted by the principle of a majority rule, on which the decision in this concurring opinion is predicated, as by the exercise of the power of government to override their convictions and their scruples.

As to the commission's authority to establish standards, there can be little question. A public utility is not discharging its full responsibility to its customers when it renders only that minimum of service which is indispensable for meeting minimum needs. Public convenience and necessity require that a utility render service of the kind and quality which its customers desire and are willing to pay for. Even the purest water in abundant quantities does not satisfy the requirements of public convenience and necessity in areas where the consumers want and are willing to pay for fluoridated water. It is clear from the record [*18] that unfluoridated water does not satisfy the legitimate and reasonable demands of the people of Oroville as to the quality of public utility service they

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require of the defendant. It is altogether appropriate for this commission, on this record, to order the defendant to satisfy those demands.

The condition I would attach to my concurrence in the order herein is that there be a finding by the proper authority--that is, by the department of public health of the state of California –that fluoridation of the Oroville water supply would not be medically harmful; and a determination by that department of the amount of fluorides to be injected into said water supply. Such finding and determination can be implied from the issuance of a permit to the defendant by said department. I would, therefore, order the defendant to apply for such permit, and to inaugurate the ordered fluoridation only after it has been issued. With this qualification, and on the findings above set forth, I concur in the order herein.

End of Document

Attachment B: City of Oroville Resolution No. 9284

CITY OF OROVILLE RESOLUTION NO. 9284

A RESOLUTION OF THE CITY OF OROVILLE REQUESTING THAT FLUORIDATION OF THE DOMESTIC WATER SUPPLY PROVIDED BY CALIFORNIA WATER SERVICE DISCONTINUE AND THAT THE CALIFORNIA PUBLIC UTILITY COMMISSION WITHDRAW ANY DIRECTIVE TO CALIFORNIA WATER SERVICE REQUIRING FLORIDATION OF CITY OF OROVILLE WATER.

WHEREAS, the Oroville City Council adopted resolution No. 1436 on February 1, 1954 requesting the following:

- The State of California Board of Public Health (SCBPH) issue appropriate permit to California Water Services (CalWater) authorizing CalWater to introduce fluorides at levels deemed appropriate by SCBPH; and
- 2. CalWater take such steps necessary to authorize and thereupon commence fluoridation of domestic water supply for the City of Oroville (City); and

WHEREAS, the Oroville City Council adopted resolution No.1438 on March 1, 1954 requesting that should CalWater fail to take steps to be issued appropriate permit from SCBPH and to take necessary steps to cause fluoridation of the City domestic water supply, that:

- 1. The California Public Utility Commission (CPUC) commence appropriate proceedings to compel compliance with Resolution No. 1436; and
- The CPUC determine appropriate rates and/or rate adjustments for domestic water supply in the City.

WHEREAS, on May 21, 2024 the Oroville City Council held a duly noticed public hearing regarding the need to continue fluoridation in domestic water provided by CalWater; and,

WHEREAS following the closing of the public hearing the City Council publicly deliberated and directed staff to return with a resolution directing the CPUC to take the necessary steps to cease the requirement that CalWater fluoridate domestic water in the City.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

- 1. Resolution No. 1436 and 1438 are hereby rescinded.
- City Council directs staff to work with the CPUC and CalWater to take all appropriate steps necessary to discontinue domestic water fluoridation in the City.
- 3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 16, 2024 by the following vote:

AYES: Council Member(s) Johnstone, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

NOES: Council Member Riggs

ABSTAIN: None ABSENT: None

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Kayla Reaster, Assistant City Clerk

Attachment C: City of Oroville Resolution No. 1436

CITY OF OROVILLE RESOLUTION NO. 1436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING FLUORIDATION OF THE CITY WATER SUPPLY AND REQUESTING THE STATE OF CALIFORNIA BOARD OF HEALTH TO ISSUE AN APPROPRIATE PERMIT AND REQUESTING THE CALIFORNIA WATER SERVICE TO OBTAIN SUCH PERMIT AND THERE-UPON TAKE SUCH STEPS AS ARE NECESSARY AS TO CAUSE FLUORIDATION OF THE CITY WATER SUPPLY.

WHEREAS, the City Council has been in receipt of numerous petitions and letters from the people of the City of Oroville requesting appropriate action to cause fluoridation of the City water supply, and

WHEREAS, domestic water is supplied to the inhabitants of the City of Oroville by the California Water Service Company, a corporation, and

WHEREAS, said matter was duly referred to the Committee on Fire, Lights and Water, and said committee thereupon held a public hearing at which time evidence in support of fluoridation and in opposition thereto was received and duly considered by said committee, and

WHEREAS, said committee has reported to the City Council concerning said public hearing, finding that the majority of the people of the City of Oroville are in favor and desire that the domestic water supply be fluoridated in accordance with the regulations issued by the State of California Board of Public Health, and

WHEREAS, said committee has recommended to the City Council that an appropriate resolution be adopted requesting the necessary steps to be taken to cause such fluoridation of the domestic water supply, and

NOW THEREFORE, BE IT RESOLVED by the City Council of Oroville, as follows:

1. The State of California Board of Public Health

be, and it is hereby respectfully requested to issue an appropriate permit or amended permit to the California Water Service Company, a corporation, authorizing said corporation to introduce into the domestic water supply of the City of Oroville mineral fluorides in such quantity and concentration as said State of California Board of Health deems advisable, and

2. The California Water Service Company, a corporation, be, and it is hereby respectfully requested to obtain and secure from the State of California Board of Public Health the permit hereinabove referred to, and thereupon to take such steps as are necessary as to authorize and thereupon forthwith to commence fluoridation of the domestic water supply of the City of Oroville in accordance with the rules and regulations of and such permit issued by the State of California Board of Public Health.

3. The Clerk shall certify to the adoption of this Resolution.

Passed and adopted at a regular meeting of the City Council of the City of Oroville on the 1st day of February, 1954, by the following vote:

AYES: BUCK, McKILLOP, RICHTER, WEISKER

NOES: DYER

ABSENT: PATTON

ABSTAINING: MEYER

Mayor

Attest:

City Clerk

Approved as to form:

Attachment D: City of Oroville Resolution No. 1438

CITY OF OROVILLE RESOLUTION NO. 1438

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A COMPLAINT BEFORE THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION AND TO PROSECUTE THE SAME TO COMPLETION WITH REFERENCE TO THE FAILURE OF THE CALIFORNIA WATER SERVICE TO COMPLY WITH RESOLUTION NO. 1436 REQUESTING SAID COMPANY TO APPLY FOR A PERMIT FROM THE STATE OF CALIFORNIA, BOARD OF PUBLIC HEALTH, TO FLUORIDATE THE CITY OF OROVILLE DOMESTIC WATER SUPPLY.

WHEREAS, the City Council of the City of Oroville did by Resolution No. 1436 request the California Water Service to apply to the State of California Board of Public Health to issue an appropriate permit and to take such other steps as are necessary to cause fluoridation of the City of Oroville domestic water supply, and

WHEREAS, it has come to the attention of the City Council that the said California Water Service had declined to comply with said Resolution, and

MHEREAS, it is necessary and proper that an appropriate complaint be filed before the State of California Public Utilities Commission wherein and whereby said Commission shall be requested by appropriate procedure to order and direct the California Water Service Company to comply with said Resolution, and

WHEREAS, it appears to be to the best interests of the people of the City of Oroville that said action be taken,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Oroville, as follows:

1. In the event the California Water Service Company shall fail to comply or advise that it will within a reasonable

time, comply with the Resolution hereinabove mentioned. within two weeks after receipt of notice from the City Attorney advising said California Water Service Company that unless said water service company shall comply with said Resolution within two weeks, appropriate proceedings will be commenced before the State of California Public Utilities Commission to compel the compliance with said Resolution, the City Attorney of the City of Oroville is hereby authorized and directed to prepare and file an appropriate complaint before the State of California Public Utilities Commission and thereupon to prosecute such complaint to completion, whereby and wherein said Public Utilities Commission shall be requested by appropriate procedure to issue an order compelling the California Water Service Company to take such appropriate steps as are necessary, including the application to the State of California Board of Public Health for an appropriate permit, to cause fluoridation of the domestic water supply of the City of Oroville.

