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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

MARK COZIAHR, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

OTAY WATER DISTRICT; SAN DIEGO
COUNTY WATER AUTHORITY; THE
METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA and DOES 1
through 200, inclusive,

Defendants.

Case No. 37-2015-00023413-CU-MC-CTL

CLASS ACTION

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND/OR RESTITUTION
AND FOR DECLARATORY AND
INJUNCTIVE RELIEF AND DEMAND
FOR JURY TRIAL BASED ON:**

**(1) VIOLATION OF ARTICLE XIII D OF
THE CALIFORNIA CONSTITUTION**

Plaintiffs Mark Coziahr and Daniel Patz, on behalf of themselves and all others similarly
situated, allege as follows:

NATURE OF THE CASE

1. Defendants Otay Water District ("Otay Water"), San Diego Public Utilities
Department ("City of San Diego Water"), San Diego County Water District ("San Diego Water"),
and Metropolitan Water District of Southern California ("Metropolitan Water") are public water
agencies serving residents and businesses throughout California, including in San Diego County.
Their fees for water service exceed the proportional cost of service attributable to a given parcel.

2. The California Constitution, however, requires Defendants to anchor rates to the actual cost of water service. Article XIII D in particular forbids Defendants from unilaterally imposing disproportionate fees for water service.

3. Defendants' pricing violates this clear constitutional command. Their fees constitute an unconstitutional and excessive fee, charge, or tax on water in violation of the California Constitution.

4. Plaintiffs bring this proposed class action to recover damages for all unconstitutional and excessive fees, charges, or taxes paid, to stop these public water agencies from violating their constitutional rights, and to vindicate the constitutional policy that water conservation is achieved by pricing that reflects the actual cost of service for incremental levels of water usage.

JURISDICTION AND VENUE

5. The conduct alleged herein took place in and was directed at residents of this state. The jurisdiction of this Court arises under article 6, section 10 of the California Constitution and section 410.10 of the Code of Civil Procedure.

6. Venue is proper in this Court because Defendants Otay Water's, City of San Diego Water's and San Diego County Water's headquarters are in San Diego County; all Defendants conduct substantial business within this county; and a substantial part of the events and conduct giving rise to the violations of law complained of herein occurred in or emanated from this county.

THE PARTIES

7. Plaintiff Mark Coziahr is a resident of San Diego, California.

8. Plaintiff Daniel Patz is a resident of San Diego, California.

9. Defendant Otay Water is an agency that provides water, recycled water, and sewer service in San Diego County. Its headquarters are in San Diego County.

10. Defendant San Diego County Water is an agency that serves San Diego County as a wholesale supplier of water, and is headquartered there.

1 11. Defendant City of San Diego Water is an agency that provides water, recycled
2 water, and sewer service in San Diego County. Its headquarters are in San Diego County.

3 12. Defendant Metropolitan Water delivers water to 26 member public agencies—14
4 cities, 11 municipal water districts, and one county water authority—which in turn provide water
5 to more than 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego
6 and Ventura counties. Its headquarters are in Los Angeles, California.

7 13. Defendant Otay Water provides water service to Plaintiff Coziahr. Defendant Otay
8 Water purchases water from Defendant San Diego Water, a wholesale agency. And Defendant
9 San Diego Water purchases water from Defendant Metropolitan Water, a regional wholesaler.
10 (See attached as Exhibit “A” and incorporated by reference herein a sample of Defendant Otay
11 Water’s water bills to Plaintiff Coziahr).

12 14. Defendant City of San Diego Water provides water service to Plaintiff Patz.
13 Defendant City of San Diego Water purchases water from Defendant San Diego Water, a
14 wholesale agency. And Defendant San Diego Water purchases water from Defendant
15 Metropolitan Water, a regional wholesaler. (See attached as Exhibit “B” and incorporated by
16 reference herein a sample of Defendant City of San Diego Water’ water bills to Plaintiff Patz).

17 15. Plaintiffs are currently unaware of the true names and capacities of the Defendants
18 sued herein as Does 1-200, inclusive, and therefore sues these Defendants by such fictitious
19 names. Plaintiffs will amend this First Amended Complaint to allege these Defendants’ true
20 names and capacities when ascertained.

21 16. Unless otherwise alleged, at all relevant times, each Defendant was the agent,
22 servant, employee, partner, joint venturer, franchisee, parent, subsidiary, and/or alter ego of the
23 other, and at all times acted within the course and scope of such agency, service, employment,
24 partnership, joint venture, franchise and/or relationship. In addition, each fictitiously-named
25 Defendant is an aider and abettor, joint tortfeasor, agent, employee, or affiliate of Defendants
26 Otay Water, San Diego Water, and Metropolitan Water; each is legally responsible for the
27 unlawful conduct herein alleged; and each may be served with process within the state of
28 California.

17. The acts or omissions of Defendants, as herein described, were performed by officers, managing agents, directors, employees, and/or agents who were responsible for all actions alleged herein and who were acting on behalf of Defendants. Defendants had advance knowledge and notice of the action and conduct of such persons and their actions and conduct were ratified, authorized, and approved by the managing agents, officers, attorneys, employees, agents and/or directors of Defendants.

18. Plaintiff Mark Coziahr presented a government tort claim to Defendants Otay Water, San Diego Water, and Metropolitan Water on July 14, 2015. These Defendants rejected Plaintiff Mark Coziahr's claim expressly and/or by their failure to timely respond.

