

The President's Pen



Thomas J. McCarthy

As I watch the current events that are unfolding concerning critical Water and Power issues, there are two things that seem to capture the headlines throughout the country: the effects of Clean Air Legislation and the third year of drought conditions related to water supply.

Clean Air Legislation

The Utilities that chose to utilize coal as a fuel in the past that allowed them to keep rates low, in spite of spiking oil and gas prices, will be most affected by new Clean Air Legislation. One of the most important issues that face utilities that have coal-fired generation is Federal Climate legislation as reported in Power News by the following article:

"The American Clean Energy and Security Act, now bound for debate on the House floor after clearing the House Committee on Energy and Commerce, contains four key changes that will secure the coal industry and thousands of jobs that coal provides," U.S. Rep. Rick Boucher (D-Va.) said in June.

"The regulation of greenhouse gas emissions by the federal government is inevitable," Boucher said in a statement, noting that the Supreme Court had declared carbon dioxide a pollutant and required the Environmental Protection Agency (EPA) to regulate the emissions of the greenhouse gas.

"Our legislation will supersede the EPA's effort and preempt EPA from regulating CO2 in any manner inconsistent with the provisions of the legislation," he said. "Virtually all interested parties, from the business community to environmental groups, would prefer to have the regulation written by Congress than by EPA."

"Among the key provisions that would protect the coal industry, coal related jobs, and to keep electricity prices affordable in regions such as Southwest Virginia where most electricity is produced by burning coal is a proposal to provide assured federal funding of \$1 billion annually for 'rapid development' of carbon dioxide capture and storage (CCS) technologies," Boucher said.

"Experts have observed," he claimed, "that the \$10 billion amassed over a 10-year period would enable available, affordable and reliable carbon dioxide separation and storage technologies by 2020. This would assure that coal will continue to be America's primary fuel for electricity generation," he said.

(Continued on page 2)

Solar Companies Slowing Production

British Petroleum has reported a sharp downturn in sales of its solar cells and components.

In an article in Financial Times, BP reported a sales decline of nearly 30 percent from \$1.4 bn to \$1 bn. According to BP's chief executive, Tony Hayward, a breakthrough in technology will be required for solar to be competitive with conventional power. As recently as last year BP was forecasting significant increases in sales in their solar business but they have now shut some factories and reduced production others. ❖

IT IS WITH DEEP SADNESS THAT
WE REPORT THE DEATH OF
W&PA BOARD MEMBER,
KENNETH DOWNEY.
PLEASE SEE PAGE 11 FOR
MORE INFORMATION.

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The President's Pen

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Boucher also said he had asked Energy and Commerce Committee Chair Henry Waxman (D-Calif.) to include in the legislation a special fund of between \$75 billion and \$100 billion — the exact value to be determined by greenhouse gas emission allowance prices — to assist with the cost of deploying CCS technologies when they become available.

The third recommendation Boucher said would benefit the coal industry was to provide greenhouse gas emission allowances for free to emitting entities, rather than requiring allowances be bought at government-sponsored auctions. 'Free allowances reduce the overall cost of the program helping to secure the role for coal and helping to keep electricity prices affordable in regions such as ours where most of the electricity is coal fired,' he said. "That provision is also a part of the legislation approved by the committee."

Finally, to ensure utilities could continue coal-fired generation until 2020 — when CCS is expected to become commercially viable — the proposed law makes available for purchase by emitters each year 2 billion tons of carbon dioxide offsets.

"In the typical case, instead of reducing emissions from coal-fired power plants at the plant site, the electric utility would pay for the planting of trees, the preservation of existing tropical rain forests or invest in domestic agriculture in a way which would reduce carbon dioxide emissions from farming operations," Boucher said.

"The availability of these offsets are the key to enabling electric utilities to continue using coal as they are today while at the same time meeting the carbon dioxide reduction requirements contained in the legislation prior to 2020."

After 2020, Boucher anticipated that the utilities would begin using carbon dioxide and sequestration technologies.

WATER SUPPLY

California has a tremendous task relative to water supply to legislate through in the near future. The primary deficiency that California has is a lack of storage in the correct locations throughout the state. Most of the water that drenches Northern California needs to be stored for use when necessary. In the meantime all water agencies are trying to live within their water budget.

The City of Los Angeles is no exception and has implemented mandatory water conservation measures.

