

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of WaterPro)
Inc. for a Culinary Water Rate Case)
)
) DOCKET NO. 12-2443-01
) ORDER SUSPENDING PROPOSED
) TARIFF, AND NOTICES OF COMMENT
) PERIOD AND HEARINGS
)

ISSUED: January 7, 2015

On November 7, 2005, the Commission issued a Report and Order in Docket No. 04-2443-01, granting a certificate of public convenience and necessity to WaterPro Inc. (WaterPro) and approving certain rates.¹ This order approved an “Engineering Plan Review and Service Availability Letter” fee of \$515.00, and an “Engineering Fee” of “\$3.00 plus \$0.30/foot over 1,200 feet of water lines for Company staff and Company Engineer project and plan review....”²

WaterPro thereafter filed a request for a 4 percent culinary water rate increase, which the Commission approved on February 22, 2013.³ Neither WaterPro’s application⁴ nor the Commission’s order⁵ addressed the Engineering Plan Review and Engineering Fees mentioned above.

On November 25, 2014, WaterPro and the Division of Public Utilities filed a settlement stipulation (Stipulation) representing, in part:

¹ See Report and Order, issued November 7, 2005, available at: <http://www.psc.utah.gov/utilities/water/05orders/Nov/04244301RO.pdf>.

² See *id.* at 8.

³ See Report and Order Granting Rate Increase, issued February 22, 2013, available at: <http://www.psc.utah.gov/utilities/water/waterindx/documents/24200912244301ROgri.pdf>.

⁴ See WaterPro Application for Culinary Water Rate Case (rate increase), filed July 2, 2012, available at: <http://www.psc.utah.gov/utilities/water/12docs/12244301/230850Cover%20Letter%207-2-2012.pdf>.

⁵ See *supra* n.3.

Should WaterPro need to change the Engineering Fee set forth in the tariff, WaterPro will provide each of its customers notice of the proposed change and file for Commission approval a request to approve the new Engineering Fee. WaterPro's filing will contain both a cover letter explaining the need for the change and a tariff sheet reflecting the requested new fee, which should generally reflect only the actual engineering cost WaterPro incurs.⁶

A hearing on the stipulation was held on December 17, 2014, and is presently pending before the Commission.

On December 19, 2014, WaterPro filed a letter with the Commission proposing to update its tariff.⁷ The proposed tariff contains the following changes:

Engineer Plan Review	\$580.00
Engineering Fee	\$650 for the first 500 feet. \$0.50 per foot for everything over 500 feet.
Culinary Water Impact	The Company selects the appropriate size and type of meter. The AWWA recommended safe maximum operating capacities (peak flow) are shown for (Does not include any each size and type of meter as shown Company provided on-site facilities) in the meter set fee table. ⁸

WaterPro's filing did not include a copy of its notice to customers of the proposed changes.

⁶ Motion for Second Amendment of Pending Settlement Stipulation and Second Amendment at 1-2, filed December 19, 2014 (emphasis added), available at: <http://www.psc.utah.gov/utilities/water/waterindx/12244301indx.html>.

⁷ Letter from WaterPro, to Commission (filed December 19, 2014), available at: <http://www.psc.utah.gov/utilities/water/12docs/12244301/262677Cover%20Ltr%20to%20Updated%20Page%206%20of%20WaterPros%20Tariff%2012-19-2014.pdf>. Attached to WaterPro's letter is a copy of the proposed tariff changes. See Exhibit, available at: <http://www.psc.utah.gov/utilities/water/waterindx/12244301indx.html>.

⁸ See Exhibit, supra n.7.

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State law requires a hearing before any change in “rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts, practices, or schedules in lieu of them.” Utah Code Ann. § 54-4-4(2)(b). Therefore, we suspend the proposed tariff changes pending a hearing to provide the utility the opportunity to establish that it provided notice to its customers and to provide evidence supporting the proposed changes.

ORDER

WaterPro’s proposed tariff changes are suspended pending further proceedings and final order of the Commission.

WaterPro shall file with the Commission a copy of its notice to customers no later than **Friday, January 16, 2015**.

NOTICE OF COMMENT PERIOD

Any interested party may submit comments on the proposed tariff no later than **Friday, January 23, 2015**.

NOTICE OF HEARINGS

The following provisions apply to both hearings noticed under this heading:

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission at one of the numbers posted above five minutes prior to the hearing to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

I. HEARING ON PROPOSED RATE INCREASE

A hearing on the proposed rate increase will be conducted by the Administrative Law Judge for the Public Service Commission on **Monday, January 26, 2015, beginning at 10:00 a.m.** The hearing will be held in the **Fourth Floor Hearing Room 451, Heber M. Wells Bldg., 160 East 300 South, Salt Lake City, Utah.**

II. PUBLIC WITNESS HEARING

A Public Witness hearing on the proposed rate increase will be conducted by the Administrative Law Judge for the Public Service Commission on **Monday, January 26, 2015, beginning at 12:01 p.m.** The hearing will be held in the **Fourth Floor Hearing Room 451, Heber M. Wells Bldg., 160 East 300 South, Salt Lake City, Utah.**

The Commission may limit presentation of testimony or comments that are unduly repetitious. Individuals wishing to provide public witness testimony or comment must appear at this hearing at the appointed time. Individuals may offer comments or sworn testimony, but should note that individuals presenting sworn testimony are subject to cross-examination. Any individual wishing to present a statement of position to the Commission who is unable to do so during the Public Witness hearing may file a written statement of position with the Commission at its office, Heber M. Wells Building, 160 East 300 South, Fourth Floor, Salt Lake

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City, Utah 84111 in person, by mail, by electronic mail to psc@utah.gov, or by facsimile to (801) 530-6796. Please indicate that the statement pertains to Docket No. 12-2443-01.

DATED at Salt Lake City, Utah, this 7th day of January, 2015.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#262905

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 7th day of January, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Darrin L. Jensen (jensen@waterpro.net)
C.E.O.
WaterPro Inc.

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Assistant Utah Attorneys General

By Hand Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant