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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application of Lakeview )  
Water Corporation for )  
Interim Rate Increase and )  
General Rate Increase )  
 ) DOCKET NO. 22-540-01  
 )  
----- )

Public Hearing  
Taken on Thursday, August 24, 2023  
At 9:01 a.m. MT

At Heber M. Wells Building  
160 East 300 South  
Room 403  
Salt Lake City, Utah 84111

Reported by: Brooke Simms, RPR, CCR, CSR

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A P P E A R A N C E S

The Public Service Commission:  
Presiding Officer John Delaney

For The Division of Public Utilities:

Patrick Greco  
Patricia Schmid  
UTAH ATTORNEY GENERAL'S OFFICE

For Lakeview Water Corporation:  
J. Craig Smith  
Jennifer Bowen-Crockett  
SMITH HARTVIGSEN, PLLC

Also Present:

Melissa Paschal  
William Duncan  
Ray Bowden (online)  
Lynn Wood (online)  
Mark Long

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I N D E X

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1 PROCEEDINGS

2 -o0o-

3 PRESIDING OFFICER: Good morning, everyone.  
4 My name is John Delaney, and I'm the Commission's  
5 designated presiding officer for this hearing.

6 Today is August 24th, 2023, and it's  
7 approximately 9:00 a.m., and this is the date and time  
8 that is scheduled for the evidentiary hearing on the  
9 application of Lakeview Water Corporation for a general  
10 rate increase in Docket Number 22-540-01. And we're  
11 here to consider the settlement stipulation filed by the  
12 parties.

13 Okay. Why don't we start with appearances,  
14 beginning with the applicant, please?

15 MR. SMITH: Thank you. Craig Smith and  
16 Jennifer Bowen-Crockett on behalf of the applicant.

17 PRESIDING OFFICER: For the Division?

18 MR. GRECU: Good morning. Patrick Grecu and  
19 Patricia Schmid with the Attorney General's Office  
20 representing the Division, and our witness today is Mark  
21 Long.

22 PRESIDING OFFICER: Okay. Thank you very  
23 much.

24 Mr. Smith, what -- who -- who do you have as a  
25 witness or witnesses today available?

1 MR. SMITH: Today we have Mr. --

2 MR. DUNCAN: Duncan.

3 MR. SMITH: -- William Duncan as our  
4 consultant. We also have with us -- virtually we have  
5 Mr. Ray Bowden, who's the owner of the applicant, and we  
6 also have Mr. Lynn Wood, who is a CPA and is the  
7 accountant for the applicant, and he's also here  
8 virtually.

9 PRESIDING OFFICER: Great. Thank you very  
10 much.

11 Okay. So before we begin, I want to address  
12 a -- well, let me ask you all, are there any preliminary  
13 matters that you would like to raise?

14 MR. SMITH: None.

15 PRESIDING OFFICER: Okay. I have a  
16 preliminary matter I would like to raise. You've heard  
17 this before, but for this record we'll do it again,  
18 which is issues regarding confidentiality. We are  
19 streaming this proceeding live, and if there is any  
20 question about information that will be disclosed at  
21 this hearing that a party believes is confidential, it  
22 is that party's obligation to raise that prior to  
23 disclosing it in the open forum.

24 If a party does believe that there is  
25 confidential information that needs to be disclosed,

1 bring that to everyone's attention in advance, and then  
2 we will then proceed to determine the extent of the  
3 confidential nature of that information, and we can do  
4 that off the record. But the party who is claiming  
5 confidential information will have to show that it's  
6 confidential under the law because this is an open  
7 proceeding.

8 And if confidential information is provided  
9 and has not been so flagged, it's going to be out there.  
10 So it will be no longer confidential. It's a long way  
11 of me saying if you really don't need to use what you  
12 might think is confidential, try not to use it. But if  
13 you do need to use it, there's ways we can figure out  
14 how to go about making the initial determination and  
15 then proceeding from there.

16 Any questions on that?

17 Okay. Well, I think we're ready to go. No  
18 preliminary matters from you all, and mine are out of  
19 the way. So why don't we start this, and we'll begin  
20 with the applicant.

21 MR. SMITH: Thank you. At this time we will  
22 call Mr. William Duncan as a witness.

23 PRESIDING OFFICER: Good morning, Mr. Duncan.  
24 How are you?

25 MR. DUNCAN: Good. Thanks.

1                   PRESIDING OFFICER: Good. Do you swear to  
2 tell the truth?

3                   MR. DUNCAN: Yes.

4                   PRESIDING OFFICER: Okay. Thank you. Please  
5 proceed.

6                                   WILLIAM DUNCAN

7                   was sworn and testified as follows:

8                                   DIRECT EXAMINATION

9 BY MR. SMITH:

10           Q. Could you start out by just stating your name  
11 and address?

12           A. William Duncan. 495 East 500 North,  
13 Centerville, Utah.

14           Q. Okay. And what is your role here today?

15           A. I was retained by Lakeview Water to develop  
16 rates that could be presented that would be just and  
17 reasonable and would allow Lakeview Water to cover --  
18 recover their cost of providing service to their  
19 customers.

20           Q. Thank you. And what's your background in  
21 water rate matters?

22           A. I was employed at the Utah Division of Public  
23 Utilities for 12 years, and during that time I oversaw  
24 several rate cases in -- with regulated water companies.

25           Q. Okay. And when you said what you were

1 retained for, did you, in fact, do that task of  
2 developing rates?

3 A. Yes, I did.

4 Q. And my understanding -- that we have a -- that  
5 Lakeview Water has entered into a stipulation with the  
6 Division of Public Utilities; is that correct?

7 A. That's correct.

8 Q. And could you briefly describe the  
9 stipulation?

10 A. Yes. After we filed our rates in -- the rate  
11 request in January 2023, there was -- we also filed for  
12 an interim rate, and that interim rate hearing was held  
13 in March, and that was approved.

14 And then over the course of the next several  
15 months, I worked with the Division of Public Utilities  
16 to help them understand my exhibits and how I came to  
17 the conclusions I did and to discuss any differences  
18 that may have existed.

19 At the end of July 2023 -- I think it was the  
20 29th of July -- the Division of Public Utilities filed  
21 their recommendation. I reviewed their recommendation  
22 and saw that it was relatively close to what we  
23 requested, and their -- the differences were minor and  
24 not worth disputing in court or in a hearing here. So  
25 we, at that point, decided to adopt the Division's



1 recommendation and stipulate that -- to their rate  
2 structure, and that was the basis for the stipulation.

3 Q. Okay. And does Lakeview Water support the  
4 stipulation?

5 A. Yes, it does.

6 Q. And, in your opinion, does the stipulation  
7 result in a -- recommending to the Commission rates that  
8 are just and reasonable?

9 A. Yes.

10 Q. And how about the rules that are also found in  
11 the -- the -- the new Tariff Number 3?

12 A. Yes. The tariff is much more extensive than  
13 the previous tariff and I feel covers all of the things  
14 that need to be addressed between the customers and the  
15 company and that it reflects the Public Service  
16 Commission administrative rules and it includes those.  
17 So I feel like the tariff is also reasonable and can be  
18 approved at this time.