19. Plaintiff Daniel Patz presented a government tort claim to Defendants City of San Diego Water, San Diego Water, and Metropolitan Water on August 21, 2015. Defendants rejected Plaintiff Daniel Patz's claim expressly and/or by their failure to timely respond.

20. Plaintiffs are serving a copy of this First Amended Complaint on the Attorney General because this suit questions the constitutionality of Defendants' water rates and/or fees (See California Rules of Court 8.29(c)).

21. This action is timely commenced. Defendants' continued imposition and collection of water delivery "charges" or "fees" is an ongoing violation, upon which the statutory limitations period begins anew with each monthly collection. (*Howard Jarvis Taxpayers Ass'n v. City of La Habra* (2001) 25 Cal.4th 809, 821.)

SUBSTANTIVE ALLEGATIONS

A. The California Constitution Forbids Fees And Charges That Exceed The Proportional Cost of Water Service Attributable To A Given Parcel.

22. In November 1996, the California electorate adopted Proposition 218, which added articles XIII C and XIII D to the California Constitution. Proposition 218 "protects taxpayers by limiting the methods by which local governments exact revenue from taxpayers without their consent." (*Howard Jarvis Taxpayers Ass'n v. City of Riverside* (1999) 73 Cal.App.4th 679, 683 (citation omitted).) To this end, article XIII C requires voter approval for certain local tax levies, and article XIII D forbids certain assessments and property-related fees and charges.

23. Relevant here, article XIII D, section 6, subdivision (b)(3) provides: “The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.” Relatedly, section 6, subdivision (b)(1) provides: “Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.”

24. Water service is a property-related service for purposes of article XIII D. In fact, “all charges for water delivery’ incurred after a water connection is made ‘are charges for a property-related service, whether the charge is calculated on the basis of consumption or is imposed as a fixed monthly fee.’” (*City of Palmdale v. Palmdale Water Dist.* (2011) 198 Cal.App.4th 926, 934 (*Palmdale*) (quoting *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205, 217).)

25. This means that, under article XIII D, fees or charges for water service cannot exceed the proportional cost of service attributable to a given parcel. (*See* Art. XIII D, § 6, subd. (b)(3).) To comply with this constitutional mandate, public water agencies must correlate “prices with the actual cost of providing water.” (*Capistrano Taxpayers Assn., Inc. v. City of San Juan Capistrano* (2015) 235 Cal.App.4th 1493, 1506.) “[W]ater rates that exceed the cost of service operate as a tax[.]” (*Id.* at p. 515.) Public water agencies are constitutionally barred from imposing such taxes unilaterally, meaning, without voter approval. (*Id.*)

26. “In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.” (Art. XIII D, § 6, subd. (b)(5).) Therefore, in order to establish that their rate structure complies with article XIII D, Defendants must present substantial evidence that withstands independent court review. (*Silicon Valley Taxpayers’ Assn., Inc. v. Santa Clara County Open Space Auth.* (2008) 44 Cal.4th 431, 448.)

B. Defendants Impose Disproportionate Fees For Water Service.

27. Defendants are public water agencies subject to Proposition 218, and thus are prohibited from imposing above-cost rates unilaterally.

28. Each Defendant calculates water rates differently, but critically none anchors its rates to the actual cost of water service.

1 29. Defendant Otay Water uses a tiered water-rate structure, with different tiers for
2 different customers. These rates include both a fixed service charge and a per-unit charge. The
3 fixed service charge is based on the meter size. In turn, the per-unit charge is loosely based on
4 units of water used but does not track the proportionate cost of water service attributable to the
5 parcel. For the per-unit charge, in each tier, the customer pays a progressively higher charge per
6 unit of water used.

7 30. Defendant Otay Water employs a system of four billing tiers to charge for units of
8 water used by residential customers, and a system of three billing tiers to charge for the units of
9 water used by commercial, institutional, irrigation, raw water, and recycled water customers.

10 31. For all customers, Defendant Otay Water allocates a set number of units of water
11 is for each tier. Customers pay a higher per-unit rate for each additional unit if the water usage
12 increases into the next higher tier.

13 32. In 2015, residential rates vary as follows: Tier 1 is increased by approximately
14 56% to calculate Tier 2; Tier 2 is increased by approximately 30% to calculate Tier 3; and Tier 3
15 is increased by approximately 54% to calculate Tier 4. The differences in tier rates are arbitrary,
16 meaning, they do not correspond to the actual cost of water service.

17 33. In 2015, rates for commercial and irrigation customers vary as follows: Tier 1 is
18 increased by approximately 1.5% to calculate Tier 2; and Tier 2 is increased by approximately
19 1.5% to calculate Tier 3. These differences, too, are arbitrary.

20 34. For Defendant Otay Water's raw water and recycled water customers, the cost of
21 service increases as follows: Tier 1 is increased by approximately 1.6% to calculate Tier 2; and
22 Tier 2 is increased by approximately 1.3% to calculate Tier 3. These differences are also arbitrary.

23 35. Defendant City of San Diego Water uses a tiered water-rate structure, with
24 different tiers for different customers. These rates include both a fixed service charge and a per-
25 unit charge. The per-unit charge is loosely based on units of water used but does not track the
26 proportionate cost of water service attributable to the parcel. For the per-unit charge, in each tier,
27 the customer pays a progressively higher charge per unit of water used.

36. Defendant City of San Diego Water employs a system of four billing tiers to charge for units of water used by residential customers, and a system of one, different, billing tier to charge for the units of water used by commercial, institutional, irrigation, raw water, and recycled water customers.

37. For all customers, Defendant City of San Diego Water allocates a set number of units of water for each tier. Customers pay a higher per-unit rate for each additional unit if the water usage increases into the next higher tier.

