



# In Brief

A MONTHLY NEWSLETTER FROM  
THE LEGAL SERVICES DIVISION OF  
CALIFORNIA FARM BUREAU

APRIL 2024

## CAFB SUBMITS TESTIMONY IN PACIFICORP ECAC PROCEEDING

On April 2, 2024, CAFB submitted testimony in PacifiCorp's 2024 Energy Cost Adjustment Clause (ECAC) and Greenhouse Gas-Related costs proceeding. CAFB protested the proposed overall 25% rate increase (25.6% for irrigation customers) and is the only party besides the Public Advocates Office in the proceeding. CAFB's opening testimony focused on two issues: the use of the appropriate apportionment method by PacifiCorp in assigning costs between its different state service territories and costs apportioned to states from a Washington Cap and Invest program that was challenged in Oregon's version of an ECAC proceeding at the Oregon Public Utilities Commission. CAFB had previously entered into a partial settlement agreement in the proceeding to guarantee timely dispersal of the California Climate Credit and agreement on a change to the Green House Gas Surcharge resulting in a \$5.6 million rate decrease. PacifiCorp has indicated a potential willingness to engage in settlement negotiations on CAFB's other issues.

Staff Contact: Kevin Johnston (916) 561-5688 or [kjohnston@cfbf.com](mailto:kjohnston@cfbf.com)

## TENTATIVE WATER QUALITY AG ORDER RELEASED IN SAN DIEGO



The San Diego Regional Water Quality Control Board has released the Tentative Order, General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations in the San Diego Region,

for public comment. The Tentative Ag Order regulates discharges from irrigated agriculture. A public workshop was held on April 10, 2024. Comments are due on May 13, 2024. A copy of the Tentative Ag Order can be found [here](#).

Staff contact: Kari Fisher (916) 561-5666 or [kfisher@cfbf.com](mailto:kfisher@cfbf.com)

## U.S. EPA RELEASES DRINKING WATER REGULATIONS FOR PFAS



On April 10, 2024, the U.S. EPA released final National Primary Drinking Water Regulations for six per- and polyfluoroalkyl substances (PFAS), commonly referred to as “forever chemicals” due to their inability to breakdown, including PFOA and PFOS. The National Primary Drinking Water Regulations establish the first national legally enforceable drinking water standards (aka Maximum Contaminant Levels or MCLs) for PFAS. Under the Regulations, public water systems must monitor for PFAS compounds and implement solutions by 2029 to reduce levels if exceedances are found. More information can be found [here](#).

Staff contact: Kari Fisher (916) 561-5666 or [kfisher@cfbf.com](mailto:kfisher@cfbf.com)

## CHARITIES REGISTRY CLARIFIES ITS STANCE ON CHARITABLE ASSETS

The item “Registry of Charitable Trusts Casts Wider Net” in the January 2024 issue of In Brief newsletter discussed a change in how the Registry—recently renamed as “Registry of Charities and Fundraisers”—determines whether an organization holds charitable assets, thus requiring the organization to register with and annually report to the Registry.

The item stated that it seems the Registry “now regards any contribution deemed by it to be charitable as causing the contributing organization to be a charitable trust, even if the contribution was made from the contributing organization’s general treasury funds and even if the contributing organization never solicited the public for charitable contributions.”

Communications between CAFB’s Legal Services Division and the deputy attorney general who supervises the Registry have favorably clarified the Registry’s position. The Registry’s position is not nearly as extreme as stated in the prior paragraph.

Rather, the Registry focuses on whether a fundraising solicitation indicates that some or all funds raised will be used for a charitable purpose. If it does so indicate, then funds received from the solicitation are charitable assets, triggering registration and reporting requirements. But if it does not so indicate, then funds received from the solicitation are not charitable assets, and registration and reporting requirements are not triggered.

Charitable purposes include scholarships and public education activities—even where they serve the dual purpose of furthering the interest of the county Farm Bureau's agricultural members and thus its exempt purposes.

Moreover, the Registry regards as irrelevant the fact that donors may not take charitable income-tax deductions for their contributions to county Farm Bureaus, which are not charitable organizations in the eyes of the federal and California tax agencies.

A county Farm Bureau may, however, make from its general treasury charitable contributions without triggering charitable registration and reporting requirements —again, as long as no funds in the treasury were raised by a charitable solicitation as described above.

Staff Contact: Carl Borden (916) 561-5659 or [cborden@cfbf.com](mailto:cborden@cfbf.com)

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Legal Services Division | (916) 561-5665 | [Contact us](#)

Karen Norene Mills  
Director

Carl Borden  
Senior Counsel

Christian Scheuring  
Senior Counsel

Kari Fisher  
Senior Counsel

Kevin Johnston  
Associate Counsel

Justin Fredrickson  
Environmental &  
Water Policy Analyst

Jules Tran  
Paralegal/Secretary

Bailey Morrell  
Law Clerk

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California Farm Bureau | 2600 River Plaza Dr., Sacramento, CA 95833

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