

ATTACHMENT 1

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH	
IN THE MATTER OF PINEVIEW WEST WATER COMPANY'S REQUEST FOR APPROVAL OF A CONSERVATION RATE INCREASE	Docket No. 19-2438-01 SETTLEMENT STIPULATION

SETTLEMENT STIPULATION

This Settlement Stipulation ("Stipulation") is entered into in Docket No. 19-2438-01 by and among Pineview West Water Company ("Pineview" or "the Company") and the Division of Public Utilities ("Division"), the parties whose signatures appear on the signature page(s) hereof (collectively referred to herein as the "Parties" and individually as a "Party").

1. On December 12, 2019, Pineview filed its Notice of Intent to File Application for a Culinary Water Rate Case via email. On April 24, 2020, the Company filed its application for approval of a conservation rate increase. On April 29, 2020, the Division filed a memo recommending the Public Service Commission of Utah ("Commission") not accept the Company's filing as complete until the Company filed the required documentation. On May 1, 2020, the Company filed additional financial information with the Commission, which the Division determined not adequate to be considered a complete application. On May 5, 2020, the Parties met for a status conference, during which the Company acknowledged that not all of the required information had been filed and agreed to work with the Division in completing its application. On May 19, 2020, the Commission issued an order determining that Pineview's application for a rate case was

incomplete. On June 4, 2020, the Company filed supplemental documentation, including direct testimony by the Company's vice president, John Durig, which the Division acknowledged as a complete application.

2. A scheduling conference was held on June 8, 2020.

3. There have been no requests to intervene in this docket.

4. Over the past few months, the Parties have discussed the matters presented below and have recently entered into settlement discussions, resulting in this Stipulation.

5. The Parties recommend and request that the Commission approve the Stipulation and all of its terms and conditions. The Parties request that the Commission make findings of fact and reach conclusions of law based upon the evidence filed in this proceeding and upon this Stipulation and issue an appropriate order.

BACKGROUND

6. Pineview has operated since 1970 as a non-profit corporation.¹

7. Pineview was relinquished by its developer-owner and turned over to its customers in 2009.

8. Certain prior Commission proceedings are listed here. Pineview sought and received a certificate of public convenience and necessity on September 30, 2004.² On November 20, 2008, Pineview submitted a request for a rate increase and a special

¹ Division of Corporations and Commercial Code, Business Search, Pineview West Water Company.

² See order in the Matter of the Application of Pineview West Water Company for a Certificate of Convenience and Necessity for Culinary and Secondary Water Services, Docket No. 04-2438-01 (September 30, 2004). For additional information please refer to Clarifying Order in the Matter of the Application of Pineview West Water Company for a Certificate of Convenience and Necessity for Culinary and Secondary Water Services, Docket No. 04-2438-01 (October 12, 2004).

assessment to pay off outstanding debts.³ On January 27, 2009, the Commission ordered the bifurcation of the special assessment, and the rate increase. Its order specified the special assessment to be treated on an expedited basis under Docket No. 08-2438-01 and the request for a rate increase to be assigned Docket No. 09-2438-01.⁴ The Commission granted the special assessment on February 4, 2009.⁵ The Commission approved the rate increase on July 15, 2009.⁶

9. Additional Commission proceedings include the following. On August 12, 2009, several of Pineview's creditors (collectively the "Applicant") filed an application with the Commission for review and request for rehearing based on certain debts disallowed in the Special Assessment.⁷ The Commission granted review and rehearing on issues raised in the application.⁸ The Applicant cited scheduling conflicts for the initial hearing as well as for four subsequent amended hearing dates.⁹ On or about October 21, 2009, the Division made a motion for stay of the proceedings due to

³ See in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 08-2438-01 (November 20, 2008).

⁴ See Order of Bifurcation in the Matter of the Request of Pineview West Water Company for Approval of a Special Assessment and Rate Increase, Docket No. 08-2438-01 (January 27, 2009).

⁵ See order in the Matter of the Request of Pineview West Water Company for Approval of a Special Assessment and Rate Increase, Docket No. 08-2438-01 (February 4, 2009).

⁶ See order in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 (July 15, 2009).

⁷ See Application for Review and Request for Rehearing in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 listing applicants as Titan Development, LLC, Pineview Estates, LLC, and North Eden Acres, LLC (August 12, 2009).

⁸ See order granting review and rehearing in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 (August 20, 2009).

⁹ See Docket 09-2438-01, in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase for further information: Issued Notice of Hearing set for September 2, 2009 (August 25, 2009). Issued Amended Notice of Hearing for September 17, 2009 (August 31, 2009). Issued Second Amended Notice of Hearing for September 22, 2009 (September 1, 2009). Issued Third Amended Notice of Hearing for September 24, 2009 (September 2, 2009). Issued Fourth Amended Notice of Hearing for October 20, 2009 (October 7, 2009).

Pineview's filing of complaint in third district court addressing issues virtually identical to those currently before the Commission.¹⁰ On November 16, 2009, the Commission granted the Division's motion for a stay.¹¹ No further action was taken in this docket.

10. A scheduling conference was held on June 8, 2020 in this docket. Pursuant to the scheduling order, on October 16, 2020, Mr. Mark Long filed direct testimony on behalf of the Division.

11. After the Division's review of the application, the application amendments, data responses from the Company, and discussions among the Parties, the Parties entered into settlement discussions.

12. The settlement discussions resulted in the preparation and execution of this Stipulation now presented to the Commission. The Parties request that the hearing and the public witness hearing on the Stipulation be held on December 15, 2020, the hearing date established by the Scheduling Order.

¹⁰ See Motion to Stay in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 (October 21, 2009).

¹¹ See Order on Stay in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 (November 16, 2009).

