

In the Matter Of:

In the Matter of the Rates of Community Water Company, LLC

HEARING PROCEEDINGS DOCKET NO. 16-098-01

September 13, 2016

Job Number: 334782

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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3 In the Matter of the Rates of
4 Community Water Company, LLC Docket No. 16-098-01

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HEARING PROCEEDINGS

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

11 DATE: Tuesday, September 13, 2016

12 TIME: 9:00 a.m.

13 REPORTER: Mary R. Honigman, R.P.R.

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Job No.: 334782

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PROCEEDINGS

(On the record at 9:00 a.m.)

CHAIRMAN JONSSON: For the record, today is Tuesday, September 13th, 2016. It's 9:00 in the morning. This is the date and time set for the hearing in the matter of Community Water Company's request for an interim rate increase, pending adjudication of its rate case which has been filed with the Commission.

Let's get appearances on the record. For Community Water --

MS. LEWIS: I'm Emily Lewis, with the law firm of Clyde Snow & Sessions, on behalf of Community Water Company.

MR. CLYDE: And I'm Steven Clyde with Clyde Snow & Sessions.

THE COURT: Thank you. For the Division?

MS. SCHMID: Patricia E. Schmid with the Attorney General's Office for the Division, and with me as the Division's witnesses are Mr. Mark Long and Mr. William Duncan.

CHAIRMAN JONSSON: Thank you. And I believe we have two of our intervenors on the phone. Mr. Lange, are you there?

MR. LANGE: I am here.

CHAIRMAN JONSSON: And do you have anyone

1 with you?

2 MR. LANGE: No.

3 CHAIRMAN JONSSON: And, Mr. Martin, you're
4 there as well, yes?

5 MR. MARTIN: Yes.

6 CHAIRMAN JONSSON: And do you have anyone
7 with you?

8 MR. MARTIN: No.

9 CHAIRMAN JONSSON: And are there any other
10 intervenors in the room?

11 MR. SAVAGE: Yes. Scott Savage. I'm an
12 attorney with Savage, Yeates and Waldron. I'm
13 representing myself as intervenor as president of the
14 Park West Village Plat B and D Homeowner's Association.

15 CHAIRMAN JONSSON: Thank you.

16 MR. GRENNEY: My name is William Grenney.
17 I'm a full-time resident at Park West Village, and I'm
18 representing myself as an intervenor.

19 CHAIRMAN JONSSON: Okay. Go ahead.

20 MR. AMENDOLA: Fran Amendola. I'm providing
21 technical support to the Red Pine Homeowners
22 Association.

23 CHAIRMAN JONSSON: Do you need any of those
24 names spelled?

25 COURT REPORTER: Yes. I will.

1 CHAIRMAN JONSSON: Do you want to take care
2 of it now?

3 COURT REPORTER: Sure. Fran Amendola. Last
4 name, Amendola? Thank you. And, let's see. There was
5 Mr. Will --

6 MR. GRENNEY: Oh, William? Grenney.
7 G-R-E-N-N-E-Y.

8 MR. SAVAGE: And Scott Savage. S-A-V-A-G-E.

9 COURT REPORTER: Okay. I believe that's it.

10 MS. LEWIS: Your Honor, would you like us to
11 identify our witnesses while we're on the record for
12 spelling and stuff like that?

13 CHAIRMAN JONSSON: Sure. Why not. Who are
14 you going to have?

15 MS. LEWIS: Today we're going to call two
16 witnesses on behalf of Community Water. Our first
17 witness will be Mike Folkman, F-O-L-K-M-A-N, and then
18 our second witness will be Stacy Wilson.

19 CHAIRMAN JONSSON: Do you want to do the
20 same, Ms. Schmid?

21 MS. SCHMID: I did.

22 CHAIRMAN JONSSON: You have two witnesses
23 there -- Mark Long and William Duncan. All right.

24 Please bear in mind that we are streaming
25 this hearing today as we know there is a great deal of

1 community interest in this case, so avoid disclosing
2 confidential information. If you do need to disclose
3 confidential information, let me know ahead of time and
4 we will turn off the streaming temporarily.

5 All right. Well, with that, I believe we can
6 get going. Let's start with Community Water. Go ahead
7 and call your witnesses.

8 MS. LEWIS: So, certainly. We would like
9 call our first witness, Mike Folkman. Prior to doing
10 so, I would just like to take a couple of minutes just
11 to give a brief introduction and kind of background, I
12 think, to set the stage for exactly how we have come to
13 the hearing today for the interim rate increase
14 request.

15 And then, also, prior to calling our
16 witnesses, I do want to address the comments of Jon and
17 Colleen Burke, just very quickly. So I think we all
18 know this has been a long and storied case, and we're
19 very happy to be here today. I think that everyone
20 here is very solution-oriented, and it's been very
21 congenial, and we've been working through all these
22 issues together, and I think that should be noted.

23 As you know, Community Water has not had its
24 rates increased since 2002. The existing rates are
25 about \$12.00 for 5,000 gallons of water. That has

1 proved insufficient to support the maintenance and
2 replacement needs for the company. Therefore, we --
3 between 2002 and 2013 when the company was acquired by
4 its parent company, TCFC, no rates were sought or
5 increased, and so we would like to express our
6 appreciation and patience with both the Commission and
7 also the Division of Public Utilities during the last
8 several years while TCFC has been in active
9 negotiations to try to find a new owner for the company
10 that's better suited to water management. That is
11 included to previous rate cases that have been
12 withdrawn upon good faith understanding that
13 negotiations have proved to be successful and
14 continuing with the rate case would not be needed.

15 Unfortunately, those negotiations did not
16 prove successful, and we find ourselves here today.
17 And so we just wanted, on the record, to express our
18 appreciation and patience of the Commission and the
19 Division.

20 Just real quickly, I'd like to talk about
21 what exactly our intent is for the day today. So for
22 an interim rate increase, the standard is less than the
23 general rate increase. Today, we intend to show to
24 Your Honor that implementing interim -- the rate at an
25 interim basis -- is justified, and to do that today

1 we're going to have Mike speak to the current condition
2 of the system, and then also very specific target
3 improvements revenue from the interim increase will
4 fund, and then Stacy is going to speak more
5 specifically to the comments raised by the B and D Plat
6 homeowners and the Red Pine Homeowners Association.

7 Before moving into those specific direct
8 testimony, I just want to quickly address some of the
9 comments presented by the Burkes. They are a little
10 bit outside of the scope of this particular hearing,
11 but we did want to say that, though they underscore the
12 need for further investment into the community water
13 system, I do believe that TCFC is complying with all
14 the regular and correct processes, which is
15 rate-making, and that is how the company should and the
16 correct procedure for increasing revenue.

17 And so we just wanted to briefly state
18 appreciation for their comments but just to also
19 reiterate that this is the correct process for what
20 they suggested.

21 So with that, we would please like to call
22 our first witness, Mike Folkman.

23 MIKE FOLKMAN,
24 having been first duly sworn to tell the truth, was
25 examined and testified as follows:

1 MS. LEWIS: So Mike today is going to speak
2 to basically, generally, the condition of the Community
3 Water system, but more specifically we would like to
4 explain to the Commission, and also those present, why
5 the interim request is needed and justified, and
6 specifically what improvements we intend to fund with
7 the revenue created between the implementation of the
8 rate which we're also, Your Honor, going to ask for a
9 bench order from today.

10 And so between today, which is -- we're
11 hoping to have the rate implemented, if you see fit,
12 October 1st. Between October 1st and February 8th when
13 the general rate case is due to conclude, there would
14 be five billing cycles for Community Water, and so per
15 billing cycle with just the base rates, Community Water
16 would receive about \$10,600.00 per billing cycle --
17 just on base rates, no usage -- alone, and so that
18 money can go quite far to get us some very specific
19 improvements.

20 CHAIRMAN JONSSON: Just so you know, I can't
21 give you a bench ruling today. This matter does have
22 to go back to the Commission for ruling, but we would
23 do that very quickly.

24 MS. LEWIS: Okay. Wonderful. Thank you.

25 EXAMINATION

1 BY MS. LEWIS:

2 Q Okay. Mike, would you please state your
3 name, address, your current employer, and your title
4 with that employer?

5 A It's Mike Folkman, 532 North 1300 East, Heber
6 City, 84032. And I work for Summit Water, and I am a
7 systems operator.

8 Q You might want to speak into the microphone a
9 little bit more.

10 A Okay.

11 Q So, Mike, have you ever testified at a public
12 service commission or before a public service
13 commission administrative law judge before?

14 A No.

15 Q Great. And for whom are you testifying
16 today?

17 A Community Water.

18 Q And what is your educational background?

19 A I have an Associate's Degree.

20 Q Do you have any professional certificates or
21 training that is relevant to our discussion today?

22 A Yes. I am certified as a Utility Manager.
23 I'm a Grade 4 Treatment and a Grade 4 Systems Operator.
24 I'm certified as Water Rights, and a Cross-Connect
25 Administrator.

1 **Q Okay. And how long have you worked for**
2 **Summit Distribution Company?**

3 A 15 years.

4 **Q And can you please describe your relationship**
5 **to Community Water Company and how long you have held**
6 **that role?**

7 A Yeah. Summit has been contracted from
8 Community to maintain the system and operate it, and I
9 have done that for all 15 years. 14 of the 15 years,
10 I've been the System Manager for Community Water.

11 **Q And how many hours a month do you spend**
12 **working on the Community Water system?**

13 A Approximately 80 to 120ish.

14 **Q And what tasks do you perform for the**
15 **company?**

16 A Basically, everything on the ground as far as
17 operating the water treatment plant, the wells, the
18 system, repairing leaks, getting all the numbers ready
19 for the State, usage data, water quality, customer
20 service, and then dealing with TCFC on these upgrades
21 that we want to have done.

22 **Q So you're very familiar with the system?**

23 A Yeah.

24 **Q Great. Can you please explain the kinds of**
25 **water services the company provides to its customers?**

1 A Yeah. We provide culinary irrigation, and
2 then we have a few commercial entities.

3 Q Is there any distinction between the water
4 delivered for these various purposes?

5 A No. It's all culinary grade.

6 Q And are you familiar with recent efforts to
7 assess the condition of the Community Water system?

8 A Yes.

9 Q Did you participate or contribute in the
10 Bowen Collins and Associates rate study prepared in
11 2015?

12 A I did.

13 Q And did you participate or contribute to the
14 Bowen Collins and Associates water master plan prepared
15 in 2014?

16 A I did.

17 Q Though beyond the general scope of today's
18 hearing -- just for context -- based on your knowledge
19 and assistance with these documents, what's your
20 assessment of the condition -- the current condition --
21 of the Community Water system?

22 A It's generally in pretty bad shape.

23 Q Okay. Can you give some concrete examples of
24 needed, necessary upgrades?

25 A The meters are all way over their life

1 expectancy. Typically, we like to replace them every
2 10 to 15 years. A good majority of them are 30-plus
3 years old. The treatment plant is running on a lot of
4 original equipment, pumps are close to failure,
5 monitoring equipment are outdated, and there's no
6 replacement parts available.

