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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Mountain )  
Sewer Corporation for )  
Interim Rate Increase and )  
General Rate Increase )  
 ) Docket No. 22-097-01  
\_\_\_\_\_ )

\*\*\* NONCONFIDENTIAL TESTIMONY \*\*\*

HEARING TAKEN THROUGH  
VERITEXT - ADVANCED REPORTING SOLUTIONS  
Taken on March 7, 2023  
9:00 a.m. to 10:30 a.m.

Reported by: Michelle Mallonee, RPR, CCR

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APPEARANCES

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For the Division of Public Utilities:

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P R O C E E D I N G S

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PRESIDING OFFICER DELANEY: Good morning, everyone. I hope you can hear me okay. We've had some microphone issues, so if you think I'm being too loud, I'm going to think I'm not. But if you guys think I am, please let me know.

My name is John Delaney, and I'm the Commission's designated presiding officer for this hearing. Today is March 7, 2023, and it's approximately 9 a.m. And this is the date and time that's scheduled for the hearing on Applicant Mountain Sewer Corporation's application for an interim rate increase in Docket 22-097-01; is that correct? Okay. We're all on the same flight.

Let's start with appearances, please, for the applicant.

MR. SMITH: I'll turn my mic on. Craig Smith and Jennifer Crockett-Bowen [sic], we're the attorneys for the applicant. And then we have Mr. Ray Bowden, who is here. He's the owner of the applicant. We have Mr. Lynn Woods [sic]. He's the accountant for Mountain Sewer.

PRESIDING OFFICER DELANEY: Where is Mr. Woods?

MR. WOOD: (Indicating.)

1           PRESIDING OFFICER DELANEY:   Okay.   Great.

2           MR. SMITH:   We have Chad -- I can't remember,  
3   Chad, your last name.

4           MR. KRAMER:   Kramer.

5           MR. SMITH:   Kramer.   He's the operator of the  
6   sewer system.

7           And then we have Mr. Bill Duncan.   He's our  
8   consultant, who has been helping us with our filing.

9           PRESIDING OFFICER DELANEY:   Okay.   Great.

10          And for the Division.

11          MR. GRECU:   Patrick Grecu and Patricia Schmid  
12   with the Attorney General's Office, representing the  
13   Division of Public Utilities.   And our witness today is  
14   Joanna Matyjasik.

15          PRESIDING OFFICER DELANEY:   Would you spell  
16   that.

17          MR. GRECU:   I will.   M-A-T-Y-J-A-S-I-K.

18          PRESIDING OFFICER DELANEY:   Jasik.   Great.

19   Okay.   Okay.

20          Any preliminary matters that need to be raised?

21   Okay.   I'm going to raise one.

22          So with respect to the issues of  
23   confidentiality, why don't we do this first, and then  
24   we'll do it again.   But I think it makes sense to start  
25   with the applicant, and please identify which of the

1 witnesses that will be testifying about confidential  
2 information so that the court reporter knows -- so  
3 everybody has a heads-up when they come up. Because then  
4 I'm going to ask you to make sure that when the person  
5 testifies that, prior to their testimony, that the  
6 confidentiality issue is addressed so that we deal with  
7 it appropriately.

8 MR. SMITH: I think -- Jennifer, will you?

9 MS. BOWEN-CROCKETT: So Ray Bowden, and then  
10 Lynn Woods [sic], and Bill Duncan will all have  
11 confidential information.

12 PRESIDING OFFICER DELANEY: Okay. Thank you.

13 And then I'm assuming with respect to the  
14 Division's response, you'll be addressing the  
15 confidential information that these folks have talked  
16 about, correct?

17 MR. GRECU: Yes. I think we can address their  
18 application without diving into the confidential  
19 information, but ....