38. In 2015, residential rates vary as follows: Tier 1 is increased by approximately 12% to calculate Tier 2; Tier 2 is increased by approximately 43% to calculate Tier 3; and Tier 3 is increased by approximately 40% to calculate Tier 4. The differences in tier rates are arbitrary, meaning, they do not correspond to the actual cost of water service.

39. In 2015, the rate for commercial customers is \$4.47 per hundred cubic feet of water. The rate for multi-family domestic customers is \$4.65 per hundred cubic feet of water. The rate for temporary construction and irrigation customers is \$4.947 per hundred cubic feet of water. These differences, too, are arbitrary.

40. Defendant Metropolitan Water also uses a tiered water-rate structure that does not reflect the cost of service attributable to each parcel. In 2015, its tiers increase arbitrarily, as follows: Tier 1 is increased by approximately 83.5% to calculate Tier 2.

41. Defendant San Diego Water does not employ tiers but its rate structure does not reflect the cost of service attributable to a given parcel, either. Instead it charges each member a fixed charge and a capacity charge; the latter varies depending on the size of the water meter.

42. Because Defendant Metropolitan Water provides water service to Defendant San Diego Water at a disproportionate cost in violation of article XIII D; because Defendant San Diego Water provides water service to Defendant Otay Water and Defendant Public Utility at a disproportionate cost in violation of article XIII D; and because Defendant Otay Water and Defendant City of San Diego Water provide water service to Plaintiffs at a disproportionate cost in violation of article XIII D; all Defendants' rate structures are directly or indirectly responsible for Plaintiffs' above-cost water rates.

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43. Defendants may have instituted these disproportionate rate structures to reward conservation and penalize consumption. For example, Defendant Otay Water calls its lowest tier for residences its “conservation” tier, and its highest its “penalty” tier. Whatever the reason, these agencies lack the constitutional authority to adopt conservation policies that depart from article XIII D’s clear mandate that water conservation is achieved by pricing that reflects the actual cost of service for incremental levels of water usage. (*See Palmdale, supra*, 198 Cal.App.4th at pp. 936–937.)

CLASS ACTION ALLEGATIONS

44. Plaintiffs bring this action on behalf of themselves and all others similarly situated as members of a proposed class (“Class”) initially defined as:

All customers of the Metropolitan Water District of Southern California who received water service after July 1, 1997.

45. Excluded from the Class are Defendants’ employees, officers, directors, legal representatives, successors, assigns; any entities in which Defendants may have a controlling interest; and any person who may timely and validly request exclusion from the Class, as authorized by law.

46. This action has been brought as a class action, and may properly be maintained, pursuant to the provisions of the Code of Civil Procedure section 382, Civil Code section 1781, and Rule 23 of the Federal Rules of Civil Procedure and case law thereunder, to which trial courts have been directed by the California Supreme Court to look for guidance.

47. **Numerosity:** While the precise number of Class members is not yet known, the number of customers Defendants service demonstrates that the Class is so numerous that individual joinder of all members would be impractical. By its own estimate, Defendant Metropolitan Water “provides water to more than 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties.” *See Overview, Metro. Water Dist. Website, available at <http://www.mwdh2o.com/WhoWeAre/Mission/Pages/default.aspx>* (last visited July 2, 2015). The precise number of Class members, their identities, and addresses are unknown to Plaintiff, but can readily be ascertained from Defendants’ records. Class members

may be notified of the pendency of this action by mail, supplemented (if appropriate) by published notice.

48. **Existence and Predominance of Common Questions of Fact and Law:** There is a well-defined community of interest in common questions of law and fact which exists as to all members of the Class. These questions predominate over questions affecting individual Class members. These common legal and factual questions include:

- a. Whether Defendants' fees or charges for water exceed the proportional cost of the service attributable to the Plaintiff Class's parcels;
- b. Whether Defendants calculate the actual costs of water service at various levels of usage;
- c. When Defendants learned that their fees or charges for water are not proportional to the cost of service attributable to the Plaintiff Class's parcels;
- d. Whether Defendants' water rates, which exceed the cost of service, operate as a tax;
- e. Whether Defendants' above-cost-of-service pricing violates article XIII D of the California Constitution.
- f. Whether Plaintiffs and Class members are entitled to monetary damages.
- g. Whether Plaintiffs and Class members are entitled to declaratory and injunctive relief.

49. **Typicality of Claims:** Plaintiffs' claims are typical of the claims of the Class. Plaintiff Coziahr and Daniel Patz, like other Class members, have been assessed water rates that exceed the cost of service due to Defendants' disproportionate pricing scheme. Plaintiffs' and Class members' claims therefore arise from a common course of conduct by Defendants and are based on the same legal theories.

50. **Adequacy of Representation:** Plaintiffs are adequate representatives of the Class, because their interests do not conflict with the interests of the Class. Also, Plaintiffs have retained counsel competent and experienced in complex class action litigation. The interests of the Class will thus be fairly and adequately protected by Plaintiffs and their counsel.

1 51. **Superiority:** A class action is superior to other available means for the fair and
2 efficient adjudication of this dispute. The constitutional violations suffered by Class members are
3 significant and widespread, yet it is economically impractical for members of the Class to
4 prosecute individual actions raising identical constitutional violations. Without the class action
5 device, it would be virtually impossible for Class members individually to obtain effective redress
6 for these constitutional violations.

