

In the Matter Of:

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

HEARING PROCEEDINGS DOCKET NO. 16-098-01

November 16, 2016

Job Number: 321112

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
11 160 East 300 South
12 Salt Lake City, Utah

13 DATE: Wednesday, November 16, 2016

14 TIME: 9:00 a.m.

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

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Job Number: 321112

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JENNIE JONSSON

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12 ALSO PRESENT:
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13 Fran Amendola
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14 Mark Long
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15 Terry Lange
Van Martin

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PROCEEDINGS

JUDGE JONSSON: Today is Wednesday, November 16th, 2016. It is just after 9:00 in the morning, and this is the date and time set for a rate hearing in The Matter of Community Water Company, LLC. This is Docket No. 16-098-01. We are streaming this hearing, so I need all of you who are going to be participating to make sure your microphones are turned on and to pull them right up close to you and not to get lazy about using them as we proceed.

All right. Let's get appearances on the record. The Division initiated this matter, so for the Division we have --

MS. SCHMID: Patricia E. Schmid with the Attorney General's Office representing the Division of Public Utilities. With me as the Division's witnesses we have Mr. Bill Duncan and Mr. Mark Long.

JUDGE JONSSON: Thank you. And for Community Water Company?

MS. LEWIS: Emily Lewis with the law firm of Clyde Snow & Sessions.

MR. CLYDE: Steven Clyde from Clyde Snow & Sessions.

1 MS. LEWIS: And our witnesses today
2 will be Stacy Wilson and Mike Folkman of Community
3 Water and Summit Water Distribution Company.

4 JUDGE JONSSON: Thank you. We also
5 have a number of intervenors in this matter. I just
6 want to make sure who is here. Francis Amendola is
7 here. E. Scott Savage is here. Terry Lang. Thank
8 you. William Grenney. Thank you. Van J. Martin.
9 Art Brothers, he's not with us. And Guy Rossin?
10 No. Okay. Thank you. All right. Is there any
11 housekeeping or procedural matters that any party
12 wants to take care of as we get going here? Go
13 ahead.

14 MR. LANG: Terry Lang. I was
15 traveling the last couple of days, and I was unable
16 to give any electronically transmitted surrebuttal
17 testimony. And I have a copy here I'd like to read
18 today.

19 JUDGE JONSSON: Okay. Thank you.

20 MS. SCHMID: On that, I would just
21 like to note that because it will be read here --
22 somewhat, indeed, out of order -- the Division will
23 not have as much time to respond to it, so after
24 that is read, we would request a break.

25 JUDGE JONSSON: That's fine. Thank

1 you. We do have a public witness hearing scheduled
2 today at 12:00. If we conclude this rate hearing
3 before 12:00, we'll just break and then reconvene at
4 12:00. If it looks like we're going to need the
5 time for this rate hearing right up until 12:00, we
6 can talk about that as we get closer. All right.
7 So let's go ahead and begin. Ms. Schmid?

8 MS. SCHMID: Thank you. Mr. Long was
9 sworn at the interim rate hearing, so I believe that
10 he does not have to be sworn again. However, Mr.
11 Duncan was not sworn at that hearing. Could he
12 please be sworn in?

13 BILL DUNCAN,
14 having been first duly sworn to tell the truth, was
15 examined and testified as follows:

16 MS. SCHMID: Before we proceed with
17 the statement that Mr. Long has prepared to give, I
18 have just a couple of questions for Mr. Duncan, and
19 then I will request the admission of his testimony.

20 EXAMINATION

21 BY MS. SCHMID:

22 Q. Mr. Duncan, could you please state by whom
23 you are employed and in what capacity?

24 A. Yes. I am employed by the Division of
25 Public Utilities. I'm the manager of the

1 telecommunications and water section.

2 Q. In that capacity, have you participated in
3 this docket on behalf of the Division?

4 A. Yes, I have.

5 Q. Did you prepare or cause to be prepared
6 the direct testimony pre-marked as DPU Exhibit No.
7 1.0-DR in confidential and redacted form that has
8 been filed in this docket?

9 A. Yes.

10 Q. Do you have any changes or corrections to
11 that testimony?

12 A. No.

13 MS. SCHMID: With that, the Division
14 moves for the admission of Mr. Duncan's direct
15 testimony, pre-marked as DPU Exhibit No. 1.10-DR in
16 both confidential and redacted forms. This was
17 filed on June 13th, 2016.

18 JUDGE JONSSON: Ms. Lewis, any
19 objection?

20 MS. LEWIS: No objection.

21 JUDGE JONSSON: Mr. Amendola?

22 MR. AMENDOLA: None.

23 JUDGE JONSSON: Mr. Savage?

24 MR. SAVAGE: No objection.

25 JUDGE JONSSON: Mr. Lang?

1 MR. LANG: No objection.

2 JUDGE JONSSON: Mr. Grenney?

3 MR. GRENNEY: No objection.

4 JUDGE JONSSON: Mr. Martin?

5 MR. MARTIN: No objection.

6 JUDGE JONSSON: Thank you.

7 MS. SCHMID: Mr. Long's direct
8 testimony, I believe, was admitted in the interim
9 rate hearing. But if not, I would like to move that
10 that be admitted along with his rebuttal testimony,
11 marked as DPU Exhibit No. 1.0-R, the exhibits that
12 accompany that which are 1.1-R through 1.3-R -- and
13 it says "R-DIR," but that is incorrect, that should
14 be 1.3-R -- and his surrebuttal testimony,
15 pre-marked as DPU Exhibit No. 1.0-SR.

16 Rebuttal testimony was filed on
17 November 2nd and surrebuttal testimony was filed on
18 November 14th. The Division requests that these
19 testimonies be admitted.

20 JUDGE JONSSON: Any objection from
21 any party? Okay. Thank you. Those are admitted.

22 MS. SCHMID: Thank you.

23 EXAMINATION

24 BY MS. SCHMID:

25 Q. Mr. Long, do you have a statement to give

1 **today?**

2 A. Yes.

3 **Q. Please proceed.**

4 A. Okay. First, the Division would like to
5 commend the Company on its cooperation and open
6 dialogue through this long process. The Division is
7 also appreciative of the efforts put forth by the
8 intervenors and believes that the amended rates
9 proposed by the Division are a better reflection of
10 the costs of operating the water system because of
11 the intervenors' willingness to participate.