The measures which took effect Monday, June 1st, restrict landscape watering with automatic sprinklers to Mondays and Thursdays, before 9 a.m. and after 4 p.m. Watering by hand with a flow-control nozzle is allowed on any day, before 9 a.m. and after 4 p.m. No watering whatsoever is allowed between 9 a.m. and 4 p.m.

The Department of Water and Power has additionally implemented a shortage year rate schedule to provide customers with a financial incentive to conserve water. Under the shortage year rates, a customer's Tier 1 water allotment will be reduced by 15 percent, and the billing rate for Tier 2 water consumption will increase.

A customer's Tier 1 water allotment is calculated based on a number of factors, including lot size and temperature zone.

Customers already conserving 15 percent below their Tier 1 allotment will see no change in their bills, and customers who take new steps to reduce water consumption will see their bills decrease. Customers who exceed the reduced Tier 1 allotment will pay a higher rate for each additional gallon.

These drought measures will not solve the California water problem. Only responsible leadership at the local and state levels will guarantee a reliable water supply for future generations.

As these important issues of water and power wander through the halls of the politicians, the Associates will follow these items closely and will participate in verbal and written comments that we see are in the interest of the citizens of Los Angeles.

I continue to invite all members to become more involved with the work of the Associates. If you have additional thoughts or ideas or just want to come to one of our monthly meetings, please send me a note at [HYPERLINK "mailto:irishtomas@prodigy.net"](mailto:irishtomas@prodigy.net) irishtomas@prodigy.net.



**WHEN THE WELL IS DRY,
WE KNOW THE WORTH OF WATER.
BENJAMIN FRANKLIN**

Letters to State Legislators

The letter below was sent by the Board also to The Honorable Ken Salazar, Secretary United States Dept. of Interior, 1849 C Street, N.W., Washington, D. C. 20240, with copies to The Honorable Barbara Boxer, United States Senator and The Honorable Dianne Feinstein, United States Senator

June 11, 2009

The Honorable Arnold Schwarzenegger
Governor of the State of California
State Capitol
Sacramento, California 95814

Dear Governor Schwarzenegger:

The Water and Power Associates, Inc. was incorporated in 1971 to inform and educate its members, public officials, and the general public on critical water and energy issues affecting the citizens of Los Angeles, Southern California and the State of California. Our website ([HYPERLINK "http://www.waterandpower.org"](http://www.waterandpower.org))
www.waterandpower.org)

We are writing to respectfully request that your Department take action in concert with the Governor of California to restore the reliability and water quality of the State Water Project and the Central Valley Project by construction of long needed new Delta water conveyance facilities. We have become increasingly concerned about the vulnerability of the two water projects to certain levee failures in the Delta and sea water intrusion.

As Southern Californians, we are taking significant steps to decrease our water usage. Each of us can do our part to be more water efficient, but conservation alone cannot guarantee us or anyone else a dependable water supply. Fixing the existing Delta levees to patch up the status quo is not the answer. Building an isolated conveyance system, in combination with appropriate levee repair and environmental restoration is the only long term sustainable way we can see California having enough water to meet our state's urban economy, agriculture and environmental needs.

We know that you are also aware of the immediate crisis caused by continuing drought and regulatory restrictions to protect the Delta Smelt. We hope you agree that it makes common sense in the face of the immediate crisis to take action to construct temporary barriers in key locations to help manage the conflicts with endangered fish. I ask you and your Department to get the job done now. Business as usual isn't good enough given expected job losses and environmental degradation if next year is a repeat of this year with more studies and no action.

Very truly yours,

Thomas J. McCarthy
President
Water and Power Associates

cc: Honorable Mike Chrisman, Secretary, Natural Resources Agency

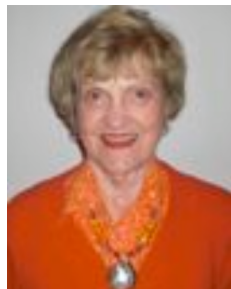
Our Recent Guests



Stephen N. Arakawa
Manager, Water Resource
Management Group
The Metropolitan Water District
of Southern California



Pauline Bielski
retired as a Graphics Arts Director
for a prestigious Chicago firm. She
keeps busy in the arts community,
traveling and volunteering.