19 Q. Thank you. Now, are you familiar with the  
20 rates and the tariff that was in place prior to the  
21 adoption of the interim rates that were adopted in this  
22 proceeding?

23 A. Yes.

24 Q. And when you reviewed those, did that -- did  
25 you -- did it raise any concerns?

1           A.    Well, yes.  After reviewing the rates and the  
2   financial statements that the Company -- that Lakeview  
3   Water supplies to the Public Service Commission every  
4   year, it was obvious that the rates were not generating  
5   enough revenue to cover costs.

6           Q.    And so that was -- was that resulting in  
7   having the company be subsidized by its owner?

8           A.    Yes.  Over the -- since 2011, when Mr. Bowden  
9   acquired the Company, he's had to subsidize the water  
10   company a substantial amount of money.

11          Q.    Okay.  And when was the last -- prior to the  
12   interim rates that were put in place as part of this  
13   proceeding, when was the last time prior to that that  
14   there had been a new rate established for Lakeview  
15   Water?

16          A.    It was -- it was actually a 2006 docket, as I  
17   remember, but it was approved -- I can't remember --  
18   2007 maybe, and it was phased in over a three-year  
19   phase-in.  So I think the last rate increase was around  
20   2010 or '9.

21          Q.    Okay.

22          A.    I would have to go back and read that docket,  
23   but it was -- it was quite a while ago.

24          Q.    So it had been a substantial period of time?

25          A.    Yes.

1 Q. And obviously there's been increase in costs  
2 of most everything since that time?

3 A. Yes, there has.

4 Q. And why were you concerned about the financial  
5 stability of the company with the rates that it had  
6 prior to the interim rates?

7 A. Well, it was unsustainable for a company to  
8 rely on subsidies from the owner. That's -- that can't  
9 go on forever and -- you know, ownership may change  
10 or -- or maintenance may not get completed as it should,  
11 you know. There's just a host of problems that can  
12 follow if they're not -- if they don't have sustainable  
13 rates.

14 Q. And a reserve or sinking fund -- I've heard it  
15 called different things -- is that something that's  
16 important for a water company like Lakeview?

17 A. Yes, it is. It's important to have some money  
18 held in reserve so that they can respond quickly to  
19 emergencies.

20 Q. How about moneys so they can replace  
21 facilities when they have passed their useful life?

22 A. That's important too and important to have  
23 money being put aside for replacement. It should have  
24 started a long time ago because their infrastructure is  
25 pretty old, and, you know, it might be working for now,

1 but I don't know how long it will last in the future.  
2 So it's important to start getting money set aside in a  
3 depreciation fund or a sinking fund.

4 Q. Okay. And do the -- do the rates that are  
5 recommended in the stipulation and proposed in Tariff  
6 Number 3 -- do they allow for the -- those funds --  
7 reserves to be -- to be saved?

8 A. Yes, they do.

9 Q. Anything else that you'd like to tell the  
10 Commission about the Lakeview Water and -- that you  
11 think would be helpful in this proceeding today?

12 A. I would just say that I think Mr. Bowden's  
13 done a good job of trying to get people who are  
14 qualified to run the system and -- and upgrades and  
15 technological things that will help make the system more  
16 reliable.

17 The operator that they recently hired is  
18 certified through the state to be a certified water  
19 operator, and that's important. And then they're  
20 investing in some equipment that will help monitor the  
21 system and keep it reliable so that if -- when things go  
22 wrong, that the operator will know immediately.

23 So those are the types of things that they're  
24 investing in, and I think those are good investments. I  
25 think they make the system more reliable and safer for

1 the rest of us there.

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

4 At this time I'd like to move for admission of  
5 the prefiled testimony of Mr. Bowden and Mr. Wood and  
6 Mr. Duncan that was filed in support of the prior --  
7 that was prefiled in support of the interim rate  
8 proceeding.

9 PRESIDING OFFICER: Any objections?

10 MR. GRECU: No objection.

11 PRESIDING OFFICER: Okay. The motion is  
12 granted.

13 MR. SMITH: And I have no further questions  
14 for this witness.

15 PRESIDING OFFICER: Okay. Division, any  
16 questions for you of this witness?

17 MR. GRECU: No questions.

18 PRESIDING OFFICER: Okay. I do have a couple  
19 of questions, and let's just keep it with you. I don't  
20 know that Mr. Duncan is right the witness. So maybe  
21 Mr. Bowden can answer the questions, or Mr. Wood.

22 So the first question is with respect to  
23 paragraph 17 of the stipulation. And about the third  
24 sentence down it addresses a notion of customers being  
25 allowed three months to pay the additional charges that

1 they're going to be obsessed -- assessed. So my  
2 question to begin with -- well, let me just list them  
3 all off.

4 How are they going to be notified that they  
5 have to request this and that it's not just automatic?  
6 How long will they have, customers, to make this  
7 election? And is there a particular form, for example,  
8 oral versus written, that a customer must use to make  
9 such a request?

10 MR. SMITH: I think either Mr. Bowden or  
11 Mr. Wood are probably the best to answer those  
12 questions.

13 PRESIDING OFFICER: Okay. Why don't you let  
14 me know who it is and I'll swear them in.

15 MR. SMITH: Okay.

16 PRESIDING OFFICER: Counsel, why don't you  
17 direct one of them to answer instead of waiting for them  
18 to say.

19 MR. SMITH: That's probably a good idea.  
20 Thank you.

21 Mr. Bowden, do you want to respond to those  
22 questions, or do you want Mr. Wood to?

23 MR. BOWDEN: I think we can, you know, answer  
24 those questions for you.

25 MR. SMITH: Okay. Well, you need to get sworn

1 in first as a witness, and then you can respond to the  
2 questions.

3 PRESIDING OFFICER: So who -- who -- who am I  
4 swearing in?

5 MR. BOWDEN: Ray Bowden.

6 PRESIDING OFFICER: Okay, Mr. Bowden. Good  
7 morning. Thank you for being here.

8 Do you swear to tell the truth?

9 MR. BOWDEN: I do.

10 PRESIDING OFFICER: Thank you very much. You  
11 may proceed, unless you'd like me to ask the questions  
12 again.

13 MR. BOWDEN: We -- we're okay.

14 PRESIDING OFFICER: Okay. Please go ahead.

15 RAY BOWDEN

16 was sworn and testified as follows:

17 MR. BOWDEN: What we're going to do is on the  
18 next billing cycle, we're going to put a letter in there  
19 explaining how long they have to make any adjustments  
20 and why they were made, and they can either respond in  
21 written or phone calls.

22 PRESIDING OFFICER: Okay.

23 MR. SMITH: And let me ask a follow-up  
24 question --

25 PRESIDING OFFICER: Yeah, please.

1 MR. SMITH: -- if that's okay.

2 DIRECT EXAMINATION

3 BY MR. SMITH:

4 Q. And that -- that letter is going to explain  
5 that they have three months to pay this correction  
6 amount, you know, the -- the truing-up -- I'll call it a  
7 truing-up payment. Is that -- is that accurate?