- and directed in and by said complaint, or in and by a separate complaint to petition and request said Public Utilities Commission to determine appropriate rates and/or rate adjustments for domestic water supply in the City of Oroville, in the event said California Water Service Company shall voluntarily, or pursuant to any appropriate order of the Public Utilities Commission, commence fluoridation of the domestic water supply of the City of Oroville pursuant to any permit issued by the State of California Board of Public Health.
- 3. The Clerk shall certify to the adoption of this Resolution,

Passed and adopted at a regular meeting of the City Council of the City of Oroville on the 1st day of March, 1954, by the following vote:

AYES: BUCK, MckILLOP, MEYER, RICHTER, PATTON, WEISKER

NOES: DYER

ABSENT: NONE

Mayor

Attest:

Approved as to form:

City Attorney

Attachment E: DDW Permit Amendment No. 75-012A7





State Water Resources Control Board Division of Drinking Water

Date: DEC 2 0 2024

System No. CA0410005

California Water Service Company 1720 North First Street San Jose, CA 95112

Attention: Tarrah Henrie, Director of Water Quality

SUBJECT: CALIFORNIA WATER SERVICE COMPANY - OROVILLE PUBLIC WATER SYSTEM NO. CA0410005 - PERMIT AMENDMENT NO. 75-012A7 - REMOVE FLUORIDE FROM THE TREATMENT PROCESS

Enclosed is Domestic Water Supply Permit Amendment 75-012A7 for California Water Service Company - Oroville public water system (PWS No. CA0410005).

This permit amendment shall remain in effect until it is revised, amended, reissued, or declared null and void. This permit amendment is subject to the listed conditions.

If you have questions concerning the domestic water supply permit amendment or accompanying information, please contact Michael Wiedeman at (530) 224-4872 or michael.wiedeman@waterboards.ca.gov.

Rebecca Tabor, P.E. Valley District Engineer Division of Drinking Water Field Operations Branch

Enclosures

STATE OF CALIFORNIA

DOMESTIC WATER SUPPLY PERMIT AMENDMENT

issued to:

California Water Service Company - Oroville

Public Water System No. CA0410005

by the

State Water Resources Control Board Division of Drinking Water

ORIGINAL PERMIT NO. 76-012

DATE: February 24, 1976

PERMIT AMENDMENT NO. 75-012A7

DATE: December 19, 2024

WHEREAS:

- The California Water Service Company Oroville (CWS Oroville) submitted an application to the State Water Resources Control Board, Division of Drinking Water (hereinafter; "Division") dated November 26, 2024, for an amendment to the Domestic Water Supply Permit issued to the public water system (PWS No. CA0410005) (hereinafter; Water System). The application was submitted in accordance with the California Health and Safety Code (CH&SC), Section 116525.
- 2. The purpose of this amendment, as stated in the application, is to allow the *Water System* to make the following modification to the *Water System's* domestic water supply permit, in accordance with Title 22 of the California Code of Regulations:

"Remove fluoride system wide from the treatment process."

- The Water System has fulfilled all notification requirements in compliance with Section 64433.7(c) of Title 22, California Code of Regulations; and submitted all supporting information required to evaluate the application.
- 4. The **Division** has the authority to issue domestic water supply permits pursuant to Section 116540, of the CH&SC.

Public Water System Name: CWS - Oroville

Permit Amendment No.: 75-012A7

Date: December 19, 2024

THEREFORE:

- 1. The *Division* hereby approves the application submitted by the *Water System* for a permit amendment. The domestic water supply permit issued to the *Water System* on *February 24, 1976*, is hereby amended as follows:
 - a) The Water System will discontinue use of fluoride in the treatment process.
- 2. This permit amendment is subject to the following conditions:
 - a) No changes, additions, or modifications shall be made to the *Water System* sources, pump stations, storage tanks, or treatment processes unless an amended water supply permit has been obtained from the *Division*.

This amendment shall be appended to and shall be an integral part of the Domestic Water Supply Permit No. 76-012 issued to the *City of Oroville* on *February 24,* 1976. This permit amendment shall remain in effect until it is revised, amended, reissued, or declared null and void.

FOR THE STATE WATER RESOURCES CONTROL BOARD, DIVISION OF DRINKING WATER,

12 19 2024

Date'

Rebecca Tabor, P.E.

Valley District Engineer

Division of Drinking Water

State Water Resources Control Board

Public Water System Name: CWS - Oroville

Permit Amendment No.: 75-012A7

Date: December 19, 2024

APPENDIX

- 1. Permit Amendment Application
- 2. Supporting Documentation
 - a) City of Oroville Resolution No. 9284
 - b) PUC Application of California Water Service Company (U-60-W) to Discontinue Fluoridation in Oroville
 - c) Fluoride Discontinuation Community Communications Plan
 - d) Customer Notification Request Discontinue Fluoridation
 - e) Fluoride Customer Notification Letter

Public Water System Name: CWS - Oroville Permit Amendment No.: 75-012A7

Date: December 19, 2024

APPENDIX 1 - Permit Amendment Application

STATE OF CALIFORNIA

APPLICATION

FOR

DOMESTIC WATER SUPPLY PERMIT AMENDMENT FROM

Applicant: California Water Service		
	(Enter the name	e of legal owner, person(s) or organization)
Ad	dress:1720 N First	St., San Jose CA 95112
System Name: Cal Water – Oroville		
System Number: 0410005		
TC	Division of	r Resources Control Board F Drinking Water rest Drive, Suite 101 A 96002
Pursuant and subject to the requirements of the California Health and Safety Code,		
Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116550,		
relating to changes requiring an amended permit, application is hereby made to amend an		
existing water supply permit to remove fluoride system wide from the treatment process.		
(Applicant must state specifically what is being applied for - whether to construct		
new works, make alterations or additions in works or sources, or change or modify treatment.)		
new works, make alterations of additions in works of sources, of change of modify treatment.)		
I (We) declare under penalty of perjury that the statements on this		
	FOR OFFICIAL USE	application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.
	Date Received:	Signed By:
		Name & Title: Tarran Henrie, Director of Water Quality
		Address:1720 N First Street
		San Jose, CA 95112
		Telephone: 408-267-8593

Dated: 10/22/2024

DDW: 05/2000

Public Water System Name: CWS - Oroville Permit Amendment No.: 75-012A7

Date: December 19, 2024

APPENDIX 2 - Supporting Documentation



CITY OF OROVILLE RESOLUTION NO. 9284

A RESOLUTION OF THE CITY OF OROVILLE REQUESTING THAT FLUORIDATION OF THE DOMESTIC WATER SUPPLY PROVIDED BY CALIFORNIA WATER SERVICE DISCONTINUE AND THAT THE CALIFORNIA PUBLIC UTILITY COMMISSION WITHDRAW ANY DIRECTIVE TO CALIFORNIA WATER SERVICE REQUIRING FLORIDATION OF CITY OF OROVILLE WATER.

WHEREAS, the Oroville City Council adopted resolution No. 1436 on February 1, 1954 requesting the following:

 The State of California Board of Public Health (SCBPH) issue appropriate permit to California Water Services (CalWater) authorizing CalWater to introduce fluorides at levels deemed appropriate by SCBPH; and

2. CalWater take such steps necessary to authorize and thereupon commence

fluoridation of domestic water supply for the City of Oroville (City); and

WHEREAS, the Oroville City Council adopted resolution No.1438 on March 1, 1954 requesting that should CalWater fail to take steps to be issued appropriate permit from SCBPH and to take necessary steps to cause fluoridation of the City domestic water supply, that:

 The California Public Utility Commission (CPUC) commence appropriate proceedings to compel compliance with Resolution No. 1436; and

2. The CPUC determine appropriate rates and/or rate adjustments for domestic water

supply in the City.

