

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application
of Willow Creek Water Company
for a General Rate Increase.

Docket No. 13-2506-01

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HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission
Hearing Room 451
160 East 300 South
Salt Lake City, Utah

DATE: Wednesday, March 27, 2013

TIME: 12:00 p.m.

REPORTED BY: Scott M. Knight, RPR

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APPEARANCES

ADMINISTRATIVE LAW JUDGE: MELANIE A. REIF

FOR WILLOW CREEK WATER COMPANY:

ALTON VEIBELL (Pro Se)

STEVEN TAYLOR (Pro Se)

FOR DIVISION OF PUBLIC UTILITIES:

PATRICIA E. SCHMID, ESQ.,

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160 East 300 South

Fifth Floor

Salt Lake City, Utah 84114

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Hearing Proceedings

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March 27, 2013

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PROCEEDINGS

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THE HEARING OFFICER: We're on the record.

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Welcome, everyone. I'm Melanie Reif, administrative law judge for the Utah Public Service Commission. And today is the public witness hearing in Docket 13-2506-01 entitled In the Matter of the Application of Willow Creek Water Company for the General Rate Increase.

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As noted in the notice that was issued by the

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Commission on March 20, 2013, the hearing will begin at the

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time indicated. The time indicated is Wednesday, March 27,

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2013, at 12:00 noon. And it will end when individuals present at

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the beginning of the hearing have finished their comments.

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The Commission notes that there is no one present,

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no one has made themselves known that intends to make

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comment. So, that being said, that part of the hearing will be

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closed, or adjourned. I do want to continue with the hearing,

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however, on a couple of matters. One is to confirm with Mr.

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Veibell and Mr. Taylor regarding an issue that we spoke about

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at the last hearing about notice. And the second issue is about

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the revised memos that the Division has submitted and also to

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alleviate any concerns that you may have, because we're on a

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very short window here. The court reporter is aware that we

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have a very short window. And so, we've asked to, if we could,

1 have a transcript as quickly as possible. And he's working with
2 his office to attempt to accommodate us. So, thank you very
3 much, Scott.

4 Mr. Veibell and Mr. Taylor, to the extent that I'm
5 going to ask you some questions today, I'd like to put you both
6 under oath, as I did previously.

7 Mr. Veibell, are you hearing me okay?

8 MR. VEIBELL: Yes. Uh-huh (affirmative).

9 THE HEARING OFFICER: Okay. Very good. Are
10 you both prepared to testify today on the issue of the notice that
11 we spoke about at the last hearing?

12 MR. VEIBELL: Yes.

13 MR. TAYLOR: Yes.

14 THE HEARING OFFICER: Okay. And will you
15 please raise your right hands, please? And do you testify that
16 the--do you swear that the testimony you're about to give today
17 is the truth?

18 MR. VEIBELL: Yes.

19 MR. TAYLOR: Yes.

20 THE HEARING OFFICER: Thank you very much.

21 At our last hearing, we discussed the issue of
22 notice. And it was the direction of the Commission at the end of
23 that hearing that notice would be provided to all of your
24 customers--all of your current customers as well as those who
25 are on standby. Can you report to me how you achieved notice?

1 And Mr. Veibell or Mr. Taylor, you're welcome to respond to this
2 issue.

3 MR. VEIBELL: No. I hand-delivered most of them.
4 And Steve Taylor emailed some.

5 And, then, there was a couple that you had sent a
6 letter to.

7 MR. TAYLOR: Right. We wrote a letter to Mark
8 Long on the 18th--or sorry--on the 21st of March. Okay. And in
9 that letter, we stated that we have completed the second notice
10 for Willow Creek Water Company. The first notice was sent out
11 on the 18th, as we talked about in the previous hearing. We
12 hand-delivered 17 notices, we emailed 8 notices, and we sent
13 through U.S. Mail 5 notices, for a total of 30 notices sent out.
14 And that includes all current users and all lots that were on
15 standby, and then two lots that actually aren't on the system.
16 They're out in the middle of a field, not close to the system, and
17 included those folks, too.

