

PUBLIC SERVICE COMMISSION OF UTAH

Docket 19-2438-01

PUBLIC HEARING

December 15, 2020

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Request of Pineview West)
Water Company for Approval) Docket No. 19-2438-01
of a Rate Increase,)
)
)
)
)

HEARING CONDUCTED THROUGH GOOGLE MEET
VIDEOCONFERENCING

December 15, 2020

10:02 a.m. - 10:53 a.m.

Reporter: Tamra J. Berry, CSR, RPR

A P P E A R A N C E S

HEARING OFFICER :

YVONNE HOGLE

FOR THE PINEVIEW WEST WATER COMPANY :

PETER TURNER
JOHN DURIG
DAN NORTON

FOR THE DIVISION OF PUBLIC UTILITIES :

PATRICIA SCHMID
MARK LONG

ALSO PRESENT :

MELISSA PASCHAL

-oOo-

P R O C E E D I N G S

1
2
3 HEARING OFFICER HOGLE: Okay. It is
4 December 15th, 2020, and it's just past 10:00 in the
5 morning. And we are here to consider the settlement
6 stipulation between Pineview West Water Company and
7 the Division of Public Utilities filed in the matter
8 of Pineview West Water Company's Request for Approval
9 of a Conservation Rate Increase in Docket Number
10 19-2438-01.

11 My name is Yvonne Hogle, and I am the
12 Commission's designated presiding officer for this
13 hearing.

14 Let's take appearances for the record,
15 please, starting with Pineview.

16 MR. TURNER: My name is Peter Turner, and
17 I am president of the Pineview West Water Company.

18 HEARING OFFICER HOGLE: Good morning,
19 Mr. Turner.

20 For the Division, please.

21 MS. SCHMID: Good morning, Patricia E.
22 Schmid with the Utah Attorney General's Office on
23 behalf of the Utah Division of Public Utilities.

24 With me today is the Division's witness,
25 Mark Long.

1 HEARING OFFICER HOGLE: Thank you.

2 Mr. Turner, can you tell me who will be
3 supporting the settlement stipulation on behalf of
4 Pineview today?

5 MR. TURNER: As I understand your
6 question, I'm going to be giving some remarks giving
7 a little bit of history and what we're doing.

8 With us, I have John Durig, who is on our
9 board as the vice president, and Dan Norton is also
10 one of the board members.

11 HEARING OFFICER HOGLE: Okay. Well, thank
12 you for that.

13 Then let's start with you, and let's have
14 you sworn in.

15
16 PETER TURNER,
17 called as a witness, having been duly sworn, was
18 examined and testified as follows:

19
20 HEARING OFFICER HOGLE: Okay. Please
21 proceed, Mr. Turner.

22 MR. TURNER: Okay. As I mentioned, my
23 name is Peter Turner. I'm president of the water
24 company. I've been duly elected by our shareholders
25 for that position, as we all on the board are. I'm

1 representing the board and want to thank you for the
2 time to review our request for rate review and a
3 conservation rate consideration in making all of your
4 recommendations. From a management structure, we do
5 have four members on our board. The two, Dan and
6 John, are present. Susan I think had to work. She
7 may be here for the afternoon public. I'm not sure.

8 We all work together pretty much as a
9 volunteer organization with some minor stipends that
10 are given. But we do this work primarily for the
11 good of our community. We all work together and have
12 worked together on this rate review. I want to say
13 we're all in full agreement with where we are today.

14 Being a private water utility, we have
15 been providing water to the residents of Radford
16 Hills, Crimson Ridge, and to a certain degree some of
17 the people in Pineview Estates in Eden, Utah. We've
18 been providing culinary water since the 1970s. It
19 was originally established by the landowner and
20 original developer, and then it was handed off to a
21 new developer of undeveloped lots in Crimson Ridge.
22 The shareholders took over control of the company in
23 2009, and that was after the developer declared
24 bankruptcy, leaving the water company also in a
25 financial state of insolvency. The developer was the

1 president of the water company at that point in time.

2 And then I became elected as one of the
3 shareholders in the role of president. I've been
4 president ever since. So that would be since 2009.
5 Through the help of the PSC and many of our
6 shareholders, we have managed to grow our water
7 company to a stable and reliable supplier of water to
8 the community. It's been our mission to provide the
9 highest quality of water with fair and reasonable
10 rates to our community.

11 Many things have changed since our last
12 rate review, which was in 2009, which got us into
13 solvency after that. We still strive to supply high
14 quality water now and in the future. That's kind of
15 our mission statement.

16 Within our culinary system we have
17 approximately 80 culinary connections at this point
18 in time and approximately 35 empty lots that have
19 service mains to them and they're on stand-by status
20 and pay the stand-by fees.

21 We have two low-producing wells that
22 provide our culinary water, plus a 40,000 gallon per
23 day tap into Ogden City Water's artesian wells main
24 that runs by our neighborhood.