8 A. Yes.

9 Q. And it will tell them how much the trueing-up  
10 payment is and -- and, you know, if they just want to  
11 have three months, they can ask either verbally or in  
12 writing to have three months to pay that over a 3-month  
13 period; is that correct?

14 A. That's correct.

15 PRESIDING OFFICER: Okay. Any follow-up  
16 questions from the Division on that issue?

17 MR. GRECU: No questions.

18 PRESIDING OFFICER: Okay. Thank you very much  
19 for answering that question -- or those series of  
20 questions. Let me ask you this also.

21 EXAMINATION

22 BY PRESIDING OFFICER:

23 Q. Paragraph 21B and C of the stipulation talk  
24 about your communications with your customers about the  
25 rate case, and both those paragraphs invite -- state

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1 that you invited customers to call and ask any questions  
2 of the company. Any questions asked from customers?

3 A. No.

4 Q. I'm sorry. I didn't hear.

5 MR. SMITH: Will you say that again, Ray?

6 A. That's a no.

7 PRESIDING OFFICER: Thank you very much.

8 Okay. I do have a couple of questions about  
9 the stipulation, but I think since the Division filed  
10 the latest one, it'd probably be better posed to you  
11 all. If I need to come back to you, I will. But I will  
12 ask a general question, first, of -- of the water  
13 company.

14 Paragraph 13 of the stipulation, and if you --  
15 if you all can't answer and need the Division to answer,  
16 that's fine.

17 MR. SMITH: Okay.

18 PRESIDING OFFICER: Paragraph 13 of the  
19 stipulation has a chart as it relates to the proposed  
20 rate increase pursuant to this settlement. Do you see  
21 that?

22 If -- if I compare that to the tariff,  
23 specifically the -- the redline -- non-redline -- the  
24 one that is in red, although not a redline, which I take  
25 is a brand new tariff, on page T3, I'm curious why

1 what's in paragraph 13 does not include that which is  
2 included in the tariff page T3 that looks exactly the  
3 same almost. The stipulation doesn't talk about turn-on  
4 or turn-off fees.

5 MS. BOWEN-CROCKETT: Yeah. I can answer that.  
6 Sorry. This is Jennifer Bowen-Crockett, for the record.

7 When we were looking at reviewing -- doing the  
8 last reviews of the tariff, we noticed that that turn-on  
9 and turn-off fee was in the sewer company tariff but not  
10 in the water company tariff, and that is something that  
11 we failed to include. So when we talked with the  
12 Division, they agreed to include it in the final tariff.

13 PRESIDING OFFICER: Okay. So it's correctly  
14 in the tariff and incorrectly omitted from the  
15 settlement agreement?

16 MR. GRECU: Correct.

17 PRESIDING OFFICER: Okay. I guess let me get  
18 a witness's testimony instead of a lawyer's testimony.

19 Is what Ms. Crockett -- is it  
20 Bowen-Crockett? -- Bowen-Crockett just discussed,  
21 Mr. Bowden, about the paragraph 13 of the stipulation --  
22 is that accurate, as far as you know?

23 MR. BOWDEN: It is.

24 PRESIDING OFFICER: Okay. Thank you. Okay.  
25 Well, the tariff will govern. So it doesn't matter too

1 much. I just wondered if there was a purposeful  
2 inconsistency or not. So thank you for answering that  
3 question. And then I will just address the other tariff  
4 questions, I guess, to the Division at this point.

5 Okay. Thanks for engaging in my keeping a  
6 clean record clean exercise. There might be some more  
7 of that.

8 MR. SMITH: Thank you.

9 PRESIDING OFFICER: I don't have anything  
10 further for the company.

11 MR. GRECU: Since we're discussing elements of  
12 the stipulation, the Division would like to move to  
13 amend paragraph 6 to indicate that the company's last  
14 general rate increase was in 2010 because it currently  
15 says the "last rate increase," and there was an interim  
16 rate increase in March of this year.

17 PRESIDING OFFICER: Thank you. I was going to  
18 ask you about that, but since you've made that motion,  
19 any objection?

20 MR. SMITH: No objection.

21 PRESIDING OFFICER: Okay. The motion is  
22 granted. We will amend to include "general" before the  
23 word "rate" and after the word "last," paragraph 6.  
24 Thank you.

25 Why don't we go to the Division now and have

1 you put on your side of the case.

2 MR. GRECU: The Division would like to call  
3 Mark Long as its witness.

4 PRESIDING OFFICER: Good morning, Mr. Long.  
5 How are you?

6 MR. LONG: Good.

7 PRESIDING OFFICER: Good. Do you swear to  
8 tell the truth?

9 MR. LONG: Yes.

10 PRESIDING OFFICER: Thank you.

11 MARK LONG

12 was sworn and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. GRECU:

15 Q. Mr. Long, could you please state and spell  
16 your name for the record?

17 A. Yes. My name is Mark Long, M-a-r-k L-o-n-g.

18 Q. And what is your position with the Division?

19 A. I'm a utility technical consultant.

20 Q. And what is your business address?

21 A. 160 East 300 South, Salt Lake City, Utah.

22 Q. Have you participated in this docket on behalf  
23 of the Division?

24 A. Yes, I have.

25 Q. Did you review the company's application for a

1 rate increase and its prefiled testimony and exhibits?

2 A. Yes.

3 Q. And did you assist in the preparation and  
4 filing of your direct testimony and Exhibits 2.1 through  
5 2.10 that were filed on June 29th, 2023?

6 A. Yes, I did.

7 Q. And do you have any changes or clarifications  
8 to any of those exhibits?

9 A. Yes, on Exhibit 2.2.

10 PRESIDING OFFICER: Mr. Long, I'm going to ask  
11 you to go really slow through this because you may be  
12 hitting things that I'll want to hit later.

13 MR. LONG: Okay.

14 PRESIDING OFFICER: So we stay on the same  
15 page. Thank you. I know you will, but just --

16 MR. LONG: Okay.

17 PRESIDING OFFICER: Thanks.

18 MR. LONG: I'd just like to offer a  
19 clarification on that. In the Division's Exhibit 2.2,  
20 it indicates that expenses are allocated by a 70-30  
21 split among connected and standby customers. I've  
22 reviewed that -- that template in Exhibit 2.2 and  
23 discussed it with other Division staff, and it appears  
24 as though the Excel formula and results don't reflect a  
25 true 70-30 split. However, the proposed rates cover all

1 company costs and provide them an opportunity to earn a  
2 rate of return and also fund the capital reserve  
3 account.

4 As part of the settlement stipulation, the  
5 proposed rates are taken -- are a compromise and have  
6 been agreed to by all parties. Taken as a whole and  
7 consistent with Utah Code 54-7-1, it is the Division's  
8 testimony that the rates in the exhibit and stipulation  
9 are just, reasonable, and in the public record.