Corrine Brophy
retired from Allstate as a
Corporate Vice President. She
volunteers at University Hospital
and is on the Board at Hubbard
Dance Company in Chicago.
Corrine and W&PA Alice
Lipscomb served together as
Special Service Directors in
Europe.



Douglas Dorado
GIS Coordinator
Local Agency Foundation
Commission for the County of
Los Angeles (LAFCO)



Helen Fauber
After some years in Northern
California where she worked in
the banking industry and helped
raise 3 grandchildren, Helen
moved back to Chicago. She now
keeps busy helping at a Chicago
hospital and traveling.



Sera Grossman
Senior Government Analyst
LAFCO



Evan Humphreys,
Engineer of
Distribution Planning,
LADWP



Mark Stuart
Regional Manager,
Southern District,
California Department
of Water Resources

*We thank our guests for enriching our Board Meetings. We value your views.
Guests are always welcome.*

BOOK REVIEW

By Abraham Hoffman

DEAD POOL: Lake Powell, Global Warming, and the Future of Water in the West, by James Lawrence Powell.

Berkeley: University of California Press, 2008.

284 pp. Maps, Illustrations, Notes, Index. Cloth, \$27.50. Order from University of California Press, 2120 Berkeley Way, Berkeley, CA 94704-1012; HYPERLINK "<http://www.ucpress.edu>" www.ucpress.edu.

James Lawrence Powell is the executive director of the National Physical Science Consortium at the University of Southern California. His book offers everything explicit in the subtitle as he assesses the deterioration of Lake Powell, the impact of global warming, and the scarcity of water in the West. *"Dead pool" is what you get when the water level in a reservoir sinks so low that the dam can no longer generate hydroelectric power or pass the water on downstream.* With the Southwest in a prolonged drought, the water levels at Lake Mead and Lake Powell are well on their way to dead pool status.

Hindsight is 20-20, and water planners did not have a crystal ball to predict a future when Las Vegas and Los Angeles would become enormous consumers of water and power. **When representatives of the seven states through which the Colorado River runs met to create the Colorado River Compact in 1922, they lacked the data that would reveal the true capacity of the river.** Lee's Ferry on the Arizona-Utah border seemed a logical place to establish the distinction between the Lower Basin states (California, Nevada, Arizona) and the Upper Basin states (Utah, Wyoming, Colorado, New Mexico). With the river in a wet cycle — in fact, one of its wettest periods — the compact apportioned more to the states, along with Mexico in 1944, than the river actually carried. The Southwest has lived with that misappropriation ever since, and with the growth of major urban areas, the demand for water and power is stretched to the limit.

A second problem Powell discusses is the justification for the Bureau of Reclamation in building dams on rivers throughout the West, *including places where they weren't needed.* Powell points out that the Bureau of Reclamation, founded in 1902 as the U.S. Reclamation Service, was charged with the purpose of irrigating the arid West and to obtain its funding through payments by settlers on irrigated lands. The concept proved a miserable failure, and the Bureau would have become an insignificant federal agency had it not been for the construction of Hoover Dam in the 1930s.

The new goal for the Bureau became damming the West, including some constructions of questionable value that offered more as political pork than benefits to the people. However, hydroelectric dams, termed "cash register" dams because of the revenue they generated, acquired a positive image in which the rivers were made more usable for public needs. Powell discusses the controversy over construction of a dam in Hell's Canyon and how the Sierra Club sold itself short in acceding to the construction of Glen Canyon Dam.



Powell then addresses the question of global warming, offering statistical evidence to support the validity of the theory. As the southwestern states continue to suffer drought conditions, chickens come home to roost. *Silt deposits will eventually make Hoover Dam, Glen Canyon Dam, and other dams unable to store water or generate electricity. Powell points out that dams have a certain lifetime, but that public expectations, about what dams are supposed to do, are permanent.* In effect, the public can't see, or refuses to see, that a day of reckoning is not far off. Increased demand is fundamentally incompatible with growing water scarcity.

Dead Pool is well researched, covering a broad historical timeline, and it includes comments on rainmaking, dendrochronology, and desalination that demonstrate the depth of his work. Most important, however, is that this is a very readable and compelling book. It merits a wide audience that is aware of the problem of global warming and the limitations of the Colorado River but needs the details — where the devil has been hiding for the past century — as Southwest urban oases grew while the water supply remained static. **Dead Pool** isn't just a wake-up call; it's an alarm clock ringing at full volume, and one hopes that policymakers may finally hear it. ❖

Abraham Hoffman
teaches history at
Los Angeles Valley College.