7 52. Furthermore, even if the Class members themselves could afford to individually
8 litigate their claims, the court system could not. Individualized litigation would present a risk of
9 inconsistent or contradictory judgments and involve thousands of separate actions, which would
10 increase the delay and expense to all parties and to the court system. By contrast, the class action
11 device presents fewer management difficulties, requiring only a single adjudication of the
12 complex legal and factual issues in this dispute, thereby providing the benefits of economy of
13 scale, and comprehensive supervision by a single court.

14 53. Plaintiffs and their counsel know of no difficulties they will encounter in the
15 management of this case which would preclude it from being maintained as a class action.

16 COUNT ONE

17 (Declaratory Relief for Violation of Article XIII D of the California Constitution)

18 54. Plaintiffs incorporate by reference and reallege all paragraphs previously alleged
19 herein.

20 55. Plaintiffs seek a declaration as to the respective rights and obligations of the
21 parties. An actual controversy has arisen between Plaintiffs (and the Class) and Defendants,
22 because Defendants' pricing for water service exceeds the proportional cost of the service
23 attributable to their respective parcels. Plaintiffs thus seek a declaration for themselves and the
24 Class that Defendants' water rate structure operates as an illegal tax in violation of article XIII D
25 of the California Constitution.

26 56. Specifically, Plaintiffs seek a declaration that the revenues Defendants derive from
27 their water rates exceed the funds required to provide the property related service, in violation of
28 article XIII D, section 6, subdivision (b)(1). Defendants' above-cost pricing scheme "all but

1 assures the revenues [Defendants] received from customers in the higher tiers is more than is
2 required to cover [Defendants'] costs of service." (*Palmdale, supra*, 198 Cal.App.4th at p. 934.)

3 57. In addition, Plaintiffs seek a declaration that Defendants' water rate structure is
4 used for purposes other than that for which the fee or charge was imposed and therefore violates
5 article XIII D, section 6, subdivision (b)(2).

6 58. Lastly, Plaintiffs seek a declaration that Defendants' water rates exceed "the
7 proportional cost of the service attributable to the parcel," and therefore violates article XIII D,
8 section 6, subdivision (b)(3).

9 59. These constitutional violations are a direct result of Defendants' actions and may
10 be redressed by a declaration of Plaintiffs' and the Class's rights.

11 **COUNT TWO**

12 **(Injunctive Relief for Violation of Article XIII D of the California Constitution)**

13 60. Plaintiffs incorporate by reference and reallege all paragraphs previously alleged
14 herein.

15 61. Defendants have violated and continue to violate Plaintiffs' constitutional rights, as
16 described herein.

17 62. Unless enjoined by this Court, Defendants will continue to impose water rates that
18 exceed the cost of service and operate as an illegal tax. Plaintiffs will suffer irreparable harm as a
19 result.

20 63. Plaintiffs do not have a plain, speedy, and adequate remedy for Defendants' illegal
21 conduct in the ordinary course of law.

22 **COUNT THREE**

23 **(Restitution Damages for Violation of Article XIII D of the California Constitution)**

24 64. Plaintiffs incorporate by reference and reallege all paragraphs previously alleged
25 herein.

26 65. Defendants have violated and continue to violate Plaintiffs' constitutional rights, as
27 described herein.

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66. As a direct and proximate result of these violations, Plaintiffs and the Class members have sustained damages in the form of excessive and unconstitutional fees, charges or taxes paid to Defendants.

PRAYER

WHEREFORE, Plaintiffs request of this Court the following relief, on behalf of themselves and all others similarly situated in California:

A. An order certifying the proposed Class pursuant to 382 of the Civil Procedure Code and section 1781 of the Civil Code, and appointing Plaintiffs and their counsel of record to represent the Class;

B. An order declaring that Defendants have violated Plaintiffs' and the Class's legal rights, as described herein;

C. An order permanently enjoining Defendants from engaging in improper activities and practices, as described herein;

D. Actual and compensatory damages pursuant to all applicable laws;

E. Restitution and disgorgement to the extent permitted by all applicable laws;

F. Pre-judgment and post-judgment interest;

G. Attorneys' fees and costs of suit, including expert witness fees; and

H. Such other and further legal and equitable relief as this Court may deem proper.

DEMAND FOR JURY TRIAL

Plaintiffs and the Class hereby demand a trial by jury in this action.

DATED: October 19, 2015

SILLDORF & LEVINE, LLP

BY: 

Scott D. Levine

Eric H. Gibbs

Andre M. Mura

Attorneys for Plaintiff

EXHIBIT A



Otay Water District
2554 Sweetwater Springs Blvd.
Spring Valley, CA 91978-2004

Billing Inquiries: (619) 670-2222
Chula Vista Sewer: (619) 476-5380

Monday - Friday 8:00 am - 5:00 pm

Please visit us at www.otaywater.gov

OTE0325A

9000000189 00.0000.0189 189/1



MARK COZIAHR
DANIELLE COZIAHR
1501 LA CHICA DR
CHULA VISTA CA 91911-6953



Messages

Landscapes in the winter require significantly less water. Water use between November 2014 and April 2015 is used to determine your Sewer Service Charge beginning in July 2015 for Chula Vista sewer customers and January 2016 for Otay sewer customers. Cut back on watering and save on your water and sewer charges.