7 **Q And for a meter, what is the general age**
8 **range for maintaining accuracy for a meter?**

9 A 10 to 15 years.

10 **Q And many of those are beyond that?**

11 A Most of them are 30-plus.

12 **Q Okay. Great. So, Mike, I'd like to talk to**
13 **you today about the purpose for having the interim rate**
14 **request application, and that's specific improvements**
15 **needed that we think are targeted improvements which**
16 **the revenue from the interim could fund. And I'd like**
17 **to ask you several specific questions regarding those**
18 **improvements.**

19 **So what are the most needed immediate**
20 **improvements for the system?**

21 A Probably high priority is the meters
22 themselves, and then treatment plant upgrades.

23 **Q Okay. And why is it important to prioritize**
24 **replacing the meters?**

25 A So we can get better information on our

1 usage, and then also with that comes more revenue where
2 we can accurately count the water people are using.

3 **Q And how many and what kind of meters are**
4 **currently installed throughout the system?**

5 A We have 16 inch-and-a-half or bigger meters
6 -- a few of those are, like, up to 6 inches -- and then
7 we have a 150 5/8ths to 1 inch for single family homes
8 and condos.

9 **Q And for those larger meters, who do they**
10 **typically service?**

11 A The HOA's condos.

12 **Q And they're different than the smaller**
13 **meters?**

14 A Yes.

15 **Q Do they require more maintenance?**

16 A They're more expensive to replace, for sure.

17 **Q Great. Of the meters that you just**
18 **mentioned, how many are functioning adequately?**

19 A About 10 percent are working -- working with
20 no problems -- 10 percent don't work at all, 30 percent
21 are over 10 years old and 50 percent are 30ish years
22 old.

23 **Q So approximately 90 percent of the existing**
24 **meters are in need of repair?**

25 A Yes.

1 Q Do you know how many and what kind -- do you
2 know how many, what kind, and the cost of meters you
3 need to replace for the Community Water system?

4 A Roughly, we need 26 inch-and-a-half to
5 2-inch, which is approximately \$21,000; 150 5/8 to
6 1-inch, which is about another \$70,000; and then 1
7 6-inch, which is \$4,000.

8 MS. LEWIS: And, Your Honor, we do have some
9 bids for meters that Community Water has prepared, if
10 you would like those for the record as a courtesy.

11 CHAIRMAN JONSSON: It's up to you. I'm happy
12 to take whatever you want to submit.

13 MS. LEWIS: We would like to submit today --
14 and we have copies for the people in the room as well
15 if they would like to have them, but -- may I approach?

16 CHAIRMAN JONSSON: Yes.

17 (Copy was submitted.)

18 Q (By Ms. Lewis) So, Mike, are you familiar
19 with this document here?

20 A Yeah.

21 Q And can you just explain a little bit to
22 Ms. Jonsson -- the Honorable Ms. Jonsson -- and the
23 individuals in the room exactly what is on that
24 document?

25 A This is for some of our single family homes,

1 but included in that is also the training and the
2 software. There's almost five grand in software and
3 training for them, and then the unit price is just per
4 meter.

5 **Q And then can you please explain the back of**
6 **the document as well?**

7 A This is from their competitor, and it's just
8 basically sizes. The one thing the front -- the Hydro
9 Specialties quote -- does not include is there is a
10 monthly fee for the self-service of those. The back
11 prices include that self -- there's no monthly fee
12 included on those.

13 **Q So Community Water has begun and commenced**
14 **the steps to try and get an accurate accounting for**
15 **what the costs are to replace the meters?**

16 A Correct.

17 CHAIRMAN JONSSON: Just a moment.

18 Ms. Schmid, do you have any objections to this document
19 being entered as an exhibit?

20 MS. SCHMID: No objections.

21 CHAIRMAN JONSSON: Thank you. Mr. Savage,
22 any objection?

23 MR. SAVAGE: No objection.

24 CHAIRMAN JONSSON: Mr. Grenney, any
25 objection?

1 MR. GRENNEY: No.

2 CHAIRMAN JONSSON: Mr. Amendola, any
3 objection?

4 MR. AMENDOLA: No.

5 CHAIRMAN JONSSON: And, Mr. Lange and
6 Mr. Martin, I know you can't see this -- it is bids for
7 the meters that Community Water Company expects it will
8 need to purchase -- any objection to this being in the
9 record?

10 MR. MARTIN: No objection.

11 MR. LANGE: This is Lange. I have no
12 objection.

13 CHAIRMAN JONSSON: Thank you. I'll mark
14 this, then, as Community Water Company's Exhibit A.
15 All right. Go ahead.

16 Q (By Ms. Lewis) Okay, Mike. In addition to
17 the costs that are outlined on these bids, are there
18 any costs that would be associated with installing the
19 needed meters?

20 A Those are just parts. There's labor included
21 as well.

22 Q And so using these two bids as an estimate,
23 and including your time and labor to install, what do
24 you estimate the cost to be to replace the priority
25 meters that you have identified?

1 A Approximately \$125,000.

2 Q Okay. And so do you have -- have you split
3 that between labor and equipment?

4 A Yeah. \$95,000 for equipment, and
5 approximately \$30,000 for labor.

6 Q Great. And if you had the funds available,
7 how quickly can Community Water install these meters?

8 A Approximately thirty a month, so --

9 Q And percentage-wise, do you know what
10 percentage that is regarding the total percentage?

11 A 10 to 15 percent.

12 Q 10 to 15 percent a month?

13 A Probably.

14 Q So are you familiar with the general rate
15 case pending before the Commission and the recommended
16 rates?

17 A Yes.

18 Q Okay. It is projected that just the new base
19 rates will increase revenue by about \$10,621.20 per
20 billing cycle for the 502 connections at Community
21 Water. Based on our discussion -- you just discussed
22 this, but -- how many, how much will this additional
23 revenue allow you -- how many meters will this
24 additional revenue allow you to install?

25 A We could do about 10 percent a month with

1 that cash flow.

2 Q Okay. And so if interim rate is approved by
3 October 5 and we have 5 billing cycles, that would be
4 about 50 percent of your meters?

5 A Yes. That's correct.

6 Q Okay. And what will the impact of installing
7 those meters be?

8 A It would help us operate the system better as
9 far as water loss, demand versus supply, and then it
10 would also create that additional revenue and get some
11 more money coming in so we can fix more of the
12 treatment plant and that kind of stuff.

13 Q Okay. All right. So would you agree that
14 the interim rate increase -- the revenue from an
15 interim rate increase -- would be justified and further
16 along having a functioning system?

17 A Absolutely.

18 Q Okay. Is there anything else that you would
19 like the Commission to know today?

20 A No.

21 MS. LEWIS: Okay. That's all the testimony
22 we have for Mr. Folkman today.

23 CHAIRMAN JONSSON: Ms. Schmid, any questions
24 for Mr. Folkman?

25 MS. SCHMID: None for this witness.

1 CHAIRMAN JONSSON: Mr. Savage, any questions?

2 MR. SAVAGE: Yes. Just briefly, Your Honor.

3 EXAMINATION

4 BY MR. SAVAGE:

5 Q Mike, I'm having trouble understanding this.

6 How many total meters does the system have right now?

7 A Approximately 200.

8 Q And this is a bid for 41 meters?

9 A Are you looking at the -- yes. Yeah, that
10 bid was for just a one-time order. It's not for the
11 complete system at all.

12 Q Have you selected which 41 meters need to be
13 addressed first?

14 A At the time, we had. We have the ones that
15 we are targeting -- we're going to try to do the ones
16 that are not working, of course, and then single family
17 residencies that use more irrigation.

18 Q Do you know whether or not there are any
19 other meters that are not functioning properly?

20 A I know which ones do not work. Like I said,
21 there's about 10 percent of them that don't work at
22 all.

23 Q Are those are all single family meters?

24 A No. They are a mix throughout the system.

25 Q Do you know if Plat B and D's -- meters 239

1 **and 240 are working?**

2 A I believe those are irrigation meters and
3 they work, but they are old and so they are probably
4 inaccurate. And when meters are inaccurate they let
5 more water through, so we're not actually charging for
6 the real amount of the water that's used.

7 Q **Do you know whether or not the Plat B and D**
8 **two irrigation meters are on this priority list?**

9 A They aren't on that Hydro Specialties quote,
10 but they were included in my numbers as far as what
11 needed to be replaced, in general, but they're not on
12 the Hydro Specialties quote.

13 MR. SAVAGE: Thank you. That's all I have.

14 CHAIRMAN JONSSON: Mr. Grenney, any questions
15 for Mr. Folkman?

16 MR. GRENNEY: No.

17 CHAIRMAN JONSSON: Mr. Amendola, any
18 questions?

19 MR. AMENDOLA: Just a couple of real quick
20 ones.

21 EXAMINATION

22 BY MR. AMENDOLA:

23 Q **Michael, thank you for coming today, and your**
24 **expertise on the system is really appreciated. Two**
25 **questions: On the estimate here, this seems to have no**

1 **information on the larger irrigation meters; is that**
2 **right?**

3 A On the quote?

4 Q **Yes.**

5 A The Hydro Specialties does not, but the one
6 on the back which is from Metron --

7 Q **Right.**

8 A -- it does. And I think that's kind of where
9 we're leaning, is to the Metron side.

10 Q **Okay. And my only other question is how did**
11 **you determine the inaccuracies of the meter? How do we**
12 **know these meters aren't working up to par?**

13 A We don't know, as far as bench testing or
14 anything like that, but industry standard is they wear
15 out and they wear out, and most water companies replace
16 them within 10 to 15 years.

17 Q **So simply based on the age of the --**

18 A Age and the gallonage that's went [sic]
19 through the meters.

20 MR. AMENDOLA: Okay. Thank you.

21 CHAIRMAN JONSSON: Mr. Lange, any questions
22 for Mr. Folkman?

23 MR. LANGE: No, but a comment here; very
24 difficult to hear the testimony. I don't know if the
25 microphone can be readjusted or not so --

1 CHAIRMAN JONSSON: We will do our best.

2 Mr. Martin, any questions for Mr. Folkman?

3 MR. MARTIN: No. Not at this time.

4 CHAIRMAN JONSSON: Thank you. All right.

5 Ms. Lewis, go ahead with your next witness.

6 MS. LEWIS: Community Water Company would
7 please like to call Ms. Stacy Wilson.

8 STACY WILSON,

9 having been first duly sworn to tell the
10 truth, was examined and testified as follows:

11 CHAIRMAN JONSSON: Thank you.

12 MS. LEWIS: So Ms. Wilson today will give
13 testimony regarding the operations and billing used at
14 Community Water.

15 Over the last several weeks, Mr. Folkman and
16 Ms. Wilson have worked in-depth together to try and
17 figure out an equitable solution to many of the
18 comments submitted by the B and D plat owners, the
19 Homeowners Association, and the Red Pine Homeowners
20 Association. The cumulative goal is for us to have one
21 connection charge for the cumulative domestic and
22 irrigation use associated with that connection, and
23 Ms. Wilson will speak to how we intend to do so.

24 EXAMINATION

25 BY MS. LEWIS:

1 **Q Can you please state your name, address,**
2 **current employer and title?**

3 A Yeah. It's Stacy Wilson, 1264 South
4 Hoytsville Road, Coalville, Utah. It's ASC Utah, and
5 I'm an office coordinator.