20 PRESIDING OFFICER DELANEY: Okay. Unless I have  
21 some questions that are confidential.

22 MR. GRECU: Right.

23 PRESIDING OFFICER DELANEY: Okay. All right.

24 Why don't we get going here. If you'd like,  
25 applicant's counsel, call your first witness.

1 MR. SMITH: Thank you. We would call Mr. Ray  
2 Bowden.

3 THE WITNESS: Do I go up there?

4 PRESIDING OFFICER DELANEY: Please. Well, I  
5 don't know. You're going to examine from there?

6 Do you guys care if he comes to the stand?

7 MR. GRECU: No.

8 PRESIDING OFFICER DELANEY: Yeah, you're welcome  
9 to sit -- because it's going to be hard to examine him  
10 from there with him --

11 MR. SMITH: From the side, yeah.

12 PRESIDING OFFICER DELANEY: -- looking that way.

13 Okay, sorry. Who did you call?

14 MR. SMITH: Sorry, Mr. Ray Bowden.

15 PRESIDING OFFICER DELANEY: Okay.

16 MR. SMITH: And we've done prefiled testimony.  
17 Do you want me to run through the prefiled testimony  
18 and ...?

19 PRESIDING OFFICER DELANEY: I'd like you to do  
20 whatever you need to do to get it into the record --

21 MR. SMITH: Okay. That's what we'll do.

22 PRESIDING OFFICER DELANEY: -- that evidence  
23 that's necessary.

24 MR. SMITH: I just want to make sure I'm not  
25 missing something, but not overcovering something.

1 Mr. Bowden --

2 PRESIDING OFFICER DELANEY: Mr. Smith, pardon  
3 me, let me swear the witness.

4 MR. SMITH: Thank you. I'm sorry.

5 PRESIDING OFFICER DELANEY: Thank you, Melissa.

6 Mr. Bowden, do you swear to tell the truth?

7 THE WITNESS: Yes.

8 PRESIDING OFFICER DELANEY: Thank you.

9 He's sworn.

10 MR. SMITH: Thank you.

11

12 RAY BOWDEN,

13 was called as a witness, and having been first duly  
14 sworn to tell the truth, the whole truth, and nothing  
15 but the truth, testified as follows:

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17 (The following testimony was deemed confidential  
18 and is bound under separate cover.)

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5 (End of confidential testimony.)

6 PRESIDING OFFICER DELANEY: Okay. Please  
7 proceed.

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9

LYNN WOOD,  
10 was called as a witness, and having been first duly  
11 sworn to tell the truth, the whole truth, and nothing  
12 but the truth, testified as follows:

13

14

DIRECT EXAMINATION

15

BY MR. SMITH:

16

17

Q. Mr. Wood, would you state your name and  
18 occupation.

18

19

A. Lynn Wood. I'm a licensed CPA working with  
19 Child Richards CPA, and I will testify for Mountain  
20 Sewer.

21

22

Q. Okay. And what has been your involvement with  
22 Mountain Sewer?

23

24

25

A. Well, since 2011, we've been the accountants.  
24 And our duty has been to receive the source documents,  
25 that is bank statements, deposit slips, checks, and



1 create an accounting, which is double entry, which --  
2 which is in accordance with generally accepted accounting  
3 principles. And so we basically go through and  
4 categorize the checks and revenues and so forth and  
5 create a balance sheet and income statement. And from  
6 that, we prepare the Public Service Commission report.

7 Q. So that's the annual report that -- I'm sorry,  
8 I'll get closer.

9 That's the annual report that Mountain Sewer  
10 submits to the Public Service Commission?

11 A. Correct.

12 Q. And you're the person who is in charge of  
13 putting that report together?

14 A. Correct.

15 Q. And you base that on business documents, like  
16 checks and check registers? I take it that's the things  
17 that accountants normally look at to prepare those kind  
18 of reports?

19 A. Correct.

20 Q. Okay. And you've been doing that every year  
21 since 2011?

22 A. That's correct.

23 Q. Okay. And do you follow the generally accepted  
24 accounting practices, if you know what GAP is? I'm sure  
25 you do, since you've been doing this a long time.

1 A. Yes. Yes.

2 Q. And you follow those practices and, as far as  
3 your understanding goes, the reports and the information  
4 you provided through those reports to Mr. Duncan would be  
5 accurate and correct?