18 THE HEARING OFFICER: Okay. And remind me
19 again when you accomplished that.

20 MR. TAYLOR: That was completed--well, the letter
21 was sent to Mark at 4:08 p.m. on the 21st. And it was finished
22 at that time.

23 THE HEARING OFFICER: Bear with me one
24 moment, please.

25 MR. TAYLOR: You're fine.

1 THE HEARING OFFICER: Okay. So, just to
2 backtrack, make sure I'm understanding you correctly, we last
3 met on the 20th of March.

4 MR. TAYLOR: Correct.

5 THE HEARING OFFICER: And during that hearing,
6 you reported that you had sent notice on the 18th, which was
7 just a couple of days before--

8 MR. TAYLOR: Correct.

9 THE HEARING OFFICER: --which precipitated our
10 discussion about notice. And--
11 okay. So, when did you actually hand-deliver the notices?

12 MR. VEIBELL: I hand-delivered those on the 21st,
13 March the 21st.

14 MR. TAYLOR: Right.

15 THE HEARING OFFICER: Okay.

16 MR. TAYLOR: All 17 were delivered on the 21st.
17 The only ones that would have been delivered were the five that
18 were mailed on the 21st, so it could have been a couple days
19 later before they received those. The only reason they were
20 mailed is they were not in Logan. They were other places like
21 south--one's down in Sandy and a couple of other places.

22 THE HEARING OFFICER: And there were a few
23 that you also emailed. Is that correct?

24 MR. TAYLOR: Uh-huh (affirmative). Eight of them
25 were emailed.

1 THE HEARING OFFICER: Okay. And to your
2 knowledge, do you have current email addresses for all of those
3 people?

4 MR. TAYLOR: Uh-huh (affirmative). Yes.

5 THE HEARING OFFICER: Okay. All right.

6 MR. TAYLOR: And just one additional comment:
7 Mark sent a clarification. The first--the notice that we sent on
8 the 21st was the--I believe you had a copy to review--you
9 reviewed that. It was the first--

10 MR. LONG: Yes.

11 MR. TAYLOR: --review after our meeting, after our
12 meeting last time.

13 That's what we sent out. Mark sent an additional
14 clarification on some of the commercial rates and whatnot of
15 which we sent out by email on--what day did we send those out?
16 Hold on one second.

17 MR. VEIBELL: We got this.

18 MR. TAYLOR: On the 25th.

19 MR. VEIBELL: On the 25th.

20 MR. TAYLOR: So, it was on the 25th. Alton came
21 to my office. We prepared an email to every person that we had
22 sent. And we sent those out to them.

23 MR. VEIBELL: There was a few that--

24 MR. TAYLOR: --that you hand-delivered.

25 MR. VEIBELL: --that I hand-delivered. And I think

1 there was six of those.

2 MR. TAYLOR: And six of them we hand-delivered.
3 But we sent an email back to everybody--like a second notice,
4 also.

5 THE HEARING OFFICER: Okay.

6 MR. TAYLOR: Okay.

7 THE HEARING OFFICER: All right. Thank you
8 very much for that clarification.

9 Ms. Schmid, do you have any questions for the
10 Applicant concerning notice or anything regarding follow-up from
11 the last hearing?

12 MS. SCHMID: The Division has no questions.

13 THE HEARING OFFICER: Okay.

14 MR. TAYLOR: One other comment.

15 THE HEARING OFFICER: Yes, sir.

16 MR. TAYLOR: As Alton hand-delivered them, we
17 have documents signed by those that received them. And we
18 collected emails at that time, too. And, so, I don't know if you
19 want a copy of that so--for the record, but we have several of
20 those that were signed.