25 When our current rates were set in 2009,

1 we didn't have to purchase any water as our two wells
2 were adequate. With the increased growth we've seen
3 in the neighborhood, we're having to rely more on
4 purchasing that Ogden City Water. Our wells cannot
5 keep up with the demand by themselves. With our
6 current rate structure, it costs as much to pay for
7 and pump that water as we collect in revenue. Under
8 certain scenarios we actually paid more for that
9 water to purchase than we bring in. And that kind of
10 maybe is the start for the reason for this
11 conservation rate increase or request.

12 The new Crimson Ridge subdivision was not
13 built with a separate secondary water supply, as the
14 older neighborhood has, and relies solely on culinary
15 water for our household use and for irrigation.

16 The landscaping CC&Rs were written around
17 that idea and restrict landscaping that would use
18 significant amounts of water. The water company
19 doesn't have any control over that, other than
20 education. And some of the customers in that
21 subdivision violate the CC&Rs and are using enough
22 water to really max out our water supply in the
23 summertime. If that pattern continues with the new
24 growth, we will not be able to supply adequate water
25 for fire suppression -- which gets strained and has

1 been strained in the past -- and then possibly for
2 actual household use.

3 The excess water that we use today during
4 the summer does require us to purchase expensive
5 Ogden City Water, which does not get offset by the
6 current water fees or tariffs. In addition to rising
7 expenses, this is the primary driver for us seeking a
8 conservation rate increase. We need an incentive to
9 lower the excessive use of water in our community
10 during the summer. The continued excess water usage
11 that strains our system needs to be offset with some
12 adequate funds to purchase that expensive water, and
13 ultimately maybe -- or we're just going to have to
14 anyway, the water term to provide us funds to drill
15 additional wells to get more water supply.

16 We find ourselves today seeking a cost of
17 living rate increase for the flat rate and the
18 capital expense tariffs on all current culinary
19 rates, and then an escalating rate structure to
20 encourage water conservation. And all of that to
21 take effect I believe it's February 1, 2021.

22 So we started this process with a notice
23 of the intent to file a petition for that general
24 conservation rate increase of the culinary water
25 rates in December of 2019, and then we actually filed

1 the application on or about April 24th, 2020.

2 We've worked with the Division of the
3 Public Utilities -- I think that's the correct
4 acronym -- through the spring and summer of 2020 on
5 any and all of the requests they had for us and
6 mutually arrived at a tariff schedule through those
7 meetings and efforts.

8 And, you know, if I don't mind saying,
9 I've appreciated working with all of your people
10 during the process, namely Mark Long and JoAnna. And
11 I apologize, I think her name is Madagasic [sic],
12 those people with the Division. Both of them have
13 been really professional and great to work with, and
14 they have gone out of their way to understand our
15 company.

16 And we're really quite unique I think.
17 Maybe all water companies are unique; they probably
18 are. And to understand our needs, and that
19 understanding of us is what was really critical to
20 this process. We entered into a settlement, I think
21 it was October 16th if I recollect the date. And I
22 believe it's reasonable, and it's in the public and
23 in our shareholders' best interest.

24 The settlement reached allowed both
25 parties to minimize the time and expenses to the

1 State and to us, Pineview West Water Company, which
2 really enhanced the efficiency of this whole process.

3 The board members believe the settlement
4 is just and it's reasonable and resolved that the
5 evidence I believe supports those findings.

6 We've been transferring with our
7 shareholders, making them aware of where our current
8 proposed rate increase is. We started out with a
9 notice in January of 2020 during that billing cycle.
10 We sent out a notice that we were seeking a rate
11 review, a conservation rate review with an
12 explanation of some of the reasons behind it.

13 And then the shareholders were sent the
14 minutes of our annual shareholders meeting in the Q1
15 billing, which would be in April of 2020. We didn't
16 actually have an in-person shareholder meeting this
17 year because of COVID but created a summary. And in
18 there was a note advising them that we were seeking a
19 rate review.

20 In Q3 billing, which went out in October
21 of this year, we again advised the shareholders of
22 the hearing with references to this docket number so
23 they could -- if they wanted to they could go online
24 and look up reference materials.

25 In November 2020 we sent out a notice of

1 the hearing dates and times. And then in early
2 December -- this was upon the advice of the
3 Division -- we sent out another mailing actually
4 listing the proposed tariff schedule. So we believe
5 we've provided full disclosure of our plans over
6 essentially what amounts to a year that we've been
7 seeking this; and then a disclosure of our
8 stipulation settlement; and then also this meeting
9 along with the one in the evening for public comment
10 today.

11 We advised our customers if they had any
12 questions or concerns to contact one of the board
13 members or to contact the Division if they felt the
14 need. I don't know if anybody has formally or not.
15 But anyway, we're committed to the community we
16 serve, and we want to keep the costs down. Hence the
17 cost of living rate for the flat rate and then
18 increasing to try and encourage conservation so that
19 we can protect our valuable limited resource which is
20 water.

21 So we sort of believe the rate before you
22 today is fair; it's equitable to our customers, to
23 our shareholders, and it's important. We want to
24 continue forward giving our shareholders, our
25 customers the best possible water and service. They

1 really come to know the company has been working
2 extremely well over the last decade, and we want to
3 keep it that way. So I think hopefully I've
4 summarized what you might need. If you have any
5 questions, please feel free to ask.

6 HEARING OFFICER HOGLE: Okay. Thank you,
7 Mr. Turner. Let me just note a couple of things.

8 MR. TURNER: Sure.

9 HEARING OFFICER HOGLE: I believe that you
10 filed testimony, or rather your vice president did,
11 Mr. Durig. And so what's typical in our proceedings
12 is that in order for the Commission to consider the
13 evidence as we consider your settlement stipulation,
14 that evidence needs to be introduced and admitted
15 into the record. And so what I would ask you right
16 now is whether you would like to move all of your
17 testimony that you have pre-filed along with the
18 exhibits, in addition to the settlement stipulation
19 and the attached tariff sheets into the record.

20 MR. TURNER: Yes. Yes, we definitely
21 would.

22 HEARING OFFICER HOGLE: Okay. And --

23 MR. TURNER: And I believe that statement
24 you're referring to -- excuse me. If I'm talking out
25 of line, just say so.

1 HEARING OFFICER HOGLE: No, no. You're
2 fine.

3 MR. TURNER: That John Durig produced his
4 in that docket; that we have filed that, so...

5 HEARING OFFICER HOGLE: Correct.

6 MR. TURNER: Okay.

7 HEARING OFFICER HOGLE: It still needs to
8 be admitted into the record for consideration by the
9 Commission, and that's why I'm asking you to move for
10 that.

11 So you've so moved. And so --

12 MR. TURNER: Yes.

13 HEARING OFFICER HOGLE: -- Ms. Schmid, do
14 you have any objections to having that admitted into
15 the record?

16 MS. SCHMID: I do not.

17 As Mr. Durig is present, should we ask him
18 if there are any changes or things like that or if
19 Mr. Turner wants to adopt that testimony or is that
20 negated by the fact that it's already in evidence?

21 HEARING OFFICER HOGLE: No, it's not. It
22 hasn't been admitted into evidence. That's why I
23 called you to see if you had any objection.

24 And my understanding was that Mr. Turner
25 was going to support the settlement stipulation.

1 However, you bring up a good point I think. Since we
2 have Mr. Durig, would you like to see if you have --
3 would you like to tell us whether you have any
4 changes to your testimony? And for that I would need
5 to also swear you in, Mr. Durig. So before we admit
6 your testimony into the record, why don't I just do
7 that right now.

8
9 JOHN DURIG,

10 called as a witness, having been duly sworn, was
11 examined and testified as follows:

12
13 HEARING OFFICER HOGLE: Okay. And do you
14 have any changes to the testimony that you pre-filed
15 previously to your testimony or exhibits?

16 MR. DURIG: No. No amendments or changes.

17 HEARING OFFICER HOGLE: Okay. And seeing
18 as to how there are no objections, your testimony and
19 the settlement stipulation and all other testimony
20 and/or exhibits filed on behalf of Pineview are
21 admitted into the record.

22 Ms. Schmid, do you have any questions --

23 MS. SCHMID: I do not.

24 HEARING OFFICER HOGLE: -- for Mr. Turner?

25 MS. SCHMID: I do not. Thank you.

1 HEARING OFFICER HOGLE: Okay.

2 Mr. Turner, I do have a couple if you
3 don't mind.

4 MR. TURNER: Okay.

5 HEARING OFFICER HOGLE: So I do see in the
6 stipulation that you propose a date of February 1,
7 2021 for the company's rates to increase to 8,000
8 gallons at \$70 per month. Can you tell me what the
9 current rate is, please?

10 MR. TURNER: The current rate would be
11 \$55, and that is for 7,500 gallons. In that is a \$20
12 allocation for I think it's called capital expenses,
13 and then \$35 is to consider the actual cost of water
14 delivery. That with the total being \$55 a month.

15 HEARING OFFICER HOGLE: Okay. And tell me
16 what that breakdown is with this \$70 per month now in
17 terms of delivery costs and operational or allocation
18 for capital expenditures I believe is what you said.