6 A. That's correct.

7 Q. Do you believe that these annual reports  
8 accurately reflect the financial position of Mountain  
9 Sewer when they're submitted to the Public Service  
10 Commission?

11 A. Yes, I do.

12 Q. Okay. Do you have any other things that you'd  
13 like to share with us, or have we covered what you do?

14 A. No, I would just say that we worked extensively  
15 with Mr. Duncan, and we also brought in Elaine Thomas,  
16 who has been previously referenced. We've done some  
17 analytical procedures to make sure that we had accurate  
18 numbers for this submission. And so there's been a lot  
19 of work go into this to be sure of the accuracy.

20 Q. And tell us who Elaine Thomas is, just so we  
21 have that in the record.

22 A. She's the one that does the billing up in  
23 Huntsville.

24 Q. Okay. So she handles the billing for Mountain  
25 Sewer and the payments?

1           A.     Right.  We reviewed her work to make sure the  
2     billing was correct.

3           Q.     Great.

4           MR. SMITH:  I'd move for the admission of Mr.  
5     Wood's prefiled testimony at this time.

6           PRESIDING OFFICER DELANEY:  Any objection?

7           MR. GRECU:  No objection.

8           PRESIDING OFFICER DELANEY:  Motion granted.

9           MR. SMITH:  That's all the questions I have for  
10    Mr. -- oh, wait I do have another about -- I'm sorry.

11          Q.     (BY MR. SMITH:)  I was going to ask about --  
12    you know, you heard Mr. Duncan testify.  Anything you  
13    want to add to the loan situation or the debt situation  
14    of the company?

15          A.     Yeah.  I think it's difficult to -- I would call  
16    that more of an accounts payable.  It's kind of a demand  
17    note more than -- it isn't evidenced by a note or any  
18    security pledged or anything like that.  It was just  
19    simply necessary to keep the doors open, this kind of  
20    infusion of money.  And there's been no interest accrued  
21    or anything like that.  And we've kept track of that  
22    number for all these years, so ....

23          Q.     So that's where that number comes from is, you  
24    kept track of monies that Mr. Bowden infused or injected  
25    into the Mountain Sewer to keep it running?

1 A. Correct, uh-huh.

2 Q. Okay. Thank you.

3 MR. SMITH: That's all the questions I have.

4 PRESIDING OFFICER DELANEY: Thank you.

5 Any cross-examination?

6 MR. GRECU: No questions.

7 PRESIDING OFFICER DELANEY: Thank you.

8

9 CROSS-EXAMINATION

10 BY PRESIDING OFFICER DELANEY:

11 Q. Mr. Wood, I have a follow-up on the question  
12 about the debt.

13 So what I just understood you to say is that,  
14 I'm assuming this has been maybe growing over time, that  
15 is there's been new infusions at different times over the  
16 years; is that accurate?

17 A. That's accurate, uh-huh.

18 Q. Then you have kept records as to when this new  
19 cash comes in, and it just continues to build; is that  
20 correct?

21 A. That's correct, uh-huh.

22 Q. So you do have dates of when these things --

23 A. Right.

24 Q. -- happened?

25 A. Correct, uh-huh.

1 Q. Okay. In the testimony, there is also a  
2 reference to private loans as well as to long-term  
3 obligations reflected in the balance sheet; are those two  
4 different things?

5 A. No, they're the same, I believe, uh-huh.

6 Q. Okay. Because in the main application -- which  
7 I know it's the main application, but it speaks to the  
8 interim rate -- it does use the phrase "private loans."

9 And you're testifying that those are  
10 Mr. Bowden's loans to the company?

11 A. That's correct. There's only one loan on the  
12 balance sheet, and it's to Mr. Bowden, uh-huh.

13 Q. Okay. So the phrase "private loans taken out to  
14 meet expenses," that's taken out from Mr. Bowden --

15 A. Correct.

16 Q. -- by the company?

17 A. Uh-huh.

18 Q. Okay.

19 A. An entity like this would have an enormous  
20 difficulty going to a bank and borrowing money. The bank  
21 would not -- they'd run scared from a loan like that. So  
22 the only option you have -- and local governments have  
23 the ability to issue revenue bonds to pay for  
24 infrastructure. But private companies are -- for a  
25 number of reasons, the banks don't want to loan them

1 money.