12 In general, all parties involved have
13 acknowledged that a rate increase is needed for the
14 continued operations of Community Water to ensure a
15 safe and reliable water system.

16 First, I'd like to give a little
17 background on Community Water. Community Water is
18 located near Park City, Utah and currently serves
19 504 customers with an additional 2 customers paying
20 a standby fee. The Company's first tariff was
21 issued on January 18th, 1989. The last rate
22 increase of record took place in January of 2002.
23 The rates have remained the same now for almost 15
24 years.

25 Community Water was acquired by its parent

1 company, TCFC, around 2013. TCFC has expressed that
2 it is not in and does not desire to be in the water
3 business. Since acquiring the Company, TCFC has
4 explored and continues to explore avenues to
5 transfer ownership of the Company to another entity.
6 However, the issue of transfer is not before us
7 today. Let me emphasize again, neither the
8 Commission or the Division has been notified of the
9 transfer of Community Water. And to the best of the
10 Division's knowledge, a transfer of Community Water
11 is only speculation at this point and is not in the
12 scope of this proceeding today. The Division is
13 proceeding with this rate case as if Community Water
14 is and will be an ongoing concern.

15 Regardless if a transfer takes place or
16 not, existing rates and rate structure does not
17 cover the fixed operational costs of the Company,
18 and it certainly does not cover needed
19 infrastructure repairs or allow for the funding of a
20 capital reserve fund for future infrastructure
21 costs. To that end, the Company has recently
22 applied for two other rate increases, one on
23 November 6th, 2014 and another on July 21st, 2015,
24 but has subsequently withdrawn both applications.

25 On March 15th, 2016, the Division was

1 ordered by the Utah Public Service Commission to
2 file a rate case on behalf of Community Water. The
3 Division filed its recommendation for a rate
4 increase for Community Water in its direct testimony
5 on June 14th, 2016. To help fund the operational
6 costs of the Company in a more timely manner,
7 Community Water filed an application for an interim
8 rate increase on August 25th, 2016. A hearing
9 regarding the request for interim rates was held on
10 September 13th, 2016. The Division, the Company,
11 and several intervenors participated in this
12 hearing. On September 15th, 2016, the Public
13 Service Commission issued an order approving the
14 interim rate increase.

15 Community Water and several intervenors
16 subsequently filed direct testimony on or before
17 September 21st, 2016. In their direct testimony,
18 some intervenors provided information that the
19 Division was not aware of when the Division filed
20 its direct testimony. The Division subsequently
21 amended its recommended rates to account for this
22 new information in its rebuttal testimony of
23 November 2nd, 2016.

24 In addition to the Division's rebuttal
25 testimony, two intervenors also filed rebuttal

1 testimony. On November 14th, 2016, the Division
2 filed its surrebuttal testimony and reaffirmed the
3 rates the Division recommended in its rebuttal
4 testimony.

5 The Division believes there are several
6 outstanding issues that the Division wishes to touch
7 on briefly. One of the main areas of concern
8 amongst several intervenors involves the metering
9 and billing of the several different types of
10 customers. For example, this water system serves
11 individual homeowners, townhouses with shared
12 landscape meters, and condo units with both shared
13 indoor and shared landscape meters.

14 The Division's initial recommendation was
15 interpreted by many of the customers that the rate
16 structure was tied to the number or type of physical
17 meters in the water system. Through testimony, the
18 Division has clarified that its recommendation is
19 based on the number of connected customers and not
20 on the number or type of meters. The Division
21 refers to the direct testimony of Ms. Stacy Wilson
22 for specific examples. The Division is confident
23 that Community Water will bill appropriately if the
24 Division's recommendation is approved by the
25 Commission.

1 Community Water has purchased all new
2 billing software and has completed one billing cycle
3 which implemented the interim base charge and
4 reflected the prior approved tariff tier charges.
5 This was done successfully, although with a couple
6 of small hiccups. I know that Ms. Stacy Wilson and
7 others have spent considerable time and hard work in
8 preparing the new software to handle the complex
9 billing issues in this system, and it's amazing that
10 the first run went as smoothly as it did. Even more
11 encouraging, the affected customers and Company
12 worked together for a solution to fix any of the
13 minor issues that arose.

14 One additional comment regarding the
15 billing. In the Division's surrebuttal testimony,
16 the Division made reference to the billing for the
17 Red Pine Clubhouse to be included as part of the
18 pool of 200 Red Pine Condo units. However, after
19 reading Ms. Stacy Wilson's surrebuttal testimony,
20 the Division wishes to clarify its position
21 concerning the Clubhouse.

22 The Division agrees with Ms. Wilson's
23 surrebuttal testimony that the Clubhouse should be
24 included with the other 200 condo units for
25 irrigation purposes but should be treated as a

1 standalone connected customer subject to its own
2 base rate charge and tiered 12,000-gallon usage
3 rates for non-irrigation uses.

4 Yesterday evening, the Division was
5 notified by an intervenor that another clubhouse
6 within Community Water's service area associated
7 with Hidden Creek Condos did not have its own meter
8 to monitor its inside use and, therefore, its inside
9 water use is combined with the pool of the 130 condo
10 units. However, the Division stands by its
11 recommendation as stated above regarding the Red
12 Pine Clubhouse.

13 If the Hidden Creek Clubhouse had its own
14 connection, the Division would also recommend to
15 treat it as an individual connection; unfortunately,
16 that is not the case here. But in the Division's
17 opinion, that does not preclude the Red Pine
18 Clubhouse from its inside water use being monitored
19 as a standalone unit. Perhaps this is something
20 regarding the Hidden Creek Clubhouse that is an
21 issue that the Company may want to address in the
22 future.

23 Another issue involves the continued need
24 of Community Water for major infrastructure repairs
25 and replacements that are not covered in rates in

1 this rate case. The Division acknowledges that the
2 infrastructure is suffering from past neglect and
3 will require significant amounts to be spent on
4 repairs and maintenance in future years. The
5 Division believes that the annual amounts of \$52,000
6 set aside as capital reserves and the additional
7 \$18,319 set aside specifically for system repairs
8 are conservative amounts and will not be sufficient
9 to repair or replace much of the extensive
10 infrastructure needs of Community Water.

