

PUBLIC SERVICE COMMISSION OF UTAH

Case No. 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,)
)
)
)
)

PUBLIC HEARING CONDUCTED THROUGH GOOGLE MEET
VIDEOCONFERENCING

December 15, 2020

5:00 p.m. - 5:23 p.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

FOR THE DIVISION OF PUBLIC UTILITIES:

PATRICIA SCHMID
MARK LONG

FROM THE PUBLIC:

BRUCE HART
RYAN HEINER

ALSO PRESENT:

MELISSA PASCHAL

-oOo-

P R O C E E D I N G S

1
2
3 HEARING OFFICER HOGLE: Well, good
4 afternoon everybody. My name is Yvonne Hogle, and
5 it's approximately 5:00 in the afternoon on
6 December 15th, 2020.

7 We are here to take public comments
8 related to the settlement stipulation that we filed
9 November 16th, 2020 between the Division of Public
10 Utilities and Pineview West Water Company and in the
11 Pineview West Water Company's request for approval of
12 a conservation rate increase in docket number
13 19-2438-01.

14 An evidentiary hearing was held this
15 morning wherein the parties and the DOPU testified in
16 support of the stipulation. This is the public
17 witness portion of the hearing, and we are here as
18 the Commission to hear comments from the public
19 related to the settlement stipulation.

20 As I indicated in the notice that I
21 believe we issued related to the public witness
22 hearing, those from the public who are interested in
23 making comment should have been on Google Meet by
24 5:00, and it's 5:02. And so I see a couple, maybe
25 three people on.

1 And let's take roll call. One by one I'd
2 like for each of you to introduce yourselves.
3 Specifically please state and spell your name so that
4 the court reporter can make sure to record that
5 correctly.

6 And I believe let's -- I'd like to start
7 is with Mr. Bruce Hart, please.

8 BRUCE HART: Yes. Bruce Hart. And I'm
9 one of the original users of the water on -- when it
10 was -- before Radford Hills or anything. There was
11 five or six users of us up on the top of the mountain
12 there that were hooked up with it. I don't use very
13 little water, maybe a couple hundred gallons a month
14 is all because I'm not doing any irrigation. I
15 wouldn't mind doing it. But I just kind of felt like
16 with trying to conserve water and so on and so forth,
17 you know. All I'm doing is washing dishes and
18 flushing the toilet occasionally. I just use it part
19 time.

20 My suggestion would be I hate to see it
21 continue to rise. I understand that everybody has
22 got to participate. But why can't we have a lower,
23 you know, set amount knowing that everybody has got
24 to participate in the upkeep and maintenance and so
25 on and so forth. And then maybe being as we all got

1 meters, then charge us up and above that based upon
2 the amount of water we use. And it makes it a lot
3 fairer. You know maybe somebody that's irrigating
4 or, you know has got a lot of landscaping and that,
5 is going to use more water in a week than I'm going
6 to use in a quarter. And I want it to be fair. I'm
7 not trying to -- you know, I want to pay my fair
8 share. But by the same token I'm a little bit
9 concerned about now that we've got these bigger homes
10 in Radford Hills being -- you know taking place and
11 everything else, than some of us that just more have
12 vacation homes and that are just using it
13 periodically and not very often, maybe a few times a
14 month in doing nothing more than just, you know what
15 I mean, washing dishes and taking a shower and you
16 know flushing the toilet so to speak.

17 I just hate to see it -- when we first
18 started and Radford put this water system in, there
19 was just the six of us. But now it's -- you know,
20 the development has increased with Radford Hills and
21 everything else. And my position is I'd just like to
22 see it be fair for everybody, you know what I mean.
23 The big users should pay more than the people that
24 are not and get those minimums down to where it makes
25 sense, you know.

1 HEARING OFFICER HOGLE: I understand,
2 Mr. Hart. As to your last comment there, the
3 proposal actually is to charge -- to charge a higher
4 amount to the people who consume more. I don't know
5 if you have reviewed the settlement stipulation, but
6 that is the structure that they agreed to.

7 MR. HART: Is there any chance -- I
8 haven't. I talked to some of my neighbors that have,
9 and for some reason I didn't get it or whatever. But
10 they are all of the opinion that maybe that first
11 tier should be lower and then of course charge by,
12 you know, when they read the meters.

13 I've never -- in the years I've been
14 there, which is about 35, I've never seen any meter
15 readings because I'm always below. I mean, he does a
16 good job, don't get me wrong. But I've just never
17 even come down to the -- been over the amount that
18 just is standard. I think it's -- what is it now,
19 Peter? 75 bucks a month or whatever it is? I think
20 my bill is like \$165 or 70 every quarter, every three
21 months.

22 That's just my opinion. I know it's --
23 from what I understand it's too late now to do
24 anything for this year, but I'd just like to put my
25 two cents in that next year when it's looked at that

1 you'll consider the fact of those of us that use very
2 little water and make it as palatable as possible.
3 And I know you have a certain-sized budget and you've
4 got to meet it and you've got to maintain the system
5 and so on and so forth. But you know I think
6 somebody that's using 100 times as much water as you
7 are certainly should be paying more, you know. I'd
8 just like to make sure it's, you know, palatable and
9 it's, you know, fair. That's my comment.

10 HEARING OFFICER HOGLE: Thank you,
11 Mr. Hart. Thank you for participating today. I
12 believe I heard you start to say that you didn't have
13 the settlement stipulation or you didn't review it.
14 It is on our website at the Public Service
15 Commission, www.psc.gov, I believe. Let me just make
16 sure.

17 MR. HART: Is it going to change going
18 forward now, or is it --

19 HEARING OFFICER HOGLE: The --

20 MR. HART: In my case will my water bill
21 go up from what it is now with what was passed?

22 HEARING OFFICER HOGLE: The proposal is to
23 make the new rate effective February -- in February,
24 so the beginning of February. And so, yes, your bill
25 would increase beginning on February 1st, I believe

1 is the proposal. And I did get that website
2 correctly.

3 So if you go on there -- and I don't know
4 if you have something to write with in front of you,
5 but I will give you the docket number. It is
6 19-2438-01. And it is www.psc.gov. So once you get
7 to the website, it will have links to gas,
8 telecommunications, electricity, and water. And so
9 that's where you would hit. You would hit the water
10 link. And then -- and then input or look for that
11 number, and then plus the link. And it should take
12 you to this docket.

13 Anyway. So thank you for your comments,
14 and it is not too late. We are -- we haven't
15 approved this yet. We are considering public
16 comments as well as the testimony that was given this
17 morning in the evidentiary hearing. And so you're
18 doing exactly, you know, what you should be doing,
19 which is participating and providing comments and
20 information so that the commission can make a
21 decision. So thank you.

22 MR. HART: Okay.

23 HEARING OFFICER HOGLE: I see someone
24 else. I see a Mr. Ryan Heiner on the -- on my
25 computer here. And I wondered if you would please

1 first spell your name and then go ahead and provide
2 comments.

3 Mr. Heiner.

4 RYAN HEINER: Sure. Yeah. This is Ryan
5 Heiner. R-y-a-n H-e-i-n-e-r.

6 HEARING OFFICER HOGLE: Okay.

7 RYAN HEINER: I'm on here. I represent
8 one of the properties at Crimson Ridge serviced by
9 the Pineview West Water Company. We would one of the
10 individual properties that uses more than the average
11 reported, you know, on those submitted documents. I
12 have gotten on there and reviewed those. I've seen
13 those. We've known that there's a premium, and we
14 are currently paying that premium, right. We're one
15 of the higher users. We pay by the gallon that's on
16 there. We go over the minimal amount, minimum amount
17 and then pay by the gallon above that. We've
18 definitely had talks. We've discussed it with Mr.
19 Turner a few different times and the HOA developers a
20 few times. We have cut back on the amount of water
21 being used in order to try and conserve water and
22 save money as well. We've actually installed a smart
23 watering system to help as well this last year to
24 help conserve the water.

25 And we understand the need for a rate

1 increase, right, with regular increases to keep up
2 with expenses. But what's being proposed would
3 increase our bill by a substantial amount, three or
4 four times what it currently is, which is already
5 much higher than normal.

6 A couple concerns that we have, that I
7 have with it is we learned of this rate increase only
8 this last week when the tier amounts were shared with
9 that document that was sent out only this week that
10 has the specifics on it. I recognize or know that in
11 the October bill that was sent out, it did have a
12 link to the website. We didn't go look at it at that
13 point. But don't feel like it was very clear at the
14 time or on the bill itself of what the changes, the
15 proposed changes were.

16 I have gone since over this last week and
17 looked at those, done some calculation, and figured
18 out it would be. And like I said, substantially
19 more. So we don't -- we don't believe it's been
20 communicated well enough for residents to understand
21 what changes would be put in place yet.

22 But the challenge that we face there at
23 Pineview -- in Crimson Ridge specifically is that
24 there is no option for secondary water to be able to
25 help with irrigation. There is just simply no option

1 for that from what I understand. We've talked about
2 that with the developer/HOA a couple of different
3 times. The only option or the only provider for
4 water is the Pineview Water Company, Pineview West.
5 There's, you know, no other place to go.

6 And when we built the home a couple of
7 years ago, we actually talked with the -- with our
8 landscaper, with the HOA, and took a landscape plan
9 to the HOA at that time. They said -- the HOA said
10 at that time that it was -- it was going to have too
11 much grass, too much turf, too much that it would
12 need to be watered. And so we cut back at that point
13 in order to comply with those CC&Rs of the HOA and
14 got it to the point where we cut a substantial amount
15 back. We got that approved, but we heard nothing at
16 that point about -- other than there was only
17 culinary water. We would have to pay for the
18 watering that would be done and what the rates were,
19 and we figured out what would be reasonable to take
20 care of at that point. And we had no indication a
21 couple years ago that there would be this type of
22 change that could come through and create the
23 challenges.

24 Over the last year or so as we've had the
25 conversations with Mr. Turner about water

1 conservation and needing to cut back. We had
2 actually gone back to the original landscaper and
3 said: What would it take for us to cut all of our
4 water back and go to zeroscape. And based on our --
5 the size of our lot and the property, it would cost
6 us over \$100,000 to change everything, right, from
7 what was originally already approved through the HOA.

8 So as a resident we feel like we're caught
9 in the middle of what the HOA said was fine and what
10 the water company now is trying to change and force
11 us to pay a substantially larger amount than what we
12 had been working on and planning on.

13 I guess what we're asking is that the
14 amounts and the tiers that are being presented just
15 need to be pushed or reconsidered. Still in terms of
16 water conservation we're trying to do everything we
17 can considering the size and what needs to be done to
18 help take care of the lot with what was approved by
19 the HOA but not being so severely penalizing to
20 residents like us.

21 HEARING OFFICER HOGLE: So you just moved
22 there a couple of years ago; is that what you said?

23 RYAN HEINER: Yeah. It's a home that
24 we've had for a couple of years.

25 HEARING OFFICER HOGLE: Okay, all right.

1 Well, I understand your testimony. Thank you for
2 testifying. We will consider it. We'll take all of
3 the testimony that has been presented, all the public
4 comments. And when we make a decision, we certainly
5 consider everything that's in the record, all the
6 explanations, all the evidence that has been sought,
7 that has been filed in the case. And I will tell you
8 that, you know, we don't make these decisions
9 lightly. And we know how it affects people. And so,
10 you know, we take everything that is filed. And
11 based on the evidence and the law, we make a decision
12 of course considering comments from the public as
13 well.

14 I understand where you're coming from.
15 You came into this a couple of years ago, and I don't
16 know if you know this but this company has not
17 increased their rates since 2009. And so that is
18 a -- that is part of the evidence that we consider.

19 And so, you know, we weigh the evidence
20 and we make a decision. And, you know, we set up the
21 process to try to hear from people as much as we can.
22 And you know, frankly, I'm a little surprised it's
23 only two people from the public who made it to this
24 meeting. I would have thought that more people would
25 have participated given, you know, the proposal.

1 But it is what it is. And we will
2 consider everything that has been filed and your
3 comments and Mr. Hart's comments as well.

4 RYAN HEINER: Thank you.

5 HEARING OFFICER HOGLE: You were going to
6 say something?

7 RYAN HEINER: Two thoughts with that.
8 Number one, I don't believe it's well-known in the
9 community yet that these rates are going to change.
10 I believe that when they do change, you'll hear -- if
11 there was an opportunity, you would hear more about
12 it. Like what Mr. Hart just mentioned, he heard it
13 from a neighbor. We got it from the developer who
14 pushed it to us. We didn't even see it ourselves.
15 So it's really not well-known what's being proposed,
16 I don't believe. But I may be -- you know, that's my
17 understanding about that.

18 And to be clear, I understand that it
19 hasn't been changed in over ten years, and I don't
20 disagree that it needs to be changed to some degree.
21 But I strongly disagree with the degree of change
22 that's being put in place.

23 HEARING OFFICER HOGLE: And can you tell
24 me how big your property is?

25 RYAN HEINER: I don't know the full

1 amount. It's -- the full -- it's about a full acre.
2 But half of that roughly is what has landscaping done
3 on it with bushes and turf and things.

4 HEARING OFFICER HOGLE: Okay, Okay. Well
5 good.

6 RYAN HEINER: And we are part of the
7 higher usage. Like I said the concern is not that
8 it's going up, it's that it's going up as extremely
9 as it is at these different tiers.

10 HEARING OFFICER HOGLE: I understand. I
11 understand that it's a substantial change from what
12 it is now, and that was not lost on me. I did ask
13 about that. Just so you know, I did observe that and
14 asked about it.

15 And so unless anybody else has any more
16 questions -- I don't see anybody else from the public
17 who has logged onto the Google Meet. And unless I
18 hear otherwise I want to thank you, Mr. Hart and Mr.
19 Heiner, for coming on and participating. I
20 appreciate your comments, and the Commission will
21 consider them. And thank you very much.

22 MR. TURNER: Yvonne, do you -- is it
23 appropriate for us to make any comments, or is this
24 primarily a public comment section?

25 HEARING OFFICER HOGLE: It is a comment

1 section. And, you know, the evidentiary hearing and
2 the portion of the hearing where parties can
3 participate and put forth evidence into the record as
4 a party, that was done this morning.

5 However, given that, Mr. Turner, you are
6 the president of the company, if you want to respond
7 to anything and just, you know, anything that strikes
8 you and that you'd like to provide to these
9 gentlemen, I think that would be fine.

10 This is not though, you know, an
11 evidentiary hearing. It's just basically an
12 opportunity for you, perhaps, allay any concerns as
13 much as possible that they may have. I know what has
14 been filed. I have read the record. And so don't
15 feel like you have to respond to defend the record or
16 anything like that. If you have a response as a
17 fellow resident, as a fellow customer, then that's
18 what I would encourage.

19 But, you know, given that I have all of
20 the evidence and a full record, there's no need to
21 defend anything, if you will. But if you want to
22 take the opportunity, like I said, to allay any
23 concerns that would be fine with me.

24 MR. TURNER: I think you're correct that
25 the evidence we've presented in the former hearing

1 and the former filings indicate the issues the water
2 company is having with a very limited supply of water
3 which is not adequate for excessive use, and that's
4 why we're requesting a conservation rate increase.
5 Not to necessarily increase our income but really to
6 encourage conservation of the very precious water
7 that we have. So I think that's fine. Thank you
8 very much.

9 HEARING OFFICER HOGLE: Okay. Thank you,
10 everybody, and have a good afternoon.

11 MR. DURIG: Thank you very much.

12 MR. TURNER: Thank you.

13 HEARING OFFICER HOGLE: Okay. Bye-bye.

14 (Concluded at 5:23 p.m.)
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