21 THE HEARING OFFICER: Did you bring a copy of
22 that, sir?

23 MR. TAYLOR: I didn't make a photocopy, but I'd be
24 happy to give a copy to you.

25 THE HEARING OFFICER: Did you bring a copy of

1 the notice that you provided?

2 MR. TAYLOR: Uh-huh (affirmative). We have a
3 copy of that, also.

4 THE HEARING OFFICER: Okay. At some point,
5 we'll take a break and we'll make sure I get a copy. And we'll
6 put that in the record.

7 MR. TAYLOR: Okay.

8 THE HEARING OFFICER: Thank you for offering
9 that.

10 MR. TAYLOR: Thanks.

11 THE HEARING OFFICER: Ms. Schmid, I'd like to
12 turn to the Division now and offer you the opportunity to address
13 the subsequent memos that were filed with the Commission.

14 MS. SCHMID: Thank you. May Mr. Mark Long
15 please be sworn?

16 THE HEARING OFFICER: Yes, he may.

17 Mr. Long, are you prepared to testify today?

18 MR. LONG: Yes.

19 THE HEARING OFFICER: And will you please raise
20 your right hand? Do you swear that the testimony you are about
21 to give is the truth?

22 MR. LONG: Yes.

23 THE HEARING OFFICER: Thank you.

24 Please proceed.

25 MS. SCHMID: Good afternoon, Mr. Long.

1 MR. LONG: Good afternoon.

2 MS. SCHMID: When we were last here, the
3 Division was instructed to file some corrective memorandums.
4 The Division has filed two. The Division filed one memorandum
5 shortly after the hearing, correcting the rates charged the
6 commercial customer. Subsequently, however, the Division
7 received additional information and filed another memo dated
8 March 25, 2013. Mr. Long, could you please briefly describe
9 those memos
10 and . . .

11 MR. LONG: Sure. The first memo that was filed on
12 March 20, very soon after the initial interim rate hearing
13 addressed the--first of all, it addressed the hearing date or the
14 memo date. And it was changed to the 19th from the 20th. And
15 it also addressed some of the current rates that were reported
16 as being charged at the time in the hearing, but later we've
17 discovered by reading the tariff that some of those rates that
18 were being charged weren't necessarily being charged correctly.
19 So, we revised the memo to the one dated March 25.

20 And it also talks about--it shows the correct rates
21 that are on the tariff now that's on page 3 of that memo--and,
22 then, it also talks a little bit about going in and checking also
23 during the rate case investment the difference in--that was
24 charged to the commercial customer that should have been
25 charged.

1 MS. SCHMID: Your Honor, would you like to take
2 judicial or administrative notice of these or would you like them
3 to be offered as exhibits?

4 THE HEARING OFFICER: Remind me how we took
5 the previous exhibit in.

6 MS. SCHMID: I believe you took judicial notice of
7 them as they had been filed.

8 THE HEARING OFFICER: Okay. I believe the
9 same will be appropriate in this instance. Thank you.

10 Are you finished with Mr. Long?

11 MS. SCHMID: Not quite.

12 THE HEARING OFFICER: Okay. Please proceed.

13 MS. SCHMID: Mr. Long, do the revisions change
14 the Division's recommendation concerning approval of interim
15 rates?

16 MR. LONG: No, they don't.

17 MS. SCHMID: Could you please refresh our
18 memory about that recommendation?

19 MR. LONG: Well, in a nutshell, the Division
20 recommended that the rates be approved for interim, although it
21 also is reminding the court that these revised rates are
22 probably--or these interim rates are probably going to be quite a
23 bit less than what the final rates will be in its recommendation.