11 The Division agrees with the Company that,
12 at this time, its estimates lack the details needed
13 to be included in the current rates. Additionally,
14 if the Company is not transferred to an unregulated
15 entity, the Company will likely need to file another
16 rate case with supportive details to request the
17 funds needed to improve the system.

18 Some intervenors have expressed to the
19 Division that they believe the rates should be
20 higher than the Division's recommendation. The
21 Division has reviewed the intervenors' information,
22 and the Division stands by its amended rates based
23 on known, measurable, and verifiable information the
24 Division has before it.

25 The next issue the Division wants to

1 address is the Division's inclusion of the \$6,458
2 for water purchased from Summit Water as part of the
3 variable rate expense in the test year 2015. Some
4 intervenors believe that it is an occasional
5 isolated occurrence and should not be included as
6 part of rates in the test year. The Division
7 understands the concern about including this
8 purchased water but feels that it is important as
9 part of full-cost pricing to include this amount.

10 Although isolated repairs may be made to
11 the system from time to time, temporarily reducing
12 the need for purchased water, this is an old water
13 system that has neglected necessary repairs and
14 replacements for many years. By including this cost
15 in rates, the Company should have some additional
16 funds to either purchase additional water or make
17 the related necessary repairs as needed to maintain
18 this aging water system.

19 In conclusion, the Division recommends to
20 the Public Service Commission that it approves the
21 rates and rate schedule set forth on page 13 in my
22 surrebuttal testimony. These rates and rate
23 schedules are also the same as set forth on page 26
24 of my rebuttal testimony.

25 The Division recommends that the Public

1 Service Commission approve the revised tariff
2 referenced as Exhibit 3 and provided as part of my
3 direct testimony, updated as necessary to conform
4 with the Commission's order. Note that this revised
5 tariff includes a \$10 late fee and interest at
6 18 percent on unpaid balances, as well as updated
7 rules and regulations generally applicable to all
8 regulated water companies.

9 The Division also recommends that the PSC
10 order the Company to file its revised tariff with
11 the Commission within 60 days of the Commission's
12 final order.

13 And finally, the Division recommends that
14 the Commission order Community Water -- within 60
15 days of the Commission's final order -- to issue a
16 company credit to any customer's account where the
17 customers were overbilled using the interim rates or
18 to charge a fee for those customers who were
19 underbilled using the interim rates.

20 The Division recommends that the
21 Commission approve the amended rates as set forth in
22 my rebuttal and surrebuttal testimony, approve the
23 revised tariff set forth in my direct testimony --
24 updated as necessary -- and order the true-up
25 between the interim rates and the recommended rates

1 as specified above.

2 The Division believes that its
3 recommendations will result in rates that are just
4 and reasonable and that these rates are in the
5 public interest.

6 JUDGE JONSSON: Thank you.

7 Ms. Lewis, any questions for this witness?

8 MS. LEWIS: No questions.

9 JUDGE JONSSON: Mr. Amendola, any
10 questions for this witness?

11 MR. AMENDOLA: No questions.

12 JUDGE JONSSON: Mr. Savage?

13 MR. SAVAGE: Yes, just a brief couple
14 here.

15 EXAMINATION

16 BY MR. SAVAGE:

17 Q. Good morning, Mr. Long. I appreciate you
18 talking to me the other day. I'm Scott Savage, and
19 I apologize if I missed it in your filed
20 testimony -- I don't think I received all of it --
21 but I'm representing Plat B and D which are 30
22 townhomes that are individually metered for their
23 interior use. But we currently have an irrigation
24 of two meters that has, in the past, been billed
25 separately, and I want to clear on the record, is it

1 the Division's position that with respect to Plat B
2 and D's irrigation use, that Plat B and D -- the
3 HOA -- will not be billed for that irrigation use,
4 but each homeowner -- the 30 homeowners -- will be
5 billed 1/30 of the usage on the irrigation meters
6 each month?

7 A. That's my understanding, although the
8 Company would maybe be in a better position to
9 answer that based on how their billing software is
10 set up.

11 Q. All right. I'll wait for that. You would
12 agree with whatever Ms. Wilson's position on that
13 is?

14 A. If it's the same as my position.

15 Q. What's your position with respect to the
16 townhomes that have a separate -- two separate
17 meters right now for the HOA? Are they going to be
18 considered a connected customer or are those two
19 meters not going to be considered connected
20 customers?

21 A. The two meters wouldn't be considered a
22 connected customer, and those meters would be put
23 into a pool to accommodate the 30 townhomes, or Plat
24 B and D.

25 Q. All right. And then those individual

1 homeowners would get 1/30 of that irrigation usage
2 attached to their bill each month?

3 A. That's correct.

4 MR. SAVAGE: Okay. Thank you.
5 Nothing further.

6 JUDGE JONSSON: Thank you. Mr. Lang,
7 any questions?

8 MR. LANG: I'm not sure if I have
9 questions about -- however, my surrebuttal does
10 address the Red Pine Clubhouse billing very
11 specifically.

12 JUDGE JONSSON: Do you have questions
13 for Mr. Long about his recommendation as to the Red
14 Pine Clubhouse billing?

15 MR. LANG: No, I do not.

16 JUDGE JONSSON: Okay. Mr. Grenney?

17 MR. GRENNEY: No, I do not.

18 JUDGE JONSSON: Mr. Martin?

19 MR. MARTIN: No, I do not.

20 JUDGE JONSSON: Thank you.

21 MS. SCHMID: Pardon me. Perhaps at
22 this moment it might be appropriate to take a break
23 even now to have Mr. Lang prepare copies of the
24 surrebuttal that he did not electronically file. So
25 the Division has not seen them, and I'd like to note

1 that the Division is not waiving any objection it
2 may have to the untimeliness of this surrebuttal
3 testimony at this point.