Account Information

Account Number: 209-1323-23
Customer Number: 0000013654-001
Billing Date: 03/24/2015
Due Date: 04/21/2015
Last Payment Date: 02/28/2015
Previous Balance: \$341.60
Payments: \$200.00
Current Charges: \$165.65
Adjustments: \$0.00

Total Due: \$307.25

30-45 DAYS PAST DUE: \$141.60

DUE: 04/11/15

**FAILURE TO PAY COULD RESULT IN
WATER SERVICE SHUT-OFF**

Billing Details

Account #:	209-1323-23	1501 LA CHICA DR
Service from	02/19/2015 to 03/18/2015	
Balance Forward:		\$141.60
Sewer Fees		
Chula Vista Sewer Charge		\$65.25
For questions regarding The City of Chula Vista Sewer, please call 619-476-5380.		
Water Fees		
Energy Charge		\$2.21
SD CWA Infrastructure Access		\$13.67
Water Charge		\$58.05
Water System Fee		\$19.39
Late Charge		\$7.08
Current Charges		\$165.65
Total Due:		\$307.25

Meter Information

Meter #:	08730877																																								
Meter Size:	0.7500																																								
Previous Read:	680																																								
Current Read:	697																																								
Current Month Usage:	17																																								
Number of days in cycle:	28																																								
Avg. water use this billing period:	454.14 Gallons/day																																								
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1 UNIT=100 CUBIC FT (HCF) OF WATER 1HCF= 748 GALLONS																																									

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. MAKE CHECKS PAYABLE TO: OTAY WATER DISTRICT

☐ PLEASE CHECK BOX FOR CHANGES IN ADDRESS OR TELEPHONE (SEE BACK)

Account Number: 209-1323-23
Customer Number: 0000013654-001
Service Location: 1501 LA CHICA DR
Billing Date: 03/24/2015
Due Date: 04/21/2015

AMOUNT DUE: 307.25

Total amount due by 04/21/2015

AMOUNT ENCLOSED \$

VISA Sign up for free e-billing and auto pay at www.otaywater.gov



OTAY WATER DISTRICT
PO BOX 51375
LOS ANGELES CA 90051-5675

0000013654001000307259

☐ Please check box for billing address change (see back)

ALTERNATIVE PAYMENT OPTIONS

Payments can be made at our DISTRICT OFFICE located at 2554 Sweetwater Springs Blvd., Spring Valley, online at www.otaywater.gov, over the phone by calling 619-670-2222 or at any Checkfreepay location. Participating Checkfreepay merchants include Postal Annex, Terra Nova Plaza, 374 East H St. Chula Vista and Walmart stores nationwide. For additional locations please visit www.checkfreepay.com or call Checkfreepay Customer Service at 1-800-309-7668. All Checkfreepay merchants accept cash and/or debit card payments.

When paying a delinquent balance, please call 619-670-2222 to report your payment to avoid possible SHUT-OFF.

Customers may also have their charges automatically debited each month by registering their account online at www.otaywater.gov and selecting the autopay option.

IF YOUR PAST DUE BALANCE REMAINS UNPAID, YOUR SERVICE MAY BE INTERRUPTED

If service is discontinued, review of your account may result in a deposit equal to 2X your average monthly bill. A fee of \$35, plus the past due balance and deposit must be paid in cash, credit card or money order to restore your service. To discuss possible payment arrangements on a past due balance or get additional information on financial assistance, please call 619-670-2222.

DELINQUENT CHARGES

All bills are due and payable upon presentation. To avoid a late charge of 5% payments must be received at the DISTRICT OFFICE no later than 5:00 PM on the due date shown on the reverse side.

PAPERLESS BILLING

Otay Water District is pleased to offer electronic bill presentment, please register your account online at www.otaywater.gov to have your monthly bill emailed to you instead of receiving a paper bill.

EXPLANATION OF FEES

SET-UP FEE - A one-time fee charged for each account transferred to another customer.

PREVIOUS BALANCE - The amount remaining from prior billings.

WATER SYSTEM FEE - A monthly fee for water system maintenance.

WATER CHARGE - Based on the actual amount of water used. Calculated in 100 Cubic Feet (748 gallons). This charge is for the purchase of water.

ENERGY CHARGE - A monthly charge for energy costs incurred in delivering water to specific service zone elevations.

SEWER SYSTEM FEE - A monthly fee charged to customers connected to the District's sewer system. This fee is for sewer system maintenance, operation expenses, and capital improvements. (If you are in certain areas of Chula Vista, Otay acts as the collection agent for the City of Chula Vista. The City of Chula Vista establishes the sewer fees for these areas.)

SDCWA INFRASTRUCTURE ACCESS FEE - Readiness-to-Serve Charge and Capacity Reservation Charge. San Diego County Water Authority (SDCWA) Infrastructure Access Charge, Customer Service Charge, and Emergency Storage Charge.

DISPUTED BILLS - A request for investigation on this bill must be filed within 5 days of receipt.

Please visit us at www.otaywater.gov for additional information on rates and conditions for water service.

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Have you moved or can you update any information for us?

Name/ Business

Contact Name

Mailing Address

Apt/Unit No.

City

State

Zip Code

Primary Phone Number

Alternate Phone Number

Email Address

Fax Number



Otay Water District
2554 Sweetwater Springs Blvd.
Spring Valley, CA 91978-2004

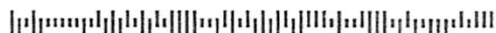
Billing Inquiries: (619) 670-2222
Chula Vista Sewer: (619) 476-5380

Monday - Friday 8:00 am - 5:00 pm

Please visit us at www.otaywater.gov

OTE0423A
9000000188 00.0000.0188 188/1

MARK COZIAHR
DANIELLE COZIAHR
1501 LA CHICA DR
CHULA VISTA CA 91911-6953



Messages

Landscapes in the winter require significantly less water. Water use between November 2014 and April 2015 is used to determine your Sewer Service Charge beginning in July 2015 for Chula Vista sewer customers and January 2016 for Otay sewer customers. Cut back on watering and save on your water and sewer charges.

