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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

WANSHIP WATER COMPANY,)
LLC'S REQUEST FOR A) Docket 23-067-01
RATE INCREASE.)

Presiding Officer: John Delaney

November 1, 2023 * 1:00 p.m.

Location: Public Service Commission
160 East 300 South
Salt Lake City, Utah 84111

Reporter: Diana Kent, RPR, CRR
Notary Public in and for the State of Utah

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A P P E A R A N C E S

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FOR WANSHIP WATER COMPANY:

Grady Kohler
Owner of Wanship Water Company

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1 P R O C E E D I N G S

2
3 MR. DELANEY: Good afternoon, everyone.
4 My name is John Delaney and I'm the Commission's
5 designated presiding officer for this hearing. Today
6 is November 1, 2023. It's approximately one o'clock
7 p.m. and this is the date and time that is scheduled
8 for the evidentiary hearing on the application of
9 Wanship Water Company, LLC's request for a rate
10 increase, docket number 23-067-01, and we are here to
11 consider the settlement stipulation filed by the
12 parties. Is that right?

13 Okay. Why don't we start with
14 appearances. For the Applicant?

15 MR. KOHLER: Grady Kohler, owner of
16 Wanship Water.

17 MR. DELANEY: Good afternoon, Mr. Kohler.
18 For the Division.

19 MR. GRECU: Patrick Grecu, Assistant
20 Attorney General representing the Division. And the
21 Division's witness today is Mark Long.

22 MR. DELANEY: Good afternoon, both of you.
23 All right. Do you all have any preliminary matters you
24 want to address? I have a couple, but if you have any
25 why don't you raise them now. Otherwise I will jump

1 into mine.

2 MR. LONG: We don't, no.

3 MR. DELANEY: Let's please remember that
4 there's a virtual public witness hearing this evening
5 at 5:00 p.m. That will be virtual, so attendance will
6 not be in person by anybody, including us, unless you
7 all have a preference otherwise. I don't know what
8 time this is going to end today. So you tell me now
9 whether or not there is a preference to, at least us,
10 convene back here in person and then host the virtual
11 component from the public outside. Otherwise, the
12 option is we conclude this part of the hearing, you go
13 your separate ways, and you attend at five o'clock.

14 MR. GRECU: I think the Division would be
15 fine with it being completely virtual, so the parties
16 not meet in the hearing room.

17 MR. DELANEY: Great. And Mr. Kohler?

18 MR. KOHLER: I agree.

19 MR. DELANEY: So you both agree on that
20 point. Okay. That's what's going to happen, then.

21 The second thing is I will note that the
22 filing we received -- well, I will note the filing we
23 received yesterday afternoon regarding the "corrected
24 attachments," including a cover letter. Thank you for
25 making that submission. I appreciate it. I had a

1 bunch of questions, but I want to make sure we are on
2 the same page right out of the gate on this, so I'm
3 going to ask this and I'm going to ask it to the
4 Division because you submitted it. Are those corrected
5 attachments intended to completely replace, in their
6 entirety, the previously filed Exhibits 3 and 4 of
7 Mr. Long's testimony and attachments 1 and 2 of the
8 settlement stipulation as filed?

9 MR. GRECU: Yes.

10 MR. DELANEY: Okay. And then continuing
11 on that same topic, the cover letter, which is dated
12 October 31, 2023, refers specifically to each
13 attachment as a quote, "Corrected," with a capital C,
14 "Attachment," capital A, end quote. But the actual
15 cover sheet of each attachment does not use the word
16 "corrected." It just says "attachment." That is
17 consistent with what the settlement stipulation refers
18 to them as, which is just as "attachment." It doesn't
19 say "corrected attachment." So is the omission of the
20 word "corrected" on the cover sheet of what was
21 submitted last night intentional?

22 MR. GRECU: No, it is not intentional.
23 The cover sheet for those must have been missing that
24 correction to refer to them as "corrected attachment."

25 MR. DELANEY: Do you have what you

1 submitted in front of you?

2 MR. GRECU: Yes.

3 MR. DELANEY: Why don't you take a look to
4 make sure that you are seeing what I'm seeing.

5 MR. GRECU: Yes. Yes.

6 MR. DELANEY: Okay. So you're telling me
7 that wasn't intentional.

8 MR. GRECU: Correct.

9 MR. DELANEY: That what was submitted last
10 night and what you are looking at should have
11 "corrected" in front of "attachment" on the cover
12 sheet?