Cap and Trade or Cap and Tax?

Whenever oil and gas prices plummet, renewal energy projects tend to hit the skids, because the economic incentive to develop these new technologies simply disappears. Low prices bring on the Hummers, high prices have consumers clamoring for Toyota Priuses.

The current global economic crisis has consumers wanting neither. So U.S. President Barack Obama is looking for ways to kick the economy, and renewable energy development, into gear.

In his address to the U.S. Congress in February, Obama called on lawmakers "to send me legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America." The question is, Will a cap-and-trade system deliver the desired result--a robust renewable energy program--better than a straight carbon tax?

A discussion held last October at Columbia University, in New York City, between Yvo de Boer, the executive secretary of the United Nations Framework Convention on Climate Change, and Jeffrey Sachs, director of Columbia's Earth Institute, sheds some light on the subject.

De Boer argued the merits of the Kyoto Protocol, which sets limits on greenhouse gas emissions for signatory industrial nations and led to the European Union's carbon-emission trading system. A central element of the Kyoto Framework is the Clean Development Mechanism. The CDM allows industrialized countries to finance clean technology projects in developing countries. In return for their investment, the industrialized countries receive emission-reduction credits they can apply toward their own carbon-reduction goals or sell to others.

De Boer reported that there are now 1170 registered CDM projects in 49 developing countries. Critics argued that these projects would have gone ahead even without outside investment and that the CDM is more than a cheap way for industrialized countries to buy their way out of carbon compliance.

De Boer countered that carbon-cap-and-trade programs and the CDM, though imperfect, are worthy works in progress. And, he said, he did not oppose a complementary set of carbon taxes. "We need a set of tools to spur both private and public money flows," he said. "Climate change is a global problem, and we will need all the tools at our disposal."

Sachs, for his part argued that market-based mechanisms like cap and trade have not demonstrated that they can turn the trajectory of carbon emissions as "sharply and dramatically as we need to do it." The CDM, said Sachs, "is unfortunately a very small, marginal tool that isn't going to really change the broad framework of how energy is produced and technology distributed." What's more, he argued, cap and trade encourages the continued deployment of questionable, risky financial instruments. "I am not so keen on sending our best and brightest off to do more financial market engineering" for the carbon markets, he said. "I think the meltdown shows how we took a generation of brilliant young people and put them to tasks that don't solve problems."

Sachs believes that a carbon tax is much easier to administer than a cap-and-trade scheme. "There are just a few places we can get carbon from, and

by taxing upstream -- at the refinery or the wellhead -- you reach a carbon price for the whole economy," he said. Cap-and-trade systems, on the other hand, require monitoring the compliance of hundreds of thousands of enterprises, which, Sachs suggested, keeps a lot of regulators, attorneys, and auditors busy but has a questionable impact on carbon emissions.

Unlike a cap-and-trade system that thrives on price volatility, a carbon tax would put a floor on the price of carbon, holding it to a fixed price. A more certain price for carbon would in turn encourage long-term investment in clean technologies, said Sachs. Rather than allow Wall Street's financial engineers to make money from cap and trade, a carbon tax would let real engineers figure out ways to get carbon dioxide under control. But, Sachs said, he isn't holding his breath waiting for Congress to act on his suggestion.

--Susan Arterian Chang

Editor's note: at publication time, U.S. Representative John Larson (D-Conn.) introduced the bill known as America's Energy Security Trust Fund Act of 2009, which proposes a carbon tax to reduce carbon emissions.

A version of this column appeared in IEEE Spectrum Online's Energywise blog on 25 February. Susan Arterian Chang reports on the impacts of climate change from a policymaking and financial markets perspective. ❖

Reprint from
NA IEEE Spectrum -- April 2009.

Ed note: W&PA Robert Agopian stated that a simple carbon tax paid to the government would be far superior to a Cap and Trade system that would be an administrative monstrosity. Cap and Trade would involve many ENRON type trading desks monitoring hundreds of thousands of businesses. Either way, electric utility rates will be going up. ❖

"DWP's Proposed Power System 5 Year Budget"

The following information was culled from DWP's recent presentations to Neighborhood Councils on the Power System's proposed 5 year budget. The information was part of an overall presentation on DWP's proposed budget.