4 JUDGE JONSSON: Let's go ahead and
5 take a break then. Mr. Grenney, if you will give me
6 your -- do you have copies?

7 MR. LANG: Mr. Lang.

8 JUDGE JONSSON: Sorry.

9 MR. LANG: Unfortunately, I do not.

10 JUDGE JONSSON: All right. If you
11 will give that to me, I will run some copies.

12 MS. SCHMID: And one question before
13 we break. Mr. Lang, did you serve the surrebuttal
14 testimony electronically on the parties to this
15 docket?

16 MR. LANG: I'm sorry. I missed the
17 question.

18 MS. SCHMID: Did you serve the
19 parties with your surrebuttal testimony
20 electronically?

21 MR. LANG: I was unable to do that.

22 MS. SCHMID: Did you serve them by
23 mail?

24 MR. LANG: I was unable to do that.
25 This was the very first emerging of this because I

1 was traveling, so this was done at 5:30 this
2 morning.

3 JUDGE JONSSON: Let's take about ten
4 minutes.

5 (A brief recess was taken.)

6 JUDGE JONSSON: All right. We're
7 back on the record. Ms. Schmid, do you have any
8 other witnesses today?

9 MS. SCHMID: The Division does not.

10 JUDGE JONSSON: Thank you. Ms.
11 Lewis?

12 MS. LEWIS: Your Honor, I'm Emily
13 Lewis for Community Water Company. So we would just
14 like to say that we anticipate this hearing being
15 relatively short because as the Division has
16 indicated, we have resolved the majority of the
17 issues here today.

18 We would like to make some comments
19 just summarizing the Company's final position on a
20 couple of matters, stating our support for the
21 Division's new recommended and amended rate, and
22 then, also, making ourselves available for
23 questions.

24 Really, most of this case is focused
25 around two issues: The scope of the rate that we'd

1 like to just make one or two introductory comments
2 on, and then Mike Folkman is going to testify; and
3 then also billing procedures of which we're going to
4 make one or two introductory comments on, and then
5 we will call Ms. Stacy Wilson as our witness to
6 briefly summarize on the record here in the general
7 rate our final billing methodology and answer
8 specific questions.

9 So as Mr. Long indicated in his
10 opening statements that this is a company in
11 transition, we are looking to transfer the Company
12 to a new owner. That is currently leaving us in a
13 state of open negotiations of which we are looking
14 for pragmatic solutions to fund a large deficit of
15 improvements that have lapsed over the years. So we
16 address this in our direct testimony and also
17 several data request responses regarding priority
18 improvements of which we would hope and would like
19 to have included in the current rate. However, we
20 understand that this rate is limited to an
21 operations and maintenance rate, and we defer to the
22 Division's decision not to include those costs, as
23 estimates at this point in time are the best
24 information available to us.

25 I would like to make just one general

1 comment about the Division's response in rebuttal
2 response regarding the use of prior rate cases. We
3 agree that the use of prior rate cases is
4 appropriate to establish the threshold for
5 specificity in infrastructure improvements. We
6 disagree with using prior rate cases as a metric for
7 determining whether or not the Company has timely
8 complied with creating expenditure reports, as each
9 rate case is different, and a future rate case may
10 involve a completely different configuration of
11 improvements that were previously presented in past
12 rate cases. So we would like the Commission to not
13 use those cases as a metric for that purpose.

14 As for billing, I feel like most of
15 the issues have been resolved, and so today is
16 really just going to be a summary for the record on
17 those issues and then answer any outstanding
18 questions as such presented by Mr. Savage and
19 Mr. Lang today.

20 So to that point, we would just like
21 to call Mr. Folkman to have a brief summary of the
22 issues and the scope of the case and our support for
23 the rate. Mr. Folkman was also sworn in at the
24 interim rate hearing, and we'd like to recognize
25 that here on the record. And so with that, we'll

1 move to testimony.

2 EXAMINATION

3 BY MS. LEWIS:

4 Q. So, Mike, have you testified at a hearing
5 before the Public Service Commission or an
6 administrative law judge before?

7 A. Yes, the interim rate hearing for this
8 case in September of this year.

9 Q. Okay. And have you submitted any direct
10 testimony or surrebuttal testimony in this rate
11 case?

12 A. Yeah, I did. I submitted direct testimony
13 in the rebuttal.

14 MS. LEWIS: And, your Honor, I'd like
15 to move to have Mike Folkman's direct testimony and
16 surrebuttal testimony admitted on the record.

17 JUDGE JONSSON: Any objection from
18 any party?

19 MS. SCHMID: Nothing from the
20 Division.

21 JUDGE JONSSON: All right. Those are
22 admitted.

23 BY MS. LEWIS:

24 Q. So we're going to discuss the previous
25 requests of the Company. Mr. Folkman, on behalf of

1 the Company, did you submit direct testimony in this
2 general rate case?

3 A. Yes, I did.

4 Q. Can you briefly explain to the Commission
5 what the direct testimony discussed?

6 A. Just basically that we were going through
7 the negotiations with Summit Water to possibly take
8 over Community Water and that, as part of the
9 negotiations, we had to prioritize some repairs that
10 needed to be made, basically.

11 Q. Okay. And did your direct testimony ask
12 anything of the Division?

13 A. Yes. We asked that they would include
14 those numbers.

15 Q. Okay. Did you include a list of
16 improvements that Summit had requested?

17 A. Yes, I did.

18 Q. And can you just generally explain what
19 that list included?

20 A. It was just basically an Excel spreadsheet
21 that included the repairs, meters, valves, pipes,
22 and some interconnects with Summit that would fix
23 fire flow problems.

24 Q. And were there any costs associated with
25 these improvements?

1 A. Yeah, there were. Most of them were
2 estimates at the time.

3 **Q. And why are these costs estimates?**

4 A. Mainly because with ongoing negotiations
5 with Summit, it's hard to put a number on the fix, I
6 guess you would say. There's different fixes
7 depending on if that negotiation succeeds.

8 **Q. Okay. And in your surrebuttal testimony,**
9 **what did you say about the ability of the Company to**
10 **submit more precise cost estimates?**

11 A. It's just difficult at this time to do
12 that without knowing the real solution to the
13 problem.

14 **Q. Okay. Great. And so in your surrebuttal**
15 **testimony, did you agree that the Company would**
16 **defer to the Division's decision?**

17 A. Yes, we did.

18 **Q. Okay. And are you familiar with the**
19 **recommended changes to the rate that the Division**
20 **has proposed?**

21 A. Yes.

22 **Q. And do you have any comments on the**
23 **changes?**

24 A. No. They seem reasonable.

25 **Q. Okay. And does the Company support the**

1 new rate?