WHEREAS, on May 21, 2024 the Oroville City Council held a duly noticed public hearing regarding the need to continue fluoridation in domestic water provided by CalWater; and,

WHEREAS following the closing of the public hearing the City Council publicly deliberated and directed staff to return with a resolution directing the CPUC to take the necessary steps to cease the requirement that CalWater fluoridate domestic water in the City.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

- 1. Resolution No. 1436 and 1438 are hereby rescinded.
- City Council directs staff to work with the CPUC and CalWater to take all appropriate steps necessary to discontinue domestic water fluoridation in the City.
- The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 16, 2024 by the following vote:

AYES: Council Member(s) Johnstone, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

NOES: Council Member Riggs

ABSTAIN: None ABSENT: None

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Kayla Reaster, Assistant City Clerk

Appendix 2(b) – PUC – Application of California Water Service Company (U-60-W) to Discontinue Fluoride

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA WATER SERVICE COMPANY (U-60-W) for authority to discontinue fluoridation of the water in its Oroville Water System.

Application 24-10-____ (Filed October 9, 2024)

APPLICATION OF CALIFORNIA WATER SERVICE COMPANY (U-60-W)
TO DISCONTINUE FLOURIDATION IN OROVILLE

Natalie D. Wales
Director, Rates
California Water Service Company
1720 North First Street
San Jose, California 95112
(408) 367-8566
nwales@calwater.com

Attorney for California Water Service Company

the State of California Board of Health to Issue an Appropriate Permit and Requesting the California Water Service to Obtain Such Permit and Thereupon Take Such Steps as are Necessary to Cause Fluoridation of the City Water Supply." A copy of Resolution No. 1436 is attached hereto as <u>Attachment C</u>. In that resolution, City requested that the State of California Board of Public Health issue a permit enabling Cal Water to introduce fluorides at the level the board deemed advisable. It also requested that Cal Water "take such steps as are necessary as to authorize and thereupon forthwith to commence fluoridation of the domestic water supply of the City of Oroville in accordance with the rules and regulations of and such permit issued by the State of California Board of Public Health."

On March 1, 1954, City passed Resolution No. 1438, entitled "A Resolution Authorizing and Directing the City Attorney to File a Complaint Before the State of California Public Utilities Commission and to Prosecute the Same to Completion with Reference to the Failure of the California Water Service to Comply with Resolution No. 1436 Requesting Said Company to Apply for a Permit from the State of California, Board of Public Health, to Fluoridate the City of Oroville Domestic Water Supply." A copy of Resolution No. 1438 is attached hereto as Attachment D. In that resolution, City authorized its attorney to file a complaint with the Commission to obtain an order requiring Cal Water to fluoridate its water.⁶

The City consequently filed a complaint with the Commission that was consolidated with a similar request.⁷ On January 29, 1957, the Commission issued D.54444, in which it ordered: "California Water Service Company is hereby *ordered* and *directed* to fluoridate said water supply and to notify this commission in writing, within sixty days after the effective date of this order of the action taken and progress made and every thirty days thereafter until said water supply has been fluoridated."⁸

Cal Water has since been serving fluoridated water to its Oroville customers, which consists primarily of customers located in the City, but also includes some customers located

⁴ City Resolution No. 1436, pp. 1-2.

⁵ *Id.*, p. 2.

⁶ City Resolution No. 1438, pp. 1-2.

⁷ D.54444, p. 1.

⁸ Id., p. 5.

outside of the City in unincorporated portions of the County. In its last rate case, the Commission authorized Cal Water to consolidate the revenue requirement of its Oroville District with the much larger revenue requirement of its Chico District, creating a new ratemaking area, the "North Valley Region." (The rates for Oroville customers are now lower than they would have been without consolidation, but are slightly higher than those for Chico customers to reflect the higher cost of service in the Oroville system.) Nevertheless, Cal Water's operations in the Oroville area are still generally referred to as the "Oroville District."

On July 16, 2024, City passed Resolution No. 9284, which expressly rescinded Resolution Nos. 1436 and 1438.9 The resolution also "directs staff to work with the [Commission] and [Cal Water] to take all appropriate steps necessary to discontinue domestic water fluoridation in the City." The request to eliminate the requirement for Cal Water to fluoridate its water would impact customers in the City of Oroville as well as in Butte County ("County"). Accordingly, Cal Water has been coordinating with City, the County, the Commission's Water Division, and the State Water Resources Control Board ("Water Board") regarding how to implement Resolution No. 9284.

III. SUMMARY OF REQUEST

At the request of the City, Cal Water files this Application asking the Commission to eliminate the requirement in D.54444 for the Company to fluoridate the water in its Oroville system. Cal Water anticipates that ceasing fluoridation of its water in Oroville would not result in a material change in the operating expenses of the North Valley Region. Concurrently with this Application, Cal Water will also be requesting the appropriate authorization from the Water Board to cease fluoridation in the Oroville system. Any immediate reduction in chemical costs resulting from approval of this Application would be offset by the additional costs incurred to obtain the regulatory approvals needed from the Commission and the Water Board. Cal Water therefore does not propose any changes in rates in this Application, and expects that all cost

⁹ City Resolution No. 9284, p. 1.

¹⁰ Id.

impacts will be captured in the revenue requirement of the North Valley Region in the next general rate case.

In summary, Cal Water respectfully requests that the Commission eliminate the requirement in D.54444 for the Company to fluoridate the water in the Oroville system of its North Valley Region, and make any other necessary changes to enable Cal Water to cease fluoridation of its Oroville system subject to approval by the Water Board.

IV. CORPORATE INFORMATION

A. Company Information

The legal name of the Applicant is California Water Service Company, a California corporation. Its principal place of business is located at 1720 N. First Street, San Jose, California, 95112. A copy of Applicant's Restated Articles of Incorporation, certified by the California Secretary of State, was filed with the Commission in connection with Application 96-12-029. Cal Water is engaged in the business of supplying and distributing water for domestic, commercial, industrial, and landscaping purposes in service territories designated by the Commission located in 19 ratemaking areas throughout the state.¹¹

B. Correspondence

Correspondence and communications with respect to this Application should be addressed to:

Natalie D. Wales Director, Rates California Water Service Company 1720 North First Street San Jose, California 95112 (408) 367-8566 nwales@calwater.com

While Cal Water obtained a Certificate of Public Convenience and Necessity ("CPCN") in D.21-08-007 to serve customers in a newly created "Millerton District" in Madera County, the area is not included in this count of ratemaking areas because Cal Water does not yet have customers there and will soon be seeking revocation of the CPCN.

V. PROCEDURAL INFORMATION

A. Proposed Categorization

Cal Water proposes that this proceeding be categorized as a ratesetting proceeding.

B. Need for Hearings

Cal Water does not believe that there will be a need for hearings in this proceeding.

C. Issues to be Considered

The sole issue to be considered in this proceeding is whether the Commission should eliminate the requirement in D.54444 for Cal Water to fluoridate the water in the Oroville water system of its North Valley Region.

D. Procedural Schedule

Cal Water proposes the following schedule for this proceeding:

- Application Filed October 2024.
- Protests Due 30 days after Application appears in Daily Calendar.
- Reply to Protests Due 10 days after Protests are due.
- Prehearing Conference 45 days after Application filed.
- Scoping Memo 60 days after Application filed.
- Proposed Decision 150 days after Application filed.
- Comments on Proposed Decision 170 days after Application filed.
- Reply Comments on Proposed Decision 175 days after Application filed.
- Final Decision Next scheduled Commission meeting.