24 MS. SCHMID: And is it also the Division's
25 recommendation that if the final rates are higher that the

1 Company will not be allowed to recoup the difference?

2 MR. LONG: That's correct.

3 MS. SCHMID: Do you have any other comments
4 you would like to make?

5 MR. LONG: Not at this time.

6 MS. SCHMID: Thank you.

7 Mr. Long is now available for questions.

8 THE HEARING OFFICER: Mr. Taylor and Mr.
9 Veibell, do you have any questions for Mr. Long?

10 MR. TAYLOR: No.

11 MR. VEIBELL: I don't believe so. Thank you.

12 THE HEARING OFFICER: Okay. Thank you.

13 Mr. Long, just a couple of clarification questions.
14 With respect to the memo that was filed on the 20th of March,
15 this says at the very top, "Corrected on March 20, 2013, per
16 Commission hearing." That was the purpose of the memo. Is
17 that correct? It was to correct some things that were discussed
18 during that hearing.

19 MR. LONG: That's correct.

20 THE HEARING OFFICER: Okay. And, then, the
21 memo that was filed on the 25th of March was filed, as I
22 understand it, you did some additional research and found that
23 the tariff allowed certain things and the memo reflects that. Is
24 that correct?

25 MR. LONG: That's correct. I just wanted to make

1 sure that was clear.

2 THE HEARING OFFICER: Okay. Very good. And
3 is it the Division's position that the interim rates should be
4 approved by the Commission pending the general rate case?

5 MR. LONG: Yes, it is.

6 THE HEARING OFFICER: Okay. Thank you. I
7 don't have any further questions.

8 Let's go off the record for a moment. We'll be off
9 the record.

10 (Recess taken, 12:14-12:31 p.m.)

11 THE HEARING OFFICER: Back on the record.

12 Mr. Veibell and Mr. Taylor, just before we went off
13 the record, there was an issue that you raised with respect to
14 having some documentation that you wished to provide that went
15 to the issue of notice. And I'd like to give you an opportunity
16 now to address that and raise any issues or documentation that
17 you wish with respect to that.

18 MR. TAYLOR: Okay. Basically what I'm going to
19 present to you is the document that was handed to each
20 hand-delivered applicant, 17, and then also emailed and also
21 mailed. We also have a list of individuals that were home that
22 signed and put their name and address and their email address
23 on--as they received this. There were--was it five that were not
24 home?

25 MR. VEIBELL: I believe that's--

1 MR. TAYLOR: There were five that were not home
2 at the time, so--

3 MR. VEIBELL: I think I wrote those down here.

4 THE HEARING OFFICER: Mr. Veibell, make sure
5 you speak into your microphone.

6 MR. VEIBELL: Okay.

7 MR. TAYLOR: So, these are the--

8 MR. VEIBELL: At the bottom of the list, there's
9 one--two, three--four that weren't home, so I just put them in
10 their door.

11 MR. TAYLOR: Yeah. So, four of them were hand-
12 delivered, but no one was there to sign. But he's written those
13 at the bottom here.

14 On the top--1, 2, 3, 4, 5, 6, 7, 8, 9, 10--11 more on
15 the top--and 1 back here. Twelve.

16 MR. VEIBELL: Yeah.

17 MR. TAYLOR: Right there (indicating).

18 THE HEARING OFFICER: Okay.

19 MR. TAYLOR: And those were hand- delivered and
20 signed for.

21 THE HEARING OFFICER: Okay.

22 MR. TAYLOR: And we got--received their email
23 addresses at that time. So, that constituted the notice on the
24 21st, these two documents (indicating).

25 Then, on the 25th when we received a clarification

1 from Mr. Long on that--information from the tariff that may not
2 have been accurately portrayed in there, we sent his actual
3 four-page memo to all of the emails that we've collected, and
4 delivered them to seven of them, hand- delivered the seven that
5 we didn't have emails for and mailed it to the additional ones,
6 the additional eight that we mailed before.