2 A. Yeah.

3 Q. And then in response to the questions most
4 recently raised by Terry Lang and Mr. Scott Savage
5 regarding meters for shared uses at HOA clubhouses,
6 is the Company able to add a meter to meter the
7 indoor use for the Hidden Creek Clubhouse?

8 A. We could.

9 Q. And that's something we could prioritize?

10 A. Yes.

11 Q. So in closing, the Company defers to the
12 Division's decision not to include the Company's
13 priority improvement request, and the Company
14 supports the Division's new rate?

15 A. Yes.

16 Q. Anything else you would like to add for
17 the Commission?

18 A. No, not today.

19 MS. SCHMID: Okay. Thank you for
20 your time, Mr. Folkman.

21 JUDGE JONSSON: Ms. Schmid, any
22 questions?

23 MS. SCHMID: None.

24 JUDGE JONSSON: Mr. Amendola, any
25 questions for this witness?

1 MR. AMENDOLA: Just one.

2 EXAMINATION

3 BY MR. AMENDOLA:

4 Q. I'd like to know how long the discussions
5 on transfer and the consideration of the repairs
6 associated with the transfer have been going on.

7 JUDGE JONSSON: So I'll just note
8 that that question really is not relevant to the
9 Commission's decision, but I'll go ahead and allow
10 Mr. Folkman to answer it to satisfy your concern.

11 A. It's been on the docket for a long time,
12 but there's been a push lately the last, maybe, year
13 to really make it happen.

14 JUDGE JONSSON: Thank you. Anything
15 else, Mr. Amendola?

16 MR. AMENDOLA: I'd like to know what
17 "a long time" means.

18 JUDGE JONSSON: I'm sorry, I don't
19 think we can go into that here. Ms. Schmid?

20 MS. SCHMID: I was going to object,
21 saying that his question is beyond the scope of this
22 hearing.

23 JUDGE JONSSON: This hearing is not
24 to approve or allow the transfer, so that's
25 something you'll need to discuss outside of this

1 hearing.

2 MR. AMENDOLA: The basis of my
3 question is did this time period allow for enough
4 time to generate good numbers that could be included
5 in the rate case? That's the only basis of the
6 question.

7 JUDGE JONSSON: And I don't think
8 that we can answer that. Mr. Savage, any questions
9 for this witness?

10 MR. SAVAGE: No, your Honor.

11 JUDGE JONSSON: Mr. Lang?

12 EXAMINATION

13 BY MR. LANG:

14 Q. I guess I have a question, and that would
15 be, when is the time frame for installing the meter
16 at Hidden Creek?

17 A. As soon as we get the numbers, we can do
18 it within a month.

19 JUDGE JONSSON: What do you mean,
20 "get the numbers?"

21 THE WITNESS: As soon as I get the
22 approval from everybody to do it. It's just a
23 matter of --

24 JUDGE JONSSON: Do you have the
25 equipment?

1 THE WITNESS: Yeah, we have the
2 equipment. It would be fairly simple.

3 JUDGE JONSSON: Okay, thank you.
4 Mr. Grenney?

5 MR. GRENNEY: No.

6 JUDGE JONSSON: Mr. Martin?

7 MR. MARTIN: No.

8 JUDGE JONSSON: Ms. Lewis?

9 MS. LEWIS: Thank you so much,
10 Mr. Folkman. At this time, the Company would like
11 to call its second witness, Ms. Stacy Wilson, who is
12 going to speak to the billing methodology. This was
13 discussed at the interim rate. We have made some
14 changes, and so we feel it's appropriate for her to
15 briefly summarize her direct testimony orally here
16 on the record and then also answer any outstanding
17 issues.

18 EXAMINATION

19 BY MS. LEWIS:

20 Q. So, Ms. Wilson, have you ever testified at
21 a hearing before the Public Service Commission or a
22 Public Service Commission administrative law judge
23 before?

24 A. Yes. I testified at the interim rate case
25 on September 13th, 2016.

1 Q. And have you submitted any direct
2 testimony or surrebuttal testimony in the general
3 rate case?

4 A. I have.

5 MS. LEWIS: Your Honor, I'd like to
6 move to admit Ms. Wilson's direct and surrebuttal
7 testimony.

8 JUDGE JONSSON: Any objection from
9 any party? Thank you. Those are admitted.

10 BY MS. LEWIS:

11 Q. Ms. Wilson, moving on to the Company's
12 billing methodology, the Company has previously
13 discussed its billing methodology at the interim
14 rate approval hearing, correct?

15 A. Yes.

16 Q. Has the Company changed its proposed
17 billing methodology since that hearing?

18 A. Yes, we have.

19 Q. And why did the Company change its
20 proposed billing methodology?

21 A. The Company changed it to -- let's see.
22 Because of the new interim rate; we changed it for
23 that.

24 Q. And then did we change how we proposed we
25 were going to bill our customers at all between now

1 and the interim rate hearing?

2 A. Yes.

3 Q. Okay. And what were the primary concerns
4 for which we changed the billing rate?

5 A. The primary concerns of how to bill and
6 share the water use of the condo units, the shared
7 irrigation.

8 Q. And have you discussed these concerns with
9 the intervenors and the Division?

10 A. Yes. I worked directly with the customers
11 to address their concerns.

12 Q. Okay. And were there any other concerns?

13 A. Yeah, there was confusion regarding if the
14 physical meters and connected customers -- how that
15 was going to be taking place, but we figured out it
16 was going to be customers -- that it was going to be
17 actual customers, not the meters.

18 Q. Great. And in your direct testimony in
19 the general rate case, did you discuss the Company's
20 proposed billing methodology?

21 A. Yes, we did.

22 Q. And does that billing methodology address
23 everybody's concern?

24 A. Yes, it does.

25 Q. Okay. And does the direct testimony

1 address the Division's concerns regarding the
2 Company's billing?