13 MR. GRECU: That's correct.

14 MR. DELANEY: Okay. Well, you know me and
15 a clean record, so let's circle back to this at the
16 end. Because at the end of the day, the value of a
17 clean record is that we know that there might be people
18 other than us who come and look at this. We also know
19 that that might be years from now. And so what we
20 don't want to do is make an already hard job harder for
21 somebody in six years or two years or ten years. I
22 think we have seen some evidence of that in this case
23 here. So I might have you refile those sort of --
24 those documents with the corrected cover sheet, but
25 again by motion or by notice, stipulated motion would

1 probably be better, so that the record then, the docket
2 reflects that those supersede anything. But let's hold
3 off on that for now because there might be some other
4 things, from a housekeeping perspective, that would
5 need to be cleaned up such that we can do it all in one
6 thing.

7 MR. GRECU: Okay.

8 MR. DELANEY: So that's my other
9 preliminary matter on that. I mean, my other
10 preliminary matter was on that point. But again,
11 thanks for submitting what you submitted. It was
12 helpful.

13 Okay. That's all the preliminary things I
14 have. Why don't we just get going. And Mr. Kohler,
15 you are the Applicant and you are here on behalf of
16 Wanship, the applicant. So let's go ahead and proceed.
17 Why don't I swear you in.

18 Mr. Grady Kohler, good afternoon. Do you
19 swear to tell the truth?

20 MR. KOHLER: I do.

21 MR. DELANEY: Thank you very much. You
22 are sworn. Please proceed.

23 MR. KOHLER: So, we've got a small water
24 company here located in Wanship, Utah, specifically a
25 plat known as Wanship Cottages Subdivision. We have --

1 I took this water company over the summer of last year.
2 The previous owner, her name is Deann, did her very
3 best to run this company for about 40-plus years and
4 the last time they did a rate increase was about 35
5 years ago. Of course, expenses have gone up in the
6 last 35 years and I believe that one of the primary
7 reasons that we haven't wanted to or have tried to keep
8 rates low is just to do that, to help the community and
9 keep rates as low as possible.

10 The last several years the water company
11 has lost approximately \$30,000 to \$50,000 every year,
12 and we have a lot of deferred maintenance in a system
13 that was originated sometime in the early '70s that we
14 would like to eventually, hopefully, get fixed up to
15 provide good, reliable, clean drinking water.

16 Our process to go through this rate
17 increase was really just to figure out what do we need
18 to do to break even and what do we need to do to have a
19 little bit of funds for a rainy day if something
20 breaks. And that's how we went through the process of
21 doing that and figuring out our expenses and averaging
22 those over the last three-plus years, and that's where
23 we landed with our proposed rate increase.

24 We've held -- we gave notice in our
25 billing early this year. Bills went out in January

1 with notice that we were contemplating and going to go
2 forward with a rate increase. We recently held a
3 public open house after we came to kind of an agreement
4 or stipulation at what we call the pump house in
5 Wanship. And overall at that meeting we had really
6 good community support and understanding. Nobody wants
7 to see rates go up, of course, but the community came
8 out. We had a great turnout. I would say there were
9 about 40 people, which is really good for a system that
10 has about 35 connections. And everybody understood
11 what we were doing, and generally supported the idea of
12 a rate increase.

13 I think the challenge is, for us, how big
14 of a rate increase this is. Since it has been 35
15 years, we are going from \$19 to, in our settlement,
16 approximately \$150 a month. So it's a massive, massive
17 increase all at once. But someone in the community put
18 it the best way, you know, that if you look back they
19 probably got a really good deal on water the last 35
20 years, and it just happens to hit them all at once
21 right now.

22 So that's my quick synopsis. And I will
23 also add that since we have taken over the system,
24 working with the Division of Drinking Water, we have
25 removed nearly all of our points. Points are bad

1 against a drinking water system. Gotten a lot of
2 things up to compliance and we are in great standing
3 now with the Division of Drinking Water.