6 **Q Have you ever testified at a hearing before**
7 **the Public Service Commission or a Public Service**
8 **Commission Administrative Law Judge before?**

9 A No.

10 **Q And for whom are you testifying today?**

11 A On behalf of Community Water.

12 **Q What is your educational background?**

13 A I graduated from North Summit High School. I
14 graduated from Sherman Kendalls Academy of Beauty Arts
15 and Sciences in Salt Lake City, Utah.

16 **Q And do you have any professional certificates**
17 **or other training that is relevant to our discussion**
18 **today?**

19 A I've taken a few Excel classes.

20 **Q And how long have you worked for ASC Utah?**

21 A Just a little over 3 years.

22 **Q And can you please describe your relationship**
23 **to Community Water Company?**

24 A As part of my job with ASC, I assist with
25 Community Water matters.

1 Q Okay. And how many hours a month do you
2 spend working on Community Water matters?

3 A Probably about 40.

4 Q Specifically, what tasks do you perform for
5 the company?

6 A I input the meter reads. I do the billing,
7 statements, accounts payable and receivable. I assist
8 with state agency compliance.

9 Q Okay. Based on your training and firsthand
10 experience, do you consider yourself familiar with and
11 able to speak to Community Water's billing practices?

12 A Yes.

13 Q Mr. Folkman stated that the Community Water
14 system was culinary grade and water was used for
15 different purposes, such as irrigation, domestic and
16 commercial. Are those uses billed any differently?

17 A No. They're all billed the same.

18 Q And generally, how are Community Water
19 customers currently billed?

20 A They're billed monthly statements in the
21 rears [sic] of -- each account is billed, like, the 1st
22 and the 5th of every month.

23 Q Between the 1st and the 5th?

24 A Yes.

25 Q And how many billing accounts does Community

1 **Water currently have?**

2 A 186.

3 **Q And how many connections does Community Water**
4 **Company have?**

5 A 502 connections.

6 **Q Can you generally explain how the different**
7 **number of accounts and connections -- how they relate**
8 **to one another?**

9 A Yes. Some accounts have several sub-meters
10 that roll into a master meter that then is billed.

11 **Q And can you please identify what the current**
12 **billing software used by Community Water is to bill its**
13 **customers?**

14 A Abbreviated, it's CUSI. It's Continental
15 Utility Service Incorporated.

16 **Q Okay. And do you find the software to be**
17 **adequate for its purposes?**

18 A This is the only experience I've had with
19 utilities software. So there has been a few glitches,
20 but it works pretty well.

21 **Q And then, do you have contact to company**
22 **representatives if you have questions about the billing**
23 **software?**

24 A Yes.

25 **Q Ms. Wilson, I'd like to ask you a little bit**

1 about responses to the specific comments on billing
2 submitted by the HOAs. We're going to start with Red
3 Pine. Have you read and are familiar with the comments
4 submitted by the Red Pine Homeowners Association?

5 A Yes.

6 Q To start, how is the Red Pine Homeowners
7 Association currently billed?

8 A The HOA represents several accounts that
9 provide water for 200 chalet units, a clubhouse, and
10 currently they have all irrigation meters in the common
11 spaces.

12 Q Okay. And in the Red Pine HOA comments, they
13 mentioned that there were also Red Pine Townhomes. Can
14 you explain how water use at the townhomes is billed?

15 A There are 60 townhomes that are separately
16 billed for each account from the HOA.

17 Q So they're billed different than the HOA?

18 A Yes. They're billed -- yes. That is
19 correct.

20 Q And then do each of these townhomes have
21 their own meter?

22 A Yes.

23 Q Okay. So in sum, each townhome is billed
24 separately and is billed on its own independent meter?

25 A Correct.

1 Q And currently, where is the irrigation for
2 the townhomes billed from?

3 A Sorry, say that again.

4 Q And so currently, the irrigation at the
5 townhomes -- who is billed for the irrigation of the
6 townhomes?

7 A The individuals. Right? The individuals are
8 billed.

9 Q For their metered use at their townhomes?

10 A Correct.

11 Q And the metered use of their townhomes -- is
12 that domestic, usually, for inside use or for outside
13 use?

14 A It's all domestic.

15 Q It's all domestic, so the meters at the
16 townhomes do not include irrigation?

17 A They do not.

18 Q Okay. Would you say that the company's
19 primary comment or concern is regarding how irrigation
20 for the townhomes is going to be billed under the new
21 system?

22 A Yes.

23 Q Okay. Before we get into the specifics, has
24 the company looked at and addressed the concerns of Red
25 Pine HOA regarding irrigation billing?

1 A Yes.

2 Q How have they done so?

3 A So the company is proposing to designate
4 different meters to track domestic and irrigation water
5 usage for different units.

6 Q And how will they go about doing that?

7 A So one set of meters will be domestic and
8 irrigation use at the Red Pine Chalets, and the
9 clubhouse will be billed to the HOA. The second set of
10 meters will track the irrigation at the townhomes and
11 will be prorated to each of the townhome owners.

12 Q So the townhome owners will receive your bill
13 for their metered domestic use and then a portion of
14 the irrigation at the townhomes?

15 A That's correct.

16 Q Okay. Moving on to the specifics, the
17 Division of Public Utilities has recommended a new base
18 rate of a \$33.20 for each connection. How will these
19 base rates be applied to the Red Pine HOA?

20 A So each month they will be charged the
21 recommended base rate of \$33.20 times 200 units, 200
22 connections, or \$6,640 for the Red Pine Chalets.

23 Q Will there be any additional charges billed
24 to the HOA?

25 A Yes. So each month they will be charged 13

1 irrigation connections and recommended the base rate of
2 \$33.20, or \$431.60.

3 **Q Are there any other charges that will be**
4 **billed to the new HOA?**

5 A Yes. Also that includes the clubhouse. So
6 the clubhouse will be charged \$33.20 for one
7 connection.

8 MS. LEWIS: Your Honor, we have also prepared
9 for the discussion today a table that is our proposed
10 billing schedule because I think there are a lot of
11 numbers that we're about to talk about, and so we
12 figured this might be an easier way for everyone to
13 follow along.

14 CHAIRMAN JONSSON: I was hoping you had.
15 Will you just circulate it to everybody and we'll see
16 if there is any objection.

17 MS. SCHMID: Your Honor, may we have a brief
18 recess to examine this for a couple of moments?

19 CHAIRMAN JONSSON: Sure. Let's go ahead and
20 go off the record. We'll come back in, say, 10
21 minutes.

22 (A recess was taken at 9:30 a.m.)

23 (On the record at 10:06 a.m.)

24 CHAIRMAN JONSSON: Ms. Lewis, we are still
25 with you. And is there any objection to the

1 recommended rate structure document being entered into
2 the record as Exhibit B?

3 MS. LEWIS: Your Honor, can I make a
4 clarification on that? It's proposed billing under the
5 recommended rate structure.

6 CHAIRMAN JONSSON: Thank you.

7 MS. SCHMID: And the Division has an
8 objection insofar as it has not had a -- what I would
9 call -- a reasonable amount of time to double-check the
10 numbers and things like that. The Division has no
11 objections if it is entered for illustrative purposes.

12 MS. LEWIS: And it is intended to be so.

13 CHAIRMAN JONSSON: Mr. Savage?

14 MR. SAVAGE: I have no objection to the
15 document, but I will have an objection if this does not
16 become part of the interim rate. So the illustrative
17 purposes part, I would reserve my objection or
18 non-objection as to the usage part of the interim rate,
19 but I have no objection at this point for it being
20 illustrative purposes as part of the Commission.

21 CHAIRMAN JONSSON: Okay. Thank you.

22 Mr. Grenney?

23 MR. GRENNY: Yes. I wonder if I could enter
24 some sworn testimony.

25 CHAIRMAN JONSSON: Not right now. Right now

1 I just need to know if you have any objection to this
2 document coming into the record as an exhibit.

3 MR. GRENNY: No.

4 CHAIRMAN JONSSON: Thank you. Mr. Amendola?

5 MR. AMENDOLA: No objection unless the use of
6 this document is not clearly explained on the record.

7 CHAIRMAN JONSSON: Thank you. Mr. Lange?

8 MR. LANGE: What I want to say is, I would
9 object only insofar as it does not address the billing
10 methodology; that's at the heart of my comment.

11 However, that's a separate issue, and I would accept
12 the document.

13 CHAIRMAN JONSSON: Thank you. Mr. Martin?

14 MR. MARTIN: No objection at this time.

15 CHAIRMAN JONSSON: Thank you. Ms. Schmid, go
16 ahead.

17 MS. SCHMID: I've just been made aware that
18 the monthly water usage charges in this second block --
19 the first entitled Red Pine Chalet Domestic Water, and
20 the second Red Pine Club House -- those numbers do not
21 reflect the Division's numbers. So again, the Division
22 objects to this for anything but illustrative purposes.

23 CHAIRMAN JONSSON: Thank you. I have marked
24 this as Community Water Company's Exhibit B. All
25 right. Go ahead Ms. Lewis.

1 MS. LEWIS: So what we would like to do
2 currently, right now, is discuss how Community Water
3 intends to apply the recommended rates represented by
4 the Division in their petition filed on June 13th. To
5 do so, we have created an illustrative table to explain
6 how we intend to apply and extrapolate the recommended
7 rates proposed by the Division on an interim basis and
8 how we're going to apply that to the HOA Association
9 and in response to the comments submitted by Plat B and
10 D and Red Pine.

11 Q (By Ms. Lewis) Okay, Stacy. So moving on to
12 specifics, we are talking about how Community Water
13 Company is intending to bill the Red Pine Homeowners
14 Association. Prior to a recess, we were talking about
15 what -- the general things the company has done. Can
16 we now please move into specifics about how the company
17 is proposing to bill for the base rates for Red Pine?

18 A So it's going to be 30 cents --

19 Q The base rates per -- I think -- well, I
20 guess that was already in your testimony.

21 A It was, but do you want me to go back over
22 it? I'm happy to.

23 Q I think that would be good to start in
24 general again. Please do.

25 A So each month the HOA will be charged the

1 recommended base rate of \$33.20 times 200 connections
2 or units, or the \$6,640 for the Red Pine Chalets, and
3 then the HOA will be charged 13 irrigation connections
4 at the recommended base rate of \$33.20 or \$431.60. And
5 they will also be charged for the Red Pine HOA
6 Clubhouse of the base rate of \$33.20. One connection.

7 **Q Okay. And then how will base rates be**
8 **applied to the townhome owners?**

9 A So the 60 Red Pine Townhomes will be charged
10 -- individually, independently -- billed \$33.20 each
11 month.

12 **Q Okay. The Division has recommended a new**
13 **tiered water rate based on usage, and we prepared a**
14 **table that demonstrates what that usage will be,**
15 **extrapolated out for the various considerations of the**
16 **HOAs. Can you please explain how water usage at the**
17 **Red Pine HOA will be accounted for?**

18 A So domestic and irrigation water usage for
19 the Red Pine Chalets will occur on designated company
20 meters. Domestic water usage for the Clubhouse will
21 occur on one meter. Each month, the HOA will be
22 charged an aggregated amount of a domestic and
23 irrigation water consumption for -- at the Red Pine
24 Chalets and Clubhouse.