Please note: the budget projections are based on the current state of the economy and reflect the latest (April 2009) load forecast.

The financial goals are to maintain: an AA rating, debt service coverage at 2.25 times, net income sufficient to cover City transfer, and have an operating cash minimum of \$300 million. A key factor included in the financial plan is to increase the Energy Cost Adjustment Factor (ECAf) which could increase the revenue collected under the ECAf by 70% over the next five years from the current level.

Projections over the next five years show that energy sales will be down from current levels. Any growth in energy will be accounted for mainly through Demand Side Management (DSM) and solar.

Capital and Operation and Maintenance expenditures are proposed to increase about 45% over current levels. Major expenditures will be for reliability, renewable energy, generation projects and other infrastructure programs.

The net result is that the proposed system average rate has the potential to increase, over the next five years, from the current 11.2 cents/kilowatt hour to 17.2 cents/kilowatt hour, a potential increase of over 50%.

The proposed budget fiscal year 2009/2010 reflects an average 2 cent/kilowatt hour increase.

The entire presentation can be found on DWP's web site under "Neighborhood Councils". ❖

Water and Power Associates, Inc.

is a non profit, independent, private organization
incorporated in 1971
for informing and educating
its members, public officials and the general public on
critical water and energy issues affecting the citizens of
Los Angeles, of Southern California and of the State of California.



We invite you to visit our website for information on
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Legislative positions on water issues

Legislative positions on energy issues

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Guest Speakers

History, Growth, and Future of Electricity Delivery

Evan Humphreys, Engineer of Distribution Planning at Los Angeles Department of Water and Power, was the guest speaker at the May 13, 2009 meeting of the Board of Water and Power Associates. Humphreys talked about Receiving Stations and Distributing Stations and their significance as two of the major components of the Power System. He described how these stations evolved over the years and the challenges involved in their construction.

Receiving Stations – The LADWP system presently has 20 receiving stations (RSs) that employ large transformers to reduce incoming high-voltage electric energy from generators to a lower voltage for use in effectively supplying large customers and community substations called distributing stations. A typical RS has sufficient capacity to provide power for about 20 to 25 square miles or a somewhat smaller area in high density areas like downtown.

Distributing Stations – About 500 subtransmission circuits from RSs bring the electric energy to over 120 distributing stations (DS) situated in smaller Los Angeles communities. These local DSs house transformers to reduce the voltage of the energy for effective distribution. Over 1600 local circuits originate from DSs to deliver electric energy to about 1.3 million residential and smaller commercial customers with a typical DS supplying the electric power needs of about 10 thousand customers.

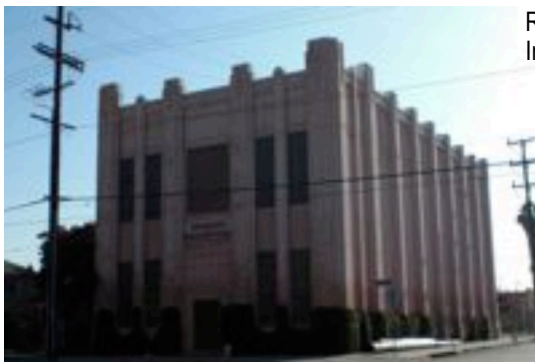
Load growth in Los Angeles has resulted in the continuing need for LADWP to install more and larger RSs and DSs. In the 1920's there were only six RSs in all of Los Angeles and not even one RS in the valley. All of the rural valley area was then supplied by about 20 very small DSs that were supplied from an RS in the basin. Even in the 1930's, all electric energy for the entire San Fernando Valley was supplied from only one RS and about 20 small DSs. Today, the San Fernando Valley is supplied by seven large RSs and 50 much larger DSs. Similarly, continued growth in all of Los Angeles results in the Department's installation of additional capacity at existing stations as well as new RSs and DSs.



Evan Humphreys,

To meet the load growth and reliability needs of the City, there is an imminent need to build two additional DSs, one in the San Fernando Valley and one in West L.A. The timeline from start to finish, including site acquisition, design, EIR, and construction, can be as long as 10 years. Despite the fact that load growth is not as steep as it has been in previous years (1-2% vs. 3-4%) due to a slowed economy, the DWP cannot continue to delay the construction of these new stations. The longer the DWP waits, the more difficult it will become to jump over the NIMBY (*Not In My Back Yard*) and regulatory hurdles imposed by such an undertaking.