4 MR. DELANEY: Great.

5 MR. KOHLER: That concludes my summary.

6 MR. DELANEY: Thank you.

7 Mr. Grecu, do you have any questions for
8 Mr. Kohler?

9 MR. GRECU: I don't think we have any
10 questions.

11 MR. DELANEY: Okay. So just -- I do have
12 a number of questions for you, but just out of the
13 gate -- I'm not going to ask that. I'll just jump
14 right in, because I think there are some things that I
15 need to walk you through.

16 I appreciate the work you've done and your
17 presentation here today. And I appreciate the parties,
18 you know, coming to an agreement to get this resolved
19 so that clean, safe, abundant drinking water can be
20 provided, while maintaining the financial integrity of
21 the provider of that water. But I want to go through a
22 few things as it relates to the stipulation, relating
23 specifically to Wanship. Do you have a copy of the
24 stipulation, Mr. Kohler?

25 MR. KOHLER: I do. And I'm pulling it up

1 right now.

2 MR. DELANEY: Just for everybody's
3 orientation, we are going to be looking at paragraph
4 13a, and I call that the quarterly billing cycle
5 request. So I have never seen what is, in essence, a
6 petition baked into a stipulation. Usually we have a
7 separate, standalone thing that would be agreed, that
8 would be granted and then baked into the stipulation.
9 But I understand what you are trying to do, so let's
10 see if we can get there.

11 I want to treat it kind of like an oral
12 motion, Mr. Grecu. So what I'm going to do is I'm
13 going to ask a number of questions of Mr. Kohler to get
14 foundational stuff under oath so that the Commission
15 has a legitimate evidentiary basis to make a
16 determination on the request. Are we on the same page?

17 MR. GRECU: Yes.

18 MR. DELANEY: Okay. And if you will be
19 patient with me, because I'm going to ask the questions
20 and they may seem very pedantic, but just answer the
21 questions if you can.

22 Okay. So Wanship requests the Commission
23 to allow it to bill its customers quarterly, correct?

24 MR. KOHLER: Correct.

25 MR. DELANEY: And I'm going to do it

1 leading to it makes it faster.

2 You understand that the Division supports
3 this request, correct?

4 MR. KOHLER: Correct.

5 MR. DELANEY: Wanship understands that the
6 Utah Administrative Rules require it to bill its
7 customers at least every two months, correct?

8 MR. KOHLER: Correct.

9 MR. DELANEY: Wanship thus seeks an
10 exemption from this "at least every two-month" billing
11 requirement, correct?

12 MR. KOHLER: Correct.

13 MR. DELANEY: Okay. And you understand
14 the Division supports that component of your request,
15 correct?

16 MR. KOHLER: Correct.

17 MR. DELANEY: Okay. So Wanship seeks to
18 send out billing statements four times per year or
19 every three months, versus six times per year, or every
20 two months. Is that right?

21 MR. KOHLER: Correct.

22 MR. DELANEY: Okay. So in theory, because
23 the water service here is not metered, every Wanship
24 customer will be charged the same amount, correct?

25 MR. KOHLER: Correct.

1 MR. DELANEY: Okay. So regardless of how
2 many or regardless of when the billings will occur,
3 tell me how many bills Wanship would send out in any
4 given billing cycle.

5 MR. KOHLER: Approximately 35 customers,
6 so 35 billings per quarter.

7 MR. DELANEY: Okay. And I think you just
8 answered this question but for the record, does that 35
9 number of bills correspond to the number of customers
10 that Wanship has?

11 MR. KOHLER: Yes.

12 MR. DELANEY: Okay. How will Wanship send
13 these bills to these 35 customers?

14 MR. KOHLER: We hope to do it digitally to
15 save money, so via e-mails. We have collected e-mails
16 from nearly all customers by now. There are a couple
17 that we don't have, and those will still have to go out
18 through the U.S. mail.

19 MR. DELANEY: Okay. So e-mail or U.S.
20 mail. Hand delivery?

21 MR. KOHLER: No.

22 MR. DELANEY: Okay. Here's where it's an
23 open-ended question. Please state every fact that
24 Wanship claims demonstrates that sending out customer
25 bills six times per year constitutes an undue hardship

1 to it.

2 MR. KOHLER: We don't have any employees
3 in the company. If we had employees or a full-time
4 staff to deal with billing, that would increase our
5 costs and that would just further put a burden on our
6 customers, which we feel is unfair and a burden for the
7 company to have an employee. This wouldn't make sense
8 for us financially. So with quarterly billing we can
9 scale that back and have part-time hired 1099 employees
10 that can help us with our billing every quarter.