25 **Q And in the table that is now marked as**

1 Exhibit B, are those the water meter numbers that are
2 associated with what the company proposes to bill as
3 irrigation meters and as domestic meters? Those water
4 meters are for domestic 98 and 235 and then irrigation
5 as 106 through 113.

6 A That is correct.

7 Q And how will the Red Pine HOA be billed for
8 water usage under the new rate structure?

9 A The HOA will be charged the usage at the Red
10 Pine Clubhouse according to the recommended rates and
11 then the HOA, the Chalets, according to their
12 recommended tier pricing times 200 units.

13 Q Okay. Can you please read from the table we
14 have prepared exactly what the tier limits, now
15 extrapolated for the 200 units, and the use intervals
16 are extrapolated for the 200 units?

17 A It's 30 cents per 200,000 gallons up to
18 2.4 million gallons; 60 cents per 200,000 gallons
19 between 4.2 million gallons to 4.8 million gallons;
20 \$1.20 per 2000 gallons [sic] between 4.8 million to
21 2.7 million gallons.

22 CHAIRMAN JONSSON: 7.2?

23 THE WITNESS: Oh, sorry. 7.2.

24 CHAIRMAN JONSSON: You're flipping some of
25 your numbers.

1 THE WITNESS: I'm sorry.

2 CHAIRMAN JONSSON: On Tier 2 also, I believe
3 you said 4.2, but it's 2.4.

4 THE WITNESS: Okay. I apologize. I'm sorry.

5 MS. LEWIS: Thank you, Your Honor.

6 A Thank you. And then \$2.40 per 200,000
7 gallons between 7.2 million to 9.6 million gallons.
8 400 and -- oh, sorry. \$4.80 per 200,000 gallons above
9 9.6 million gallons.

10 Q (By Ms. Lewis) Okay. And, Stacy, upon our
11 review, the numbers stated in our table are correct,
12 according to your understanding, if there are any
13 questions about what should govern?

14 A Yes.

15 Q Okay. So will the HOA be responsible for
16 dividing the total bill among its HOA members?

17 A Yes.

18 Q If the HOA wanted more certainty regarding
19 individual domestic usage between the condo units, is
20 there a solution under the new rate?

21 A The HOA will pay the recommended connection
22 fee of \$3,750 to add more additional meters.

23 Q Okay. Now turning to the townhomes, how does
24 the company propose assessing water usage at the 60
25 individual townhomes?

1 A Each townhome will be individually metered
2 for the domestic use. In addition, the domestic use
3 for -- let's see.

4 **Q Will any other water be associated with the**
5 **townhomes in addition to their domestic use?**

6 A The irrigation. And it will be divided by 1
7 by 60 towards the townhomes. Each townhome will get a
8 bill for 160 [sic] of what they use.

9 **Q Of their irrigation uses?**

10 A Correct.

11 **Q And that will be in addition to their**
12 **independently metered domestic use?**

13 A That's correct.

14 **Q So in sum, each townhome will receive a bill**
15 **that's going to be the combination of 1/60th of their**
16 **irrigation and their individually metered domestic use?**

17 A That's correct.

18 **Q And how will usage at the townhomes be**
19 **billed?**

20 A The total domestic use and the shared of the
21 irrigation of each townhome is billed accordingly to
22 the new rate.

23 **Q And can you please repeat for everybody --**
24 **and this is also on the table provided -- what that new**
25 **rate is?**

1 A Okay. So it's 30 cents per 1000 up to 12,000
2 gallon. It's 60 cents per 1000 between 12,001 and
3 24,000 gallons. It's \$1.20 per 1000 gallons between
4 24,001 and 36,000. It's \$2.40 per thousand gallons
5 between 36,001 gallons and 48,000. \$4.80 per thousand
6 gallons above 48,000 gallons 1.

7 Q Okay. And does this table accurately reflect
8 what we just discussed?

9 A Yes.

10 Q I'd like to move on to address the comments
11 by Plat B and D Homeowners Association. Have you read
12 and are you familiar with the comments submitted by
13 Plat B and D Homeowners Association?

14 A Yes.

15 Q Would you agree the primary concern of the
16 Plat B and D Homeowners Association is how irrigation
17 is going to be built?

18 A Yes.

19 Q What are the unique attributes of the Plat B
20 and D Homeowners Association?

21 A There are 30 independently metered townhomes
22 and 2 irrigation meters.

23 Q Can you please explain how Community Water
24 proposes to bill for Plat B and D for the new
25 recommended base rates?

1 A Each individual townhome will be charged the
2 recommended base rate of \$33.20. The HOA will be
3 billed the base rate of \$33.20 for the 2 irrigation
4 meters.

5 MS. LEWIS: Okay. And, Your Honor, in recess
6 we did have a discussion about the billing of base rate
7 charges for irrigation meters, and I think that we may
8 revisit the billing base rates for irrigation meters
9 just as a note.

10 **Q (By Ms. Lewis) Okay. How is the water usage**
11 **going to be determined for the B and D Plat townhome**
12 **owners?**

13 A Each townhome will be individually metered
14 for the domestic use, and then they will be responsible
15 for 130 [sic] of the irrigation use at the townhomes.

16 **Q Okay. How does the company propose to bill**
17 **the Plat B and D townhome owners?**

18 A So each of the townhomes will be billed the
19 individually totaled domestic use, plus 1/30th of the
20 irrigation for the townhomes being billed accordingly
21 to the new tier structure.

22 **Q And again, does this document that we have**
23 **provided as an illustration of how the company proposes**
24 **to apply the recommended rate, does that adequately**
25 **reflect what the recommended rates are?**

1 A Yes. It does.

2 Q Okay. Is Community Water Company's billing
3 software capable of the proposed billing practices
4 under the new recommended rate we just discussed?

5 A Yes. I spoke to CUSI.

6 Q Are there any other shared connections or
7 HOAs who have not submitted comments?

8 A Yes. Hidden Creek and Canyons View.

9 Q How will the company bill those similar
10 entities so those who have submitted comments know that
11 the billing that we recommend is equitable?

12 A So billing for those HOAs is different
13 because they have townhomes with independent meters.
14 The HOAs will be billed for the total domestic and
15 irrigation use and will be split -- those costs --
16 among the members.

17 Q Okay. And as a clarifying question, are --
18 for the other HOAs not represented here today -- do
19 they have independent meters for townhomes or do they
20 have independent meters?

21 A For Hidden Creek they do not, and then
22 Canyons View they only have, I believe, 3.

23 Q So most of the water use is communal amongst
24 all of the users?

25 A Yes. That is correct.

1 Q So in sum, has the company adequately
2 addressed the comments submitted?

3 A Yes.

4 Q And I think that some of our discussion
5 during recess will also inform these comments more.
6 And then is there anything else that you would like the
7 Commission to know?

8 A No.

9 CHAIRMAN JONSSON: Ms. Schmid, any questions?

10 EXAMINATION

11 BY MS. SCHMID:

12 Q Yes. Good morning.

13 A Good morning.

14 Q Were you involved in the Community Water rate
15 case that was filed in the '14 Docket and subsequently
16 withdrawn?

17 A I was.

18 Q Were you involved in the Community Water rate
19 case that was filed in Docket 15-098-01 and
20 subsequently withdrawn?

21 A Yes, I was.

22 Q And you've been involved in this docket, of
23 course, for Community Water.

24 A I have.

25 Q Based upon your experience working with and

1 for Community Water, is it your opinion that the
2 current rates have contributed to the status of the
3 water system in that it needs repairs and requires
4 meter upgrades?

5 A Yes.

6 Q Is it your opinion that a rate increase is
7 required to better the system?

8 A Definitely.

9 MS. SCHMID: Thank you. Those are all my
10 questions.

11 CHAIRMAN JONSSON: Thank you. Mr. Savage,
12 any questions?

13 MR. SAVAGE: No questions.

14 MR. GRENNEY: Mr. Grenney, any questions for
15 this witness?

16 MR. GRENNEY: No questions.

17 CHAIRMAN JONSSON: Mr. Amendola, any
18 questions for this witness?

19 Q (By Mr. Amendola) I just want to clarify
20 something on the Red Pine Townhomes and also on the
21 Plat B and D. Is the cumulative use of 60 units for
22 the Red Pine Townhomes times the 12,000 gallons
23 designated for water at the Tier 1 rate?

24 A Maybe clarify that. I'm sorry I didn't --

25 CHAIRMAN JONSSON: Mr. Amendola, actually let

1 me have you come up and use the microphone. It will be
2 easier for our callers to hear you. Just tap the
3 button that says push, and make sure you have a green
4 light before you begin.

5 MR. AMENDOLA: That's good?

6 THE WITNESS: That's better. Thank you.

7 Q (By Mr. Amendola) I want to clarify the
8 application of the 12,000 gallons for each of the
9 connections with respect to the Red Pine Townhome
10 owners and also to the Plat B and D homeowners. So the
11 footnote that is on -- under "Monthly Water Usage
12 Charges" for Red Pine Chalets, there's a line item in
13 there that says "Usage intervals equals 12,000 gallons
14 times 200 units." Okay? Should that footnote be
15 inserted in the lower table that deals with Red Pine
16 Townhomes and also, should that line item be included
17 under the Plat B and D homeowners rates?

18 A Not that I'm aware of, no.

19 Q So there's no 12,000 gallon allocation
20 allowed to the Red Pine Townhome meters?

21 CHAIRMAN JONSSON: There is.

22 THE WITNESS: There is. They're individually
23 metered, though.

24 MR. AMENDOLA: Okay.

25 CHAIRMAN JONSSON: So if you live in a Red

1 Pine Townhome, you're going to get a bill for \$33.20
2 each month, plus billing for whatever water you
3 actually use in your home, plus 1/60th of whatever
4 water is used by the Association for irrigation
5 purposes.

6 MS. LEWIS: Of the townhomes.

7 CHAIRMAN JONSSON: Of the townhomes. Yes,
8 correct.

9 MS. LEWIS: And that methodology is also
10 applied for the B and D Plat homeowners.

11 CHAIRMAN JONSSON: Anything else,
12 Mr. Amendola?

13 MR. AMENDOLA: I did have one other question.
14 Actually, no. I'm good.

15 CHAIRMAN JONSSON: Okay. Mr. Lange, any
16 questions?

17 MR. LANGE: It has to do -- and I don't know
18 if this is going to be proprietary information or
19 not -- it comes off of a redacted document from
20 15-098-01 which Ms. Wilson said she was involved in.

21 My question is simply this: The amount of
22 water used by the townhomes in 2013 and 2014 is listed
23 in this document along with all the other Community
24 Water customers. I've gone through -- there are two
25 columns in that particular format, and I don't have the

1 form to show you -- but there is column called "Actual
2 Usage" and a column called "Billed Usage." The actual
3 usage for the Red Pine Townhomes in 2013 and again in
4 2014 was considerably higher than the billed usage. So
5 I'm looking for an explanation of what those two
6 columns mean. Do they really mean what they seem to
7 say -- more water was used than was actually billed
8 for, which then would create a shortcoming of funds?
9 So that's my question.

10 CHAIRMAN JONSSON: Okay. So just a moment.
11 I believe that Mr. Lange is looking at a document that
12 is not in the record here. It's from a prior filing
13 and is also outside the scope of your direct, but if
14 you would like to help him understand that, and if
15 you're able to, I'll certainly let you.