Humphreys also touched upon future challenges in enhancing the infrastructure to support Cold Ironing at the Harbor and the proposed expansion of the LAX. ❖



Receiving Station Century B
In service Dec. 13, 1926



Distributing Station 41
In service Feb. 1, 1937

Guest Speakers

California's Water Crisis In Search of a Solution



Stephen N. Arakawa

Stephen Arakawa, Manager Water Resource Management Group, The Metropolitan Water District of Southern California, presented an informative power-point presentation at the June 10, 2009 Associates Board Meeting.

He described the MWD as Regional Water Wholesaler to 6 counties encompassing 5,200 square miles; a 37 member Board represents 26 member agencies (18+ million people with a projected population growth of 170,000 people annually); the regional economy that exceeds \$800 billion; the outlook of the water supply which meets about half of retail demands, key risks; and MWD Improvement Actions.

The Los Angeles Aqueduct, Colorado River Aqueduct Supplies, State Water Project Supplies, Local supplies, Conservation, and Water Banking / Exchanges, Transfers & Storage were identified as sources of water for Southern California.

The Local Perspective of California Water –2009

The Los Angeles Aqueduct, Colorado River Aqueduct, and the State Water Project are coming out of an 8 year drought with below normal snowpack, below average rainfall, and fishery conflicts cause cutbacks & 3-year drought

In response to the drought, 25 agencies have enacted mandatory conservation and 58 agencies have asked for voluntary conservation.

Arakawa's graphics highlighted California's Water Crisis In Search of a Solution. **Key risks** include the Delta fishery declines, seismic risks on the Bay Area faults, subsidence, a downturn for Delta smelt and salmon; reduced pumping flexibility, regulatory cutbacks that significantly lowers water supply, increased pressure on storage reserves, and rationing in 2009. Additional fisheries impacts are not factored into the above risks.

Improvement actions contain the Governors' Delta Vision Process, the Bay-Delta Conservation Plan, and the Endangered Species Act Consultations re the SWP & CVP Operations.

The Governor's Delta Vision Committee priorities:

- ◆ Implement dual water conveyance system.
- ◆ Construct near-term 2-Gate Project in 2009.
- ◆ Manage non-water supply related stressors.
- ◆ Protect unique Delta characteristics.
- ◆ Complete surface storage studies.
- ◆ Develop emergency preparedness strategy.
- ◆ Support 20% by 2020 urban conservation goal.
- ◆ Strong incentives for conservation, recycling, desalination.
- ◆ Improve governance & accountability.

Key near-term measures involve the emergency stockpiling of 240,000 tons of rock and levee improvements; requiring breach closures and slump restoration for an emergency pathway with a 6 month estimated export resumption. Another key near-term measure includes a 2-gate Fish Protection Project.

In the long-term vision, water moves through and around the Delta.

MWD plans to meet future demand increases -- from 1 billion gal/day (1.1 million AF/yr) to 2 billion gal/day (2.1 million AF/yr) by 2025 -- through "local" resources: groundwater recovery, recycling and desalination, and conservation.

MWD has 7 existing and 7 new Prop. 13 local programs committed to improved ground/surface storage.

Commitment to Regional Investments include \$223 million for conservation; 5 proposed desalination projects; \$194 million for 61 recycling projects; 13 proposed new LRP programs; and \$80 million for 21 groundwater recovery projects.

More than 550 participants engaged in four half day IRP Stakeholder Forums on groundwater, recycled water, conservation, stormwater / urban runoff, sea water desalination and graywater. The key messages covered a need for new strategies, new development, pay for reliability and quality, and the need to form strong partnerships.

New Challenges for MWD

- ◆ Emerging water quality issues,
- ◆ Energy crisis,
- ◆ Endangered species,
- ◆ Capital financing, and
- ◆ Climate change. ❖

W&PA Tour MGM Solar Panel Installations

On July 8th Water and Power Associates board members were escorted on a tour of the solar photovoltaic installation on the MGM Tower parking structure, located in Century City.

The building's owner, Constellation Place, LLC, has a commitment to the concept of sustainable building operations. The 35 story building, completed in 2003, has 775,000 rentable square feet. The MGM Tower, in addition to the solar installation, has earned a LEED (Leadership in Energy and Environmental Design) Silver certification from the U. S. Green Building Council.

