



Utility Workers Union of America, AFL-CIO

California Water Utility Council: Locals 160, 160C, 160D, 205, 283, & 484

April 11, 2019

Commission on Catastrophic Wildfire Cost & Recovery
1400 Tenth Street
Sacramento, CA 95184

Re: Wildfires and Public Water Systems

Dear Commissioners:

The California Water Utility Council (CWUC) represents approximately 665 operations, construction, maintenance, and clerical employees through six Utility Workers Union of America, AFL-CIO (UWUA) locals at California Water Service (Cal Water), one of the state's largest public drinking water suppliers. We write to ask that the Commission on Catastrophic Wildfire Cost & Recovery (Wildfire Commission) address the unique and daunting challenges wildfires pose to California's drinking water suppliers, as well as their employees and customers, and that these challenges be taken into consideration in any legislative response to broader wildfire issues.

Together, our members are responsible for ensuring the safe, reliable delivery of drinking water to the hundreds of thousands of California households and businesses served by Cal Water. Whether they are constructing new water delivery infrastructure, supporting conservation efforts, testing water quality, or maintaining a sustained flow of high-quality drinking water, the men and women of our union are highly trained, qualified, competent, and state-certified water service professionals.

Our members know full-well the devastation that is caused by California's wildfires, having responded to the 2016 Erskine Fire, 2018 Mendocino Complex Fire, 2018 Woolsey Fire, and 2018 Camp Fire, the latter of which also destroyed the homes and upended the lives of 12 of our members and their families. Given this, we understand the need to minimize the incidence of future wildfires, mitigate the damage caused by wildfires that are not prevented, and protect the fires' victims, all while continuing to ensure effective utility service.

Meeting these needs will be challenging, but it is unfair and unreasonable that every public drinking water supplier in California is in potential jeopardy of being held financially responsible for wildfires that they play no part in starting – even if they are not negligent, and even if they are victims themselves.

In a 2012 case, a drinking water supplier had to pay nearly \$70 million to about a dozen homeowners who lost their homes in the Freeway Complex Fire. The water supplier was held responsible only because its facilities were damaged by the fire, which then could not be used to help suppress the fire. This legal doctrine – inverse condemnation – is now being used as the basis for additional lawsuits filed against other public drinking water suppliers in connection with the 2017 Thomas Fire.

Our members are deeply concerned about the consequence of continued and unchecked expansion of these types of lawsuits against California's public drinking water suppliers.



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It is conceivable that these types of lawsuits could cause dire financial consequences for public drinking water suppliers, including forcing them into bankruptcy. This will threaten their ability to make critically important water system improvements, potentially undermining their ability to reliably deliver safe drinking water.

Destabilization of the financial standing of public drinking water suppliers could also jeopardize our jobs. Very few, if any, of the water utilities in California would be able to absorb the types of claims that have been made against the state's electric and gas providers. In many cases, the only choice would be to lay off the very employees that would be needed to help rebuild communities ravaged by wildfires.

Quite simply, a more fair and equitable framework needs to be established.

We truly appreciate the multitude of factors and issues that must be addressed in any comprehensive response to wildfires in California. We respectfully ask that you consider and address their interrelationship with the state's public drinking water suppliers and their employees as part of your ongoing work on this critically important matter. If there is anything we can do to assist the Wildfire Commission, please do not hesitate to call upon us for support.

Sincerely,

Richard V. Wilson III
President, California Water Utility Council
Utility Workers Union of America, AFL-CIO

Cc: The Honorable Gavin Newsom, Governor
The Honorable Toni Atkins, Senate President Pro Tempore
The Honorable Anthony Rendon, Speaker of the Assembly
The Honorable Ben Hueso, Chair, Senate Energy Utilities & Communications Committee
The Honorable Chris Holden, Chair, Assembly Utilities & Energy Committee
The Honorable Henry Stern, Chair, Senate Natural Resources & Water Committee
The Honorable Eduardo Garcia, Chair, Assembly Water, Parks, & Wildlife Committee