

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

January 10, 2016

Dear Mr. President:

I am writing about the previous email sent to OSTP and Dr. Holdren at OSTP in 2015. In that email I provided my analysis of the ["Water Budget Tiered Rate" Scientific Approach](#) based upon the original consultant's report found at [Consultant's report](#). My analysis of Western Municipal Water District's practices, a small company in Southern California, were discussed from a scientific standpoint. In that report, I pointed out that a group of bonded municipal advisors were providing their consulting expertise around the country including those places indicated at <http://www.raftelis.com/experience/>

I discussed a policy that requires customers adhere to a "budget" each month. This budget cannot be computed due to "undecidable factors" until bills are printed. At the end of the month, when customers receive their bills the budget is disclosed. This issue made the "budget" impossible to adhere to because it is not known to the water company nor the customer nor can it be computed *a priori*. I further indicated the model is not scientifically sound because of these "undecidable factors". In scientific terms, the budget is called OPT (for optimum). Customers cannot be expected to adhere to this monthly undisclosed budget OPT; it is akin to expecting the customer to have a "crystal ball" or to be a soothsayer.

Moreover, I pointed out the legal concerns of the California Water ordinance; this ordinance applies if the property is over one acre in size. Specifically, the Model Water Efficient Landscape Ordinance under 493.1 does not require customers to use the budget-based approach if under one acre. The consultant's report<sup>1</sup> seems to imply all residences need to have the budget-based policy in place due to legal requirements. Thus, most water companies apply a water budget approach to all customers.

The combination of an unsound scientific policy, coupled with legal concerns about the correctness of the legal application of this policy, coupled with Raftelis giving the advice around the country, remains a significant concern that I hope can be addressed by the Administration.

Sincerely,

Brett D. Fleisch, Ph.D.  
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References: hyperlinks above

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<sup>1</sup> at the time written