19 MR. TURNER: I forgot to pull that
20 document up. If you'll excuse me -- pardon me for
21 just a moment --

22 HEARING OFFICER HOGLE: You're fine.

23 MR. TURNER: -- I can look at that.

24 I know the total was 70, but I don't
25 recall the -- nope, that's an old proposal.

1 HEARING OFFICER HOGLE: Is that in your
2 tariff by chance that you also attached to your
3 settlement stipulation?

4 MR. TURNER: I think the answer to that is
5 yes.

6 No, that's an older one.

7 Mark, if I dare ask, can you help me out
8 quickly on this? Do you have that available?

9 MR. LONG: I just looked it up, and I
10 believe it's about \$25.80.

11 MR. TURNER: That would be for the
12 capital?

13 MR. LONG: The capital reserve, yes.

14 MR. TURNER: Yes. And then the balance
15 would be for the expense of water delivery.

16 MR. LONG: That's correct.

17 HEARING OFFICER HOGLE: And then I just
18 want to make sure that I have this correct. The
19 tiered rate structure is not new. You're just
20 requesting for an increase; is that correct?

21 MR. TURNER: The current -- the answer,
22 the simple answer is yes. But I can explain that we
23 only have one additional tier currently, and that's
24 for use over the 7,500 gallon flat rate. And it sets
25 up really a -- how do I want to say it -- tariff

1 structure such that there really isn't any incentive
2 to conserve water at all. And it's \$5 per thousand
3 gallons over the 7,500. And we've estimated that's
4 about what it costs, for example, to buy the Ogden
5 City Water and to pump it up our hill. And that's
6 the scenario where, you know, we actually -- if you
7 include, you know, the cost of other operations and
8 maintenance, probably doesn't cover the cost. And
9 then it gets even more complicated than that.

10 But this new rate structure is more tiered
11 so that as water -- as we have to purchase more and
12 more expensive water, we get compensated adequately
13 for that. And then even further it provides the
14 incentive for people to not use so much water. Does
15 that answer the question, or was that too much
16 information?

17 HEARING OFFICER HOGLE: No, that's not too
18 much information. That actually is good information
19 to have. Let me just make sure I have this correct.

20 Currently you only have one additional
21 tiered rate, and that's \$5.

22 MR. TURNER: Yes. \$5 per thousand
23 gallons, yes.

24 HEARING OFFICER HOGLE: \$5 per thousand
25 gallons, okay.

1 And so really the basis for having so many
2 tiers is to encourage people to conserve given their
3 past behavior where apparently \$5 a tiered rate for
4 1,000 gallons hasn't been nearly sufficient enough to
5 sort of curb that behavior in terms of water
6 conservation. And so it's becoming very expensive
7 for Pineview to purchase water through Ogden. I
8 suppose my question is before you brought this forth
9 to the Public Service Commission, did you indicate to
10 your shareholders and your users that this was going
11 to change to this considerable -- considerably
12 changed structure as it appears to me it seems you
13 know going from 1 tier to 5 tiers and having it be
14 exponentially more expensive, is this something that
15 I would assume that you announced to your
16 shareholders and your users; is that correct?

17 MR. TURNER: Yes. And that actual rate
18 schedule was sent out in the beginning of December to
19 everybody so they could actually look at it and see
20 it. And if they went back to their water bill, they
21 could calculate what their billing would therefore
22 be.

23 HEARING OFFICER HOGLE: Okay. And so my
24 understanding, from reading the materials, is there
25 is at least one person from what I could tell who

1 apparently it was determined that maybe there was a
2 leak given the exorbitant amount of water that this
3 person was using. Is that atypical, or is that --
4 are you seeing that sort of in general across your
5 shareholders/users? I mean, is --

6 MR. TURNER: Are you referring to them
7 having excessive use from leaks or excessive use
8 from, say, irrigation?

9 HEARING OFFICER HOGLE: Well, both. I
10 mean it must have been -- you know, for you to have
11 to come to a five-tier structure with these -- you
12 know, these proposed charges, as you say you want to
13 curb people's behavior and encourage conservation, et
14 cetera, it seems to me that, you know, you wouldn't
15 do it but for, you know, observing currently that the
16 current one-tiered rate structure that you have is
17 not curbing that behavior and is not being effective.

18 MR. TURNER: Yes, that is very true. We
19 have tried to discuss with several of the homeowners
20 the amount of water they're using. And in the past
21 we've had quite good responses from some of them, but
22 it's more on just a plea that they've got to stop
23 using as much water. We can't supply it all. To
24 others that have just refused to change their habits
25 whatsoever and have really gotten rather threatening

1 with us. John Durig experienced that with one of
2 them. And what we're really afraid of, we're really
3 concerned with, I mean we can barely supply the water
4 we have now, but we've got 35 more lots to be built
5 on.

6 HEARING OFFICER HOGLE: Right.

7 MR. TURNER: Last summer we almost reached
8 that 40,000 gallon per day pumping from Ogden City.
9 I believe the numbers for some of the days were in
10 the 37,000-gallon range. So we maxed out the ability
11 to get water. This year I think we've probably
12 approved -- or, I'm sorry, that's the wrong word --
13 seen about five new homes go in at Crimson Ridge. If
14 five of those people copied what that person has
15 done, we can't get enough water and we're just going
16 to run out of water. And the amount of water is on
17 the order of an average of four to 5,000 gallons per
18 day on a lot to irrigate turf. And to add insult to
19 injury, they don't even live here. So we just have
20 to curb that pattern of usage for new homes and for
21 homes where people are repurchasing older homes.