7 THE HEARING OFFICER: Okay.

8 MR. TAYLOR: Okay.

9 THE HEARING OFFICER: Thank you, Mr. Taylor.

10 The Commission would like to take judicial notice of
11 those three documents that you just referenced.

12 MR. TAYLOR: Okay.

13 THE HEARING OFFICER: Will you please bring up
14 copies of each of those, please? And if you would, please,
15 provide the court reporter with--

16 MR. TAYLOR: Yes.

17 THE HEARING OFFICER: --copies of each.

18 MR. TAYLOR: Yeah.

19 This is the 25th. And these are the earlier ones
20 (indicating).

21 That's the one from the 25th. And this is the
22 earlier one (indicating).

23 THE HEARING OFFICER: Okay. Great. Thank
24 you.

25 MR. TAYLOR: Do you want a copy?

1 MR. LONG: Yes, please.

2 MR. TAYLOR: There's a set.

3 THE HEARING OFFICER: Thank you, Mr. Taylor
4 and Mr. Veibell, for preparing and providing this information. I
5 wish to note that the notice that you referenced, the notice that
6 was hand-delivered prior to the clarification subsequent to Mr.
7 Long's memo does reflect the public witness hearing date and
8 time and location. And that's what we were trying to accomplish
9 when we last met. And thank you very much for doing that and
10 for providing the additional documentation from the individuals
11 who received this information by hand delivery.

12 Mr. Veibell and Mr. Taylor, while you were providing
13 notice, did you receive comments from individuals?

14 MR. TAYLOR: Yes, we did.

15 MR. VEIBELL: I received comments on three of
16 them. Now--

17 THE HEARING OFFICER: Could you share those
18 comments with the Commission, please?

19 MR. VEIBELL: The first one, he was in favor of all.
20 He says, "I can see that"--

21 MR. TAYLOR: Who was it?

22 MR. VEIBELL: That was Beau Lewis.

23 THE HEARING OFFICER: And Beau Lewis, is he
24 one of your customers?

25 MR. VEIBELL: Yes. Uh-huh (affirmative).

1 THE HEARING OFFICER: Okay.

2 MR. VEIBELL: And he was well in favor of it. He
3 says, I could see that you need to take and raise the rates in
4 order to stay in business.

5 And the second one was Jared Sorensen. And first
6 thing he says, he says that 12,000 gallons a month--he says, I
7 timesed that by 12 and it was 144 gallons--144,000 gallons.
8 And he says, We purchased the lot--he says, We get one-ninth--
9 0.19 acre-foot per year, which is 293,000 gallons. And I says,
10 You still get that, but during the summertime, you're going to be
11 using--especially when you have lawns and gardens, you'll go
12 over that 12,000 gallons. And that's why we have to charge that
13 dollar-fifty for every thousand gallons over the 12,000, because
14 it costs more to pump during the summertime. And then, he
15 says, Fine. He says, I see that now. But he was just worried
16 about being limited. He didn't want to get knocked down to
17 144,000 gallons a year.

18 And the third one was Scott and Sharon Moake.
19 Now, Scott had--he got--he's--he was an engineer out at
20 Thiokol. And his health is kind of bad, but he lost his job here
21 two years ago. And now his insurance is gone. And he can't
22 get any insurance because of his health. His wife went back to
23 school. And she's finished some schooling, but she hasn't been
24 able to find a job yet. And he just hated to see the rates go up.

25 And I told him that I'd like to have him come down

1 to this meeting. And he says, Well, I come down there, I'd
2 probably have a heart attack. But that was his comment. And I
3 says, Well, you're welcome to join in on the telephone
4 conference. And he really wasn't in favor of that either.

5 THE HEARING OFFICER: Thank you, Mr. Veibell.
6 The gentleman you identified, the second gentleman, Mr.
7 Sorensen, did you make hand-delivery to him? I'm looking for
8 his name on the list of hand-delivered recipients.