16 MS. LEWIS: May I respond to that comment?

17 MR. LANGE: And the reason I ask this is the
18 DPU would have used this document to formulate the
19 current 16-098-01 document rate, okay?

20 MS. SCHMID: Objection. I'm not sure he can
21 speak to what the DPU would or would not use.

22 CHAIRMAN JONSSON: Sustained. Go ahead.

23 MS. LEWIS: May I make a comment? I think
24 that it's important to remember the purpose of today's
25 hearing. Today's hearing is regarding whether or not

1 the application for an interim rate increase is
2 justified based on the prima facie evidence of what
3 we've shown today.

4 As of right now, we're not challenging the
5 basis for the Division of Public Utilities rates. What
6 we're asking for today is for the Public Service
7 Commission and the Honorable Ms. Jonsson to implement
8 the rates currently recommended as recommended by the
9 Division on an interim basis.

10 CHAIRMAN JONSSON: Thank you. So, Mr. Lange,
11 the answer to your question is if you feel like those
12 numbers are incorrect, you can bring that evidence when
13 we have the full hearing on this matter. But for
14 today, we're just here to establish whether or not
15 Community Water has made a prima facie case to support
16 a rate increase in the interim.

17 MR. LANGE: I agree.

18 CHAIRMAN JONSSON: Okay. Mr. Martin, any
19 questions?

20 MR. MARTIN: No questions at this time.

21 CHAIRMAN JONSSON: Okay. And Ms. Lewis --

22 MR. LANGE: I have an additional question.

23 CHAIRMAN JONSSON: And this is Mr. Lange?

24 MR. LANGE: Yes.

25 CHAIRMAN JONSSON: Go ahead.

1 MR. LANGE: Yes. Mr. Lange. So in respect
2 with the landscaping irrigation water, when that shuts
3 down, has Community Water considered whether or not
4 those meters can go on standby basis and/or the monthly
5 charge would no longer apply during the inactive time
6 periods where there is no irrigation at all? And those
7 months would comprise something generally between
8 October up to and including April or parts of April and
9 into May.

10 CHAIRMAN JONSSON: Okay. So the question is
11 when the HOAs are not running any water through their
12 irrigation meters, would it be charged the \$33.20 rate
13 per month, or would it be charged the standby rate per
14 month?

15 MS. LEWIS: I believe if they meet the
16 standby requirements of -- which the Division has
17 recommended that we are at this point in time for the
18 interim rate, recommending that we adopt the entirety
19 of the Division's proposed rate, and if it meets that
20 rate, then yes, we would fall on standby. And if it
21 doesn't, then no, the original base charge of \$33.20
22 would continue to be charged.

23 CHAIRMAN JONSSON: Okay. All right. Do you
24 have any other witnesses, Ms. Lewis?

25 MS. LEWIS: No. And just kind of a final

1 comment. We appreciate everybody's cooperation today.
2 Also, these are proposed billing practices. If the
3 conversations amongst the entities bring to light other
4 information that would justify modifying what we
5 proposed today, the company is more than amenable to
6 discuss that and to adopt something that is equitable
7 for all of the customers.

8 MR. SAVAGE: I'd like at this time -- Mr.
9 Savage -- to make my statement under oath, and I think
10 it's appropriate at this point in time because I'm only
11 addressing the metering of the HOA irrigation water for
12 the Plat B and D homeowners.

13 CHAIRMAN JONSSON: Ms. Schmid, any objection
14 to taking Mr. Savage slightly out of order?

15 MS. SCHMID: Yes. Because I believe that the
16 issues presented are complex, and I believe that the
17 background and information that the Division adds,
18 particularly in light of what has been said today, will
19 assist the Court and Mr. Savage in the presentation of
20 his issues. So I would prefer that the Division go
21 next.

22 MR. SAVAGE: I think it's more appropriate
23 right now.

24 CHAIRMAN JONSSON: And why is that?

25 MR. SAVAGE: Because I'm going to -- instead

1 of cross-examining Ms. Wilson, I deferred to present my
2 testimony to address the same issue, which is the
3 unfairness of both the Division's and now Community
4 Water's proposal. Although Community Water's is much
5 better, more fair, it still doesn't take into account
6 the fact that you're going to be billing the 30
7 homeowners of Plat B and D more than if they were 30
8 separate homeowners.

9 CHAIRMAN JONSSON: Okay. So if you're
10 challenging the Division's position -- and it sounds
11 like you are -- then we need to get the Division's
12 position on the record. So, Ms. Schmid, go ahead.

13 MS. SCHMID: Thank you. The Division would
14 like to call as its witnesses Mr. William Duncan and
15 Mr. Mark Long. Could they please be sworn?

16 WILLIAM DUNCAN and MARK LONG,
17 having been first duly sworn to tell the truth, were
18 examined and testified as follows:

19 CHAIRMAN JONSSON: Thank you. Go ahead.

20 MS. SCHMID: While Mr. Duncan is here, he is
21 here in the capacity of answering questions if there
22 are public policy issues, and to that effect, I have
23 asked that he be sworn. Mr. Long is the Division's
24 primary witness, and I would like to have him address
25 the Court now.

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EXAMINATION

BY MS. SCHMID:

Q Mr. Long, could you please state your full name, employer, title of business, and address for the record?

A Yes. My name is Mark Long. My employer is the Division of Public Utilities, 160 East 300 South, Salt Lake City, and I'm a Utility Analyst.

Q In that respect, have you represented the Division of Public Utilities in this docket?

A Yes, I have.

Q Did you cause and prepare to be filed and file your direct testimony marked as DPU Exhibit 2 in redacted and confidential form, along with Exhibits 2.1 through 2.12 that were confidential?

A Yes. I did.

MS. SCHMID: At this point, the Division would like to move for the admission of those identified exhibits.

CHAIRMAN JONSSON: Ms. Lewis, any objection?

MS. LEWIS: No objections.

CHAIRMAN JONSSON: Mr. Savage, any objection?

MR. SAVAGE: No, Your Honor.

CHAIRMAN JONSSON: Mr. Grenney?

MR. GRENNEY: No.

1 CHAIRMAN JONSSON: Mr. Amendola?

2 MR. AMENDOLA: No.

3 CHAIRMAN JONSSON: Mr. Lange?

4 MR. LANGE: No.

5 CHAIRMAN JONSSON: Mr. Martin?

6 MR. MARTIN: No.

7 CHAIRMAN JONSSON: Thank you.

8 Q (By Ms. Schmid) Mr. Long, have you had the
9 opportunity to review the comments submitted with
10 respect to this interim rate hearing?

11 A Yes, I have.

12 Q And have you been present here today during
13 the discussion presented by the company and comments
14 and questions from intervenors?

15 A Yes.

16 Q Do you have a statement you would like to
17 make?

18 A Yes.

19 Q Please proceed.

20 A Just briefly at this time, the Division is
21 comfortable and continues to support its original
22 proposed rate as an interim rate.

23 In regards to the landscaping meters, we are
24 considering all the intervenors' comments and are
25 confident that a reasonable arrangement can be worked

1 out. But we have not had sufficient time to analyze
2 the effects of the intervenors' proposal, but will
3 consider them in the course of the case as scheduled.

4 **Q Mr. Long, are you familiar with the**
5 **distinction between an interim rate and a final rate?**

6 A Yes.

7 **Q Could you please describe for the Court the**
8 **difference?**

9 A An interim rate is only a rate that's going
10 to be enacted based on what the Commission approves
11 until a final rate can be adjudicated.

12 **Q Can an interim rate be subject for true-up,**
13 **such that if the final rate is higher, a surcharge can**
14 **be added, and if an interim rate is lower a refund can**
15 **be ordered?**

16 A That's correct. The Commission can order
17 either or both of those.

18 **Q So is it true then that an interim rate**
19 **serves as a temporary measure to increase the revenues**
20 **of the company on a, shall we say, interim basis, with**
21 **the ability to be corrected when final rates are**
22 **issued?**

23 A In this case, it would increase the rates,
24 and they would be able to be corrected at the time that
25 the final rates are approved.

1 Q Is it your testimony that you believe an
2 interim rate is appropriate and should be granted at
3 this point?

4 A Yes. Definitely.

5 Q And which interim rate do you suggest that
6 the Commission grant?

7 A The one that was originally in docket in
8 Exhibit No. 2.

9 Q So what you filed in your direct testimony
10 that was presented by the company in its interim rate
11 application; is that correct?

12 A That's correct.

13 MS. SCHMID: Thank you. Mr. Long is now
14 available for cross-examination and questions.

15 CHAIRMAN JONSSON: And just for the record, I
16 have a copy of your confidential direct testimony. I
17 have marked it as Division Exhibit 1.

18 MS. SCHMID: Thank you.

19 CHAIRMAN JONSSON: Ms. Lewis, any questions
20 for Mr. Long?

21 MS. LEWIS: We don't have any, but we would
22 like to reiterate our support for the Division's rate
23 as recommended.

24 CHAIRMAN JONSSON: Thank you. Mr. Savage,
25 questions?

1 MR. SAVAGE: No, Your Honor.

2 CHAIRMAN JONSSON: Mr. Grenney?

3 MR. GRENNEY: No.

4 CHAIRMAN JONSSON: Mr. Amendola?

5 MR. AMENDOLA: No.

6 CHAIRMAN JONSSON: Mr. Lange?

7 MR. LANGE: No.

8 CHAIRMAN JONSSON: Mr. Martin? Mr. Martin,
9 are you still with us? All right. We'll move on. Go
10 ahead and take your next witness.

11 MS. SCHMID: The Division is done.

12 CHAIRMAN JONSSON: Very good. All right.
13 Mr. Savage, it is your turn.

14 SCOTT SAVAGE,
15 having been first duly sworn to tell the truth, was
16 examined and testified as follows:

17 MR. SAVAGE: My name is Scott Savage. I'm a
18 lawyer practicing in Salt Lake City. I am president of
19 the Plat B and D Homeowners Association, and I have
20 comments addressing the interim proposal as it affects
21 the 30 homeowners that I represent as president of the
22 Homeowners Association.

23 CHAIRMAN JONSSON: Will you make sure your
24 microphone is on?

25 MR. SAVAGE: I'm sorry. There, I got a green

1 button. People don't usually complain about not being
2 able to hear me.

3 The proposal without any modification from
4 Community Water is unfair to the homeowners in that
5 they will be paying more for their landscaping water
6 than 30 individual homeowners would pay. The Community
7 Water proposal is much better and more fair, but it
8 still would result in the homeowners of Plat B and D
9 paying more.

10 I want to address this as an interim rate.
11 Right now, those 30 homeowners are paying \$12 a month
12 for their water bill. With the Community Water
13 proposal or the Commission's proposal, they would be
14 looking at four or five hundred dollars a month
15 increase overnight -- just being hit with a bill. So
16 this is important from an interim standpoint. It can't
17 wait until the final rate decision. If this is
18 implemented, it will have a dramatic, negative impact
19 upon these 30 people.