VI. SERVICE AND NOTICE

The official service list has not yet been established in this proceeding. Cal Water will provide a copy of this Application to the City, the Water Board, the County, and the Public Advocates Office. Cal Water also intends to provide notice of this Application to customers in its Oroville system.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Rule 2.4 of the Commission's Rules of Practice and Procedure requires applications to address the applicability of the California Environmental Quality Act ("CEQA") to the proposed

project or transaction that is the subject of the application. Public Resources Code Section 21080.26 provides that CEQA "does not apply to minor alterations to utilities made for the purposes of complying with Sections 116410 and 116415 of the Health and Safety Code or regulations adopted thereunder." In turn, Health and Safety Code Section 116415(f) provides that "A public water system with less than 10,000 service connections may elect to comply with the standards, compliance requirements, and regulations for fluoridation established pursuant to this section and Section 116410." As the Oroville water system is a public water system with less than 10,000 service connections, the decision whether or not to fluoridate the water in that water system would otherwise fall within Cal Water's discretion under subsection (f), notwithstanding the Commission's requirement to fluoridate the water under D.54444. Additionally, the requested elimination of that requirement here is a minor alteration to the overall operation of that water system. Therefore, the relief requested in this application is exempt from further CEQA review by the Commission.

VIII. CONCLUSION

For the reasons set forth above, Cal Water respectfully requests that the Commission eliminate the requirement in D.54444 for the Company to fluoridate the water in the Oroville water system of its North Valley Region, and make any other necessary changes to enable Cal Water to cease fluoridation of the system if approved by the Water Board.

October 9, 2024

Respectfully submitted,

/s/ Natalie D. Wales

NATALIE D. WALES
Director, Rates
California Water Service Company
1720 North First Street
San Jose, California 95112
Phone: (408) 367-8566
nwales@calwater.com

Attorney for California Water Service Company

VERIFICATION

I, Greg Milleman, declare and say that I am an officer, Vice President of California Water Service Company, a California corporation, making the foregoing Application; that I make this verification on behalf of said corporation; that I have read the Application and know the contents thereof; that the same is true of my own knowledge except as to the matters that are therein stated on information or belief, and as to those matters that I believe to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2024, at San Jose, California.

/s/ Greg A. Milleman

Greg A. Milleman Vice President, Rates and Regulatory Affairs

1957 Cal. PUC LEXIS 11

California Public Utilities Commission January 29, 1957

Case No. 5628; No. 5650; Decision No. 54444

Reporter 1957 Cal. PUC LEXIS 11 *

City of Oroville et al. v. California Water Service Company; Lois Deconter et al. v. California Water Service Company, Case

Core Terms

fluoride, water supply, customer, public utility, has, was, water utility, said, city, consumer, quantity, religious, medicine, section, elect

Counsel

[*1] APPEARANCES: City of Oroville, by Robert V. Blade; county of Butte, by Charles H. Andrews; Lois De Conter et al., by Thomas J. Corkin, or complainants; California Water Service Company, by Robert Mingc Brown of McCutchen, Thomas, Matthew, Griffiths & Greene, for defendant; Oroville and Butte County Committee Against Fluoridation, by Jack B. Tenney; National Health Federation and No. California Committee of The Pure Water Association of America, by C. P. Von Herzen and Wm. E. Gearhart; Oroville & Butte County Committee Opposed to Fluoridation of Water, by Clifford B. Johnson; City of Oroville & Butte County Committee Opposed to Fluoridation of Drinking Water, by Fannie E. Trussell; Pacific Gas and Electric Company, by F. T. Searls and John Carroll Morrissey; Dorothy Henderson et al., by Allan E. Charles of Lillick, Geary, Olson, Adams & Charles, for intervenors.

Opinion

By the COMMISSION: The above-entitled proceedings, Case No. 5628 and Case No. 5650, were consolidated for hearing and heard upon a common record, hence this opinion and order will dispose of both of said proceedings.

Four days of public hearing were held before Commissioner Matthew J. Dooley and examiner F. Everett Emerson. [*2] The matters were submitted upon the filing of briefs by all interested parties.

The two complaints filed herein asked this commission to require defendant, California Water Service Company, to add fluorides to its domestic water supply in and adjacent to the city of Oroville, county of Butte. Defendant is a public utility water company subject to the jurisdiction of this commission. (§§ 216, 241, and 2701. Public Utilities Code.)

The evidence showed that on February 1, 1954, the city council of Oroville adopted a resolution requesting the defendant to add fluorides to its water supply in accordance with the pertinent provisions of the Health and Safety Code of this state. This resolution was adopted after public hearings and said council thereafter determined that the public health, welfare, and safety required fluoridation of the water served by defendant in the city of Oroville. On February 15, 1954, the board of supervisors of the county of Butte adopted a similar resolution. Despite the request

of the city and the county the defendant refused to add fluorides to its water supply. Shortly thereafter the city and the county jointly filed their complaint in Case No. 5628. Subsequently, [*3] a similar complaint in Case No. 5650 was filed jointly by certain individuals, clubs, and organizations, within the service area of the defendant, also seeking fluoridation of defendant's water supply.

At the time of hearing certain interested parties within and without the service area of defendant were granted permission to intervene in the proceeding. These intervenors may be grouped into two classes: those who attack the merits and claims of fluoridation, opposing the method as being one of unsafe compulsory medication. and those who oppose fluoridation on the ground that it deprives them of their constitutional right of freedom of religion by forcing medicinal treatment on people who have religious scruples against the use of medicines.

Defendant contends that, as the water supplier, it is within its discretion whether it will or will not undertake to fluoridate the water and that it would only do so provided certain conditions were complied with. The primary condition was that there should be an election of the water users determining whether or not they desire fluoridation. The question of requiring such an election was the real dispute between the complainants and the [*4] defendant water company which caused the filing of the complaint herein. Defendant's service area lies not only within the city of Oroville. but also covers an area adjacent thereto in the county of Butte. Hence, there is no established political subdivision with boundaries coterminous with defendant's service area that could be used for calling and supervising such an election.

The record is replete with expert medical, dental, chemical, and other scientific testimony on both sides of the question as to the advisability of the fluoridation of a domestic water supply. This evidence dealt with the effect upon the general health of all persons using fluoridated water and with the effectiveness of fluoridation in the prevention of dental caries in children.

A review of the record reveals that the preponderance of the evidence supports and we hereby find that the injection of fluorides, in the quantity testified to by several experts, in defendant's water supply will promote the health of the customers of defendant and will not cause injury to the consumers of such water. (Sections 451 ¹ and 768, ² Public Utilities Code.)

[1] We have examined the copious authorities cited in the [*5] briefs and oral argument and are of the opinion that those rights guaranteed by the *First Amendment to the federal Constitution*, and implied in the Fourteenth Amendment, would not be unlawfully infringed by requiring the defendant utility to fluoridate its water supply. We recognize that it is a fundamental constitutional principle that a person is entitled to adhere to any religious belief which he may choose. However, there is another principle which is equally true and fundamental—that no person may, by exercising his religious belief, infringe the sovereign power of the state to provide for the health, safety, or general welfare of its citizens. When these two principles collide, the power of the state must prevail. The Supreme Court of the United States has laid down the basic rule that the right to *think* and *believe* is unlimited but that the right to *act* in pursuance of such thought or belief is, necessarily, *limited*. The inadmissible position of these protestants is that the customers of this defendant utility must be denied the benefit derived from the fluoridation of the water supply of said utility because certain customers assert that fluoridation infringes their constitutional right to religious freedom.

¹ Section 451. . . . Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

² Section 768. The commission may, after a hearing, by general or special orders, rules. or otherwise, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.

[2] At the close [*6] of the hearings in these cases a motion was made by the attorneys for the intervenors Dorothy Henderson, Minnie Clarke, Percy C. McChesney, and Charles L. Reilly, and later a formal petition was filed requesting a proposed report be issued by the presiding officer pursuant to Rule 69 of the Rules of Practice and Procedure of this commission. After careful consideration of the record and the issues presented, the commission is of the opinion that the filing of such report would not serve any useful purpose. The issues herein are clear and the paramount question is one of law.