22 We have one customer who came in this year
23 and bought this fall. And I met him, introduced
24 himself when I was walking the neighborhood. And one
25 of his comments was he has children, and he says he

1 wants to fix the front lawn in front of the house.
2 And if we just have that happen on a lot of these
3 lots, we just won't be able to supply the water.

4 That's why we're a little bit unique among
5 water companies possibly in that we have a -- with
6 our current supply -- a limited amount of water. And
7 we can provide adequate water for all household use
8 and a reasonable amount of irrigation even at full
9 build-out. But with excessive water use like several
10 of the people do over there, we do not have the water
11 supply. So we either need to curb that excessive use
12 through incentive, and education isn't always
13 working. We have control over them. We can't tell
14 them to stop -- unless we run low on water, and then
15 we can tell them to stop -- or we need to collect
16 enough funds where we can drill a new well that has a
17 higher capacity. Now, that's a risk -- or a higher
18 yield. That's a risk proposition. We could drill
19 and get nothing we are better. But right now we want
20 to try the incentive plan.

21 MR. DURIG: Can I add something?

22 HEARING OFFICER HOGLE: Sure.

23 Go ahead, Mr. Durig.

24 MR. DURIG: We have exhausted every means
25 of urging conservation and have absolutely no

1 control. We have no control over the approval of
2 landscaping by the HOA. We have no -- in fact, we
3 even had, as I think I indicated in my written
4 testimony, that we actually had a home built,
5 landscaping approved by the HOA. And then when the
6 certificate of occupancy was requested, we don't know
7 who, but someone just said: "Source of water, well."
8 When in fact we were the water company. And it was
9 approved.

10 So we have no control over the HOA. We
11 have no control over the builder. We tried to impose
12 that by saying before we sign off on your certificate
13 of occupancy, we need to review your landscaping.
14 That just simply is ignored. So we have tried all of
15 the those things to no avail.

16 The second point I think that's important
17 relative to this tiered increase is that our cost of
18 water from Ogden is also tiered. So the more water
19 we buy from them -- and I'm sure that -- you may be
20 aware of that already. But --

21 HEARING OFFICER HOGLE: Yes.

22 MR. DURIG: -- understanding that that's
23 also the other side of the equation. Our costs go
24 up, and we have to buy 2 million gallons at a time.
25 So for us it's really a last resort to try to manage

1 the supply of water, to minimize the amount of
2 expense in the short term, and secure enough funds
3 through the people who use the most water to help us
4 pay for that additional water from Ogden City and
5 hopefully to postpone for as long as possible any
6 need to drill an additional well, which is a risk.

7 Sorry if I'm being repetitive here, but I
8 think those are important points relative to this
9 tiering.

10 HEARING OFFICER HOGLE: Sure.

11 MR. NORTON: Could I throw a couple of
12 figures in here a little bit? This is Dan speaking.
13 My picture is isn't up on the computer, so I don't
14 know if --

15 MR. DURIG: You are. Be careful.

16 MR. NORTON: Yeah, yeah. It's probably a
17 good thing for everybody that I'm not up on the
18 thing.

19 HEARING OFFICER HOGLE: Mr. Norton, before
20 you proceed, let's have you sworn in just because
21 you're testifying.

22 So do you promise to tell the truth?

23 MR. NORTON: Yes.

24 HEARING OFFICER HOGLE: And again tell me
25 what position you have with Pineview.

1 MR. NORTON: I'm on the water board of
2 Pineview.

3 HEARING OFFICER HOGLE: Okay. Go ahead.

4 MR. NORTON: I work with John, Pete, and
5 Susan.

6 One of the figures that we should, I
7 think, be aware of as we're trying to discuss not
8 only usage now but as Pete has mentioned future
9 usage, which really is kind of the unspoken elephant
10 in the room. I just pulled up the water usage from
11 the third quarter that we just sent out. And in the
12 Radford section of our water, the least amount used
13 from full-time people that live here was 5,000
14 gallons, give or take a little bit.

15 And over in Crimson Ridge in that same
16 amount of time, the maximum amount of water usage
17 from one individual was 445,000 gallons.

18 HEARING OFFICER HOGLE: Can I ask you a
19 question before you proceed? Is that -- your 5,000
20 gallons, is that a monthly figure?

21 MR. NORTON: No. That's for the third
22 quarter.

23 HEARING OFFICER HOGLE: Okay. And then
24 for the third quarter as well now you're talking
25 about 400,000-some gallons; is that right?

1 MR. NORTON: Correct. All of them off of
2 the third quarter readout that we -- that we've sent
3 out.

4 So as you can see, that is a tremendous
5 amount. And that 445,000 is all culinary water, and
6 this is for someone who doesn't even live here.