10 PRESIDING OFFICER: Thank you for that  
11 clarification. I want to follow up with you in a  
12 second, but any objection or disagreement with what was  
13 just testified to with respect to Exhibit 2.2?

14 MR. SMITH: No objection.

15 PRESIDING OFFICER: Okay. And so if I could  
16 just put it in my plain language, because I think you  
17 hit everything, the ratio here is what's been agreed  
18 to -- if I call it a ratio. 70-30 is a ratio, and that  
19 was -- that was an erroneous inclusion. The end result  
20 is what has been agreed to by the parties regardless of  
21 the 70-30 split, 90-10 split; correct?

22 MR. LONG: That is correct.

23 PRESIDING OFFICER: Okay. Great. I may have  
24 just made it more money, but thank you.

25 You can continue, if there's anything else.

1 Q. (BY MR. GRECU) So with that clarification, do  
2 you adopt those filings as part of your testimony today?

3 A. Yes, I do.

4 MR. GRECU: At this point I'd like to move to  
5 admit Mr. Long's testimony and Exhibits 2.1 through 2.10  
6 filed on June 29th, 2023.

7 PRESIDING OFFICER: Any objections?

8 MR. SMITH: No objections.

9 PRESIDING OFFICER: Okay. A couple of  
10 questions on that, and this is, again, in the effort to  
11 keep this as clean as possible.

12 EXAMINATION

13 BY PRESIDING OFFICER:

14 Q. I'd like you to -- do you -- you have your  
15 testimony in front of you; right? Well, excuse me.

16 Will you get your testimony in front of you?

17 A. Okay.

18 Q. And some of these questions are -- you know,  
19 I'm trying to reconcile these things, but a couple of  
20 others are going to be housekeeping things for purposes  
21 of the record.

22 So if you'll look at page 16 in your  
23 testimony, line 28 -- or sorry -- line 328, and just let  
24 me know when you're there.

25 A. Okay.

1 Q. You -- there's a number there of \$1,642.40.

2 Do you see that?

3 A. I do.

4 Q. And if you then go to the next page, page 17,  
5 and you look in the lower right-hand corner, first line,  
6 for example, it says 1,495.

7 A. I see that. That's obviously a --

8 Q. Is that an error? I didn't know if there's --

9 A. Yes.

10 Q. Okay. So the error is where in -- I think  
11 it's on the previous page; right? On page 16?

12 A. I believe it is, yeah.

13 Q. Well, let's --

14 A. Let me look at the --

15 Q. Yeah. Take a second. And I will represent  
16 that the 1,495 is what is in the August 22nd tariff  
17 filing.

18 A. Okay. Well, I apologize that 1,642 --

19 Q. That's okay.

20 A. -- was an error.

21 Q. No need to apologize. I just want to make it  
22 clear. Okay. So that should read 1,495 on line 328 as  
23 opposed to 1,642?

24 A. Correct.

25 Q. Great. Thank you. If you look at page 22.



1 Really it's the heading on line 446 and then the  
2 narrative that continues question and answer through  
3 450. If you'll take a minute to read that. I just want  
4 to ask you, given the stipulation and the different  
5 iterations of the tariff that we've got, especially in  
6 this case, is that testimony still accurate?

7 A. No, it's not.

8 Q. Okay. Would you like to make accurate  
9 testimony in response to that question, or do you want  
10 to strike that?

11 A. Well --

12 Q. Why don't --

13 A. The question asks, "Other than updating the  
14 new rates and fees, has Lakeview requested any  
15 additional fees or charges in Tariff Number 3?" And the  
16 correct answer would be, yes, it has. There's a turn-on  
17 and turn-off fee for a hundred dollars that was added  
18 that wasn't on the previous tariff.

19 Q. Okay. So would that testimony then replace  
20 what is otherwise testified to on 44 -- lines 449 and  
21 450?

22 A. Yes, please.

23 Q. Great. Thank you. Bear with me folks.

24 If you'll look at your -- if you look at --  
25 I'm going to do some cross referencing between -- with

1 respect to Exhibit 2.2 and then the narrative provided  
2 on Exhibit 2.2A. I think I understand what this is, but  
3 for the record I want to make sure that it is right.

4 So if you'll look at 2.2A, and do you see  
5 that's sort of the narrative that explains 2.2, the  
6 numbers? And we'll just take it kind of from the top to  
7 bottom. There's a -- there's a heading that says "fixed  
8 monthly rates." Do you see that?

9 A. Are you looking at the --

10 Q. I'm sorry on --

11 A. -- the notes or the --

12 Q. Yeah, on the notes. 2.2A.

13 A. And what was the heading again?

14 Q. "Fixed monthly rates."

15 A. Yes, I see that.

16 Q. Okay. That makes reference to lines 20 to 38.  
17 Do you see that?

18 A. Yes, I do.

19 Q. And I don't see a line 38 on Exhibit 2.2. So  
20 the question is, is 2.2 missing something that is line  
21 38, because it only goes through line 37?

22 A. I believe the -- the line numbers are just  
23 incorrect.

24 Q. Okay. So back to Exhibit 2.28 -- or 2.2A,  
25 your narrative should otherwise say lines 20 to 37?

1 A. That's correct.

2 Q. There's nothing missing on Exhibit 2.2?

3 A. That's correct.

4 Q. Okay. Okay. Continue down on line -- on  
5 Exhibit 2.2A please, and if you'll look at the heading  
6 "Billing." Do you see that?

7 A. Yes, I do.

8 Q. Okay. That makes reference to lines 46 to 53  
9 and --

10 A. And that really should be 46 through 50.

11 Q. Okay.

12 A. I apologize for that.

13 Q. Okay. So, again, it's just the narrative --

14 A. Yes.

15 Q. -- is inaccurate?

16 A. Yes.

17 Q. Okay. Okay. Well, I think I know the answers  
18 to the next question, but we're going to have to run  
19 through it to get it on the record.

20 I'm now looking at Exhibit 2.3 and its  
21 accompanying narrative of 2.3A.

22 A. Okay.

23 Q. And if you look at the narrative 2.3A, the  
24 heading reads, "Lines 12 and 13 salaries and wages  
25 office personnel." Do you see that?

1 A. Yes.

2 Q. Okay. When I look over on Exhibit 2.3 and I  
3 look at lines 12 and 13, I don't know that -- it appears  
4 to me, especially based on what we just talked about,  
5 that it's really lines 11 and 12.

6 A. That's correct.

7 Q. Okay. As opposed to lines 12 and 13, it  
8 should be lines 11 and 12?

9 A. That's correct.

10 Q. Okay. So, again, it's the narrative's  
11 numbers?

12 A. Right, right.

13 Q. Okay. So we'll quickly go through the rest of  
14 them just to clean it up. If we stay on line --  
15 Exhibit 2.3 A.

16 A. Okay.

17 Q. And the next line down which -- I'm sorry --  
18 the next heading down, which is lines 14 and 15 FT and  
19 PT water operator. Referring, again, back to  
20 Exhibit 2.3, it appears that it's lines 13 and 14?