The law and the facts herein have been thoroughly argued and briefed and in the judgment of the commission each party has been accorded every opportunity to be heard in support of his position. Therefore, said petition for a proposed report of the presiding officer is denied.

The action which we are taking herein is not to be understood as holding that a water public utility which does not fluoridate its water supply, necessarily, is violating the law. All we hold is that, based upon the facts revealed by the record herein, it is appropriate for us to direct the defendant utility to fluoridate its water supply. [*7]

It is recognized that if defendant is required to fluoridate the water supply it may require additional capital investment and expenses. However, we do not deem this to be the proper proceeding for the determination of such additional cost and if after fluoridation commences defendant finds it needs rate relief it may make appropriate application to the commission.

ORDER

California Water Service Company is hereby ordered and directed to fluoridate said water supply and to notify this commission in writing, within sixty days after the effective date of this order of the action taken and progress made and every thirty days thereafter until said water supply has been fluoridated.

UNTEREINER, Commissioner, concurring: these cases have been long under submission, and my views have been made known to the commission. I would not delay the issuance of the order, finally agreed upon by the majority only this morning, by asking for sufficient time properly to prepare and document this separate opinion. I am simply setting down, as the commission has granted me the privilege of doing, the conclusions I have reached on the record and without the benefit of research or consultation with any member [*8] of the commission staff. For any error of fact, law, logic, or expression in what follows, the writer--with no excuse save necessary haste--is alone responsible.

I concur, subject to one condition, in the order entered by the majority of the commission. I cannot subscribe to the decision, however, because its sole basis is a finding of fact which I think the commission is not qualified to make, and which I further believe, even if properly made, will not support the order.

That finding is that the injection of fluorides into their water supply will promote the health of and not cause injury to defendant's customers.

Without raising any question as to the validity of this conclusion, I seriously question the competency of this commission to arrive at it with that degree of certainty which we should demand of ourselves in arriving at findings on which significant orders are to be based. We are neither physicians nor scientists; nor are we staffed with experts in medicine or science who can give us unbiased and competent advice in this area. Each of us is entitled to his personal opinion; and my own personal opinion is as favorable to fluoridation as is that of the other commissioners. [*9] But personal opinions, in areas where we are not competent to make authoritative findings, are dangerous grounds on which to make decisions which may vitally affect the public welfare.

I am fully aware of the fact that courts must frequently arrive at decisions, based on the evidence before them, in cases involving medical or other problems with respect to which the judges have no personal competence. The courts, however, are competent in the law, which presumably provides the answers to all judicial problems; and they discharge their duties when they properly interpret and apply the law. This commission, while bound to act always within the law, is by the law itself charged with legislative as well as judicial authority. It has the duty of formulating policies, in its designated area of responsibility, to promote the public interest. Commensurate with the

wide power given us should be our zeal to avoid extending the limits of our regulatory authority on the basis of findings we are not, or may not be, qualified to make. This is particularly true where, as in the present instance, the people of the state of California are amply protected by another public agency--the state department [*10] of public health--which has the competence to make and the responsibility for making such findings as the majority of the commission has taken upon itself to make.

The finding which underlies this order is further, in my opinion, dangerously broad. The defendant provides water in many other districts in addition to the Oroville district. If the commission is convinced that "the injection of fluorides, in the quantity testified to by several experts, in defendant's water supply will promote the health of the customers of defendant"—and note that the finding is not limited to the Oroville customers—must not the order be interpreted to require the defendant to fluoridate the water in all its districts? And can we, in the discharge of our duties to the public, limit the benefits of fluoridation to the customers of the defendant? The decision says in words that "The action we are taking herein is not to be understood as holding that a water public utility which does not fluoridate its water supply, necessarily, is violating the law." But how can the commission escape its responsibility to issue a general order requiring all water utilities to fluoridate, if it has confidence in the [*11] broad finding of fact on which this order is based? Is it the intention of the majority to impose fluoridation on water consumers in areas where they do not want it?

My second ground for being unable to subscribe to this finding is that I believe it will not support the order. The legislative history of §§ 451 and 768 of the Public Utilities Code, relied on as authority for an order based on this finding, gives no indication that the legislature had in mind their use for accomplishment of any such purposes as they are applied to in the majority decision. I am convinced that the "health" of the customers of a water utility, as the legislature ordered the utility to promote it and authorized the commission to promote and safeguard it, is such health as will be promoted by the provision of clean, pure water in adequate quantities. I do not believe that the legislature intended by these provisions to order water utilities to enter into the unlicensed practice of medicine; nor to authorize the commission to order them so to do. The expansion of a utility's duties, and of the power of the commission, under the interpretation of these code sections, apparently adopted by the majority of the commission, is somewhat frightening. [*12] A commission that can find as a fact that fluorides contribute to health would surely have no difficulty in finding that vitamins do likewise--and in ordering them added to the water supply. Body deodorants and "tranquilizers" may surely be found to promote the "comfort," if not the health, of water consumers-and there is no forecasting what the potentialities might be for some of the new "wonder" drugs. The code sections are not, of course, limited to water utilities. Bus companies, under the philosophy of this finding, might quite properly be ordered to provide massaging seats, sun lamps, and psychiatric treatment en route. The field for innovation is almost boundless. For, under the interpretation of the code sections adopted by the majority in basing its order on this finding, it is not the sole duty of a water utility to do what it holds itself out to the public to do--that is, to provide a satisfactory grade of water in adequate quantities --but it is its further duty to generally promote "the safety, health, comfort, and convenience of its patrons." I cannot believe that these code sections were intended by the legislature, or can properly be interpreted by this commission, [*13] to cast such a burden and responsibility on a water utility. I cannot believe, therefore, that the finding in this decision will support the order requiring fluoridation. That something may be good for people does not in itself justify this commission in ordering a public utility to supply it.

This is a concurring opinion--at least, on a condition--not a dissent. I am as unwilling as my fellow commissioners to hold that the customers of a utility cannot have the kind of service they reasonably desire unless the company voluntarily agrees to provide it. Like they, I have sought for some proper ground on which we might order the defendant to give the people of Oroville what they want. The findings on which I would base the order are fully supported by the record but have been rejected by the other commissioners. Those findings may be as faulty as the finding on which the majority decision rests. But if they will support the order they will do so without the reckless "stretching" of the statutes involved in the majority decision. If they will not, then I think the commission has no present authority to order fluoridation and cannot make such an order until the legislature gives it [*14] that authority.

Naturally occurring water, which by common understanding is the water which utilities are expected to provide, is virtually never the pure H[2]O of the chemical laboratory. It contains a variety of mineral and biological substances. If these are sufficiently harmful, they must be removed or reduced in quantity to make the water potable. Filtering, flocculation, aeration, and chlorination are accepted and widespread practices, and may unquestionably be ordered, where necessary, by this commission. Water so treated is different in quality from untreated water; but it is still water in the common meaning of the word and in the intent of the statutes. When this commission orders chlorination, for example, it does not do so in order that consumers may get a daily ration of chlorine gas; but in order that they may get a better quality water. We are not prescribing chlorine, but setting a standard for the water to be served. This, we are clearly authorized and qualified to do.

In some areas, the natural water contains fluorides which, the medical evidence indicates, are beneficial to health, particularly in the prevention of dental caries in children. This ingredient [*15] docs not change its identity as "water." It simply differs in kind and quality from water which does not contain such fluorides. If fluorides be added to water which does not contain them naturally, it likewise continues to be water--differing in kind and quality from what it was before the addition was made.

While I do not feel qualified, as a layman, to make a finding that the taking of fluorides into the human body is beneficial to health, and do not believe that the legislative intent in enacting §§ 451 and 768 of the Public Utilities Code was to require water utilities to provide medication for their customers, I have no difficulty in finding, from the record, that fluoridated water differs, in kind and quality, from unfluoridated water. I do so find.