2 Q. Okay. And based on your recollection, you've  
3 been doing this work for Mountain Sewer since 2011,  
4 right?

5 A. That's correct.

6 Q. Do you remember back to 2011 if there was an  
7 outstanding balance at that point on this chunk of money?

8 A. I'm sure there was. I don't recall what it was,  
9 so yeah.

10 Q. Okay. Okay. I don't have anything further.

11 PRESIDING OFFICER DELANEY: Anybody else,  
12 redirect?

13 MR. SMITH: Nope.

14 PRESIDING OFFICER DELANEY: Okay. Thank you.

15 MR. SMITH: Okay. At this time, we'd like to  
16 call Chad Kramer as our next witness.

17 PRESIDING OFFICER DELANEY: Good morning,  
18 Mr. Kramer. Thanks for being here.

19 Do you swear to tell the truth?

20 THE WITNESS: I do.

21 PRESIDING OFFICER DELANEY: Okay. Thank you.

22

23 CHAD KRAMER,

24 was called as a witness, and having been first duly  
25 sworn to tell the truth, the whole truth, and nothing

1 but the truth, testified as follows:

2

3

DIRECT EXAMINATION

4

BY MR. SMITH:

5

Q. Okay. Would you state your full name and  
6 occupation for the record?

7

A. Yes, Chad Kramer. I work as an operator for  
8 Mountain Sewer.

9

10

Q. Okay. And you also work for Lakeview Water, I  
take it?

11

A. Yes, sir.

12

13

Q. Okay. And how long have you been employed by  
Mountain Sewer/Lakeview Water?

14

A. Since last year in August, September.

15

16

17

Q. Okay. And do you have experience  
operating water -- well, let's start with waste. We're  
here for Mountain Sewer wastewater systems.

18

A. I do, yes.

19

20

Q. And what is your experience operating wastewater  
systems?

21

22

23

24

25

A. Oh, just -- I've been in it over 20 years and  
accumulated my wastewater certifications. And just  
complied every year with drinking water standards and,  
you know, such as my CEUs. And I, you know, went down to  
rural water conferences every year and just tried to keep

1 up on the new and improved.

2 Q. Did you ever win anything down there?

3 A. Yes, I did.

4 Q. They do give prizes there. I was just --

5 A. Yes. Yes.

6 Q. They just had their conference. I spoke at it  
7 on Friday. And one of the things they do to keep people  
8 there to the very end is they have all these great  
9 raffles with these great prizes. And they wait until --  
10 that's the very last thing, and you have to be present to  
11 win. So you can't skip out into the nice weather of  
12 St. George. But anyway, that was a joke, but ....

13 So tell me about your wastewater certifications.  
14 Is that issued by the State of Utah?

15 A. It is, yes, sir.

16 Q. And what is your level of certification?

17 A. Three, Level 3. Four is the highest. Four is  
18 based off of how many people you service and I've just  
19 never been in a big city that's for like Salt Lake City  
20 and big -- big -- more government.

21 Q. Okay. So Level 3 is the highest level that you  
22 can have operating this system?

23 A. Yeah. Yeah. Just overqualified for a small  
24 system like this, private.

25 Q. Okay. And where else have you -- I take it



1 you've worked other places doing water and wastewater.

2 A. Yes, sir.

3 Q. Can you just briefly tell us where else you've  
4 worked?

5 A. Yeah, so I was always -- I worked for Magna  
6 Water for 15 years. And then just kind of moved on and  
7 went to smaller areas. I really loved the rural area.  
8 You know, it has its benefits. And I've been in Oakley  
9 City. I was the supervisor for water and wastewater  
10 there at in Oakley City.