20 Now, the proposal of Community Water would
21 split the irrigation water 1/30th to each of them,
22 which is much more fair than simply charging the
23 Homeowners Association for that first 12,000 gallons.
24 But it ends up with the same net effect, and let me
25 give an example. Let's say there are 30 separate

1 individual households, homeowners, that are completely
2 separately metered. They're watering 30 lawns. The
3 Homeowners Association for Plat B and D waters 30
4 lawns. If we have all of our people absent, all 30 not
5 using any domestic water, as soon as 12,000 gallons
6 goes through the meter, those 30 people will be paying
7 60 cents per 1,000 gallons for just 12,000 gallons,
8 even though we're watering 30 lawns. It should be
9 360,000 gallons -- 30 times the 12,000 before those 30
10 individual homeowners have to start paying 60 cents per
11 1,000.

12 If they were individual homeowners each
13 watering their lawns separately, they would get a
14 cumulative total of those 360,000 gallons for those 30
15 lawns. So the homeowners shouldn't be charged at what
16 I would call the back end of this. It should be a
17 credit for the non- -- for the conservation use by the
18 30 homeowners and billed to the Homeowners Association.

19 So what we should do instead of just dividing
20 the irrigation water by 30 -- because that means as
21 soon as 12,000 gallons goes through the meter, which is
22 nothing when you're irrigating 30 lawns, they go to the
23 higher rate -- what we should do is take the domestic
24 use of the 30 Plat B and D homeowners, total that
25 number, subtract that number from 360,000 gallons, and

1 that would be the number that Plat B and D gets at the
2 30 cents per 1,000 gallon rate and then for each of the
3 successive tiers.

4 So take an extreme example. Let's say all 30
5 of our homeowners were gone for the month and used zero
6 water. We would have 360,000 gallons go through the
7 irrigation meter before the rate would bump up to 60.
8 That would make it fair and equitable to those
9 homeowners, put them on the same footing as 30 separate
10 homeowners would be if they had been gone and had zero
11 usage, other than their sprinkling system. So it
12 should be still billed to the Homeowners Association,
13 but they should get the cumulative savings of the 30
14 homeowners who are not using 12,000 gallons of each, or
15 averaging 12,000 gallons before they get kicked with
16 the higher rate.

17 It's also unfair -- it's a much more minor
18 point -- but also, to bill those 30 homeowners for 2
19 extra meters, the \$33.00 a month times two. A small
20 amount of money, but it also is a charge that the 30
21 individual landowners would not have under the
22 proposal.

23 So I have no objection at this point in time
24 to the rates. I don't know if they are fair or not, I
25 don't know how they were even arrived at, but I think

1 for the interim we have to have a methodology that will
2 put the Plat B and D 30 homeowners on an equal footing
3 with the 30 individual homeowners and how they get
4 bumped up to these higher tiers and higher water rates.

5 The proposal by Community Water is much more
6 fair than doing nothing, which is the Division's
7 apparent position right now, but it would still be more
8 fair to do it the other way, which is to total the
9 usage of the 30 individual homeowners, subtract that
10 from the 360,000 gallons, and then that would be the
11 number for determining when you kick up from Tier 1 to
12 Tier 2. But right now with the Division's proposal,
13 you would take this irrigation water for 30 people and
14 treat them as if they didn't exist -- that you were
15 just -- when 12,000 gallons went through, you'd bump up
16 to 60 cents; when 24,000 gallons went through, you'd
17 bump up to a buck twenty when in fact you're watering
18 30 lawns and not just 1.

19 So I'm happy to entertain any
20 cross-examination or questions anyone might have.

21 CHAIRMAN JONSSON: Ms. Lewis?

22 MS. LEWIS: I appreciate Mr. Savage's
23 comments. I think that they bring up a couple of
24 legitimate concerns and then also an opportunity to
25 clarify the Community Water's billing proposal, which I

1 think will ultimately address the concerns that
2 Mr. Savage has presented.

3 On the first note, I do think that Mr. Savage
4 has brought a legitimate concern about charging base
5 rates for the irrigation meters. If we are also
6 charging base rates for each individual townhome, I
7 think that Community Water would agree that having base
8 rates for those irrigation meters would be an
9 additional charge that a typical stand-alone homeowner
10 would not have if they already paid their base rates.

11 So moving forward, I think that that is
12 something we can discuss and most likely adopt, is not
13 charging extra for the irrigation base rates.

14 In terms of how to charge for each
15 independent townhome, I agree that the ultimate goal
16 here is to ensure that every single connection that
17 pays a base rate is treated like an individual
18 homeowner, and if you were an individual homeowner who
19 is metered, you would have your domestic use and your
20 culinary use combined, and that number of usage of your
21 combined domestic and irrigation would then be charged
22 against the recommended tier rating.

23 How Community Water has currently proposed to
24 do that does that same exact thing with the caveat that
25 there's not an individual usage for irrigation, but

1 it's just merely the shared pro-rata percentage for
2 each of the townhomes.

3 But the way that we have proposed to do it
4 is, yes, for the 30 homes you get the first tier
5 rate -- is 30 times 12,000, and so what we're doing
6 is --

7 CHAIRMAN JONSSON: I think it's 30 times 12.

8 MS. LEWIS: 12. 30 times 12,000 gallons.

9 CHAIRMAN JONSSON: You charge 30 cents per
10 1,000 --

11 MS. LEWIS: Per 1,000 gallons. Yes.

12 CHAIRMAN JONSSON: So it's 30 cents times 12
13 or \$3.60 for your first 12,000 gallons?

14 MS. LEWIS: Yes. It's more talking about
15 that each home will independently get to have the
16 tiered rate analysis as recommended by the Division
17 applied it. And how you determine usage is you will
18 have the individual metered irrigation domestic
19 usage -- so let's say that you're Farmer A and you live
20 in Townhome A, and you use 8,000 gallons of domestic
21 use. And then, in addition to that domestic use, you'd
22 be charged your 1/30th pro-rata percentage portion of
23 the cumulative irrigation for the Plat B and D
24 irrigation. So let's say that that 1/30th turns out to
25 be 4,000 gallons, so you'd go 8,000 plus 4,000 equals

1 12,000 and you'd remain in Tier 1.

2 Let's say you used -- let's say there's
3 Townhome B, and Townhome B uses 9,000 gallons for
4 domestic use applied to -- and then you add to that the
5 pro-rata portion for the cumulative irrigation of
6 4,000. It will put them at 13,000 gallons, and they
7 would be charged for Tier 2 pricing. So the total
8 amount of water is still times the 30; it's how you
9 account for it. And you account for it by doing the
10 individual metered domestic use, added to that the
11 pro-rata portion of irrigation, and then that total
12 number is then applied to the tiered rate system.

13 CHAIRMAN JONSSON: So in the situation where
14 a homeowner is gone for the entire month and uses
15 nothing, the portion of the irrigation --

16 MS. LEWIS: Will be applied.

17 CHAIRMAN JONSSON: -- would be applied, and
18 as long as that portion is under 12,000 gallons, it
19 would stay at Tier 1.

20 MS. LEWIS: Yes. Exactly. So if you're
21 Townhome C and you have no domestic irrigation, you'd
22 still be applied those 4,000 gallons, which would be at
23 30 cents per gallon, so \$1.20.

24 MR. SAVAGE: With that clarification, I think
25 that would work. My problem was I thought that person

1 would be charged at, say, 60 cents a gallon, even
2 though they were gone -- or 60 cents per 1,000 -- even
3 though they were gone, because more than 12,000 gallons
4 immediately went through the irrigation. But if you're
5 just taking the total and then doing the math after it
6 gets to the homeowners, then I have no objection to
7 that.

8 MS. LEWIS: And I think we're on the same
9 page.

10 CHAIRMAN JONSSON: Ms. Schmid, any questions
11 for Mr. Savage?

12 MS. SCHMID: Yes. One preparatory comment.
13 I believe that what Ms. Lewis presented and what
14 Mr. Savage agreed to is not what the Division proposed,
15 and I believe that it is not clear that what he and she
16 just discussed is what is presented on what has been
17 marked as Community Water Exhibit B.

18 So again, I'd like to first reiterate that
19 the Division's proposal is as it stands, with a base
20 rate and then gallons being counted on each meter as
21 those gallons go through the meter.

22 CROSS-EXAMINATION

23 BY MS. SCHMID:

24 Q Moving on, Mr. Savage, could you please tell
25 me or describe what water is used on the outside for

1 **your homeowners?**

2 A What water?

3 **Q Or how the water is used?**

4 A Do you mean the water that is billed to each
5 of the 30 units or the water billed through the
6 irrigation meters?

7 **Q The water billed through the irrigation**
8 **meters. Thank you.**

9 A We're watering basically the lawns and
10 shrubbery. Some people have gone to more xeriscaping
11 in small areas around their units, and we've got a drip
12 system for those. We have a drip system on our berm;
13 the rest is being sprinkled by Thompson heads and Rain
14 Birds, and it's probably 90 percent lawn.

15 **Q And is that a common area available to all**
16 **the homeowners?**

17 A That's an interesting question. Most of it
18 is. We are not actually a condominium; we're a PUD.
19 So there is a strip of land, and I don't know how wide
20 it is, around each building that is actually owned by
21 the owner of the building. The owner of each unit --
22 there will be 4 units or 6 units -- but some of the
23 land is actually owned by the residents in the
24 building; the rest is all common area.

25 **Q In conjunction with your position as HOA**

1 president and your experience as a homeowner, did the
2 irrigation meters -- were the irrigation meters used
3 in, say, August of this year?

4 A Yes.

5 Q September of this year, though it's not quite
6 done, but have they been used so far?

7 A I assume it's being used in September. I
8 received a bill.

9 Q Have you -- in your experience -- have you
10 seen that the irrigation meters are used in October?

11 A Generally not.

12 Q November?

13 A No.

14 Q December?

15 A No.

16 Q And I could go on, but then they are turned
17 on in the spring; is that correct?

18 A Yes. I believe in May.

19 Q Okay. If the homeowners are billed under the
20 Division's proposal, is the harm a financial harm --
21 that they would pay more under the Division's proposal
22 than under the existing rates?

23 A Oh, yes. And they would pay more than a
24 comparable person who just owned their own house on the
25 same water system.

1 Q If the Division's interim rates were adopted,
2 however, it is true that final rates when adopted, if
3 lower than the Division's proposed rates and
4 methodology, could result in a refund to these
5 homeowners?

6 A Yes.

7 MS. SCHMID: Thank you. Those are all my
8 questions.

9 CHAIRMAN JONSSON: Mr. Grenney, any questions
10 for Mr. Savage?

11 MR. GRENNEY: No.

12 CHAIRMAN JONSSON: Mr. Amendola?

13 MR. AMENDOLA: No.

14 CHAIRMAN JONSSON: Mr. Lange, any questions
15 for Mr. Savage?

16 MR. LANGE: No. But I would like to get to
17 the point --

18 CHAIRMAN JONSSON: Right. We'll get there.
19 Mr. Martin, are you with us?

20 MR. MARTIN: Yes.

21 CHAIRMAN JONSSON: Do you have any questions
22 for Mr. Savage?

23 MR. MARTIN: No questions at this time.

24 CHAIRMAN JONSSON: Okay. Mr. Savage, you
25 made a statement that said something about how a

1 homeowner's bill would go from \$12.00 to 400 or 500.