I further find, from the record, that the majority of the customers of the defendant in the Oroville district desire to be served with the kind and quality of water that will result from fluoridation. In the absence of a public election, which no existing political subdivision is authorized to call or supervise, the commission has no alternative but to conclude that the elected representatives of the people of the city and the county speak for the majority of their [*16] constituents. On the basis of these findings, and on a condition yet to be mentioned, I concur in the order of the majority.

It may appear that I have drawn a very fine distinction. One who refuses to order fluoridation on the ground that fluorides are medically beneficial may seem to be catching at straws when he orders it on the grounds that it provides a different kind and quality of water and that the consumers want that different kind and quality. In effect, however, it appears to me that the majority decision orders the defendant and, by logical implication, all other water utilities, to provide medication. This concurring opinion only establishes the standard of water to be served in the Oroville district.

The distinction between the two positions may be narrow, but to me it seems deep enough to justify this separate opinion. Incidentally, while it is not to be expected that any order requiring fluoridation will be palatable to the protestants who appeared in these proceedings, an order based on the findings I have made might reasonably be expected to be less objectionable to them than the opinion and order of the majority. Those who believe that the presence of fluorides [*17] in drinking water is harmful can scarcely take issue with the finding that fluoridated water differs in kind and quality from unfluoridated water. Those who have religious scruples against the use of medicines may find the establishment of standards for a water supply more acceptable, as a principle, than compulsory medication. Neither group is likely to be as affronted by the principle of a majority rule, on which the decision in this concurring opinion is predicated, as by the exercise of the power of government to override their convictions and their scruples.

As to the commission's authority to establish standards, there can be little question. A public utility is not discharging its full responsibility to its customers when it renders only that minimum of service which is indispensable for meeting minimum needs. Public convenience and necessity require that a utility render service of the kind and quality which its customers desire and are willing to pay for. Even the purest water in abundant quantities does not satisfy the requirements of public convenience and necessity in areas where the consumers want and are willing to pay for fluoridated water. It is clear from the record [*18] that unfluoridated water does not satisfy the legitimate and reasonable demands of the people of Oroville as to the quality of public utility service they

1957 Cal. PUC LEXIS 11, *18

require of the defendant. It is altogether appropriate for this commission, on this record, to order the defendant to satisfy those demands.

The condition I would attach to my concurrence in the order herein is that there be a finding by the proper authority--that is, by the department of public health of the state of California --that fluoridation of the Oroville water supply would not be medically harmful; and a determination by that department of the amount of fluorides to be injected into said water supply. Such finding and determination can be implied from the issuance of a permit to the defendant by said department. I would, therefore, order the defendant to apply for such permit, and to inaugurate the ordered fluoridation only after it has been issued. With this qualification, and on the findings above set forth, I concur in the order herein.

End of Document

CITY OF OROVILLE RESOLUTION NO. 9284

A RESOLUTION OF THE CITY OF OROVILLE REQUESTING THAT FLUORIDATION OF THE DOMESTIC WATER SUPPLY PROVIDED BY CALIFORNIA WATER SERVICE DISCONTINUE AND THAT THE CALIFORNIA PUBLIC UTILITY COMMISSION WITHDRAW ANY DIRECTIVE TO CALIFORNIA WATER SERVICE REQUIRING FLORIDATION OF CITY OF OROVILLE WATER.

WHEREAS, the Oroville City Council adopted resolution No. 1436 on February 1, 1954 requesting the following:

 The State of California Board of Public Health (SCBPH) issue appropriate permit to California Water Services (CalWater) authorizing CalWater to introduce fluorides at levels deemed appropriate by SCBPH; and

2. CalWater take such steps necessary to authorize and thereupon commence

fluoridation of domestic water supply for the City of Oroville (City); and

WHEREAS, the Oroville City Council adopted resolution No.1438 on March 1, 1954 requesting that should CalWater fail to take steps to be issued appropriate permit from SCBPH and to take necessary steps to cause fluoridation of the City domestic water supply, that:

1. The California Public Utility Commission (CPUC) commence appropriate proceedings to compel compliance with Resolution No. 1436; and

2. The CPUC determine appropriate rates and/or rate adjustments for domestic water supply in the City.

WHEREAS, on May 21, 2024 the Oroville City Council held a duly noticed public hearing regarding the need to continue fluoridation in domestic water provided by CalWater; and.

WHEREAS following the closing of the public hearing the City Council publicly deliberated and directed staff to return with a resolution directing the CPUC to take the necessary steps to cease the requirement that CalWater fluoridate domestic water in the City.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

- 1. Resolution No. 1436 and 1438 are hereby rescinded.
- City Council directs staff to work with the CPUC and CalWater to take all appropriate steps necessary to discontinue domestic water fluoridation in the City.
- 3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 16, 2024 by the following vote:

AYES: Council Member(s) Johnstone, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

NOES: Council Member Riggs ABSTAIN: None

ABSENT: None

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

CITY OF OROVILLE RESOLUTION NO. 1436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING FLUORIDATION OF THE CITY WATER SUPPLY AND REQUESTING THE STATE OF CALIFORNIA BOARD OF HEALTH TO ISSUE AN APPROPRIATE PERMIT AND REQUESTING THE CALIFORNIA WATER SERVICE TO OBTAIN SUCH PERMIT AND THERE-UPON TAKE SUCH STEPS AS ARE NECESSARY AS TO CAUSE FLUORIDATION OF THE CITY WATER SUPPLY.

WHEREAS, the City Council has been in receipt of numerous petitions and letters from the people of the City of Oroville requesting appropriate action to cause fluoridation of the City water supply, and

WHEREAS, domestic water is supplied to the inhabitants of the City of Oroville by the California Water Service Company, a corporation, and

WHEREAS, said matter was duly referred to the Committee on Fire, Lights and Water, and said committee thereupon held a public hearing at which time evidence in support of fluoridation and in opposition thereto was received and duly considered by said committee, and

WHEREAS, said committee has reported to the City Council concerning said public hearing, finding that the majority of the people of the City of Oroville are in favor and desire that the domestic water supply be fluoridated in accordance with the regulations issued by the State of California Board of Public Health, and

WHEREAS, said committee has recommended to the City Council that an appropriate resolution be adopted requesting the necessary steps to be taken to cause such fluoridation of the domestic water supply, and

NOW THEREFORE, BE IT RESOLVED by the City Council of Oroville, as follows:

1. The State of California Board of Public Health

be, and it is hereby respectfully requested to issue an appropriate permit or amended permit to the California Water Service Company, a corporation, authorizing said corporation to introduce into the domestic water supply of the City of Oroville mineral fluorides in such quantity and concentration as said State of California Board of Health deems advisable, and

2. The California Water Service Company, a corporation, be, and it is hereby respectfully requested to obtain and secure from the State of California Board of Public Health the permit hereinabove referred to, and thereupon to take such steps as are necessary as to authorize and thereupon forthwith to commence fluoridation of the domestic water supply of the City of Oroville in accordance with the rules and regulations of and such permit issued by the State of California Board of Public Health.

3. The Clerk shall certify to the adoption of this Resolution.

Passed and adopted at a regular meeting of the City Council of the City of Oroville on the 1st day of February, 1954, by the following vote:

AYES: BUCK, MCKILLOP, RICHTER, WEISKER

NOES: DYER

ABSENT: PATTON

ABSTAINING: MEYER

Mayor

Attest:

City Clerk

Approved as to form:

CITY OF OROVILLE RESOLUTION NO. 1438

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A COMPLAINT BEFORE THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION AND TO PROSECUTE THE SAME TO COMPLETION WITH REFERENCE TO THE FAILURE OF THE CALIFORNIA WATER SERVICE TO COMPLY WITH RESOLUTION NO. 1436 REQUESTING SAID COMPANY TO APPLY FOR A PERMIT FROM THE STATE OF CALIFORNIA, EOARD OF PUBLIC HEALTH, TO FLUORIDATE THE CITY OF OROVILLE DOMESTIC WATER SUPPLY.