21 A. That's correct.

22 Q. Okay. As opposed to lines 14 and 15?

23 A. Correct.

24 Q. Great. Thank you. And then just staying on  
25 2.3A, there is this lingering last entry. It says,

1 "Line 32 management fees." Do you see that?

2 A. Yes, I do.

3 Q. And then when I look on Exhibit 2.3, line 32  
4 reads, "meter reading," and there's no corresponding  
5 commentary on meter reading on 2.3A. So the question  
6 is -- and maybe -- let me ask you this.

7 Should 2.3A referring to line 32 and  
8 management fees -- should that be listed as "meter  
9 reading"?

10 A. No. Actually it should be listed as line 28,  
11 management fees.

12 Q. Okay. Okay.

13 A. And it looks like the explanation got cut off,  
14 and I just wanted to note that line -- the management  
15 fees on line 28 were replaced by wages of office  
16 employees and officers and directors.

17 Q. Okay. So I guess we'll take that as testimony  
18 because we don't have that anywhere else in the record.

19 A. That's right. It must have got cut off when  
20 they printed it, inadvertently.

21 Q. It's cut off on mine too. So this is what was  
22 filed.

23 A. Right. Right.

24 PRESIDING OFFICER: Okay. Okay. Lakeview,  
25 any questions or objections to what we've just discussed

1 with respect to those small housekeeping changes?

2 MR. SMITH: No objection.

3 PRESIDING OFFICER: Okay.

4 MR. SMITH: No objection.

5 PRESIDING OFFICER: And then any objections or  
6 comments on the substantive addition of testimony to  
7 what is now line 28 regarding management fees?

8 MR. SMITH: No objection.

9 PRESIDING OFFICER: Okay. Okay. So with your  
10 motion, no objection, the clarification -- thank you  
11 very much -- with my questions, the motion is granted.  
12 Your testimony is admitted.

13 Please go ahead and proceed.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. GRECU:

16 Q. Mr. Long, did you have an opportunity to  
17 review the settlement stipulation of the parties agreed  
18 upon in this docket?

19 A. Yes, I did.

20 MR. GRECU: And I can't recall, but I'll move  
21 to admit the settlement stipulation and associated  
22 attachments filed on August 14th of 2023 if they haven't  
23 already been admitted.

24 PRESIDING OFFICER: Can't do it too many  
25 times. Any objection?

1 MR. SMITH: No objection. And they have not  
2 been admitted. I thought I'd let you do that. So --

3 PRESIDING OFFICER: Your motion is granted,  
4 Counsel.

5 MR. GRECU: Thank you.

6 Q. (BY MR. GRECU) For the benefit of the record,  
7 I'd like to address the revisions to the proposed  
8 tariff. Did the Division and the company make any  
9 changes to the proposed tariff that was filed as part of  
10 the settlement stipulation?

11 A. Yes, they did.

12 Q. Did you assist in the preparation and filing  
13 of the Division's Action Request Response, including the  
14 Corrected Attachment A and Corrected Attachment B filed  
15 on August 17th, 2023, that revised the tariff to be  
16 consistent with the rate structure and the settlement  
17 stipulation?

18 A. Yes, I did.

19 MR. GRECU: I'd like to move to admit the  
20 Division Action Request Response and associated  
21 attachments filed on August 17th, 2023.

22 PRESIDING OFFICER: Any objection?

23 MR. SMITH: No objection.

24 PRESIDING OFFICER: Motion is granted.

25 Q. (BY MR. GRECU) Did you also assist in the

1 preparation and filing of the Division's Second  
2 Corrected Attachment A and Second Corrected Attachment B  
3 filed on August 22nd, 2023, which is the latest version  
4 of the proposed tariff?

5 A. Yes.

6 Q. Do you have any changes or corrections to the  
7 second corrected attachments that were filed?

8 A. No.

9 MR. GRECU: I'd like to move to admit the  
10 Second Corrected Attachment A and Second Corrected  
11 Attachment B filed on August 22nd, 2023.

12 PRESIDING OFFICER: Any objection?

13 MR. SMITH: No objection.

14 PRESIDING OFFICER: Let me ask a question.  
15 I'll pose it here. And this is orientation and  
16 question. So I must ask.

17 This is supposed to be titled Tariff Number 3;  
18 correct?

19 MR. LONG: Yes.

20 PRESIDING OFFICER: Okay. As I look at what  
21 was submitted -- and what I'm looking at, Counsel, is  
22 the cover letter that came with the filing on the 22nd.

23 MR. SMITH: Okay.

24 PRESIDING OFFICER: So I'm really looking at  
25 what that letter covered, and that is marked as



1 attachment A -- pardon me -- Second Corrected Attachment  
2 A and then Second Corrected Attachment B. So just for  
3 your orientation.

4 And when I look at Second Corrected Attachment  
5 A, the entirety appears to be all redlined stricken;  
6 that -- that's correct? Right?

7 MR. GRECU: Correct.

8 PRESIDING OFFICER: Okay. And then it begins  
9 on what is marked as -- well, let me start there. Flip  
10 to T1, please. So T1 is represented on two pages --  
11 service area map, and then flipping over to the next  
12 page, which looks like it's the actual new tariff.

13 MR. GRECU: It is.

14 PRESIDING OFFICER: Do you see that?

15 MR. GRECU: Yes.

16 PRESIDING OFFICER: So is the original T1  
17 number on the service area map -- is that -- is that  
18 accurate?

19 MR. GRECU: No, that's incorrect. The T1  
20 numbering should begin on the cover page for --

21 PRESIDING OFFICER: Okay.

22 MR. GRECU: -- the new tariff.

23 PRESIDING OFFICER: Okay. Okay. So if we go  
24 to that, this is what I was explaining earlier that this  
25 looks like redline to me, but it's kind of not. It's

1 just in red ink. Okay. Because I -- I think -- and  
2 this takes me to my question -- what was submitted at --  
3 as Second Corrected Attachment B purports to be a clean  
4 copy of what is the second half of Second Corrected  
5 Attachment A; is that right?

6 MR. GRECU: Yes.

7 PRESIDING OFFICER: Okay. So how I'm  
8 characterizing this in my mind is that A shows the old  
9 tariff. It's all stricken through as no good. And then  
10 we have basically the new tariff because it's got new  
11 language, it's a new template, new regulations, and new  
12 rates; is that right?

13 MR. GRECU: It does have the addition of the  
14 turn-on and turn-off fee.

15 PRESIDING OFFICER: Oh, I'm -- yeah. I'm  
16 sorry. It's just kind of new, relative to the old.

17 MR. GRECU: Yes.

18 PRESIDING OFFICER: Okay. And then Corrected  
19 Attachment B is the clean copy of that. Okay. So if  
20 that's the case -- and I just need to ask this. On  
21 page T3 of table 2 -- do you see that?

22 MR. GRECU: Yes.

23 PRESIDING OFFICER: If I look at the  
24 corresponding clean copy, there -- there is some  
25 information that is missing in the clean copy that's in

1 this other copy. And why I'm raising that is because it  
2 makes me think is there anything else going on here? So  
3 what I'd like you to do is take a second and let me  
4 orient you to exactly what I'm talking about.