7 HEARING OFFICER HOGLE: When you say
8 that's a -- I wanted to go back to Mr. Turner because
9 he did allude to people who don't even live there.

10 Are these part-time people who have second
11 homes in the area?

12 MR. TURNER: Yes. Yeah, that individual
13 and several others. But yeah.

14 The thing -- the thing I might add too to
15 what Dan is saying is that -- and John said, we buy
16 blocks of water from Ogden City in 2 million gallon
17 blocks. So if we use a gallon of it or we use
18 1.9 million gallons we pay the same, and it's about
19 \$6,500 for that block. So because one person used a
20 half a million almost gallons last summer, we had to
21 fall into the next tier. So we paid \$6,500 for that
22 water, and we collected a fraction of that from the
23 person that kind of forced us to go into that second
24 tier. So that kind of paints a little bit of the
25 picture of why we just need more equitable rate

1 structure. Whether the person decides to conserve
2 and then we don't have to buy that extra water or
3 they give us enough funds where if it continues and
4 more people do that -- the real problem is if more
5 people do that -- then we might have the funds to
6 modify or add an additional well into our system to
7 increase our water supply.

8 HEARING OFFICER HOGLE: Okay. So let me
9 just make sure I have the tiers correctly, since
10 we're talking about months and then also quarters.

11 So that in the tier 1 if you go up to
12 8,000 gallons, you'll only pay the \$70 per month.

13 MR. TURNER: Correct, yes.

14 HEARING OFFICER HOGLE: And then in the
15 tier 2, if you go between 8,001 to 16,000 gallons
16 more per month -- per month, not the quarter but per
17 month -- then you pay an extra \$6.50; is that right?
18 Is that how it goes?

19 MR. TURNER: Yes, yes. Between 8,000 and
20 what you'd use, it would be calculated on 650 per
21 thousand gallons.

22 And to clarify the month and the quarter,
23 we calculate the bill on a monthly basis, but we only
24 bill quarterly. We may change that in the future,
25 but we're a small water company. And to do monthly

1 billing is an awful lot more work, and that's just
2 historically the way it's been done.

3 And we -- and we also have not been able
4 to take metered readings monthly because in our
5 mountain zone here everything gets buried in snow,
6 and we can't get to our meters. This spring or early
7 summer we installed electronic meters so we can just
8 drive by, and we've been collecting meter readings
9 every month since then.

10 HEARING OFFICER HOGLE: Okay.

11 MR. TURNER: And that's been a big help.
12 But just to summarize we calculate the bill on a
13 monthly basis, but we send the bill out quarterly.

14 HEARING OFFICER HOGLE: Okay, okay.
15 That's good -- that's good information. Okay. Well,
16 I don't have any more questions. Thank you gentlemen
17 for your testimony.

18 MR. TURNER: You're welcome.

19 MR. DURIG: You're welcome.

20 MR. TURNER: I want to thank you all of
21 you too for helping us. You're a good resource for
22 us as a water company to help figure out these rates
23 and to give us definitely an impression of our
24 customers in fairness, since you represent all people
25 of the state.

1 HEARING OFFICER HOGLE: And you know, I
2 do -- just -- I'm just going to go to the table 2.
3 What are the current charges, for example, standby?

4 MR. TURNER: They are \$240 a year or \$20 a
5 month. And that basically, what we're charging the
6 stand-by people is that capital expense so that we
7 can maintain the system for them until they finally
8 connect. And once they finally connect, we then
9 start billing them in addition to that for the water
10 they use.

11 HEARING OFFICER HOGLE: And the disconnect
12 and reconnect fees, I'm sure that's in the tariff.
13 But what is the current?

14 MR. TURNER: I think --

15 MR. DURIG: 3,500 connection fee.

16 MR. TURNER: No, that's a first-time
17 connection, John.

18 She's referring to like if we disconnected
19 somebody. Let me --

20 HEARING OFFICER HOGLE: I'm just trying to
21 gauge the requested increase.

22 MR. TURNER: I can't remember. We've
23 never done it since I've been here. Nobody has
24 ever -- we've never had to disconnect somebody and
25 reconnect.

1 HEARING OFFICER HOGLE: Okay.

2 MR. TURNER: I think this might be it
3 here. It's \$100 --

4 HEARING OFFICER HOGLE: Okay.

5 MR. TURNER: -- for both connection and
6 reconnect is the current fee.

7 HEARING OFFICER HOGLE: All right.

8 MR. TURNER: So it would go up 20 percent.

9 HEARING OFFICER HOGLE: Right. And it
10 went from first-time service connection fee currently
11 of 3,500 to \$4,200 is what your proposed fee?