WHEREAS, the City Council of the City of Oroville did by Resolution No. 1436 request the California Water Service to apply to the State of California Board of Public Health to issue an appropriate permit and to take such other steps as are necessary to cause fluoridation of the City of Oroville domestic water supply, and

WHEREAS, it has come to the attention of the City Council that the said California Water Service had declined to comply with said Resolution, and

WHEREAS, it is necessary and proper that an appropriate complaint be filed before the State of California Public Utilities Commission wherein and whereby said Commission shall be requested by appropriate procedure to order and direct the California Water Service Company to comply with said Resolution, and

WHEREAS, it appears to be to the best interests of the people of the City of Oroville that said action be taken,

NOW THEREFORE, BE IT RESOLVED by the City Council

of the City of Oroville, as follows:

1. In the event the California Water Service Company shall fail to comply or advise that it will within a reasonable

time, comply with the Resolution hereinabove mentioned. within two weeks after receipt of notice from the City Attorney advising said California Water Service Company that unless said water service company shall comply with said Resolution within two weeks, appropriate proceedings will be commenced before the State of California Public Utilities Commission to compel the compliance with said Resolution, the City Attorney of the City of Oroville is hereby authorized and directed to prepare and file an appropriate complaint before the State of California Public Utilities Commission and thereupon to prosecute such complaint to completion, whereby and wherein said Public Utilities Commission shall be requested by appropriate procedure to issue an order compelling the California Water Service Company to take such appropriate steps as are necessary, including the application to the State of California Board of Public Health for an appropriate permit, to cause fluoridation of the domestic water supply of the City of Oroville.

- and directed in and by said complaint, or in and by a separate complaint to petition and request said Public Utilities Commission to determine appropriate rates and/or rate adjustments for domestic water supply in the City of Oroville, in the event said California Water Service Company shall voluntarily, or pursuant to any appropriate order of the Public Utilities Commission, commence fluoridation of the domestic water supply of the City of Oroville pursuant to any permit issued by the State of California Board of Public Health.
- 3. The Clerk shall certify to the adoption of this Resolution,

Appendix 2(c) – Fluoride Discontinuation Community Communications Plan

Fluoride Discontinuation Community Communications Plan

Customer Letter

- Mailed to all billing addresses
 - Additional hand delivery to multi-unit residences (apartments, senior living facilities) with central notification centers for dispersion.
- Mailed to BC Public Health
 - o And email
- Mailed to dentist offices
 - And email
- Mailed to physicians offices and hospitals/clinics
 - o And email
- City Council
- County Board

Company Webpage

Bill Onsert

• Link to Company webpage

Email

All customers



Request Date	10/24/2024	Requestor Name	Loni Lind	
District/Department Effective Date Start Date	ORO November M-03 11/04/2024	Advice Letter No. End Date	12/03/2024	
Duration of Request: DEC M-02	Permanent	⊠ For period of/bil	ling cycles NOV M-03 to	
District(s) Affected: All districts The following districts Oroville (Use district codes/rate area codes/DPH codes to identify affected accounts)				
Notification Type:				
	☑ Bill Text☑ Bill Insert☑ Special Mailing☑ Advertisement	☐ Phone Message ☐ Text Message ☐ Email		
Routing and Approval:		Date		
Director CorpComm Director CustServ	Yvonne Kingman			
Billing Manager District Manager Rates Manager	Nishaik Tillman Loni Lind Natalie Wales	10/24/24		

Message:

(Include copy of proposed insert, letter, phone message, text, or email)
At the request of the City of Oroville, Cal Water submitted an application to the California Public Utilities Commission (CPUC) on 10/9/24 for authority to stop adding fluoride to our Oroville water system. Cal Water will also need permission from the State Water Board. To submit a comment, please visit [apps.cpuc.ca.gov/c/A2410003]apps.cpuc.ca.gov/c/A2410003. For questions, contact us at 530-533-4034 or infoORO@calwater.com, or the CPUC's Public Advisor Office (reference Cal Water Application 24-10-003) at 866-849-8390 or Public.Advisor@cpuc.ca.gov.





CALIFORNIA WATER SERVICE

Oroville District 1905 High Street Oroville, CA 95965 Tel: (530) 533-4034

December XX, 2024



Treatment Process Change for Cal Water's Oroville Water System

Dear Customer:

At California Water Service (Cal Water), providing safe, clean drinking water for our Oroville customers is our top priority. We wanted to notify you of a change we will be making to the treatment process this week, which will still provide safe, clean water to you. Per the City of Oroville's Resolution No. 9284. passed on July 16, 2024, we will be discontinuing the addition of fluoride to your tap water.

As background, in 1957, the Oroville City Council gained the approval of the California Public Utilities Commission (CPUC) to mandate that Cal Water's Oroville District add fluoride to the drinking water of its customers. It was a decision made based on the best available data at the time and with the health of citizens in mind. For the last 66 years, we have added fluoride according to the safety guidelines established by the health experts at California's Division of Drinking Water (DDW), which sets drinking water standards for health and safety.

Since 1957, fluoride has become more readily available in other sources. According to the American Dental Association (ADA), topical application of fluoride (i.e., brushing, rinsing, etc.) has been found to be most the effective way to prevent dental caries, and is recommended at higher concentrations than are safe for ingestion. With this in mind, Oroville's City Council passed Resolution No. 9284 to direct staff to work with Cal Water and the CPUC to discontinue fluoridation of Cal Water's drinking water.

Cal Water has since filed an application with the CPUC with our intent to discontinue fluoridation per the City's resolution. We have also worked with DDW to change our operating permit to reflect that we will no longer be adding fluoride to our drinking water. And, we have developed an outreach plan to communicate this change, as well as a flushing plan to move the fluoridated water out of the system over the course of several weeks.

During the conversion, you may see Cal Water operators flushing the distribution system, analyzing water quality with field test kits, and collecting samples for additional laboratory analysis. You may notice a different taste or odor, which is due to moving the water rapidly through the pipes; the fluoride itself is colorless and odorless, and you will not be able to notice changes of concentration in fluoride. We will be carefully monitoring the water quality during this time, and you may use and drink the water as normal. The fluoride concentrations will never go up during this process; they will decrease at different rates depending on the area of our distribution system that you are in.

If you have any questions or concerns, including any water quality concerns during flushing, please call Cal Water at (530) 533-4034.

Sincerely,

Loni Lind Local District Manager

Quality. Service. Value. calwater.com



Attachment F: Cal Water Slides Presented at May 21, 2024 City Public Meeting



Cal Water Oroville: Fluoridation

Discussion of the requirement of Cal Water to add fluoride to finished water.

Loni Lind, Local Manager

Cal Water Oroville



- High quality drinking water in Oroville since 1927
- 52 miles of main, 2 storage tanks (2.75 Mgal)
- Water comes from the Thermalito Canal from Lake Oroville
- 2 Standby wells (PFAS), 1 well with GAC removal of PFAS
- Interconnections with neighboring agencies
- 3,504 service connections, serving estimated 11,536 population
- We are Treatment Operators: Protecting customer health and safety is our highest priority.

What is fluoride?



- Naturally occurring in soil, not in human body
- Replaces an ion in hydroxyapatite --> fluorapatite
 - Harder, less susceptible to acid dissolution, more brittle
- Odorless, colorless, toxic at high concentrations







- 1909-1944: Observation of <u>inverse</u> correlation between brown teeth staining (fluorosis) and dental caries
- 1914: Fluoride is added to toothpaste
- 1945-1955: 3 cities elect to pilot water fluoridation
- 1954: City of Oroville asks Cal Water to fluoridate.
 - Cal Water says "no thanks"
- 1957: Decision passed by CPUC requiring Cal Water to fluoridate
- 1962: Federal standards for fluoridation published



EPA Fluoridation Rule



Article 4.1. Fluoridation

§64433. System Requirements and Exemptions.

