

Martinez, Ruben

Subject:

FW: Water and Power Regulations (October 29 Council Agenda)

On Oct 26, 2018, at 4:40 PM, William Hooper <wsh@wshooper.org> wrote:

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Council Member Wilson:

As your constituent, I respectfully urge your “No” vote on the proposal to delegate the City Council’s authority over Pasadena Water and Power regulations, item 5 on the October 29 consent agenda.

As an electrical engineer, I appreciate that utility service regulations need periodic revision and often address complex technical matters. Allowing such regulations to be written and approved--with no requirement for public notice, hearing, or opportunity for comment--by an unelected official who is also vested with summary enforcement powers to disconnect water and power service would, however, be inconsistent with basic principles of representative self-government.

You may recall my concerns about last year’s Ordinance No. 7302, allowing utility disconnection as a remedy for unrelated violations of the Municipal Code. The successful referendum petition challenging this ordinance was a complete surprise to me, but it shows that the power to interrupt service, while necessary for the operation of safe and reliable water and power systems, must not be taken lightly.

Regulating the “conditions of service” could implicate substantial questions of public policy, such as control over uses of water or energy, or requirements that utility customers modify or replace their existing equipment, possibly at great cost. As the City’s legislative body and utility regulator, the Council must not abdicate its responsibility to balance the recommendations of the City’s technical experts with the broader interests of the public.

If the objective is to “improve transparency,” as the staff report states, then delegation is unnecessary. What could be more transparent than approval at a noticed public meeting of the Council, with the many safeguards it provides, by law and custom, for the public and its role in decision making? If the regulations proposed by the staff are indeed necessary, uncontroversial, and fair to ratepayers and the

public, the Council would be free to approve them by unanimous consent, without debate.

If the Council should choose to delegate its powers, I respectfully ask that the City Attorney be directed to include, in the draft ordinance, protections similar to those enjoyed by customers of investor-owned utilities in California, including requirements that utility rules be "just and reasonable" (Cal. Pub. Util. Code §§ 451, 453), available for public inspection (§ 489(a)), and changed only after advance notice and an opportunity for protest (§ 491).

Thank you for considering my comments. Please feel free to share this e-mail with your colleagues, if you wish, or have it placed in the Council correspondence file.

Respectfully,

William Hooper, P.E.