Account Information

Account Number: 209-1323-23
Customer Number: 0000013654-001
Billing Date: 04/22/2015
Due Date: 05/20/2015
Last Payment Date: 03/31/2015
Previous Balance: \$307.25
Payments: \$307.25
Current Charges: \$170.82
Adjustments: \$0.00
Total Due: \$170.82

Billing Details

Account #: 209-1323-23 1501 LA CHICA DR

Service from 03/19/2015 to 04/15/2015

Sewer Fees

Chula Vista Sewer Charge \$65.25

For questions regarding The City of Chula Vista Sewer, please call 619-476-5380.

Water Fees

Energy Charge \$2.61

SD CWA Infrastructure Access \$13.67

Water Charge \$69.90

Water System Fee \$19.39

Current Charges \$170.82

Total Due: \$170.82

Meter Information

Meter #: 08730877

Meter Size: 0.7500

Previous Read: 697

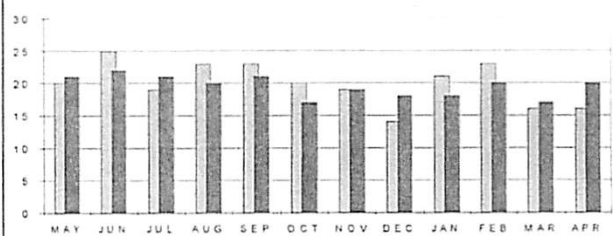
Current Read: 717

Current Month Usage: 20

Number of days in cycle: 28

Avg. water use this billing period: 534.29 Gallons/day

Last Year	Current Month	% Change
16	20	25%



1 UNIT=100 CUBIC FT (HCF) OF WATER 1HCF= 748 GALLONS

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. MAKE CHECKS PAYABLE TO: OTAY WATER DISTRICT

☐ PLEASE CHECK BOX FOR CHANGES IN ADDRESS OR TELEPHONE (SEE BACK)

Account Number: 209-1323-23
Customer Number: 0000013654-001
Service Location: 1501 LA CHICA DR
Billing Date: 04/22/2015
Due Date: 05/20/2015

AMOUNT DUE: 170.82

Total amount due by 05/20/2015

AMOUNT ENCLOSED \$

VISA Sign up for free e-billing and auto pay at www.otaywater.gov



OTAY WATER DISTRICT
PO BOX 51375
LOS ANGELES CA 90051-5675

0000013654001000170823

☐ Please check box for billing address change (see back)

ALTERNATIVE PAYMENT OPTIONS

Payments can be made at our DISTRICT OFFICE located at 2554 Sweetwater Springs Blvd., Spring Valley, online at www.otaywater.gov, over the phone by calling 619-670-2222 or at any Checkfreepay location. Participating Checkfreepay merchants include Postal Annex, Terra Nova Plaza, 374 East H St, Chula Vista and Walmart stores nationwide. For additional locations please visit www.checkfreepay.com or call Checkfreepay Customer Service at 1-800-309-7668. All Checkfreepay merchants accept cash and/or debit card payments.

When paying a delinquent balance, please call 619-670-2222 to report your payment to avoid possible SHUT-OFF.

Customers may also have their charges automatically debited each month by registering their account online at www.otaywater.gov and selecting the autopay option.

IF YOUR PAST DUE BALANCE REMAINS UNPAID, YOUR SERVICE MAY BE INTERRUPTED

If service is discontinued, review of your account may result in a deposit equal to 2X your average monthly bill. A fee of \$35, plus the past due balance and deposit must be paid in cash, credit card or money order to restore your service. To discuss possible payment arrangements on a past due balance or get additional information on financial assistance, please call 619-670-2222.

DELINQUENT CHARGES

All bills are due and payable upon presentation. To avoid a **late charge of 5%** payments must be received at the DISTRICT OFFICE no later than 5:00 PM on the due date shown on the reverse side.

PAPERLESS BILLING

Otay Water District is pleased to offer electronic bill presentment, please register your account online at www.otaywater.gov to have your monthly bill emailed to you instead of receiving a paper bill.

EXPLANATION OF FEES

SET- UP FEE - A one-time fee charged for each account transferred to another customer.

PREVIOUS BALANCE - The amount remaining from prior billings.

WATER SYSTEM FEE - A monthly fee for water system maintenance.

WATER CHARGE - Based on the actual amount of water used. Calculated in 100 Cubic Feet (748 gallons). This charge is for the purchase of water.

ENERGY CHARGE - A monthly charge for energy costs incurred in delivering water to specific service zone elevations.

SEWER SYSTEM FEE - A monthly fee charged to customers connected to the District's sewer system. This fee is for sewer system maintenance, operation expenses, and capital improvements. (If you are in certain areas of Chula Vista, Otay acts as the collection agent for the City of Chula Vista. The City of Chula Vista establishes the sewer fees for these areas.)

SDCWA INFRASTRUCTURE ACCESS FEE - Readiness-to-Serve Charge and Capacity Reservation Charge. San Diego County Water Authority (SDCWA) Infrastructure Access Charge, Customer Service Charge, and Emergency Storage Charge.

DISPUTED BILLS - A request for investigation on this bill must be filed within 5 days of receipt.

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Have you moved or can you update any information for us?