SETTLEMENT TERMS

For purposes of this Stipulation, the Parties agree and recommend that the Commission approve the following.

Specific Terms

13. Rate Increase. The Parties agree effective February 1, 2021, the Company's tiered rates will be increased to the rates shown in Table 1.

Table 1
Monthly Rates

Description	Charges
Monthly Water Rates	
First 8,000 gallons (included in Base Rates)	\$70.000. per Month
Usage per 1,000 gallons per Month	
Tier 1 (0 to 8,000 gals)	\$0.00
Tier 2 (8,001 to 16,000 gals)	\$6.50
Tier 3 (16,001 to 24,000 gals)	\$13.00
Tier 4 (24,001 to 32,000 gals)	\$19.50
Tier 5 (> 32,000 gals)	\$29.50

[Intentionally left blank]

14. Changes to Fees and Other Charges other than Rates. Various fees and charges in the Company's tariff approved on July 15, 2009, have been changed, omitted, or added. The Parties agree effective February 1, 2021, that the Company's Fees and Other Charges in its tariff will be as shown in Table 2.

Table 2
Fees and Other Charges

Description	Charges
Fees and Other Charges	
Standby Fees *	\$336 per year or \$84 per quarter
Disconnect fees	\$120 per occurrence
Re-connect fees	\$120 per occurrence
First time service connection	\$4,200
¾"-Line meter connection fee (in addition to)	\$275
1"-Line meter connection fee (in addition to)	\$465
1 ½"-Line meter connection fee (in addition to)	\$655
Interest rate on bills past due by 30 days or more	18% per annum (1.5% per month)
Filing Lien	\$150 each
Releasing Lien	\$150 each
Fee for unwarranted service call **	Actual cost

* Applies to lots where service mains are in place and where water service is available, but no water service has been connected, and no water service is used; or where the Company has disconnected water service at the request of the customer; or involuntarily by the Company after proper notice to the customer.

** The Company is responsible for issues involving infrastructure up to and including the meter. Problems, e.g., leaks or frozen pipes, beyond the meter on the customer's side are the customer's responsibility. The customer must pay the actual costs of the service call, including parts and labor.

15. Updated Tariff Sheets. In addition to the revised rates and fees and charges previously discussed, the Parties have agreed on several additions and changes to Pineview's tariff. These changes are primarily housekeeping matters. The resulting tariff is the third revision of Pineview's tariff since becoming regulated by the Commission.¹² The revised Tariff No. 3 is provided in both redline and clean form and made part of this Stipulation.

16. Notice to Customers of Stipulation, Hearing, and Public Witness Hearing. In its billing statement sent on October 19, 2020, via U.S. mail to its customers, the Company provided notice of the dates and times of the hearing and public witness hearing in this docket. Also, in its notice, the Company provided a direct link to Docket No. 19-2438-01, on the Commission's website, and encouraged customers to view the docket for the latest information.

17. No Precedent. The Parties agree that no part of this Stipulation or the formulae and methodologies used in developing the same, or a Commission order approving the same, shall in any manner be argued or considered as precedential in any future case except with regard to issues expressly called-out and resolved by this Stipulation. This Stipulation does not resolve and does not provide any inferences regarding, and the Parties are free to take any position with respect to, any issues not specifically called-out and settled herein.

¹² Tariff No. 1 was issued on or shortly after the approval of Pineview's CPCN; see order in the Matter of the Application of Pineview West Water Company for a Certificate of Convenience and Necessity for Culinary and Secondary Water Services, Docket No. 04-2438-01 (September 30, 2004). The rates, fees, and charges for Tariff No. 2 were approved with an effective date of July 1, 2009, see order in the Matter of the Request of Pineview West Water Company for Approval of a Rate Increase, Docket No. 09-2438-01 (July 15, 2009).

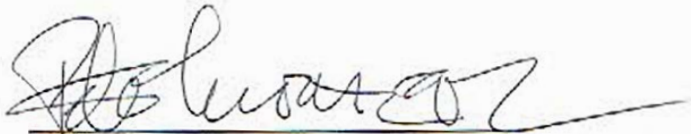
18. Stipulation Taken as a Whole. Not all Parties may agree that each aspect of this Stipulation is supportable in isolation. Utah Code Annotated Section 54-7-1 authorizes the Commission to approve a settlement so long as the settlement is just and reasonable in result. While the Parties may not be able to agree that each specific component of this Stipulation is just and reasonable in isolation, all Parties agree that this Stipulation as a whole is just and reasonable in result and is in the public interest.

19. Confidentiality. All negotiations related to this Stipulation are confidential, and no Party shall be bound by any position asserted in negotiations. Except as expressly provided in this Stipulation, neither the execution of this Stipulation nor the order adopting it shall be deemed to constitute an admission or acknowledgment by any Party of the validity or invalidity of any principle or practice of regulatory accounting or ratemaking; nor shall they be construed to constitute the basis of an estoppel or waiver by any Party; nor shall they be introduced or used as evidence for any other purpose in a future proceeding by any Party except in a proceeding to enforce this Stipulation.

20. Witnesses. The Company and the Division will make one or more witnesses available at the hearing to explain and offer further support for this Stipulation. As applied to the Division, the explanation and support shall be consistent with its statutory authority and responsibility.

21. Execution. This Stipulation may be executed by individual Parties through two separate, conformed copies, the aggregate of which will be considered as an integrated instrument.

DATED this 16 day of November 2020.

A handwritten signature in black ink, appearing to read "Peter Turner", written over a horizontal line.

Peter Turner
President
Pineview West Water Company
Eden, UT 84310
pwwceden@gmail.com

A handwritten signature in black ink, appearing to read "Artie Powell", written over a horizontal line.

Artie Powell
Director
Division of Public Utilities
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