
State Water Resources Control Board

STATUS CONFERENCE ORDER; NOTICE OF NEW STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
will hold a new status conference in the AHO proceeding
on the issues the court has referred
to the Board pursuant to Water Code section 2000 in

City of Marina v. RMC Lonestar,
Monterey County Superior Court No. 20CV001387.

**The new status conference will begin on
May 15, 2023 at 11:00 a.m.**

The new status conference will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference
of the new status conference by using this link:

<https://waterboards.zoom.us/j/95899889673?pwd=R2lwclZjS2xwdWVRaXg3ZlhtWXg4UT09>, with Meeting ID: 958 9988 9673 and Passcode: 561435

or by calling in at:

+16699009128,,95899889673#,,,,*561435# US (San Jose)

Any interested member of the public who would like to watch this new status conference
without participating may access the Administrative Hearings Office YouTube channel
at:

<https://www.youtube.com/@swrcadministrativehearing728/streams>

BACKGROUND

On May 6, 2022, the State Water Resources Control Board (“State Water Board”) Administrative Hearings Office (“AHO”) issued its Notice of Public Hearing and Pre-Hearing Conference in this proceeding. The purpose of this proceeding, background, hearing issues and related information are discussed in that notice.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On May 2, 2023, the AHO held a status conference in this proceeding. This order and notice follow that status conference. Except as expressly stated in this order, all provisions of all prior AHO notices and orders in this proceeding remain in effect.

STATUS CONFERENCE ORDER

On or before **May 12, 2023, at 1:00 pm**, the parties' attorneys shall file a joint status conference statement with the AHO. One of the attorneys shall make this filing by e-mail to adminhrгоffice@waterboards.ca.gov, with all the e-mail addresses listed in the service list for this proceeding listed in the e-mail's cc line. The joint status conference statement shall state whether or not the parties and their technical experts will be able to meet all the filing deadlines in this order, and, if not, the reasons why they will not be able to meet these deadlines and the parties' proposed new schedule for these filing deadlines.

The following deadlines and hearing dates shall apply:

- (a) deadline for Mr. Durbin to complete all regional model files (for all scenarios to be modeled) and transmit them and necessary information regarding them to the other technical experts, and to file them with the AHO: May 11, 2023, 5:00 pm;
- (b) deadline for exchange among the parties of calibrated local model files, and to submit them to the AHO: May 16, 2023, 5:00 pm;
- (c) deadline for submittal to AHO and exchange among the parties of model scenario files, written proposed testimony and related exhibits: May 30, 2023, 5:00 pm;
- (d) deadline for submittal to AHO and exchange among the parties of written proposed rebuttal testimony and related exhibits: June 13, 2023, 5:00 pm;
- (e) deadline for submittal to AHO and exchange among the parties of witnesses' summary slides: June 20, 2023, 1:00 pm;
- (f) hearing dates: June 26-30, 2023, starting each day at 9:00 am and ending each day at 5:00 pm;
- (g) deadline for submittal to AHO and exchange among the parties of closing briefs and proposed text for the sections and answers in February 6, 2023 draft outline of draft referee's report for which proposed text has not already been submitted: July 17, 2023, 5:00 pm; and
- (h) backup hearing dates (in case technical experts and parties are not able to meet any of the deadlines specified in paragraphs (a) through (e)): July 17-21, 2023.

I do not plan to make any changes to the deadlines in paragraphs (a) through (e) unless I also change the hearing dates in paragraph (f) to the backup hearing dates in paragraph (h).

Each witness's summary slides described in paragraph (e) shall summarize the principal points of the witness's written proposed direct and rebuttal testimony for these hearing dates. If the witness's written proposed direct or rebuttal testimony discusses model assumptions, then the witness's summary slides also shall summarize: (i) the model assumptions on which the witness agrees with the other side's witnesses; (ii) the model assumptions on which the witness disagrees with the other side's witnesses, the reasons for disagreement, and the reasons why the witness believes that his or her model assumptions are more valid than the other side's model assumptions; and (iii) the differences in model results that result from the differences in model assumptions. Each slide shall contain references to the page numbers of the written proposed testimony or other exhibits that are discussed in the slide.

My plan is for each technical witness to present during the hearing a summary of all his or her slides, to be subject to questions from me, and, if necessary, to be subject to cross-examination questions from the other attorneys.

My plan is for the California-American Water Company ("Cal-Am") to proceed first with an attorney opening statement (10 minutes maximum), and for Cal-Am then to proceed with its witnesses, with Mr. Durbin being the first Cal-Am witness, and Cal-Am's other witnesses then being in a separate panel.

After Cal-Am has completed its presentations, my plan is for attorneys for Marina Coast Water District ("Marina Coast WD") and the City of Marina to present opening statements (10 minutes maximum for each party's opening statement), and then for Marina Coast WD and the City of Marina to proceed with their witnesses in one panel.

I will allow each witness a total of 30 minutes to summarize his or her written proposed direct and rebuttal testimony. After the witnesses in each panel of witnesses have completed their summaries, I will ask any follow-up questions I have and then will allow attorneys for the other side to ask cross-examination questions. I plan to ask for offers of proof from each attorney who will be conducting cross-examination, and I plan to limit the scope and time of cross-examination as I believe appropriate.

I will allow additional rebuttal testimony only if I receive an offer of proof and conclude that the proposed rebuttal testimony is necessary to address points made in witnesses' summaries that were not presented in the witnesses' written proposed direct or rebuttal testimony or their summary slides.

NOTICE OF NEW STATUS CONFERENCE

The AHO will hold a new status conference on the date, and beginning at the time, listed on the first page of this order and notice. The purpose of the new status conference will be to discuss the joint status conference statement that parties' attorneys will be submitting on May 12, 2023, and whether any changes to the schedule specified in this order are necessary.

I do not plan to hold a pre-hearing conference. If any party believes that a pre-hearing conference is appropriate, then that party's attorney shall explain in the party's part of

the joint status report why the party believes that a pre-hearing conference is necessary.

May 3, 2023
Date

/s/ ALAN B. LILLY
Alan B. Lilly
Senior Hearing Officer

Attachment:

Service List (copies of notice sent by e-mail only, to all listed e-mail addresses)

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