11 And then I was at Morgan City, and I became the  
12 water supervisor at Morgan city.

13 Q. Okay. And then I take it that -- you just don't  
14 get a certification by filling out some form and giving  
15 it to the city. You gotta take a test and have  
16 experience; is that correct --

17 A. Yes.

18 Q. -- to have your certifications?

19 And so you passed your tests, I take it?

20 A. Umm-hmm, yes, sir.

21 Q. Okay. What is -- do you know why you're here  
22 today to testify?

23 A. Yes, sir, yep.

24 Q. What are you here to testify about?

25 A. I'm just here to also -- you know, my hat goes

1 off to Mr. Ray Bowden, just for what he's contributed and  
2 done, where I have always worked for a government entity.  
3 And knowing somebody out there that cares about, you  
4 know, drinking water and, you know, his wastewater.

5 And I did my diligence before I got hired on  
6 full time, is I looked into the system with the drinking  
7 water division just to see about red flags and things.  
8 And boy, he's kept up on everything. So it's made it  
9 real easy to transfer over to the private side because  
10 that is a little scary, just the liabilities and things  
11 like that.

12 Q. Okay. And how would you describe the Mountain  
13 Sewer system condition of the system at this time?

14 A. Yeah, really good. There's some upgrades that  
15 were taking place with the SCADA system on, just  
16 notifying a problem within seconds. You know, the SCADA  
17 system is -- you know, everything is improved every year  
18 through computers and technology. And so I -- when I  
19 came on, we talked about improving those things just  
20 because of the lagoons and the lift stations are so very  
21 close to, you know, drinking water. And so we just want  
22 to make sure that we got all our ducks in a row to --

23 Q. And what are some of the improvements to the  
24 sewer system have you been involved in since you went to  
25 work there last fall?

1           A.     So what we've been improving is the SCADA  
2     system, and then also just trying to make sure that  
3     Legacy and -- you know, that new growth is going to, you  
4     know, comply with our old stuff.  And we're upgrading  
5     that because it does bring, you know, more of a level,  
6     you know, of, like, a catch basin for the lift stations  
7     and things like that.  So we've been in with the  
8     engineering, trying to figure out what the best pumps are  
9     to -- for applicant -- you know, application of Legacy to  
10    bring in the growth, so --

11           Q.     Do you have any planned improvements to make to  
12    the sewer system at the current time?

13           A.     Yes, we do have some in place.  I don't have it  
14    presented.  I apologize.  We just got with the engineer  
15    in trying to -- we did buy some new lift station pumps to  
16    comply with the new growth and to keep up on, you know --

17                    Because what happens is you flush the toilet up  
18    on the hillside, and it flows down to our lift stations.  
19    Then lift stations, they have a level that they go off  
20    of, and they kick on and pump it up to the lagoons, up to  
21    Old Basin Road.  And so we're just trying to -- so much  
22    is in take with the pumps.  You have to have the  
23    horsepower, you know, your brake power, the elevation of  
24    all that to fit the right pumps.

25           Q.     And can you -- you know I -- when you say

1 "SCADA," I know what you mean because --

2 A. Yes. Yes.

3 Q. -- I've wasted my life on things like that.

4 A. It's just a lot of computer. Everything's --  
5 it's like a brain inside that lift station that tells  
6 you --

7 Q. It takes -- it takes measurements continuously  
8 and then feeds to a computer --

9 A. Yes.

10 Q. -- and that way, you know what's happening on  
11 real time --

12 A. Yep. Yep.

13 Q. -- instead of having to go, like, read a meter  
14 or look at a --

15 A. Yeah. Yeah. So one thing about it is, is this  
16 isn't just a job from 8:00 to 5:00, correct? It's a job,  
17 it's 24/7. I'm responsible for the sewer to get pumped  
18 and to get up to the lagoons all night, every weekend, to  
19 make sure that operations are, you know, correct and  
20 running.

21 Q. You work full-time, obviously --

22 A. Yes.

23 Q. -- for these companies?

24 Do you have any help?

25 A. Not too much here yet. We're planning on it.

1 We've contracted a SCADA guy, a computer guy, and he does  
2 all -- he does pumps. If I take any time off, he lives  
3 in Huntsville, and he helps us, you know, run it until I  
4 get back. So that's how we're operating as of right now.

