

# The San Diego Union-Tribune

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## Commentary: Ratepayers lose when water districts choose courts over collaboration



A mechanic walks near pipes conveying water pumped from the Colorado River at the Metropolitan Water District of Southern California's pumping plant near Parker Dam.  
(AP)

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After seven years and about \$40 million in legal costs stemming from lawsuits filed by the San Diego County Water Authority, no ruling to date will noticeably change local water bills or address a single important regional water challenge. All ratepayers lose the longer the Water Authority's fighting drags on.

The court process is not entirely over for these initial cases brought against the Metropolitan Water District of Southern California and the system that provides about 80 percent of San Diego County's water supply. The First District Court of Appeal has rejected the Water Authority's request for a rehearing of cases decided largely in favor of Metropolitan just over a month ago. A Supreme Court appeal would be the Water Authority's last resort, yet the agency's leaders somehow declared a recent victory.

It seems the Water Authority is not leveling with its ratepayers about just how unsuccessful and needless this fighting has been.

This is an unfortunate battle on two fronts. There is the legal campaign under way since 2010, with six lawsuits and counting. And there is an expensive public relations campaign financed by tens of thousands of San Diego ratepayer dollars every month seeking to discredit my agency in the court of public opinion.

This all began after the Water Authority in 2003 purchased a very expensive supply of Colorado River water from the Imperial Irrigation District, but chose not to build the infrastructure to deliver it. Metropolitan's Board voluntarily agreed to use its distribution system to exchange supplies and deliver an equal amount of its water to San Diego County through the Metropolitan system. Then in 2011, the Water Authority decided to challenge in court the very agreement it requested.

Metropolitan strives to deliver a blend of imported supplies from the Colorado River and Northern California. Each of our 26 member agencies is charged the same blended transportation rates. Yet, the Water Authority was hoping to force a special lower rate for itself that excluded costs associated with transporting water from Northern California, while the rest of Southern California paid those costs. By its own estimates, the Water Authority wanted to shift \$7.4 billion to other ratepayers in the six-county Metropolitan service area.

On this issue, the appellate court decided entirely in favor of Metropolitan's practice of charging all customers the same transportation rate that includes the costs of the Northern California system. That seems fair. There were other issues before the court, but financially they pale in comparison, or have no monetary or water supply impact at all. In fact, when the cases finally come to a close, the Water Authority may have spent more on litigation costs than any financial award it receives.

Since those initial lawsuits, the Water Authority has expanded its legal attack to challenge Metropolitan's efforts to collect funds to financially support the development of local water supplies and more conservation. We think that increasing local supplies and lowering water demands are vitally important. But the Water Authority wants to make development and conservation of local supplies more difficult by cutting off this funding source. Who wins there?

The Water Authority's recent public relations campaign alleges that Metropolitan spends and borrows too much. The agency criticizes actions by our board to invest in valuable land assets and support the nation's largest turf removal program during the peak of the drought — strategic investments that help advance our region's long-term Integrated Resources Plan. Yet the Water Authority's own representatives joined our board's unanimous vote in favor of our most expensive land investment. And San Diegans embraced the turf program (promoted by the Water Authority at the time). Now the Water Authority's public relations campaign criticizes these decisions. How hypocritical is that?

Californians face serious water issues. Our Northern California supply is at risk long-term because of an aging system in the Sacramento-San Joaquin Delta that needs critical reinvestment. Water from the Colorado River is at risk until supplies and demands are brought into balance.

Throwing mud and endlessly fighting in courts are losing strategies for everybody but the law firms that have pocketed millions of your dollars. Ratepayers who expect us to work professionally with one another are the real losers.

*Record is the chairman of the Metropolitan Water District of Southern California board of directors and represents Eastern Municipal Water District on the board.*