2 MR. SAVAGE: Yes.

3 CHAIRMAN JONSSON: How do you calculate that?

4 MR. SAVAGE: Right now, the homeowner gets
5 billed \$12 for the first 5,000 gallons. More than half
6 of our homeowners are absentee at any given point in
7 time, so they're having zero usage. The rest are just
8 using water for showering and toilets. So I think they
9 stay under the 5,000 gallons. That's where I get the
10 idea that they're being billed \$12 a month right now.

11 Under the Community Water proposal we just
12 discussed today for the first time, they would now be
13 given a pro-rata share of the irrigation water. Last
14 month I am informed by Stacy that our irrigation bill
15 is going to be over \$9,000. You divide that by 30 --
16 if my math is correct -- that's about \$300. And they
17 would be getting that 1/30th added to their new bill of
18 \$33.20 and would be somewhere in the neighborhood of,
19 like I said, of over \$300 to \$400,000 [sic] or \$300 to
20 \$400 on their bill when they paid \$12 last month.

21 CHAIRMAN JONSSON: So currently, are
22 homeowners not paying anything toward the irrigation
23 charges?

24 MR. SAVAGE: They pay it through their dues.
25 We could have a -- ultimately have a dues reduction to

1 offset this, but nobody has got the math worked out
2 right now to do that. Right now their irrigation water
3 they pay through their dues to the Homeowners
4 Association. But as I said, they would still get
5 the -- until we have a dues reduction, they would still
6 get the dues bill for the same amount, and then they
7 would have a water bill -- it would be \$300 or \$400
8 when it would have been \$12.

9 CHAIRMAN JONSSON: What are the monthly dues?

10 MR. SAVAGE: \$300 per unit.

11 CHAIRMAN JONSSON: Does that cover more than
12 just water?

13 MR. SAVAGE: Oh, yes. That covers lawn
14 maintenance, snow removal, landscape, weeding, trimming
15 bushes, accounting services, billing.

16 CHAIRMAN JONSSON: All right. Mr. Grenney,
17 it is your turn. Come on up here to the microphone.

18 MR. GRENNEY: Thank you.

19 WILLIAM GRENNEY,
20 having been first duly sworn to tell the truth, was
21 examined and testified as follows:

22 CHAIRMAN JONSSON: Go ahead.

23 MR. GRENNEY: It came to my attention that
24 Community Water had been charged \$16,000 for 3 million
25 gallons of water, a portion of that water being used

1 during 2015 and a portion during 2016, but the final
2 bill -- the bill for the \$16,000 -- wasn't submitted to
3 Summit Water until 2016. So a portion of that bill
4 should have been included in Exhibit 2 as an expense.
5 That was not included, and that would be a variable
6 expense.

7 I received the income expense statement from
8 Community Water -- and I don't know if some of the
9 numbers I'm going to mention are confidential or not.
10 They came from that income expense statement.

11 CHAIRMAN JONSSON: Do you have a document
12 that you want entered as an exhibit?

13 MR. GRENNEY: I do.

14 CHAIRMAN JONSSON: Would you let the
15 attorneys take a look at it?

16 MS. SCHMID: And I do believe if the
17 information is coming from DPU Exhibit 2 that it may be
18 confidential, so we would like to have a moment just to
19 check before Mr. Grenney makes his presentation.

20 CHAIRMAN JONSSON: That's fine.

21 MS. SCHMID: Thank you.

22 MS. LEWIS: May I make a comment as well?

23 CHAIRMAN JONSSON: Yes.

24 MS. LEWIS: We appreciate Mr. Grenney's
25 participation and discussion of these matters. It may

1 be better reserved to discuss the basis for the
2 Division's rates for the general rate hearing. This is
3 a limited hearing for the interim, and currently now
4 the company agrees with the recommended rate by the
5 Division as currently stated.

6 Not that Mr. Grenney's comments or
7 submissions -- not to say anything about their merit or
8 that they may be very helpful for a later date -- I
9 think for now the Community Water Company would move to
10 have this reserved for the general rate case.

11 CHAIRMAN JONSSON: I'm still a little bit
12 confused as to what he's challenging. It does seem to
13 be as to the basis for the rates charged, and that is
14 more appropriate for the final rate case, but I do want
15 to give him at least a few minutes to help me
16 understand what it is that he's talking about.

17 MR. GRENNEY: All right. I have taken the
18 expenses for the operations of Community Water, and I
19 have categorized them as expenses for the water
20 treatment plant, for the pumping, and for the imported
21 water. So there are three sources of water that are
22 being provided, and the difference in cost of
23 production ranges from 24 cents per 1,000 gallons to
24 \$9.50 per 1,000 gallons.

25 It is my opinion that the tiered rate

1 structure that has been proposed, even at interim
2 level, is inadequate to even cover the costs of
3 production of water that Community Water is providing
4 to its customers.

5 CHAIRMAN JONSSON: Okay.

6 MR. GRENNEY: And I would like to mention
7 that I am also a water user and I pay the rates, but
8 it's also very important to me that Community Water be
9 a viable company because the alternatives are much less
10 attractive.

11 CHAIRMAN JONSSON: Okay. Ms. Lewis, any
12 questions?

13 MS. LEWIS: No. Just to comment that we do
14 concur with Mr. Grenney's comment, that I think our
15 goals are all shared and that we do want the company to
16 be a viable company.

17 CHAIRMAN JONSSON: Ms. Schmid, any questions?

18 MS. SCHMID: No questions.

19 CHAIRMAN JONSSON: Mr. Lange, any questions?

20 MR. LANGE: No questions.

21 CHAIRMAN JONSSON: Mr. Martin?

22 MR. MARTIN: No questions.

23 CHAIRMAN JONSSON: Thank you, Mr. Grenney.

24 All right. Mr. Amendola, it is your turn.

25 MR. FRANCIS AMENDOLA,

1 having been first duly sworn to tell the truth, was
2 examined and testified as follows:

3 CHAIRMAN JONSSON: Go ahead.

4 MR. AMENDOLA: My comments will be pretty
5 abbreviated. I want to first endorse the written
6 comments that were submitted by Terry Lange on behalf
7 of the HOA, and I want to just touch on --

8 CHAIRMAN JONSSON: Will you check your
9 microphone and make sure it's on?

10 MR. AMENDOLA: Thank you. My comments will
11 be very brief. I just wanted to first endorse the
12 comments that have been submitted by Terry Lange on
13 behalf of the Red Pine HOA and just touch on a couple
14 of those comments.

15 First and foremost, our situation is similar
16 in many respects to those of plat -- the concerns
17 raised by Scott Savage on behalf of Plat B and D. We
18 have shared irrigation meters for several units, but I
19 would like to say that our situation is even more
20 extreme because we have roughly -- well, we have 200
21 units on eight irrigation meters for the Red Pine
22 Chalets. So an issue that deals with two meters for 30
23 units somewhat pales in comparison when you think about
24 the same issue as it relates to 200 units, and
25 specifically in the Division's proposal. They again

1 fail to -- they fail to address the accumulated usage
2 for these 200 units and how that would be used to keep
3 water in the Tier 1 rate as long as possible.

4 We also have a similar situation on the
5 townhomes and in that case, we have 60 individually
6 metered units. And for that reason, the Division is
7 insensitive to the rates, the allocation for water for
8 those individuals. However, because they're individual
9 meters, they could be allocated and addressed
10 separately.

11 And the only other comment that I would offer
12 is that the proposal that was developed by Community
13 Water and presented today would mitigate that
14 situation. Materially, I don't believe that the
15 proposal was part of the analysis in the interim rate
16 and, therefore, it has to be considered thoroughly
17 before we can move forward with that and have that
18 incorporated into the analysis conducted by the
19 Division, and therefore we need to allow them time to
20 do that.

21 CHAIRMAN JONSSON: Any questions, Ms. Lewis?

22 MS. LEWIS: No questions.

23 CHAIRMAN JONSSON: Ms. Schmid?

24 MS. SCHMID: No questions.

25 CHAIRMAN JONSSON: Mr. Savage?

1 MR. SAVAGE: No questions.

2 CHAIRMAN JONSSON: Mr. Grenney?

3 MR. GRENNEY: Speaking of water rates, not
4 specific to that, but will I have the opportunity to
5 submit this exhibit, this testimony?

6 CHAIRMAN JONSSON: Is it part of Mark's
7 confidential direct? What is it?

8 MR. GRENNEY: It contains information that
9 the attorneys have indicated is confidential and should
10 not be discussed openly at this --

11 CHAIRMAN JONSSON: Is there any objection to
12 this document coming into the record?

13 MS. LEWIS: I object. I think that the more
14 appropriate time to have this document entered into the
15 record is at the general rate case hearing.

16 CHAIRMAN JONSSON: Go ahead, Ms. Schmid.

17 MS. SCHMID: I do not object. We have had an
18 opportunity to see it, but I would note that it would
19 need to be marked confidential as it does contain
20 confidential information, and I would also take this
21 moment to encourage the intervenors and others to
22 provide this information and more in their direct
23 testimony which is due to be filed tomorrow.

24 CHAIRMAN JONSSON: Can you include it in your
25 direct testimony, Mr. Grenney?

1 MR. GRENNEY: Yes.

2 CHAIRMAN JONSSON: Okay. I think that would
3 be the most appropriate way to deal with that.

4 CHAIRMAN JONSSON: Mr. Lange or Mr. Martin,
5 does either of you have a question for Mr. Amendola?

6 MR. LANGE: This is Lange. No.

7 MR. MARTIN: This is Mr. Martin. No.

8 CHAIRMAN JONSSON: Then, Mr. Lange, we'll go
9 to you.

10 TONY LANGE,

11 having been first duly sworn to tell the truth, was
12 examined and testified as follows:

13 CHAIRMAN JONSSON: All right. Go ahead.

14 MR. LANGE: Yes. So as far as the individual
15 meter charge per month for the landscaping irrigation
16 meters, I think that puts the entire complex at a
17 disadvantage when compared to an individual
18 free-standing home which only has one meter, and
19 therefore has only one base charge. Base charge to the
20 chalets of eight meters times \$33 or whatever the base
21 rate is, is an extra burden.

22 In addition, as far as the -- assigned to the
23 townhomes 1/60th of the irrigation water -- the effect
24 of that also is that this is all common area, undivided
25 common interest, to the 60 owners of that phase. It

1 strikes at the heart and does not allow, I guess,
2 perhaps, the HOA dealing with the common area issues to
3 relegate and to manage effective water management.

4 Even though the correct cost may be passed on
5 to an individual owner through Community Water's
6 proposed action and methodology, it defeats the purpose
7 so to speak -- and this would hold true for B and D
8 plats also -- the ability to manage the property the
9 way the HOA is charged to do in the interest of all the
10 owners.

11 And so I think it's better served to have
12 that bill go to the HOA itself and let the HOA divide
13 up the cost of that bill amongst its owners as it deems
14 fit, you know, by the HOA CC&Rs. That's my comments.