5 On Exhibit A, it's listed page T3, under  
6 "culinary water rates, fees, and other charges," it  
7 lists the text table 2, and under that says, "rates and  
8 fees recommend by the Division."

9 Do you see that on the -- on the Schedule A or  
10 the Attachment A? Yes or no?

11 MR. GRECU: Yes.

12 PRESIDING OFFICER: Okay. And then if you  
13 compare that to page T3 of Attachment B, you'll notice  
14 that table 2, that language, table 2 and the rates fees  
15 recommended by the Division is not in that -- that copy.  
16 Is -- do you see that?

17 MR. GRECU: Yes.

18 PRESIDING OFFICER: Okay. So what that does  
19 to me is makes me wonder if this is supposed to be a  
20 clean copy of this? That is, B is supposed to be an  
21 exact clean copy of the second part of A? Is there  
22 anything -- and it's not. We know that from what we've  
23 just gone through. Is there anything else that is  
24 different in B than is in A?

25 MR. GRECU: Not that I'm aware of. That table

1 2 rates and fees recommended by the Division language  
2 is, my guess, leftover from taking it from the  
3 settlement stipulation, I believe. So that should just  
4 be stricken from the Attachment A.

5 PRESIDING OFFICER: Okay. I think that's what  
6 we'll end up doing, but you understand my -- my point?  
7 It seems methodologically that it should have been in  
8 there, based on what I've just learned.

9 MR. GRECU: Correct.

10 PRESIDING OFFICER: And so I wonder -- I think  
11 I'm going to -- I'm going to want to take a break here,  
12 and I'm going to want you to spend a little bit of time  
13 flyspecking this a little bit to make sure. Okay?

14 But before we get there, is your understanding  
15 consistent with what you've heard so far, Counsel?

16 MR. SMITH: Yeah. My understanding is  
17 consistent, and I agree we should take a break and --

18 PRESIDING OFFICER: Okay.

19 MR. SMITH: -- just verify that everything and  
20 nothing else is different.

21 PRESIDING OFFICER: That's what this case is  
22 about. So I think it makes some sense. But before we  
23 do that, one other question. On Attachment B, again,  
24 page T3, why are we saying that the water rates are the  
25 "Division recommended rates" as opposed to just "the

1 rates"? I'm relatively new to this, but I did look at  
2 some past examples, and I have never seen the Division  
3 recommend rates listed in the tariff itself.

4 MR. GRECU: Yeah. It should just read as  
5 "rates."

6 PRESIDING OFFICER: Okay. So that is maybe a  
7 typo?

8 MR. GRECU: Yes.

9 PRESIDING OFFICER: Okay. So what I'd like to  
10 do -- thank you for indulging me on all of this. But  
11 what I think makes some sense, and to acknowledge  
12 Lakeview's request, let's take a recess and allow you --  
13 let's take a recess until 10:00 o'clock, and you guys  
14 can flyspeck this Attachment A -- Second Attachment A,  
15 what I have called basically the new tariff relative to  
16 Second Corrected Attachment B, to make sure that there's  
17 nothing else that is -- that should be in here that's  
18 not in here, because this is what's going to -- this is  
19 what's going to happen -- this is what we're rolling on.

20 MR. GRECU: Okay.

21 PRESIDING OFFICER: Okay. Great. Thank you.  
22 We're in recess.

23 (Recess taken from 9:47 to 10:01.)

24 PRESIDING OFFICER: Okay. We're back on the  
25 record in Docket 22-540-01. We took a break to allow

1 some time for what has been identified as Second  
2 Corrected Attachment A, Second Corrected Attachment B --  
3 on a pending motion to have them admitted, there was  
4 going to be some comparison between Second Corrected  
5 Attachment A with Second Corrected Attachment B to  
6 ensure that there is consistency between the two  
7 attachments. And we left it with the Division to do  
8 that.

9 Go ahead and tell us where you stand.

10 MR. GRECU: So after doing a compare between  
11 the two documents, that the changes that have already  
12 been pointed out are the only substantive differences  
13 between the two documents.

14 PRESIDING OFFICER: Okay. Is that your  
15 understanding, Counsel for Lakeview Water?

16 MR. SMITH: Yes, that's my understanding as  
17 well.

18 PRESIDING OFFICER: Okay. So we have a motion  
19 pending to admit these; correct?

20 MR. GRECU: Correct.

21 PRESIDING OFFICER: We did identify with the  
22 Second Corrected Attachment B that it had in its heading  
23 on page T3 that -- "the Division recommended rates." In  
24 light of your motion, how do you want to deal with that?

25 MR. GRECU: We would like to correct, I think,

1 both versions of the tariff to remove the language that  
2 says "Division recommended" and just leave "rates" as  
3 the heading for that column.

4 PRESIDING OFFICER: So that is Second  
5 Corrected Attachment B would omit on page T3 the words  
6 "Division recommended"?

7 MR. GRECU: Correct.

8 PRESIDING OFFICER: Okay. Any objection?

9 MR. SMITH: No objection.

10 PRESIDING OFFICER: Okay. So logistically, I  
11 can grant your motion subject to submission by -- and  
12 I'd like if you could do it by today -- close of  
13 business today, a new second corrected attachment B, but  
14 for record purposes, let's call it Third Corrected  
15 Attachment B.

16 MR. GRECU: Okay.

17 PRESIDING OFFICER: Is that acceptable,  
18 Counsel?

19 MR. SMITH: Yes, it is.

20 PRESIDING OFFICER: Okay. And subject to that  
21 being received today, your motion is granted.

22 MR. GRECU: Thank you.

23 PRESIDING OFFICER: You're welcome.

24 MR. GRECU: I would also like to move to  
25 substitute -- that those third corrected attachments

1 will be substituting for the tariff that was filed with  
2 the settlement stipulation.

3 PRESIDING OFFICER: I'm sorry. I guess I'm  
4 not following.

5 MR. GRECU: So those third corrected  
6 attachments that will be filed today will be replacing  
7 the attachments that were part of the settlement  
8 stipulation that was filed because that's the old  
9 version of the tariff.

10 PRESIDING OFFICER: Okay. So what will be  
11 filed?

12 MR. GRECU: That -- what we just discussed,  
13 the third corrected attachment, that will replace  
14 what -- the tariff version that was filed with the  
15 settlement stipulation.

16 PRESIDING OFFICER: Okay. And that -- only  
17 B -- Attachment B?

18 MR. GRECU: Right.

19 PRESIDING OFFICER: Okay. I didn't -- you  
20 were saying just "attachment." There was two  
21 attachments. You were saying B only?

22 MR. GRECU: Well, no. So the latest version  
23 that will be filed today.

24 PRESIDING OFFICER: Yes.

25 MR. GRECU: That will be replaced,



1 substituting for the attachments that were part of the  
2 settlement stipulation, because those were both old  
3 versions.

