

On Thu, Dec 10, 2015 at 1:25 PM, Brett Fleisch wrote:

Dear BBK:

Months ago I provided a document called <http://www.brettfleisch.com/WMWD-F.pdf> to Jeff Ferre who was representing WMWD as General Council. In that document, I showed a scientific proof that the water pricing has a policy that is legally questionable and led to illegal pricing for the same amount of water. The undecidable factors are a budget that requires customers to adhere to it, but can't be determined until the end of the billing period when bills are printed due to undecidable factors.

The Model Water Efficient Landscape Ordinance under 493.1 does not require customers over one acre to use the budget-based approach if under 1 acre. The pricing that the consultants report suggested must be used, need not be used under 1 acre. I pointed out the documents at my web site www.brettfleisch.com and I complained that Raftelius consultant firm was running about the United States providing this policy to all its customers. (see 3 at the main page at my web site).

There has been no response from BBK nor WMWD. DOJ often asserts that it is not an antitrust issue and fails to refer this matter to the correct place at DOJ for analysis.

The policy appears to continue and I notified the Governor as well. There has been no response directly about this ethically questionable issue and the consultants incorrect claims in their report. Nonetheless, I am very concerned from the consultant's community link their advice is being used with this illegal pricing scheme throughout the country <http://www.raftelis.com/experience/> For example, the City of El Toro published Raftelius results and adopted the policy. Since the advice has errors this is a concern. In addition, many others at the experience link have adopted the approach that I have ethical and legal concerns about.

Sincerely,

Brett D. Fleisch, Ph.D.

contact information at www.brettfleisch.com

cc: Governor Jerry Brown