15 CHAIRMAN JONSSON: Any question, Ms. Lewis?

16 MS. LEWIS: I have some comments on that. I
17 appreciate Mr. Lange's participation. He's been very
18 helpful and understanding in elucidating what some of
19 these issues are. I take issue with sending the
20 irrigation bill directly to the HOA with the
21 understanding that it is taking away some of the
22 general purviews of an HOA to bill the individual
23 homeowners directly, but the primary purpose of making
24 sure that that HOA -- making sure the townhome
25 irrigation portion is attributed to each of the

1 individual townhomes is so that we can get the combined
2 usage of both their domestic and their irrigation so
3 that it can be applied against the general rate
4 structure as recommended. If the bill is sent to the
5 HOA and the HOA bills independently for the irrigation,
6 essentially you're treating each townhome as if they
7 have two meters subject to the rates.

8 So you would have a domestic meter that has
9 its own Tier 1, and then the HOA would have its own
10 bill for irrigation meter subject to its Tier 1, where
11 in reality, to be fair and equitable to a single family
12 home, that irrigation and domestic must be combined and
13 compared against a single-tiered system.

14 CHAIRMAN JONSSON: Ms. Schmid, any questions
15 for Mr. Lange?

16 MS. SCHMID: No questions.

17 CHAIRMAN JONSSON: Mr. Savage?

18 MR. SAVAGE: No questions.

19 CHAIRMAN JONSSON: Mr. Grenney?

20 MR. GRENNEY: No.

21 CHAIRMAN JONSSON: Mr. Amendola?

22 MR. AMENDOLA: No.

23 CHAIRMAN JONSSON: Mr. Martin?

24 MR. MARTIN: No, not at this time. May I
25 rebut Ms. Lewis?

1 CHAIRMAN JONSSON: Yes.

2 MR. MARTIN: If I could kind of respectfully
3 disagree. I couldn't quite hear everything; there was
4 static on the line.

5 But I think the net result for billing and
6 money flow into Community Water has not changed at all.
7 Currently, the way it does get the bill for the
8 irrigation for the townhomes and the fact that it gets
9 dispersed appropriately within the HOA, dues and
10 assessments, I don't think, impact any kind of money
11 flow to Community Water at all. I don't think it
12 treats the individual townhome differently or makes
13 them a different class of water user than the way it's
14 working right now, as far as to whom the bills get
15 sent.

16 CHAIRMAN JONSSON: Okay. Thank you.

17 MS. LEWIS: And we would respectfully
18 disagree with that assessment.

19 CHAIRMAN JONSSON: Mr. Martin, it is your
20 turn.

21 VAN MARTIN,

22 Having been first duly sworn to tell the truth, was
23 examined and testified as follows:

24 CHAIRMAN JONSSON: Okay. Go ahead.

25 MR. MARTIN: All I have is a comment. I

1 think it kind of builds on what Bill Grenney's issues
2 were and that is that -- not necessarily for this
3 interim rate -- but before we adopt a final rate, there
4 needs to be some very serious consideration given to
5 what appears to be a very drastic reduction in the
6 tiered rates. And I'm just concerned that the proposed
7 tiered rate under the interim rate is even close to
8 carrying the cost of the system if it's expected to be
9 independent.

10 CHAIRMAN JONSSON: Ms. Lewis, any questions
11 for Mr. Martin?

12 MS. LEWIS: No. We would just reiterate our
13 comments with Mr. Grenney. We welcome their
14 participation and further discussion of this at the
15 general rate.

16 CHAIRMAN JONSSON: Ms. Schmid?

17 MS. SCHMID: No questions.

18 CHAIRMAN JONSSON: Mr. Savage?

19 MR. SAVAGE: No questions.

20 CHAIRMAN JONSSON: Mr. Grenney?

21 MR. GRENNEY: No.

22 CHAIRMAN JONSSON: Mr. Amendola?

23 MR. AMENDOLA: No.

24 CHAIRMAN JONSSON: Mr. Lange?

25 MR. LANGE: No.

1 CHAIRMAN JONSSON: Okay. Thank you all very
2 much. I need to know what I am taking back to the
3 Commission.

4 In Community Water's application for interim
5 rates, it asked for the Division's proposed rate
6 schedule to be applied. The Division has indicated
7 here today that under that proposed rate schedule, the
8 irrigation meters would go into Tier 2 pretty quickly
9 and be billed at Tier 2, Tier 3, and so on, with those
10 accumulated charges then being split among homeowners,
11 however it works out mathematically.

12 But what Community Water has actually
13 proposed is to not have those irrigation meters bump up
14 into Tier 1, Tier 2, but simply to use them to
15 calculate the total number of kGals going through, and
16 then divide the kGals by the number of homeowners and
17 then assess each homeowner per tier. So I need to know
18 which proposal I'm taking back to the Commission for
19 review.

20 MS. LEWIS: I believe a simple way that you
21 could articulate Community Water's position is how you
22 understand the word connection. We would like to
23 understand the word connection in the most equitable
24 way possible, and so for us a connection would be a
25 unit in a condo that pays a base rate, a townhome that

1 pays a base rate, or an individual family or a
2 free-standing home that pays a base rate. That, in our
3 mind, is what should consist of a connection and that
4 connection, in terms of usage, should include both its
5 domestic usage and irrigation.

6 And in the terms of -- in areas where you
7 have communal irrigation that's not part of a single
8 family home, that would just be their pro-rata portion
9 of the communal irrigation in that system. And we
10 understand it is a little different, but in terms of
11 equity, that's how we think a connection should be
12 understood.

13 CHAIRMAN JONSSON: Ms. Schmid?

14 MS. SCHMID: Yes. Thank you. And, as during
15 the course of this hearing Community Water's proposal
16 has changed a little bit, the Division would like to
17 submit for consideration, as an interim rate, the rates
18 proposed by the Division and as discussed here today.

19 CHAIRMAN JONSSON: Which would mean that the
20 irrigation meters would be billed separately and would
21 bump into Tier 2, Tier 3 based on the actual number of
22 kGals going through them.

23 MS. SCHMID: That is correct. And then as an
24 interim rate, there would be opportunity for a final
25 rate decision to be made and then for the final rate to

1 be approved, to be applied, and the interim rate
2 trued-up.

3 CHAIRMAN JONSSON: All right. I think I
4 understand the numbers and the various parties'
5 positions. I think I know what the issues are to
6 discuss with the Commission. Is there anything else
7 that any person here would like to put on the record
8 today? Ms. Lewis?

9 MS. LEWIS: No. But just that I think that
10 -- I want to recognize that everyone's been -- there
11 are a couple of small typos in the Exhibit B. There's
12 a couple under the Red Pine Clubhouse Tier 1. It
13 should say 36,000 gallons, not 36,001 gallons. And
14 then the same thing on Tier 3 for the Red Pine Townhome
15 irrigation water. It should also say Red Pine Townhome
16 irrigation water.

17 But just in general, I would like to
18 reiterate that it's been a very constructive process
19 and that we very much appreciate everyone's
20 participation, and I think we're coming to an equitable
21 solution.

22 CHAIRMAN JONSSON: Thank you. Ms. Schmid,
23 anything else?

24 MS. SCHMID: Yes. Some concluding
25 statements. The Division welcomes and appreciates the

1 participation of the intervenors and the information
2 that they have provided. The Division is looking
3 forward to seeing more information should the
4 intervenors choose, filed with their direct testimony,
5 which is due tomorrow.

6 The Division believes that an interim rate is
7 truly a special sort of rate. It's intended to provide
8 on a temporary basis additional revenues for the
9 company. As has been testified to you today, the
10 company needs additional revenues in order to improve,
11 maintain and upgrade its system.

12 The Division believes that the proposed
13 interim rates it has suggested are clear,
14 understandable, and in the public interest and
15 respectfully request that the Commission grant the
16 Division's proposed interim rates. Thank you.

17 CHAIRMAN JONSSON: Mr. Savage, anything else?

18 MR. SAVAGE: Nothing. It would be redundant.
19 Just the necessity for giving some credit to the joint
20 usage.

21 CHAIRMAN JONSSON: Mr. Grenney, anything
22 else?

23 MR. GRENNEY: No.

24 CHAIRMAN JONSSON: Mr. Amendola?

25 MR. AMENDOLA: No.

1 CHAIRMAN JONSSON: Mr. Lange, anything more?

2 MR. LANGE: Yes. Am I to understand that the
3 interim rate increase will not address the billing
4 methodology at this point, but the billing methodology
5 is something to be ironed out for the final rate
6 structure; is that correct?

7 CHAIRMAN JONSSON: That is up to the
8 Commission. The Commission will decide how to handle
9 those irrigation meters, whether they are billed
10 individually according to the tier structure or whether
11 they are used strictly to calculate total usage which
12 then would be divided among homeowners before the tier
13 structure is applied. And that is the Commission's
14 decision.

15 MR. LANGE: I wish the Commission would rule
16 in favor of updated billing methodology.

17 CHAIRMAN JONSSON: Thank you. Mr. Martin,
18 anything else?

19 MR. MARTIN: Nothing at this point, only to
20 say thanks for the opportunity to participate.

21 CHAIRMAN JONSSON: All right. I will be
22 meeting with the Commission promptly -- yes?

23 MR. AMENDOLA: I just wanted clarification on
24 your last comment. So the Commission can kind of adopt
25 the illustrative table that Community Water provided

1 today?

2 CHAIRMAN JONSSON: It can.

3 MR. AMENDOLA: So they can kind of hibernize
4 the interim with the --

5 CHAIRMAN JONSSON: The Commission will
6 address whether an interim rate is necessary and if so,
7 what it will be. It will set that rate.

8 MR. AMENDOLA: But it can also incorporate
9 the information that was presented today?

10 CHAIRMAN JONSSON: Correct. Okay. One last
11 item of business. Intervenors, your direct testimony
12 is due tomorrow; that's your deadline. Some of you
13 have filed some comments which do not necessarily
14 constitute testimony, but they are of record. The
15 Commission's rules require that your direct testimony
16 be filed on paper. However, the Commission can also
17 deviate from that rule to allow you to file it
18 electronically, which I think is probably what you all
19 need. I don't think it's really realistic to ask you
20 to drive back here tomorrow to give us paper, but is
21 there any objection to the Commission deviating from
22 the paper rule to accept direct testimony from
23 intervenors by direct filing?

24 MS. SCHMID: The Division has no objection
25 but would request that the Commission remind the

1 intervenors to serve the other parties also by email.

2 CHAIRMAN JONSSON: Thank you. I will remind
3 you of that. You need to put the Commission's email
4 address on your address list when you send it. You
5 also need to include the Division. You can send it
6 directly to Ms. Schmid, and you need to include
7 Community Water so you can send it to Ms. Lewis.

8 MS. LEWIS: And as a note, there are several
9 service lists floating about, and there is an incorrect
10 email address for myself. I am E-E-L -- like Emily
11 Elizabeth Lewis -- @clydesnow.emilylewis@utah.gov.

12 MS. SCHMID: And also, there have been some
13 intervenors granted intervenor status, so they should
14 be provided copies of what is filed as well.

15 CHAIRMAN JONSSON: Correct.

16 MS. SCHMID: If anyone has a question, I can
17 provide you with a service list.

18 CHAIRMAN JONSSON: Thank you. All right.
19 With that, I believe we can close the hearing. Thank
20 you all very much. We will get an order out as quickly
21 as possible.

22 (The proceedings concluded at 11:20 a.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
COUNTY OF UTAH)

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 22nd day of September, 2016.



Mary R. Honigman
Registered Professional Reporter

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