4 PRESIDING OFFICER: The filing on August 15th?

5 MR. GRECU: Yes, yes.

6 PRESIDING OFFICER: Okay. Okay.

7 MR. GRECU: So I'd like to move to substitute  
8 those.

9 PRESIDING OFFICER: Do you understand what  
10 counsel is saying?

11 MR. SMITH: Yeah. I think I do, that there's  
12 tariff that's attached to the stipulation, and we're  
13 going to make the same corrections or submit the same  
14 corrected pages to that. Is that -- that's what I  
15 understand.

16 MR. GRECU: Yes.

17 MS. SCHMID: Full tariff.

18 MR. SMITH: That's fine. I'm fine with that.

19 PRESIDING OFFICER: It's the full tariff.  
20 It's not just pages. They're going to replace the --

21 MR. SMITH: Yeah, that's fine.

22 PRESIDING OFFICER: Okay. As long as you all  
23 understand. Any objection?

24 MR. SMITH: No objection.

25 PRESIDING OFFICER: Okay. That's -- your

1 motion is granted.

2 MR. GRECU: I just want to make sure we get  
3 the dates right. I believe the settlement stipulation  
4 was filed the 14th, but maybe we could double check.

5 PRESIDING OFFICER: Yeah. Unfortunately, it  
6 came in after 5:00. So our office -- if it's 5:01, it  
7 makes it the next day.

8 MR. GRECU: Okay.

9 PRESIDING OFFICER: But, yes, it was submitted  
10 after -- what we say after hours on the 14th.

11 MR. GRECU: Okay. Thank you.

12 PRESIDING OFFICER: Let me -- let me double  
13 check that.

14 (Discussion held off record between  
15 presiding officer and clerk.)

16 PRESIDING OFFICER: Okay. Pardon me. Let me  
17 clean this up. I misspoke. I was confusing it with  
18 another case that is very similar.

19 This case -- this Docket 22-540-01 was  
20 received on the 14th within our rules hours. So it was  
21 at 4:59. So, yes, you're correct. It is August 14th.  
22 I was incorrect about the 15th.

23 MR. GRECU: Thank you.

24 PRESIDING OFFICER: Yes, you're welcome.

25 Q. (BY MR. GRECU) So, Mr. Long, does the most

1 recent revised tariff that we're discussed today  
2 represent the agreed upon tariff for Lakeview Water?

3 A. Yes.

4 Q. And based upon your experience as an analyst  
5 for the Division and the information in the prefiled  
6 testimonies and exhibits, do you believe that the  
7 approval of the settlement stipulation and the latest  
8 revised tariff will be just, reasonable, and in the  
9 public interest?

10 A. Yes.

11 Q. Do you have a summary to share to provide the  
12 Division's position and your testimony in support of the  
13 settlement stipulation?

14 A. Yes.

15 Q. Please go ahead.

16 A. On behalf of the Division, I request that the  
17 Commission approve the filed stipulation regarding the  
18 company's application for a general rate increase. I  
19 will not reveal any confidential information in my  
20 summary.

21 I'll start with providing a little -- a little  
22 background information. On January 31st, 2023, Lakeview  
23 Water filed two applications -- one seeking an interim  
24 rate increase and the other seeking a general rate  
25 increase. After a hearing, the Commission approved the

1 interim rate increase in an order dated on March 16th,  
2 2023, with an effective date of March 17th, 2023. The  
3 Division notes that except for the interim rate increase  
4 granted on March 16th, 2023, Lakeview has not had a  
5 general rate increase since 2010.

6 The Division's records show no informal or  
7 formal complaints have been filed with the Commission or  
8 the Division against Lakeview Water for at least the  
9 last nine years.

10 With that background, the Division has  
11 reviewed Lakeview's application for a general rate  
12 increase and the numerous supporting exhibits. The  
13 Division also received additional information via  
14 reviewing the company response to the Division's data  
15 request and through many emails, phone calls, and  
16 virtual meetings. The Division's analysis shows that  
17 the current rates were no longer just and reasonable as  
18 the rates no longer covered fixed costs.

19 The Division filed direct testimony on  
20 June 29th, 2023. Subsequently, the Division and the  
21 company entered into settlement discussions. On  
22 August 2nd, the Division filed an unopposed motion to  
23 vacate the -- to vacate the procedural schedule and  
24 retain the scheduled hearing date, which Lakeview  
25 supported. The Commission granted the motion on

1 August 3rd, 2023.

2 The discussion between the company and the  
3 Division led to a negotiated at arm's length settlement  
4 agreement. I'll specifically address several paragraphs  
5 of the stipulation that the Division believes are of  
6 particular importance. They are paragraphs 13 and 17  
7 through 20.

8 Paragraph 13, table 2, presents a new rate  
9 model and prices, including proposed rates and a rate  
10 structure that covers all fixed costs and has an  
11 effective conservation rate structure with increasing  
12 tiered rates. Table 2 also includes changes to  
13 Lakeview's connection fees.

14 Paragraph 17 summarizes the billing issues for  
15 connected customers. As discussed in paragraph 14,  
16 Lakeview incorrectly billed it's connected customers  
17 interim rates on March 1st, 2023, rather than on the  
18 effective date ordered by the Commission of March 17th,  
19 2023, which resulted in an overbilling of \$12.90.

20 Paragraph 15 discusses the underbilling of  
21 \$119.95 through March 17th through September 30th due to  
22 the approved interim rates being lower than the rates  
23 presented in the settlement stipulation. Both billing  
24 issues are resolved by billing each connected customer  
25 an additional \$107.05, which is \$119.95 minus \$12.90.

1 The Division recommends that the customer be given the  
2 option to pay this amount over three months, if  
3 requested.

4 Paragraph 18 summarizes billing issues for  
5 standby customers. As discussed in paragraph 14,  
6 Lakeview incorrectly started billing its standby  
7 customers the interim rates on March 1st, 2023, rather  
8 than on the effective date ordered by the Commission of  
9 March 17th, 2023, resulting in an overbilling of \$10.64.

10 Paragraphs 16 discusses the other overbilling  
11 of 42.15 from March 17th through September 30th, 2023,  
12 because the approved interim rates are higher than the  
13 rates presented in the settlement stipulation.

14 Both billing issues are resolved by crediting  
15 each standby customer \$52.78 through the standard  
16 billing mechanism in the first billing cycle following  
17 the effective date stated in the Commission's order.

18 Paragraph 19 of the stipulation also discusses  
19 an updated tariff. The tariff initially filed with the  
20 settlement stipulation has undergone three revisions  
21 now. The first revision was submitted as part of the  
22 Division's Action Request Response on August 17th, 2023.  
23 It corrected the rates to be consistent with table 2 of  
24 the settlement stipulation.

25 Since an old tariff template was inadvertently

1 used in the first revision, the second, and what was the  
2 final tariff, filed on August 22nd as the Second  
3 Corrected Attachments A and B, maintains the rates and  
4 fees schedule and also adds a turn-on and turn-off fee,  
5 a capital reserve account provision, updated rules and  
6 regulations, and a disclaimer.