9 MR. VEIBELL: Let me see. The second one I
10 hand-delivered to him. And the first one I had to have--

11 MR. TAYLOR: Right here (indicating).

12 MR. VEIBELL: Yeah, Riley is his son.

13 THE HEARING OFFICER: Okay.

14 MR. VEIBELL: He was home.

15 THE HEARING OFFICER: Okay. Thank you for
16 that clarification.

17 And the third party that you identified, are they on
18 this list? Did they receive--

19 MR. TAYLOR: Second one from the top.

20 MR. VEIBELL: Second one from the top.

21 MR. TAYLOR: Scott Moakes [sic].

22 THE HEARING OFFICER: All right. Thank you
23 very much.

24 MR. TAYLOR: And I note the first one he talked
25 about, Beau Lewis, is on our rate board. And, so, he

1 understands a lot about what's going on. But he is--he's a
2 member of the rate board.

3 THE HEARING OFFICER: Okay. Were there any
4 other individuals who expressed concern or any comment
5 whatsoever.

6 MR. TAYLOR: I have three, also, that I spoke with.

7 THE HEARING OFFICER: Okay.

8 MR. TAYLOR: And, also, one of them did contact
9 Mark Long. And there were some emails that I just received
10 copy of today, so I didn't realize they were in process.

11 THE HEARING OFFICER: Okay. What I'd like you
12 to testify about are the things that you know firsthand about.
13 And, then, I'll speak with Mr. Long about what he's received.

14 MR. TAYLOR: As we'd--Allen Burriss and Adam
15 Burriss own two of the future lots that will be served by the water
16 company. The water company does not currently run in front or
17 by their property.

18 THE HEARING OFFICER: So, they are standby
19 customers.

20 MR. TAYLOR: In the first notice we sent out, and
21 when they looked at the standby rate, they said, Well, do we
22 have to pay the \$24? So, they were asking for clarification.
23 And I believe they received satisfactory clarification from Mark
24 Long, because he expressed that back to me later that he had
25 received some information. So--and in the tariff, it actually

1 states that bypass will be in front of the house and so on.

2 In fact, it's this--it says, "Applies to lots where
3 service mains are in place and where
4 water . . . is available, but no water service has been connected
5 and no water . . . is used; or where [the] water has been
6 disconnected by the Company at the request of the customer; or
7 involuntarily by the Company after proper
8 notice" And that's part of the tariff. And that wasn't on our
9 initial notice.

10 THE HEARING OFFICER: The document you were
11 just reading from is your tariff.

12 MR. TAYLOR: Uh-huh (affirmative).

13 THE HEARING OFFICER: Okay.

14 MR. TAYLOR: And, so, that was not on our notice.
15 And he wondered if it had changed to where he would then be a
16 standby user, which prompted his communication. Once he
17 understood that--I spoke to him, actually, yesterday--
18 actually, we were--day before yesterday.

19 MR. VEIBELL: Day before yesterday.

20 MR. TAYLOR: Day before yesterday. And he said,
21 I understand, but I'm going to clarify it with Mark Long. And,
22 then, there were some emails. And I just got a copy of it today.

23 THE HEARING OFFICER: Okay.

24 MR. TAYLOR: So, that took place.

25 One user who owns the property is in

1 Canada--Alberta, Canada. He called me on the phone and
2 talked with me about his rate. He was worried, also, as many of
3 them were, that the \$12,000, they lost their 293,000- gallon
4 capacity. And I assured him that his water right was not being
5 removed from him but that it was merely a mechanism whereby
6 we can cover the expenses of the water company for delivery
7 purposes.

8 As I explained it to him, he was satisfied. He said,
9 That's fine. He said, I understand now. He thought he only
10 would receive 144,000 gallons through the year and pay for
11 more. And that was clarification. That was Kirk Holden. And he
12 was emailed a copy.

13 The other individual is Paul Kearns. And he has a
14 lot that would be a standby lot that does not have a home on it
15 yet. And he called for clarification of standby. And I explained
16 that to him. And he was fine with it after we went through
17 everything and explained.