(a) Any public water system with 10,000 service connections or more that does not have a fluoridation system shall install such a system pursuant to the requirements in this article if the State Board identifies a source of sufficient funds not excluded by Health and Safety Code section 116415 to cover capital and any associated costs necessary to install such a system.





State Water Resources











Board



Drinking Water

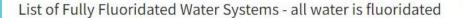
Water Quality

Water Rights

Notices

About Us Contact Us S

Water



Alameda County

- Alameda County Water District
- East Bay Municipal Utility District
- City of Pleasanton
- Dublin San Ramon Services District
- City of Hayward

Butte County

-City of Gridley

Cal-Water Service Co. (Oroville)

Contra Costa County

- City of Antioch
- Contra Costa Water District (Bollman)
- City of Martinez
- Diablo Water District
- City of Pittsburg
- Contra Costa Water District (Randall-Bold)

Fresno County

City of Coalinga

HumboldtCounty

Jacoby Creek Co. WD

City of Arcata

City of Eureka

Los Angeles County

- Golden State WC (Bell, Bell Garden) [p]
- Golden State WC (Willowbrook) [p]
- Golden State WC (Florence/Graham)
- Golden State Water Co. (Norwalk)
- Golden State WC (Hollydale)
- Golden State Water Co. (Southwest)
- City of Torrance
- Foothill Municipal Water District
- City of Long Beach

Placer County

- Placer CWA (Bianchi Estates)
- Cal-American Water Co. (West Placer)
- City of Roseville West Train

Programs

Riverside County

- City of Perris
- Western MWD Murrieta Division
- Western MWD
- Western MWD (ID A Rainbow)

Sacramento County

- Sacramento County WA (Mather-Sunrise
- Sacramento County WA (Arden Park Vista)
- Sacramento Suburban Water District -
- Cal-American Water Co. (Suburban)
- Cal-American Water Co. (Parkway)
- City of Sacramento
- Cal-American Water Co. (Arden)

San Diego County

- City of San Diego
- Vallecitos Water District
- Carlsbad MWD
- Fallbrook Public Utility District
- Olivenhain MWD
- Rainbow MWDistrict
- Rincon Del Diablo MWD (ID-1)
- Ramona Municipal Water District
- Valley Center Municipal WD
- Vista Irrigation District
- Padre Dam Municipal WD

San Francisco County

- San Francisco International Airport
- San Francisco Public Utility Comm. SFWS

Santa Barbara County

City of Santa Maria

Vandenberg Air Force Base

Santa Clara County

- City of Palo Alto
- Stanford University
- · City of San Jose (NSJ/Alviso)
- Purissima Hills WD
- City of Mountain View
- City of San Jose (Evergreen)

Solano County

City of Benicia

City of Fairfield

City of Vallejo City of Vacaville

- City of Vallejo (Travis AFB WTP)
- Travis Air Force Base

Sonoma County

City of Healdsburg

Sutter County

- City of Yuba City

Ventura County

- Solano Verde Mutual Water Co.
- Academy Mutual Water Co.
- Brandeis Bardin Institute
- Ventura CWWD No. 17 (Bell Canyon)
- City of Port Hueneme
- Cal-Water Service Co. (Westlake)
- City of Thousand Oaks
- Ventura CWWD No. 8 (Simi Valley)
- Channel Islands Beach CSD
- Cal-American WC (Village District)









- Cal Water will continue to fluoridate as long as required
 - Necessarily neutral
- Customer concerns expressed in the last 5 years
 - Expensive to remove
 - Mandated pharmaceutical dosage
 - Willingness to choose

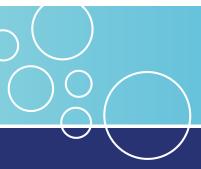


If Fluoridation is Discontinued: Pros/Cons



- Cons
 - Cavities may increase
 - Dental bills may increase
- Pros
 - Fluoride becomes optional (toothpaste) instead of mandated (drinking water)
 - Cost savings small, but chemical costs are rising

Cal Water is necessarily neutral.



CALIFORNIA TO STATE SERVICE

Questions?

Loni Lind llind@calwater.com



Attachment G: Letter Sent to Oroville Customers re DDW Permit Amendment



January 2025

Treatment Process Change for Cal Water's Oroville Water System

Dear Customer:

At California Water Service (Cal Water), providing safe, clean drinking water for our Oroville customers is our top priority. We wanted to notify you of a change we will be making to the treatment process, which will still provide safe, clean water to you. Per the City of Oroville's Resolution No. 9284, passed on July 16, 2024, we will be discontinuing the addition of fluoride to your tap water.

As background, in 1957, the Oroville City Council gained the approval of the California Public Utilities Commission (CPUC) to mandate that Cal Water's Oroville District add fluoride to the drinking water of its customers. It was a decision made based on the best available data at the time and with the health of citizens in mind. For the last 66 years, we have added fluoride according to the safety guidelines established by the health experts at California's Division of Drinking Water (DDW), which sets drinking water standards for health and safety.

Since 1957, fluoride has become more readily available in other sources. According to the American Dental Association (ADA), topical application of fluoride (i.e., brushing, rinsing, etc.) has been found to be most the effective way to prevent dental caries, and is recommended at higher concentrations than are safe for ingestion. With this in mind, Oroville's City Council passed Resolution No. 9284 to direct staff to work with Cal Water and the CPUC to discontinue fluoridation of Cal Water's drinking water.

Cal Water has since filed an application with the CPUC with our intent to discontinue fluoridation per the City's resolution. We have also worked with DDW to change our operating permit to reflect that we will no longer be adding fluoride to our drinking water. And, we have developed an outreach plan to communicate this change, as well as a flushing plan to move the fluoridated water out of the system over the course of several weeks.

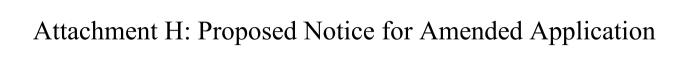
During the conversion, you may see Cal Water operators flushing the distribution system, analyzing water quality with field test kits, and collecting samples for additional laboratory analysis. You may notice a different taste or odor, which is due to moving the water rapidly through the pipes; the fluoride itself is colorless and odorless, and you will not be able to notice changes of concentration in fluoride. We will be carefully monitoring the water quality during this time, and you may use and drink the water as normal. The fluoride concentrations will never go up during this process; they will decrease at different rates depending on the area of our distribution system that you are in.

If you have any questions or concerns, including any water quality concerns during flushing, please call Cal Water at (530) 533-4034.

Sincerely,

Loni Lind Local Manager

Quality. Service. Value: calwater.com





March XX, 2025

Defluoridation Update for California Water Service's Oroville Water System

Dear Cal Water Customer:

We are sending you this letter as an update on our plans to stop fluoridating our Oroville District's water supply.

In January, we sent you a notice about our intent to discontinue the addition of fluoride to your tap water, in accordance with the Oroville City Council's Resolution No. 9283 passed in July 2024. As background, in October 2024, we filed an application with the California Public Utilities Commission (CPUC) proposing to discontinue fluoridation (Application 24-10-003). We also worked with California's Division of Drinking Water (DDW) to change our operating permit to reflect that we will no longer add fluoride to the water, and established both an outreach plan and a flushing plan to move the fluoridated water out of the system.

The CPUC has begun reviewing our application and has requested that we provide additional details about the health impacts of no longer fluoridating the drinking water supply. Currently, small amounts of fluoride are added to the water to maintain the fluoride level recommended by DDW as optimum to prevent tooth decay. After we stop adding fluoride, the water you receive may not help prevent tooth decay as it has in the past, particularly in children.

While fluoride has become more readily available in other sources over recent decades, if you have any questions, we encourage you to consult with your dentist regarding proper dental care.

We are working together with the City of Oroville to complete this process and will provide additional updates to you as they become available. And above all, we remain focused on providing safe, clean drinking water to our Oroville customers. If you have any questions, please call our local Cal Water office at (530) 533-4034.

Sincerely,

Loni Lind

Local District Manager

Quality. Service. Value: calwater.com