12 MR. TURNER: Yes, that's correct.

13 HEARING OFFICER HOGLE: Okay. That's
14 good. Thank you again for responding to my
15 questions.

16 Ms. Schmid, do you have a witness that
17 you'd like to present?

18 MS. SCHMID: Yes. The Division would like
19 to call Mr. Mark Long as its witness. Could he
20 please be sworn?

21 HEARING OFFICER HOGLE: Sure. Mr. Long,
22 good morning.

23
24 MARK LONG,
25 called as a witness, having been duly sworn, was

1 examined and testified as follows:

2
3 HEARING OFFICER HOGLE: Okay. Please
4 proceed.

5 MS. SCHMID: Thank you.
6

7 EXAMINATION

8 BY MS. SCHMID:

9 Q. Mr. Long, could you please state your full
10 name, title, and employer for the record.

11 A. Yes. My name is Mark A. Long. I'm a
12 utility analyst for the Division of Public Utilities.

13 Q. Have you participated in conjunction with
14 your employment with the Division for the Division in
15 this docket?

16 A. Yes, I have.

17 Q. Did you engage in the settlement
18 negotiations that led to this stipulation being
19 filed?

20 A. Yes.

21 Q. Did you file your direct testimony, marked
22 as DPU Exhibit Number 1.0 DIR, along with DPU Exhibit
23 Numbers 2.1 through 2.11, DPU Exhibit Number 3, and
24 DPU Exhibit Number 3 again -- one is redlined and one
25 is clean -- on October 16th, 2020?

1 A. Yes, I did.

2 Q. Do you have any changes or corrections to
3 that pre-filed testimony?

4 A. No.

5 Q. If asked the same questions today, would
6 your answers be the same as included in that
7 pre-filed testimony?

8 A. Yes, they would.

9 MS. SCHMID: The Division would like to
10 move for the admission of Mr. Long's testimony and
11 exhibits as identified previously.

12 HEARING OFFICER HOGLE: Mr. Turner, any
13 objections?

14 Mr. Turner, do you have any objection to
15 that?

16 MR. TURNER: No, I do not have any
17 objection.

18 HEARING OFFICER HOGLE: Okay. They're
19 admitted. Thank you. Please proceed.

20 Q. (BY MS. SCHMID) Thank you.

21 Mr. Long, do you have a summary to present
22 today?

23 A. Yes, I do.

24 Q. Please proceed.

25 A. Okay. On December 12th, 2019 Pineview

1 West Water Company notified the Commission of its
2 intent to file a conservation rate increase of its
3 culinary water rates. On April 24th of 2020, the
4 commission received a request for approval of a
5 conservation rate increase. On June 8th, 2020, the
6 commission issued a scheduling order, notice of
7 hearing, and notice of public witness hearing.

8 The Division reviewed the application,
9 which included over 20 attachments. The Division
10 also received additional information through the
11 issuance of a data request, annual reports, customer
12 usage models, Division of Drinking Water Reports, and
13 many e-mails and phone calls and virtual meetings.

14 The Division's analysis showed that the
15 current rates no longer cover fixed costs and do not
16 have an effective conservation rate with an
17 increasing tiered-rate structure.

18 This stipulation includes proposed rates
19 and rate structure that covers all fixed costs,
20 continues to fund the capital reserve account, and
21 has an effective conservation rate structure with
22 increasing tiered rates. In addition to the
23 conservation element, the rate structure as proposed
24 will help offset the purchase of more expensive
25 third-party water, offset the additional burden and

1 wear and tear on Pineview's infrastructure, and
2 provide additional funds in Pineview's capital
3 reserve account which could help fund a new well if
4 needed. The Division worked closely with company's
5 president Peter Turner and company's treasurer Susan
6 Allen. They were very accommodating and had many
7 good suggestions in creating new rates that
8 adequately supported the company financially while
9 keeping the rates as low as possible for its
10 customers.

11 In light of this, since most of the other
12 water company costs are unavoidable and difficult to
13 change, the board members of Pineview requested that
14 the Division reduce their annual salary request from
15 19,980 to \$12,000 to help control the proposed
16 increase in rates and to keep the rates as low as
17 possible.

18 The Division wishes to acknowledge
19 Pineview board members' selfless behavior at continue
20 working at wages well below what they should be.

21 Soon after the direct testimony was filed
22 by the Division, the parties met to discuss the
23 Division's findings and conclusions. These
24 discussions led to a mutually-acceptable settlement
25 agreement. In addition to the new -- in addition to

1 the proposed new rates, the stipulation includes
2 tariff changes to Pineview's set fees that reflect
3 current market prices. The stipulation also includes
4 updated rules and regulations that apply to all
5 regulated water utilities and its tariff.

6 On November 12th, 2020 the Division filed
7 a motion to suspend the procedural schedule while
8 still retaining the hearing date and public witness
9 hearing date, pending the parties' agreement to the
10 stipulation.

11 On November 20th, 2020, the Division filed
12 a settlement stipulation with the Commission. The
13 Division believes the criteria for a settlement,
14 according to Utah Code 54-7-1 have been met and
15 concludes that the evidence contained in the record
16 supports a finding that the settlement proposal is
17 just and reasonable in result and in the public
18 interest.