3 A. Yes.

4 Q. Okay. And for the record, can we --
5 though this is in your direct written testimony --
6 can we just briefly summarize for everyone here to
7 answer any outstanding questions, you know, how the
8 Company is going to bill the various configurations
9 of its customers?

10 A. Yes, I'd be happy to.

11 Q. So let's start with single family homes
12 and commercial connections. How will the Company
13 bill base rates for single family homes and
14 commercial connections?

15 A. The Company will charge one base rate per
16 connected single family home or commercial
17 connection and bill the owner.

18 Q. And how will the Company bill water usage
19 for single family homes and commercial connections?

20 A. Each connected customer receives their
21 full allocation of the 12,000 gallons charged the
22 appropriate tier rate.

23 Q. And billed in 1,000 --

24 A. Increments, yes.

25 Q. 1,000 increments.

1 A. Yes.

2 Q. And how about for townhomes and individual
3 meters per home, but shared irrigation? How will
4 the Company bill base rates for townhomes?

5 A. For the townhomes, they will be charged a
6 base rate to the townhome owners, and then there
7 will be shared irrigation on top of that.

8 Q. And then how does the Company intend to
9 bill for the shared irrigation?

10 A. So they will be -- between the townhomes,
11 there's 60 townhomes. They will be billed 1/60 of
12 the irrigation and then plus the \$33 for their
13 connection fee.

14 Q. Okay. And plus their metered independent
15 use?

16 A. Correct.

17 Q. Okay. And the 60 homes are referring to
18 the Red Pine Townhomes, but that's also going to be
19 true for the other townhomes?

20 A. That's correct.

21 Q. Okay. Great. How about the water use at
22 the shared condominium units?

23 A. So the Company will be charged a base rate
24 with each condo unit in the complex billed to the
25 HOA.

1 Q. And how will the Company bill for water
2 usage at the condominium units?

3 A. The Company will meter all the domestic
4 and irrigation usage at the condo units to total
5 water usage. And then the Company will divide,
6 like, rate structure by the number of the units of
7 the complex. Sorry.

8 Q. So then multiply the number of condo units
9 by the Division's rate structure?

10 A. That's correct. I'm sorry.

11 Q. And then compare that usage against -- the
12 total usage against the rate structure?

13 A. That's correct, yes.

14 Q. And is the result that each unit receives
15 the equivalent of their full allocation of
16 12,000 gallons charged at the appropriate tier rate
17 and billed at 1,000-gallon increments?

18 A. Yes.

19 Q. And are there more specific examples that
20 fully explain the situations in your direct
21 testimony?

22 A. Yes.

23 Q. And just in response to the questions of
24 both intervenors, Scott Savage and Terry Lang, if
25 the Company is able to add a meter to the Hidden

1 Creek Clubhouse similar to the Red Pine Clubhouse,
2 would we bill both clubhouses similarly?

3 A. Yes, we would.

4 Q. And in that case, the irrigation for the
5 Clubhouse would be considered communal?

6 A. It would.

7 Q. But the inside water usage would be billed
8 separately, and the Clubhouse would have a separate
9 base rate?

10 A. That's correct.

11 Q. I just want to ask you a couple of final
12 questions about the Company's ability to bill
13 underneath the rate. Has the Company -- how does
14 the Company intend to ensure its customers are
15 billed correctly?

16 A. The Company purchased new software that
17 will bill the customers appropriately.

18 Q. And has the Company had an opportunity to
19 use this new software?

20 A. Yes. So we have already billed the
21 customers for October usage under the new, approved
22 interim rate.

23 Q. And was it successful?

24 A. We did have a few minor adjustments, but
25 it is now.

1 Q. If the Commission approves a final rate
2 that is different than the interim rate, will the
3 Company be able to adjust for it?

4 A. Yes. The billing software is already set
5 up, so all I have to do is adjust the numbers to get
6 that done.

7 Q. And if the final rate is different than
8 the interim rate, does the Company have the ability
9 to true-up the difference for existing charges under
10 the interim rate?

11 A. Yes, we do. It would just compare to
12 existing charges. They would, under the interim
13 rate -- so we just give them credits and fees
14 whenever we adjust the account.

15 Q. So in sum, the Company has adequately
16 addressed any remaining concerns about the Company's
17 billing methodology?

18 A. Yes.

19 Q. Is the Company able to adjust any changes
20 in the rate or true-up differences between the
21 interim and final rate?

22 A. Yes, we can.

23 Q. Anything else you would like the
24 Commission to know?

25 A. No. Thank you.

1 MS. LEWIS: And that concludes our
2 testimony.

3 JUDGE JONSSON: Thank you. So if you
4 install an additional meter in Hidden Creek
5 Clubhouse in order to address Mr. Lang's concerns,
6 can you also true-up that account?

7 THE WITNESS: I can. I sure can.

8 JUDGE JONSSON: For what was billed
9 in October for the interim rate?

10 MS. LEWIS: We have to very much look
11 at it, because currently we would have to do a
12 little bit of mathematic gymnastics, but you would
13 be able to do it?

14 THE WITNESS: Yeah, we can do it.

15 JUDGE JONSSON: Thank you. All
16 right. Ms. Schmid, any questions for this witness?

17 MS. SCHMID: Yes, I have a question.

18 EXAMINATION

19 BY MS. SCHMID:

20 Q. Wouldn't the Clubhouse, the Red Pine
21 Clubhouse, be billed at -- starting the date of the
22 final order as it was not considered as a separate
23 inside connection at the time of the interim order?

24 JUDGE JONSSON: Is this a question
25 for me?

1 MS. SCHMID: Actually, it's a
2 question for Ms. Wilson.

3 A. So you're stating, like, at the interim
4 rate it wasn't clarified, so it should have been
5 billed as, like, under the irrigation or --

6 MS. LEWIS: I object to that
7 question. I believe that's actually a question more
8 for the Commission and Ms. Wilson as the order, you
9 know, the final order should maybe conclude the
10 scope for what connections and the rate it's
11 applicable to.