5 Q. Okay. Are you familiar with -- let's talk about  
6 this Legacy Mountain addition, the new area.

7 A. Uh-huh.

8 Q. Have you been involved in inspecting its  
9 facilities that they're going to be dedicating to the  
10 company?

11 A. Yes, sir.

12 Q. And tell me about what you found. Are they  
13 meeting your --

14 A. They've done a really good job. They hired  
15 Geneva to do the infrastructure of the whole design.  
16 And, well, I've been around, obviously, you know, a  
17 handful of places. And they did a really good job on,  
18 you know, meeting AWWA standards in drinking water and on  
19 the sewer end. So we have a little punch list that we're  
20 working through to get things corrected with Legacy just  
21 to be up on -- to be in compliance with the state. So  
22 we're finishing wrapping them up as soon as we can get  
23 the snow to melt.

24 Q. Well, hopefully not for a while. We still need  
25 some more. But that's another story.

1           Any benefits from the addition do you see will  
2 be of benefit to the existing customers by the addition  
3 of the Legacy Mountain subdivision?

4           A.    Yes, it's nice that, you know, the improvements  
5 are done correctly and right.  And as we know, everything  
6 is growing.  Where is everybody going to go in five, ten  
7 years?  And having a contractor, you know, come in and  
8 provide all the right stuff instead of trying to scab,  
9 you know, the least amount as possible.  They used really  
10 good equipment and high -- you know, we have a booster  
11 station up there that they put in.  And yeah, as far as  
12 everything, it's really good, so ....

13          Q.    Now going back -- just go back to the system as  
14 a whole, your system is regulated by the Division of  
15 Water Quality, the sewer system, correct?

16          A.    Yes, sir.

17          Q.    Are you meeting all the standards, as far as you  
18 know, of the --

19          A.    Yes, sir, yeah.

20          Q.    Okay.  Then also, you heard Mr. Duncan testify  
21 about some poll -- not poll, what is it?  You went out  
22 and counted --

23          A.    Yeah, uh-huh, individuals, all the accounts that  
24 we had and then also all the unimproved and approved lots  
25 that we -- that they have.  And, you know, went through

1 just house by house to make sure we had all our accounts.

2 Q. So you want to make sure you had the right count  
3 of not only connections, because we have some with  
4 multiple units, but units and also future connections,  
5 right?

6 A. Yes, sir, correct.

7 Q. And you did that work?

8 A. Yeah.

9 Q. And as far as you know, did you do it as  
10 accurately as you could?

11 A. Yes, sir.

12 Q. And that's the information that you provided  
13 Mr. Duncan that he used as a basis for his testimony,  
14 right?

15 A. Yep. Yep.

16 Q. Okay. Anything else you'd like to say?

17 A. No. Just thank you.

18 Q. Okay.

19 MR. SMITH: That's all the questions I have.

20 PRESIDING OFFICER DELANEY: Would you like to  
21 move for his prefiled testimony?

22 MR. SMITH: Oh, I would. Move for admission of  
23 his -- prefiled testimony of Chad Kramer.

24 PRESIDING OFFICER DELANEY: Any objections?

25 MR. GRECU: No objections.

1 PRESIDING OFFICER DELANEY: Motion granted.

2 Any questions?

3 MR. GRECU: No questions.

4

5 CROSS-EXAMINATION

6 BY PRESIDING OFFICER DELANEY:

7 Q. Mr. Kramer, thanks for coming. I've got one  
8 question, and perhaps I should have posed it to  
9 Mr. Duncan, but we can go back there.

10 A. Okay.

11 Q. Do you know when Mountain Sewer will take  
12 possession of the LME assets?

13 A. I'm thinking it should be around midsumertime.  
14 You know, there's some little small things. We have a  
15 little punch list that they need to upgrade, and then --  
16 you know, unfortunately, there's six feet of snow. They  
17 can't do a whole bunch with it with the weather. It will  
18 be probably towards the midsummer.