18 But I wanted them to be on record. I felt if they
19 talked to us, then at least the Commission and the PSC should
20 understand what was--those that had expressed concerns.

21 THE HEARING OFFICER: Did any of those
22 individuals prepare a written document for you to deliver to the
23 Commission?

24 MR. TAYLOR: No. Most of it was verbal. The only
25 one was the one that was communicated that I received this

1 morning.

2 THE HEARING OFFICER: Okay. Were there any
3 other customers that you had conversations with regarding the
4 issue?

5 MR. TAYLOR: None whatsoever.

6 THE HEARING OFFICER: Okay. Thank you.

7 One other issue that I wanted to clarify with both of
8 you, Mr. Veibell, and Mr. Taylor, we were speaking earlier about
9 the revised memo, the most current revised memo that was filed
10 by the Division just yesterday--or excuse me--two days ago, on
11 the 25th. Have you had a chance to review that memo?

12 MR. TAYLOR: Yes.

13 THE HEARING OFFICER: And are you in
14 agreement with the representations that are portrayed in that
15 memo, in particular, the rates and the clarification as a result of
16 Mr. Long's review of the tariff?

17 MR. TAYLOR: Absolutely. We kind of--
18 when we prepared this--and Alton prepared it and I reviewed
19 it--it was as we thought it should be, but it truly did--the current
20 rate didn't reflect the true tariff--

21 THE HEARING OFFICER: Okay.

22 MR. TAYLOR: --information. And, so, these
23 corrections exactly reflect the proposed changes as well as what
24 the tariff reads. And we--

25 THE HEARING OFFICER: Okay.

1 MR. TAYLOR: --we could see that, yes.

2 THE HEARING OFFICER: Great. You actually
3 were anticipating my next question. Thank you. That clarifies
4 things very well for me.

5 One other bit of clarification--and we talked about
6 this issue at the initial hearing--and I want to emphasize it at
7 this hearing, as well, in part because this is part of your due
8 process of the Applicant and you will be coming back for your
9 general rate hearing. And I just want to clarify that today you
10 understand that you--you are represented pro se, which means
11 that you're representing yourself, you're not being represented
12 by legal counsel. Is that your understanding?

13 MR. VEIBELL: Yes.

14 MR. TAYLOR: Yes, that is correct.

15 THE HEARING OFFICER: Okay. And I also want
16 to make sure that you fully understand that when you come back
17 to the Commission you're more than welcome to have legal
18 counsel present. It is not a necessity. But should you choose
19 to do so, you're welcome to do that.

20 MR. TAYLOR: And just as a brief comment, Gary
21 Anderson is our legal counsel for the water company and we did
22 speak to him and he knows that we're representing ourselves for
23 budget constraint reasons.

24 THE HEARING OFFICER: Okay.

25 MR. TAYLOR: And that's why.

1 THE HEARING OFFICER: Okay. And
2 that's--

3 MR. TAYLOR: But he's fully aware of what we're
4 doing and has been copied--

5 THE HEARING OFFICER: Okay.

6 MR. TAYLOR: --so that he understands.

7 THE HEARING OFFICER: Okay. Thank you very
8 much.

9 And in anticipation of the future meeting, if there
10 are documents and things that you want to present, please do
11 come prepared. It will help the process go much more
12 smoothly.

13 MR. TAYLOR: Yep.

14 THE HEARING OFFICER: And thank you very
15 much. I don't think I have any further questions right now, so
16 I'm going to move to the Division and address the issue of the
17 public comment issue with them. Okay.

18 MR. VEIBELL: Okay.

19 THE HEARING OFFICER: Mr. Long, actually, Ms.
20 Schmid, do you mind if I--do you want to address the issue of
21 public comment first or--

22 MS. SCHMID: Perhaps it might be more
23 expeditious if you do that--

24 THE HEARING OFFICER: All right.

25 MS. SCHMID: --if that's all right.

1 THE HEARING OFFICER: That's perfectly
2 acceptable.

3 Mr. Long, you heard some testimony today from Mr.
4 Taylor and Mr. Veibell regarding comments that they received
5 from customers. Has the Division received comments from the
6 customers, as well, regarding the rate application by this
7 Applicant?