12 BY MS. SCHMID:

13 **Q. To that extent that it asks for a legal**
14 **conclusion, I will withdraw the question. But just**
15 **so I can understand, the Clubhouse was billed how**
16 **under the interim rates?**

17 JUDGE JONSSON: Which Clubhouse are
18 we talking about, Red Pine or Pine Creek?

19 MS. SCHMID: Red Pine.

20 A. So Red Pine was billed the \$33.20, and
21 then they get the allotment sum of the 12,000
22 gallons per thousand. And then it just goes into
23 the tier structures after that.

24 BY MS. SCHMID:

25 **Q. And Hidden Creek was billed --**

1 A. Hidden Creek doesn't have that separate
2 meter, so it was billed just as the 1/30 because we
3 don't have individual meters over there like
4 irrigation, and it's all combined. But we're happy
5 to add a meter to the Clubhouse to make that
6 appropriate and make it work for both HOAs.

7 **Q. But because you didn't have that ability**
8 **when interim rates were approved, do you have the**
9 **ability to true it up?**

10 MS. LEWIS: What we could do is
11 figure out an estimate, or we can just have the rate
12 clarified for that particular clubhouse as
13 applicable as of the final rate, which would
14 probably be the easiest and most graceful way to do
15 that.

16 BY MS. SCHMID:

17 **Q. And would Ms. Wilson adopt counsel's**
18 **statement as her testimony?**

19 A. Yes.

20 MS. SCHMID: Thank you. Those are
21 all my questions.

22 JUDGE JONSSON: All right. Well, I
23 still need just a bit of help. So for the October
24 usage under the interim rate, the Red Pine Condo --
25 which has its own meter -- was billed the base

1 charge, and it also got its own 12,000 gallons at
2 the Tier 1 rate?

3 THE WITNESS: That's correct.

4 JUDGE JONSSON: But the Hidden Creek
5 Clubhouse, which does not have its own meter, the
6 usage of the Clubhouse was spread among all of the
7 residents, so it did not get its own 12,000 gallons
8 at Tier 1 rates?

9 THE WITNESS: That's correct.

10 JUDGE JONSSON: I understand. Thank
11 you. Any other questions, Mr. Schmid?

12 MS. SCHMID: Nothing further from the
13 Division.

14 JUDGE JONSSON: Mr. Amendola?

15 MR. AMENDOLA: No, nothing.

16 JUDGE JONSSON: Mr. Savage?

17 MR. SAVAGE: No questions.

18 JUDGE JONSSON: Mr. Lang?

19 MR. LANG: I have a question about
20 the meter here at Hidden Creek. The questions are
21 coming forth as a conditional thing -- if they can
22 be done. So what if it cannot be done? I don't
23 know who exactly to address that question to, but if
24 it cannot be done, how would the inequality be
25 trued-up or taken care of?

1 JUDGE JONSSON: Well, let's start
2 with the underlying question. To what degree is
3 there a risk that the Company cannot install a meter
4 for the Hidden Creek Condos' use?

5 THE WITNESS: Zero. We can do it; we
6 can install a meter. We'll make it happen.

7 JUDGE JONSSON: Good. Does that
8 address your question, Mr. Lang?

9 MR. LANG: It does.

10 JUDGE JONSSON: Thank you. Any other
11 questions? Mr. Lang, any other questions?

12 MR. LANG: No additional questions.

13 JUDGE JONSSON: Mr. Grenney?

14 MR. GRENNEY: No.

15 JUDGE JONSSON: Mr. Martin?

16 MR. MARTIN: No.

17 JUDGE JONSSON: Thank you. Any other
18 witnesses?

19 MS. LEWIS: No, that's it.

20 JUDGE JONSSON: So we'll go to the
21 intervenors, but, Mr. Lang, let me just start with
22 you and make sure I understand your concern. And
23 your concern is that the condo clubhouse at Hidden
24 Creek does not get -- currently does not get its own
25 12,000 gallons of use each month?

1 MR. LANG: That's correct. The water
2 usage flowing in that particular part of the HOA --

3 JUDGE JONSSON: All right. So if it
4 had its own meter and were billed the same way that
5 the Red Pine Clubhouse is billed, would that address
6 your concerns?

7 MR. LANG: Yes. It would then be
8 equality.

9 JUDGE JONSSON: Okay. So if the
10 Commission's order stated that the new rate schedule
11 would not be permitted to go into effect until after
12 the Hidden Creek Clubhouse had its own meter, would
13 that address your concerns?

14 MR. LANG: Yes, it would.

15 JUDGE JONSSON: Then I'm just going
16 to go through the intervenors, and if there's any
17 testimony you'd like to offer today, you may do
18 that. I do not remember which intervenors were
19 placed under oath in the last proceedings, so I'll
20 probably just put anybody who wants to speak under
21 oath today. Mr. Amendola?

22 MR. AMENDOLA: No testimony.

23 JUDGE JONSSON: Thank you.
24 Mr. Savage?

25 MR. SAVAGE: I would merely move for

1 the admission of my submitted direct testimony.

2 JUDGE JONSSON: Any objections?

3 MS. SCHMID: No objections.

4 MS. LEWIS: No objections.

5 JUDGE JONSSON: Any intervenor? All
6 right. Thank you. That's admitted.

7 MR. SAVAGE: That's all I have.

8 JUDGE JONSSON: Mr. Lang?

9 MR. LANG: I would move that my
10 testimony today be admitted.

11 JUDGE JONSSON: Any objection?

12 MS. SCHMID: I would like it noted on
13 the record that his surrebuttal testimony was not
14 timely filed, because there was not an electronic
15 copy received by the Commission nor by the parties
16 to this case. However, the Division has no
17 objection to its admission.

18 JUDGE JONSSON: Thank you. Any
19 objection from any other party? All right. Thank
20 you, Mr. Lang. That is admitted. Is there anything
21 else that you would like to put on the record here
22 today?

23 MR. LANG: No, there's not.

24 JUDGE JONSSON: Mr. Grenney?

25 MR. GRENNEY: No.

1 JUDGE JONSSON: All right.

2 Mr. Martin?

3 MR. MARTIN: No.

4 JUDGE JONSSON: Thank you.

5 MS. SCHMID: One question. To the
6 extent that the intervenors' testimony has not been
7 admitted to the record, would it be appropriate to
8 swear them in and ask them if they would like their
9 testimony admitted so they would be available for
10 cross-examination so the Commission could rely upon
11 their submitted testimonies?