7 Paragraph 20 discusses the resolution of the  
8 long-term notes payable personally held by Mr. Ray  
9 Bowden. After Mr. Bowden purchased Lakeview in 2011, he  
10 personally paid off a large amount of debt to keep it  
11 solvent and made major infrastructure improvements.  
12 While the interim rate increase and general rate  
13 increase applications show that Lakeview's balance sheet  
14 reports long-term notes payable for a large sum of  
15 money, in the interim rate hearing Mr. Bowden confirmed  
16 that he personally holds those notes. In their  
17 responses to the Division's first data request issued to  
18 Lakeview, Mr. Bowden acknowledges that the long-term  
19 notes payable are best characterized as a subsidy.  
20 Mr. Bowden also stated that Lakeview is not responsible  
21 for these loans or any repayment of them.

22 Relying on owner's subsidies to keep Lakeview  
23 solvent is not sustainable as a reliable funding source,  
24 nor is it sound rate making. Rates should be set to  
25 cover the full costs of water.

1           In summary, the rate structure as proposed, in  
2 addition to providing full cost funding, will provide  
3 additional funds in Lakeview's capital reserve account,  
4 which will help with repairs and replacements of an  
5 aging infrastructure.

6           The Division believes that the criteria for  
7 settlement, according to Utah Code 54-7-1, have been met  
8 and concludes that the evidence contained in the record  
9 supports a finding that the settlement proposal, as a  
10 whole, is just and reasonable in result and in the  
11 public interest.

12           Therefore, the Division recommends the  
13 Commission approve the stipulation that was filed with  
14 the Commission on or about August 14th, 2023, and the  
15 latest revised tariff, Third Corrected Attachments A and  
16 B to be filed on August 24th, 2023, with an effective  
17 date of October 1st, 2023.

18           That concludes my summary.

19           PRESIDING OFFICER: Thank you.

20           MR. GRECU: The witness is now available for  
21 cross-examination and questions from the hearing  
22 officer.

23           PRESIDING OFFICER: Any questions?  
24 Cross-examination? Pardon me.

25           MR. SMITH: No -- no -- no cross-examination.



1                   PRESIDING OFFICER: Okay. I've got just one  
2 question for the witness and then a comment to counsel.

3   EXAMINATION

4 BY PRESIDING OFFICER:

5           Q. The question is -- thank you for being here,  
6 first of all, and thank you for dealing with all of this  
7 work.

8                   Paragraph 13 of the stipulation -- you went  
9 over that a little bit in your testimony, and it's about  
10 the rates and the tier that -- the way things are tiered  
11 up and \$3.50 per 1,000 gallons in tier one. I was  
12 looking at your Exhibit 2.2, page 1, and this is really  
13 more of a curiosity, but I just want to make sure that I  
14 am clear on it.

15                   Using that as the example, \$3.50 per 1,000  
16 gallons, if I look at your Exhibit 2.2, page 1, line  
17 six, the actual arithmetic -- I shouldn't say that -- my  
18 arithmetic yields \$3.10 a gallon, and there's a note  
19 that says you rounded up to the nearest 50 cents.

20           A. That is correct.

21           Q. That's correct. Okay. So that then carries  
22 through on line 17 -- sorry -- 13 through 16 below on  
23 that same Exhibit 2.2. That carrying down, meaning  
24 rounding up to the nearest 50 cents; correct?

25           A. Correct.

1 Q. Okay. So I assume -- because I did some math,  
2 and those numbers could be significant depending on  
3 usage, but I assume -- but please confirm if this is  
4 correct -- that one of the reasons you've done the  
5 roundings is to, you know, in essence create some  
6 latitude for future unknowns in -- in the revenue  
7 stream. Is that -- is that one of the reasons?

8 A. Yes, it is.

9 Q. Okay. So that's an appropriate assumption for  
10 me to make --

11 A. Yes.

12 Q. -- in understanding this?

13 A. Yes.

14 PRESIDING OFFICER: Okay. Okay. That's the  
15 only questions I have. Thank you very much, Mr. Long.

16 MR. LONG: Thank you.

17 MR. GRECU: Nothing further from the Division.

18 PRESIDING OFFICER: Okay. So let me jump in  
19 here. Based on this stipulation reading in  
20 paragraph 19, Attachment A and Attachment B -- and since  
21 you are going to be submitting what is now going to be  
22 titled "Third Corrected Attachment A" and "Third  
23 Corrected Attachment B," I think you should file that as  
24 a joint motion.

25 And, counsel for the water company, chime in

1 if you think otherwise, but my thinking is do it as a  
2 motion and refer specifically to paragraph 19 of the  
3 stipulation and author it in such a way that it's clear  
4 that what is in here, which has been signed by the  
5 parties and submitted, is being -- is replacing what's  
6 referred to here in the signed document.

7 And then if it's unopposed -- or I would  
8 prefer a joint motion -- I'll look it over and more  
9 likely than not will grant it, and then we'll be able to  
10 tie things together. Is that acceptable to you at this  
11 point?

12 MR. GRECU: Yes.

13 PRESIDING OFFICER: Counsel?

14 MR. SMITH: Yeah, I think that's the best way  
15 to do this.

16 PRESIDING OFFICER: Okay. Okay. Give me one  
17 minute. I'm not sure if I have anything further for  
18 either side.

19 Okay. I don't have anything further.  
20 Anything further from either side?

21 MR. SMITH: No.

22 MR. GRECU: Nothing from the Division.

23 PRESIDING OFFICER: Okay. Well, then I think  
24 that's it. I know we have an order to issue, and we'll  
25 be issuing it before the statutory deadline. We look

1 forward to receiving what you both send us with this  
2 joint motion.

3 MS. SCHMID: Public witness?

4 PRESIDING OFFICER: Pardon me?

5 MS. SCHMID: Public witness?

6 PRESIDING OFFICER: Oh, yeah. I'm getting  
7 there. Sorry.

8 Tonight we have a public witness hearing  
9 beginning at 5:30. Extending the invitation until  
10 6:00 for folks to show up and have any comments. Based  
11 on what a witness said earlier, we don't know if we're  
12 going to get anybody, but it will be here in this room,  
13 and thank you for your time. We're adjourned.

14 (This hearing was concluded at  
15 10:24 a.m. MT.)

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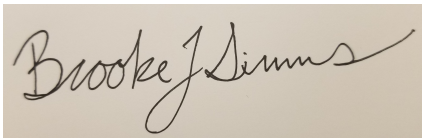
REPORTER'S CERTIFICATE

STATE OF UTAH            )  
  )  
COUNTY OF UTAH        )

I, BROOKE SIMMS, an Idaho Certified Shorthand Reporter, Utah State Certified Court Reporter, and Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such oral proceedings had, and of the whole thereof.

I have subscribed my name on this 31st day of August, 2023.



Brooke Simms, RPR, CCR, CSR  
Idaho CSR No. 1174  
Utah CCR No. 12335391-780

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[certificate - corrected]

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[docket - fixed]

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[moneys - okay]

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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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in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).