8 MR. LONG: Yes, we received one. In fact, I got an
9 email last night at 10:18 p.m. from an Adam Burris expressing
10 concern he was going to be charged the standby fee. He didn't
11 feel that his house was close enough to the water main to
12 qualify him for that. And he talked at some length about that.
13 And, then, his very last paragraph, he said, "Please respond so
14 that I know this email was received," which I did. "Also, please
15 let me know what else I can do to make sure my opinion is
16 considered in this review."

17 And this morning, I wrote him back an email. And I
18 told him that he needs to look at the definition of the standby
19 fee in the tariff. And I recited that. I told him he probably had
20 to first speak with Willow Creek to see if they can work this out.
21 And, then, I gave him the information on--he's welcome to
22 attend the public witness
23 days--all the hearings, and also cited and gave him the
24 information on what he needs to do to be an intervenor.

25 THE HEARING OFFICER: Thank you.

1 MR. LONG: I have a copy of that if the court would
2 like to see that information.

3 THE HEARING OFFICER: Yes, I think we would
4 like to take judicial notice of that.

5 MR. LONG: Okay.

6 THE HEARING OFFICER: So, that would be very
7 helpful.

8 Do you have more than one copy such that perhaps
9 a copy could be given to the court reporter, as well?

10 MR. LONG: Yes, I have.

11 THE HEARING OFFICER: Okay.

12 MR. LONG: I have three.

13 THE HEARING OFFICER: And I think it would be
14 helpful if you could give the Applicant a copy.

15 MR. LONG: Okay.

16 THE HEARING OFFICER: Thank you, Mr. Long.
17 Thank you very much.

18 MR. LONG: Yes.

19 THE HEARING OFFICER: The Commission takes
20 judicial notice of the email that Mark Long has referenced from
21 Adam Burriss and the response that Mr. Long has provided.

22 Mr. Veibell and Mr. Taylor, do you have any
23 questions with respect to the testimony that Mr. Long has
24 provided with regard to his communication with Mr. Burriss?

25 MR. VEIBELL: I don't.

1 MR. TAYLOR: We don't either. We feel in
2 agreement with it. We read it this morning.

3 THE HEARING OFFICER: Okay. Have you had any
4 communication with Mr. Burris as a result of this email?

5 MR. TAYLOR: Well, not as a result of this yet, but
6 Monday we talked to him and told him--and that's, I'm sure, what
7 prompted the activity.

8 THE HEARING OFFICER: Okay. All right. Are
9 there any other questions before we adjourn today or any
10 concerns regarding the interim rate issue?

11 MS. SCHMID: The Division has nothing further.

12 THE HEARING OFFICER: Okay. Mr. Veibell and
13 Mr. Taylor.

14 MR. VEIBELL: I don't have anything more.

15 THE HEARING OFFICER: Is there anything from
16 the public? Does anyone from the public wish to speak?

17 Okay. All right. I wish to thank everyone for being
18 in attendance today. Thank you for your patience. And as you
19 know, the interim rate order is due on Sunday, given that that's
20 a Sunday, the date would be extended until Monday. So, we will
21 be busily preparing the order. And that's due on April 1. So,
22 that's very soon. And, so, we'll have something for you. The
23 Commission will be considering the issue. We thank all of you
24 for your input and your testimony and your preparation. And
25 we'll have something very soon.

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And this hearing is adjourned. Have a good day.

MR. TAYLOR: Thank you.

MR. VEIBELL: Thank you.

MS. SCHMID: Thank you.

THE HEARING OFFICER: You're very welcome.

(Proceedings adjourned at 12:50 p.m.)