<hr/>		<hr/>	
Name/ Business		Contact Name	
<hr/>		<hr/>	
Mailing Address		Apt/Unit No.	
<hr/>		<hr/>	
City	State	Zip Code	
<hr/>	<hr/>	<hr/>	
Primary Phone Number		Alternate Phone Number	
<hr/>		<hr/>	
Email Address		Fax Number	
<hr/>		<hr/>	



Otay Water District
2554 Sweetwater Springs Blvd.
Spring Valley, CA 91978-2004

Billing Inquiries: (619) 670-2222
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Monday - Friday 8:00 am - 5:00 pm

Please visit us at www.otaywater.gov

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9000000192 00.0000.0192 192/1

MARK COZIAHR
DANIELLE COZIAHR
1501 LA CHICA DR
CHULA VISTA CA 91911-6953



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Landscapes in the winter require significantly less water. Water use between November 2014 and April 2015 is used to determine your Sewer Service Charge beginning in July 2015 for Chula Vista sewer customers and January 2016 for Otay sewer customers. Cut back on watering and save on your water and sewer charges.

Account Information

Account Number: 209-1323-23
Customer Number: 0000013654-001
Billing Date: 05/21/2015
Due Date: 06/20/2015
Last Payment Date: 05/01/2015
Previous Balance: \$170.82
Payments: \$170.82
Current Charges: \$158.57
Adjustments: \$0.00
Total Due: \$158.57

Billing Details

Account #: 209-1323-23 1501 LA CHICA DR

Service from 04/16/2015 to 05/14/2015

Sewer Fees

Chula Vista Sewer Charge \$65.25

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Water Fees

Energy Charge \$2.21

SD CWA Infrastructure Access \$13.67

Water Charge \$58.05

Water System Fee \$19.39

Current Charges \$158.57

Total Due: \$158.57

Meter Information

Meter #: 08730877

Meter Size: 0.7500

Previous Read: 717

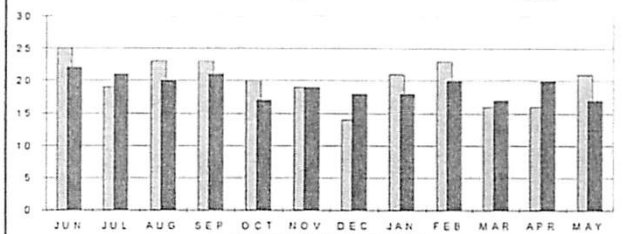
Current Read: 734

Current Month Usage: 17

Number of days in cycle: 29

Avg. water use this billing period: 438.48 Gallons/day

Last Year	Current Month	% Change
21	17	-19%



1 UNIT=100 CUBIC FT (HCF) OF WATER 1HCF= 748 GALLONS

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. MAKE CHECKS PAYABLE TO: OTAY WATER DISTRICT

☐ PLEASE CHECK BOX REGARDING CHANGES IN ADDRESS OR TELEPHONE (SEE BACK)

Account Number: 209-1323-23
Customer Number: 0000013654-001
Service Location: 1501 LA CHICA DR
Billing Date: 05/21/2015
Due Date: 06/20/2015

AMOUNT DUE: 158.57

Total amount due by 06/20/2015

AMOUNT ENCLOSED \$

VISA Sign up for free e-billing and auto pay at www.otaywater.gov

MARK COZIAHR
DANIELLE COZIAHR
1501 LA CHICA DR
CHULA VISTA CA 91911-6953

OTAY WATER DISTRICT
PO BOX 51375
LOS ANGELES CA 90051-5675

0000013654001000158570

☐ Please check box for billing address change (see back)

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Name/ Business	Contact Name	
Mailing Address	Apt/Unit No.	
City	State	Zip Code
Primary Phone Number	Alternate Phone Number	
Email Address	Fax Number	

EXHIBIT B

ACCOUNT INFORMATION						FEES & CHARGES	
Service Address 13146 BAVARIAN DR						Water Services Single Family Residential Base Fee 40.62 Water Used 68 HCF Tier 1 8.00 HCF @ \$3.8962 31.17 Tier 2 16.00 HCF @ \$4.3637 69.82 Tier 3 12.00 HCF @ \$6.2342 74.81 Tier 4 32.00 HCF @ \$8.7659 280.51 Total Charge for Water Used 456.31	
Account Number: 620000076477 Service Period: 06/12/15 to 08/11/15 Invoice date: 08/13/15 Payment Due Date: 08/28/15							
METER INFORMATION							
Serial Number 93008359	Size 3/4	Billing Days 61	Previous Read 2,401	Current Read 2,469	HCF Used 68		
ACTUAL READ							
1 HCF = 748 Gallons						Average Gallons per Day :834	
WATER USE IN HCF (Hundred Cubic Feet)							
<p>Legend: Previous Year (light gray), Current Year (dark gray)</p> <p>Average Single Family Residential use in your area this billing period is 19</p>							
						Sewer & Storm Drain Services Sewer Base Fee 30.66 Sewer Service Charge 74.33 Storm Drain 1.90 Total Current Charges 603.82	
						TOTAL DUE 603.82	
IMPORTANT MESSAGES							
To meet state-mandated water use reductions, the City of San Diego is asking that you water outdoors no more than 2 days per week, for 5 minutes per day between 6 p.m. and 10 a.m. • Odd-numbered addresses water ONLY Sunday/Thursday • Even-numbered addresses water ONLY Saturday/Wednesday Visit www.wastewater.org for more information.							

