

Congress of the United States
House of Representatives
Washington, DC 20515-0552

September 11, 2017

Honorable Tani G. Cantil-Sakauye
Chief Justice
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Dear Chief Justice:

Re: *San Diego County Water Authority v. Metropolitan Water District of Southern California*
California Supreme Court No. S243500
California Court of Appeal Nos. A146901, A148266

Letter of Amicus Curiae Supporting Petition for Review

Dear Chief Justice Cantil-Sakauye:

The Appellate Court's decision has long-term and serious implications for the future of San Diego, a drought-prone region with a population of more than 3 million. During my 17 years in public service to San Diego, I have focused on finding ways to meet San Diego's short-term and future water needs in way that minimizes harm to California's natural environment. While on the San Diego City Council, including the three years I was its president, I served on water-related task forces and committees and was the City's Representative on the San Diego Association of Governments' Regional Planning Committee. I enthusiastically supported the Water Authority when it sought to diversify the region's water supplies by investing billions of dollars in conservation and supply from Imperial County, rather than continuing to rely on imported water from the Bay-Delta. Today, I am the only member of the San Diego congressional delegation on the House Energy and Commerce Committee, the committee with jurisdiction over water supply and water quality. From San Diego to D.C., we understand that water supplies are limited and that managing, protecting and conserving a scarce water supply is a responsibility that everyone shares; and that burden must be fair, certain, and judicious.

Central to this case is the power of a government agency to impose fees and charges onto ratepayers elsewhere in the state. The Court of Appeal's ruling against the Water Authority is

(more)

inconsistent with California statutes, the common law, Proposition 26 and decisions of multiple other courts of appeal that prohibit a water utility from charging more than the costs of its services. The ruling also undermines longstanding efforts to reduce Southern California's reliance on Bay-Delta exports through conservation, water wheeling, and transfers. If permitted to stand, the appellate court's decision has potential for far reaching impacts on, and confusion over, the efficient allocation and conservation of the state's water supplies, the protections of the Bay-Delta ecosystem, and the constitutionality of preventing government agencies from reallocating revenues from a tax that is locally levied.

I respectfully urge the Court to grant the Petition for Review.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. Peters", with a stylized flourish at the end.

Scott H. Peters