19 Therefore the Division recommends the
20 Commission accept the settlement stipulation as filed
21 with the commission on November 20th, 2020 and
22 approve the requested rate increase with an effective
23 date of February 1st, 2021. Thank you.

24 MS. SCHMID: Mr. Long, is now available
25 for questions from the parties and from the hearing

1 officer.

2 HEARING OFFICER HOGLE: Thank you.

3 Mr. Turner, do you have any questions?

4 MR. TURNER: No, I don't. Thank you.

5 HEARING OFFICER HOGLE: Okay. I have just
6 a few, Mr. Long.

7 You testified about the board taking a
8 salary decrease, I believe, and you acknowledged that
9 selfless behavior. Can you tell me how many board
10 members, if you know, take a salary from the current
11 board?

12 MR. LONG: Mr. Turner would have the
13 correct answer to this, but I believe that Mr. Turner
14 is the only one that takes a small stipend. I don't
15 believe the rest receive much, if anything.

16 HEARING OFFICER HOGLE: Okay. So when you
17 quoted the 19,000 to 12,000, that was in relation to
18 Mr. Turner's stipend?

19 MR. LONG: No, that included Mr. Turner's
20 along with a little bit of a stipend for the other
21 board members.

22 HEARING OFFICER HOGLE: Okay. Mr. Turner,
23 can you just describe to me what -- I just want to
24 make sure that I'm clear on Mr. Long's testimony
25 regarding this decrease that he mentioned in his

1 testimony.

2 MR. TURNER: Sure. I'll just say that
3 historically the president, vice president, and
4 treasurer have had an allocated a minor stipend. The
5 treasurer -- or the past treasurer collected a little
6 bit, and then Susan has pretty much, I believe, just
7 volunteered her time.

8 John, the former vice president, he
9 collected more of pay for special projects he did.
10 He declined the stipend. And John has declined the
11 stipend. I have accepted it. And going forward we
12 were going to allocate money for those three offices,
13 and we all backed off on what we would expect for
14 that stipend. And again to try and keep the water
15 rates as low as possible.

16 The one thing we were faced with was
17 raising the rate for the flat rate. And as I've told
18 Mark and the Division working on this that, you know,
19 water is an essential of life. And I'd like to keep
20 the basic amount of water that we need to live on as
21 low as possible. And as a result we did pull down,
22 through our negotiations, the proposed flat rate.
23 And that was part of it. How do we bring down the
24 costs for that? Because we just didn't want it to go
25 up. And now it's about a cost of living increase,

1 which I think is palatable for people. So that's --
2 that's how we negotiated through that.

3 HEARING OFFICER HOGLE: Okay. Thank you.

4 Mr. Long, I believe I heard that Pineview
5 is unique. Is the tiered pricing structure also
6 unique among the water companies that we regulate, or
7 is this something that you've seen before?

8 MR. LONG: Yes. Pineview is probably not
9 as unique as what they think they are. Probably for
10 the last ten years the Division has recommended an
11 increasing tiered rate structure very similar to this
12 for multiple other water companies. And you know in
13 the past they only had the one tier, and that just
14 wasn't adequate. And so in the -- you know in the
15 past ten years we've recommended a very similar
16 tiered-rate structure as this.

17 HEARING OFFICER HOGLE: Okay. Very good.

18 And so the Division, I assume, by signing
19 the stipulation thinks that the price increases that
20 are being proposed from the original ones are
21 reasonable given the challenges that Pineview is
22 facing and also given that there hasn't been a price
23 increase since 2009; is that correct?

24 MR. LONG: That's correct.

25 HEARING OFFICER HOGLE: Okay. All right.

1 I don't think I have any other questions. Thank you
2 very much.

3 And I think unless there are any other
4 things to discuss, we can adjourn until 5:00 this
5 afternoon when we will have our public witness
6 hearing.

7 Do you all have any other questions or
8 comments?

9 MR. TURNER: No, I'm fine. Thank you.

10 HEARING OFFICER HOGLE: Okay.

11 MR. DURIG: Thank you.

12 MR. NORTON: Thank you.

13 HEARING OFFICER HOGLE: Well, thank you
14 all, and we'll see you again this afternoon maybe.

15 MR. TURNER: Okay. Thank you very much.

16 MS. SCHMID: Thank you.

17 (Concluded at 10:53 a.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, Tamra J. Berry, Registered Professional Reporter in and for the State of Utah, do hereby certify:

That on December 15, 2020, I recorded the testimony of said witnesses in stenotype and thereafter transcribed, and that a full, true, and correct transcription of said testimony is set forth in the preceding pages;

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.

WITNESS MY HAND AND OFFICIAL SEAL this 8th day of January, 2021.



Tamra J. Berry, RPR, CSR

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