19 Q. July 2023? August?

20 A. Maybe August, yes, sir.

21 Q. Okay.

22 A. Maybe towards August. And we've been working  
23 with Weber County as well, and they're aware of the punch  
24 list that I brought to their attention to be fixed. And  
25 so we hope that, 100 percent, there we take over and be



1 able to get that --

2 Q. Great. Thank you.

3 A. -- in August.

4 Yes, sir.

5 PRESIDING OFFICER DELANEY: I don't have any  
6 other questions.

7 MR. SMITH: Those are all of our witnesses for  
8 today's hearing.

9 PRESIDING OFFICER DELANEY: Okay. Thank you all  
10 for coming.

11 Why don't we turn to the Division.

12 MR. GRECU: The Division would like to call  
13 Joanna Matyjasik.

14 PRESIDING OFFICER DELANEY: Good morning still,  
15 Mrs. Matyjasik.

16 Do you swear to tell the truth?

17 THE WITNESS: Yes.

18 PRESIDING OFFICER DELANEY: Thank you.

19

20 JOANNA MATYJASIK,  
21 was called as a witness, and having been first duly  
22 sworn to tell the truth, the whole truth, and nothing  
23 but the truth, testified as follows:

24

25

DIRECT EXAMINATION

BY MR. GRECU:

Q. Could you please state and spell your name.

A. Joanna Matyjasik, J-O-A-N-N-A,  
M-A-T-Y-J-A-S-I-K.

Q. And who is your employer?

A. The Division of Public Utilities.

Q. And your title?

A. Utility analyst.

Q. And what is your business address?

A. 160 East 300 South, Heber Wells Building,  
Fourth Floor, Salt Lake City, Utah.

Q. And have you participated in this docket on  
behalf of the division?

A. Yes.

Q. Did you prepare and cause to be filed or  
participate in the preparation and filing of the  
Division's Action Request Response filed on  
February 22nd, 2023, in this docket?

A. Yes.

Q. And do you have any changes or corrections to  
the Division's Action Request Response?

A. No.

Q. And do you adopt that filing as part of your  
testimony today?

1 A. Yes.

2 MR. GRECU: I'd like to move for admission of  
3 the Division's Action Request Response that was filed  
4 with the Commission on February 22nd, 2023.

5 PRESIDING OFFICER DELANEY: Any objections?

6 MR. SMITH: No objection.

7 PRESIDING OFFICER DELANEY: Motion granted.

8 Q. (BY MR. GRECU:) And do you have a summary to  
9 share with us today?

10 A. I do.

11 Q. Please proceed.

12 A. The Division has performed a preliminary review  
13 of Mountain Sewer's application for interim rate increase  
14 and its application for general rate increase, including  
15 the applications, exhibits, and testimonies.

16 The Division wishes to bring to the Commission's  
17 attention that Mountain Sewer's last rate increase became  
18 effective on October 30th, 2012, in Docket Nos.  
19 11-097-01, 11-097-02, and 11-097-03.

20 Since Mountain Sewer's last rate increase, the  
21 inflation rate was approximately 27.5 percent. The  
22 interest rate requested is a 26.5 percent increase.

23 Due, in part, to inflation and increased  
24 maintenance on its aging infrastructure, both Mr. Ray  
25 Bowden and Mr. William Duncan testified that Mountain

1 Sewer has operated at a loss over the past three years,  
2 creating the need for an immediate increase until the  
3 final rates are approved.

4 Based on the overall body of information filed,  
5 Mountain Sewer has made an adequate prime fascia showing  
6 that the requested interim rate increase is justified.  
7 Mountain Sewer's existing sewer rates are inadequate, and  
8 the proposed interim rates are necessary, reasonable, and  
9 are more likely to reflect actual sewer costs than  
10 current rates.

11 Any approved interim rates are subject to the  
12 Commission's right to order a refund or surcharge.

13 In conclusion, the Division believes that the  
14 requested interim rates are just and reasonable and in  
15 the public interest, and recommends that the Commission  
16 approve the interim rates as filed in Mountain Sewer's  
17 application for interim rate increase.