The solar installation, dedicated on January 14, 2009, was designed to provide a portion of the electric power required for the MGM Tower. The system, located on the top deck of the parking structure, has a total of 1,408 panels with approximately 300 watts per panel, for a total of about 387 kilowatts. The system covers more than one acre.

During our tour, the system was producing 327 kW (at 1 pm) and is expected to generate over 570,000 kWh annually. The system produces DC current that is converted onsite to AC to operate in parallel with DWP's service. ❖



MGM solar panels, Associates, Guides, and the Century City sky line.



Associates John Schumann, Mike Moore, Joseph Hegenbart, learn details about equipment from one of our tour guides, Timothy E. Christopher, Chief Engineer, ABM Engineering.



Front row: Tom McCarthy, Rebecca Schumann, (LADWP Utility Services Specialist, Major Accounts), our tour guide Jodi A. Talentino (RPA Property Manager, Constellation Place, LLC.), Dorothy Fuller, Alice Lipscomb, John Schumann. Back row: Jack Feldman, Carlos Solorza, Michael Moore, and Joseph Hegenbart.



A walk by the rooftop solar panels from which there is a panoramic view of Sun America, MGM, Century Plaza Hotel, Westfield Shopping Center, other landmarks and views of surrounding cities.

In Memory of Kenneth W. Downey



Retired Assistant City Attorney Kenneth Downey, employed over 30 years with the Los Angeles City Attorney, and counsel to the LADWP Water System for 29 years, passed away Monday, June 22, 2009.

A memorial party, at Ken's direction, was held at his home on June 27th. It was attended by his wife, 5 children, 11 grandchildren, a host of friends, neighbors, political officials, former co-workers and W&PA members. Ken's extraordinary life was honored.

Ken, a graduate of Manual Arts High School (Los Angeles), Stanford University undergrad, and UCLA Law School, was a captain in the United States Marine Corps and served more than 30 years as an Assistant City Attorney.

As legal advisor to the DWP Water System, Downey represented the City in a broad variety of matters, including water rates, conservation, environment, and intergovernmental relations. For example, in the "Buy American" case, he secured a favorable appellate ruling that a law requiring cities to favor American bidders over lower foreign bidders was unconstitutional (Bethlehem Steel v. Board of Commissioners [1959]). This allowed the City (and other like entities) to follow Charter requirements to sell to the lowest responsible bidder.

Downey was lead attorney in some of the most significant water rights cases of the 20th Century. In the Mono Lake case (Audubon Society v. City of Los Angeles [1983]), Downey fought to protect established appropriative water rights of the City to divert waters tributary to Mono Lake into the Los Angeles Aqueduct.

Opposed by environmental groups, Downey achieved a decision in which the California Supreme Court held that neither the water rights of the City nor the public's rights to environmental protection under the public trust were subsumed by the opposing rights, but that the needs of both had to be balanced. Under the public trust doctrine, the court held that the state could cut back prior water allocations to protect the public trust, but as a matter of practical necessity the state may have to approve appropriations despite foreseeable harm to public uses.

In some half dozen cases involving groundwater rights in the Owens Valley (County of Inyo v. City of Los Angeles [1973-1997]) that took some 24 years to get resolved, Downey litigated issues raised by the County of Inyo and others under the California Environmental Quality Act. This ultimately led to the parties entering agreements which take into account the needs of both sides.

As a longtime active Board Member of the Water and Power Associates, Inc., Ken counseled the Board on many legal and legislative issues. He also worked tirelessly with the Associates and volunteered hundreds of hours to advise and assist the L.A. Charter Commissions (both appointed and elected) on wording Charter changes that strengthened the Board of Water and Power Commission. These included returning to the Commission the power to appoint and remove the General Manager and reducing the City Council's power to use Proposition 5 to change Commission decisions. In addition Ken wrote several op ed pieces for the Associates that were published in the Los Angeles Times concerning issues affecting the City's water rights.

❖

Other Editorial Contributors

Cap and Trade or Cap and Tax article submitted by Robert Agopian



Summary of Evan Humphrey's presentation by Jack Feldman



Remembrances of Ken Downey by David Oliphant



&

Michael Moore



Review of MGM Solar Panel Installation Tour by John Schumann