The City of San Diego • Public Utilities Department

Federal Tax ID# 95-6000776

<u>Payments Information</u>	<u>Contact Information</u>
<p>Make Checks Payable to City Treasurer</p> <p>Online www.sandiego.gov/customercare/</p> <p>By Mail Public Utilities Department Customer Care Center PO Box 129020 San Diego, CA 92112-9020</p> <p>In Person (please bring both portions of bill)</p> <p>City Treasurer – Cashier Cash, Check, MasterCard / Visa Civic Center Plaza 1200 3rd Ave – Lobby</p> <p>Public Utilities Department 525 B Street – Ground Floor</p> <p>Authorized Payment Agencies www.sandiego.gov/utilitiescustomerservices</p>	<p>www.sandiego.gov/utilitiescustomerservices</p> <p>Customer Care (619) 515-3500 (858) 755-7211 (760) 489-8673</p> <p>Emergency Service & Repairs (24 Hours) (619) 515-3525 (858) 755-0365 (760) 489-0140</p>
	<p>Public Utilities Department Customer Support Division</p> <p>Customer Care Walk-In Payment Center 525 B Street – Ground Floor San Diego, CA 92101 Hours: Monday – Friday 8 a.m. – 5 p.m.</p> <p>Assistance for speech and hearing impaired customers is Available via California relay services at 1-800-735-2929 (TT/TDD). Alternate formats available upon request of Qualified individuals with disabilities.</p>
<p><u>Payment is due on or before the Payment Due Date</u> If not paid within this time, service may be discontinued.</p> <p><u>Disputed Payment Amounts</u> should be paid to avoid interruption of service. Investigations are made upon request. Adjustments, when warranted, are made only after completion of an investigation.</p> <p><u>In The Event Service is Discontinued</u> for service to be restored payment must be made and reported to Customer Care (619) 515-3500. Service will be restored before the end of the following business day.</p> <p><u>A Payment Return Fee</u> will be assessed for any payment returned by the bank.</p>	



Quality = Value = Reliability = Customer Service
For all of San Diego...every day!

(619) 515-3500

Page 1 of 1



ACCOUNT INFORMATION						FEES & CHARGES	
Service Address 13146 BAVARIAN DR Account Number: 620000076477 Service Period: 04/12/15 to 06/11/15 Invoice date: 06/15/15 Payment Due Date: 06/30/15						Water Services Single Family Residential Base Fee 40.62 Water Used 43 HCF Tier 1 8.00 HCF @ \$3.8962 31.17 Tier 2 16.00 HCF @ \$4.3637 69.82 Tier 3 12.00 HCF @ \$6.2342 74.81 Tier 4 7.00 HCF @ \$8.7657 61.36 Total Charge for Water Used 237.16	
METER INFORMATION						Sewer & Storm Drain Services Sewer Base Fee 30.66 Sewer Service Charge 104.23 Storm Drain 1.90 Total Current Charges 414.57	
Serial Number 93008359	Size 3/4	Billing Days 61	Previous Read 2,358	Current Read 2,401	HCF Used 43		
ACTUAL READ 1 HCF = 748 Gallons Average Gallons per Day :527							
WATER USE IN HCF (Hundred Cubic Feet)						TOTAL DUE 414.57	
<p>Average Single Family Residential use in your area this billing period is 19</p>							
IMPORTANT MESSAGES							
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For all of San Diego...every day!

620000076477
Account Number

13146 BAVARIAN DR
Service Address

Jun 30, 2015
Payment Due Date

1
1
0
0

DANIEL PATZ
13146 BAVARIAN DR
SAN DIEGO CA 92129-2365

RETURN THIS PORTION

MAKE CHECK PAYABLE TO CITY TREASURER

0002 1 620000076477 9 0000041457 3 0

\$414.57
TOTAL AMOUNT DUE

The City of San Diego • Public Utilities Department
Federal Tax ID# 95-6000776

<u>Payments Information</u>	<u>Contact Information</u>
<p>Make Checks Payable to City Treasurer</p> <p>Online www.sandiego.gov/customercare/</p> <p>By Mail Public Utilities Department Customer Care Center PO Box 129020 San Diego, CA 92112-9020</p> <p>In Person (please bring both portions of bill)</p> <p>City Treasurer – Cashier Cash, Check, MasterCard / Visa Civic Center Plaza 1200 3rd Ave – Lobby</p> <p>Public Utilities Department 525 B Street – Ground Floor</p> <p>Authorized Payment Agencies www.sandiego.gov/utilitiescustomerservices</p>	<p>www.sandiego.gov/utilitiescustomerservices</p> <p>Customer Care (619) 515-3500 (858) 755-7211 (760) 489-8673</p> <p>Emergency Service & Repairs (24 Hours) (619) 515-3525 (858) 755-0365 (760) 489-0140</p>
<p><u>Payment is due on or before the Payment Due Date</u> If not paid within this time, service may be discontinued.</p> <p><u>Disputed Payment Amounts</u> should be paid to avoid interruption of service. Investigations are made upon request. Adjustments, when warranted, are made only after completion of an investigation.</p> <p><u>In The Event Service is Discontinued</u> for service to be restored payment must be made and reported to Customer Care (619) 515-3500. Service will be restored before the end of the following business day.</p> <p><u>A Payment Return Fee</u> will be assessed for any payment returned by the bank.</p>	<p style="text-align: center;">Public Utilities Department Customer Support Division</p> <p style="text-align: center;">Customer Care Walk-In Payment Center 525 B Street – Ground Floor San Diego, CA 92101 Hours: Monday – Friday 8 a.m. – 5 p.m.</p> <p>Assistance for speech and hearing impaired customers is Available via California relay services at 1-800-735-2929 (TT/TDD). Alternate formats available upon request of Qualified individuals with disabilities.</p>