18 MR. GRECU: I have no further questions.

19 PRESIDING OFFICER DELANEY: Cross-examination?

20 MR. SMITH: No questions.

21 PRESIDING OFFICER DELANEY: I have a question.

22  
23 CROSS-EXAMINATION

24 BY PRESIDING OFFICER DELANEY:

25 Q. I'm looking at the office -- the response to the

1 action request. And I think this answers the question.

2 But earlier there was some testimony regarding  
3 the tariff amount. Exhibit B of the application was that  
4 the tariff amount has it at 84.25. And it appears that  
5 that was not accurate, it should be \$68.

6 Is that the number you used in your analysis,  
7 the \$68, in making your analysis and concluding that it  
8 was just and reasonable to go up to 86 as a proposed  
9 interim rate? I can repeat that if it was unclear.

10 A. Correct, the 68 was used.

11 Q. Okay. And if I understand your testimony, the  
12 bases for your recommendation include the inflation rate  
13 as it currently exists relative to the percentage of the  
14 cost of the proposed rate increase; is that right, one  
15 basis?

16 A. Yes.

17 Q. Okay. And then also aging infrastructure, that  
18 was another reason?

19 A. Correct.

20 Q. Okay. Is there anything in particular,  
21 specific, other than just aging infrastructure that you  
22 can identify from your analysis?

23 A. The SCADA upgrades that are necessary.

24 Q. Okay. And when are those going to be -- when  
25 are those going to occur, do you know?

1 A. I am not sure.

2 Q. Okay. Great. That's all I have.

3 PRESIDING OFFICER DELANEY: Any redirect or  
4 cross?

5 MR. SMITH: No.

6 MR. GRECU: No.

7 PRESIDING OFFICER DELANEY: Okay.

8 MR. SMITH: If you'd like more information on  
9 SCADA, I can have testimony from one of the other  
10 witnesses talk about at least the timing of our SCADA  
11 improvements, if that would be helpful.

12 PRESIDING OFFICER DELANEY: Yeah, I think that  
13 would be helpful. Mr. Kramer is testifying?

14 MR. KRAMER: Yeah. We're working on them as of  
15 right now, and we hope to have them in by July.

16 PRESIDING OFFICER DELANEY: 2023?

17 MR. KRAMER: Yeah. That's if all the parts and  
18 everything -- with the water industry, the parts are  
19 really hard to get, and so we're just trying to order  
20 everything and get it all up and running by July.

21 PRESIDING OFFICER DELANEY: Okay. Thank you.

22 MR. KRAMER: Thank you.

23 PRESIDING OFFICER DELANEY: Very helpful.

24 Okay. Any other witnesses?

25 Okay. Any closing remarks? You don't have to.

1 MR. SMITH: Well, I'll be -- yeah, I'll just be  
2 very brief.

3 We think we've met the standards showing that  
4 the interim rate request is necessary and reasonable.  
5 Obviously, the Commission is empowered to allow that  
6 under the conditions of the statute. And just ask the  
7 Commission to grant our interim rate request.

8 PRESIDING OFFICER DELANEY: Thank you.

9 Anything from the Division?

10 MR. GRECU: Nothing from the Division.

11 PRESIDING OFFICER DELANEY: Okay. Nothing  
12 further from me. So we will adjourn. Thank you very  
13 much for being here. And we'll see you soon.

14 (The matter concluded at 10:30 a.m.)

15

16

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CERTIFICATE

State of Utah )

ss.

County of Salt Lake )

I, Michelle Mallonee, a Registered Professional Reporter in and for the State of Utah, do hereby certify:

That the proceedings of said matter was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said proceedings so taken and transcribed;

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

WITNESS MY HAND at Salt Lake City, Utah, this 20th day of March 2023.



Michelle Mallonee, RPR, CCR

Utah CCR #267114-7801

Expires May 31, 2024



[100 - appearances]

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[testimonies - welcome]

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Utah Rules of Civil Procedure  
Part V. Depositions and Discovery  
Rule 30

(E) Submission to Witness; Changes; Signing.  
Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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