12 JUDGE JONSSON: Thank you. Yes.
13 Mr. Amendola, would you like any testimony or
14 comments that you have filed to be admitted to the
15 record?

16 MR. AMENDOLA: Yes, my previous.

17 JUDGE JONSSON: All right.

18 (Whereupon, Fran Amendola was duly sworn.)

19 JUDGE JONSSON: And would you like to
20 move to have your pre-hearing filings admitted to
21 the record?

22 MR. AMENDOLA: I would like.

23 JUDGE JONSSON: Any objection? All
24 right. Thank you. Mr. Savage, we already did
25 yours?

1 MR. SAVAGE: Yes. I'm sworn and
2 available for any cross-examination.

3 JUDGE JONSSON: And, Mr. Lang, we
4 have admitted your surrebuttal. Would you like your
5 other filings to be admitted to the record?

6 MR. LANG: Yes.

7 JUDGE JONSSON: All right.

8 (Whereupon, Terry Lang was duly sworn.)

9 JUDGE JONSSON: And your motion is to
10 admit your pre-hearing filings to the record?

11 MR. LANG: Yes, it is.

12 JUDGE JONSSON: Any objection? Thank
13 you. Those are admitted. Mr. Grenney?

14 MR. GRENNEY: I would like mine
15 submitted, yes.

16 JUDGE JONSSON: All right.

17 (Whereupon, William Grenney was duly sworn.)

18 JUDGE JONSSON: And the motion is to
19 admit the pre-hearing filings. Is there any
20 objection? Thank you. Those are admitted. And
21 Mr. Martin?

22 MR. MARTIN: I haven't filed
23 anything.

24 JUDGE JONSSON: Okay. Thank you. So
25 those intervenors are under oath and are available

1 for cross-examination. Ms. Schmid, do you have any
2 questions for any of the intervenors here today?

3 MS. SCHMID: No questions.

4 JUDGE JONSSON: Ms. Lewis, any
5 questions?

6 MS. LEWIS: No questions.

7 JUDGE JONSSON: Intervenors, do you
8 have any questions for one another? Okay. Thank
9 you very much.

10 I have a couple of timing issues. I
11 think it's very possible that the Commission will be
12 able to get an order out before the end of the
13 month. Is Community Water Company able to install
14 the necessary meter and update its billing software
15 to begin billing the new rates -- whatever is
16 ordered -- as of December 1st?

17 MS. LEWIS: Yes. The Company is able
18 to do both of those things.

19 JUDGE JONSSON: All right. And if
20 the new rate structure goes into effect on
21 December 1st, meaning that November usage is still
22 billed under the interim rate, does that create any
23 concerns or problems for any intervenors? Okay.

24 MS. LEWIS: I have a comment on that.

25 JUDGE JONSSON: Go ahead.

1 MS. LEWIS: If the Commission would
2 like to address the addition of the Hidden Creek
3 Clubhouse as a new connection that wasn't included
4 in the interim rate because it will have a new base
5 rate, I think it would be appropriate to just leave
6 it as one less connection. So 504 under the interim
7 rate and then 505 for the final rate as a new
8 customer might be a good way to solve that shared
9 irrigation issue.

10 JUDGE JONSSON: Okay. Does any other
11 party want to comment on that suggestion? Well, I
12 believe I have what I need on the rates and on the
13 billing. The Division has also proposed a revised
14 tariff that addresses some of the policies of the
15 Company. Is there anything that Community Water
16 wishes to discuss there?

17 MS. LEWIS: No.

18 JUDGE JONSSON: Anything that any
19 intervenor wants to discuss there? All right. And
20 does Community Water Company have the ability to
21 file a revised tariff within 60 days of the
22 Commission's order, assuming the Commission's order
23 issues on or before December 1st?

24 MS. LEWIS: Yes.

25 JUDGE JONSSON: And is Community

1 Water Company also able to true-up from the October
2 and November charges within 60 days of the
3 Commission's order?

4 MS. LEWIS: Yes, we'll be able to do
5 so.

6 JUDGE JONSSON: Then I think I have
7 what I need. Is there anything else that any party
8 wishes to put on the record today?

9 MS. SCHMID: Nothing further from the
10 Division.

11 JUDGE JONSSON: Go ahead.

12 MR. GRENNEY: William Grenney. Just
13 a question. The late fee is \$10 plus 18 percent,
14 and that's 18 percent per year?

15 JUDGE JONSSON: Correct.

16 MR. GRENNEY: In our last billing,
17 due to the adjustment made by Community Water, we
18 were short .75. We did, then, immediately pay the
19 .75, but, Stacy, it almost looked to me like it was
20 \$10 plus 18 percent of the bill and not 18 percent
21 per year.

22 JUDGE JONSSON: Okay. So I believe
23 that that billing for past usage is not part of this
24 rate hearing. If there's been a mistake or an
25 inaccuracy there, you seek first to work it out with

1 the Company. If you're not able to do that, you can
2 involve the Division to see if the Division can
3 assist with billing issues. And if that's
4 unsuccessful, then you can file a formal complaint
5 against the Company. And it's under that complaint
6 docket that the Commission will go in and calculate
7 a specific individual bill and correct for it.

8 MR. GRENNEY: Thank you.

9 JUDGE JONSSON: Okay. Thank you very
10 much. All right. I believe we have addressed
11 everything. Thank you all so much for your
12 participation, for all of the work that you've done
13 pre-hearing. I know that it has been a very
14 involved process, and I commend you all. And with
15 that, we will close the hearing. Thank you. But
16 we're reconvening at 12:00 for a public witness
17 hearing.

18 (The proceedings concluded at 10:05 a.m.)

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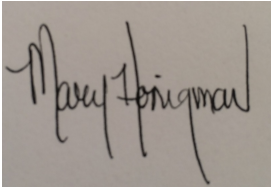
REPORTER'S CERTIFICATE

STATE OF UTAH)
COUNTY OF SUMMIT)

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 20th day of November, 2016.



Mary R. Honigman
Registered Professional Reporter

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