11 MR. DELANEY: Okay. And 1099 couldn't be
12 used for the same purpose of sending out bills two
13 times more per year?

14 MR. KOHLER: It certainly could be used
15 for that. It would just -- no matter how frequently we
16 increase our billing, the costs go up every time we
17 increase our billing frequency. So we really looked to
18 reduce our costs as much as possible.

19 MR. DELANEY: Any idea what that cost
20 would be?

21 MR. KOHLER: Yes. We have built it into
22 our pro forma. Hold on, let me tell you. We are
23 estimating our accounting fees to be \$1500 a year.
24 Much of that is our billing.

25 MR. DELANEY: And that's based on your

1 request for quarterly billing?

2 MR. KOHLER: Yes. Correct. Requests for
3 quarterly billing.

4 MR. DELANEY: What would be the cost
5 difference between quarterly billing and that number
6 and every-other-month billing?

7 MR. KOHLER: I would approximate that it
8 would go up around \$500 a year. And that may not sound
9 like a lot, but it is for a small water company.

10 MR. DELANEY: Okay. Thank you.

11 So what about cash flow issues? Can
12 Wanship's monthly expense structure absorb the delay in
13 revenue that doing it this way is going to create?

14 MR. KOHLER: Yes, it can. Historically
15 for the last twenty years, customers have volunteered
16 to pay annually. So it's become more commonplace that
17 customers will actually pay their entire year's bill in
18 one check. Now, granted, that was \$19 a month, so it's
19 much cheaper than it would be today. And this is why,
20 in working with our customers, we have landed on
21 quarterly billing seems to be the most logical
22 approach.

23 MR. DELANEY: Okay. Great. That's that
24 component of the rule. Now let's look at the other
25 one, and I think you just testified to it but you are

1 probably going to have to repeat if when I ask you the
2 specific question as to customers. But let me ask you
3 this: State every fact that Wanship claims
4 demonstrates that sending out customer bills six times
5 per year is only of limited benefit to the customers.
6 How are the customers benefiting from this?

7 MR. KOHLER: Our customers have
8 historically appreciated, actually, our annual billing.
9 But with the rate increase I believe that would be
10 difficult for many of our customers to be able to
11 afford now all at once. So they're used to it. Some
12 of these are second homes. It's harder for them to
13 manage these and have annual bills. So we feel that it
14 saves them time and it saves us time, and the bottom
15 line is it saves our customers money because it is
16 saving us a little bit of money.

17 MR. DELANEY: I want to be clear. The
18 rule requires every two months, not every year. And if
19 people are electing to do it every year, I guess it's
20 their choice. But if you were to follow the rule as
21 opposed to this exemption, how does not following the
22 rule and doing it every quarter in comparison to every
23 other month, how does that benefit the customer?

24 MR. KOHLER: It would reduce Wanship's
25 water expenses and keep our rates as low as possible.

1 MR. DELANEY: Thank you. What about the
2 customer cash flow issue? And I'm going to articulate
3 it this way. A "hit" is my term, for lack of a better
4 phrase. So do you know whether Wanship's customers can
5 handle being hit, for lack of a better word, with say a
6 \$640 bill versus a \$480 bill, which represents roughly
7 three months versus two months?

8 MR. KOHLER: I can't speak to the cash
9 flow of all of our customers. All I can speak to is we
10 have brought up the quarterly billing, it came up at
11 our open house, and it seemed to be supported by our
12 customers.

13 MR. DELANEY: Okay. And of your 35
14 installed base, how many people were at that open
15 house? You may have said this but I didn't hear it.
16 How many people were there?

17 MR. KOHLER: We had a good turnout. I
18 would say approximately a third of our customer base
19 was in attendance.

20 MR. DELANEY: Okay. Okay.

21 Does the Division have any questions? I'm
22 finished with my line. Do you have any questions for
23 this witness on this particular request?

24 MR. GRECU: No questions.

25 MR. DELANEY: Okay. So based on the

1 testimony you just heard, which is nowhere else, do you
2 have any objection to this request?

3 MR. GRECU: No objection.

4 MR. DELANEY: Okay. I'm going to have
5 some questions for you, Mr. Long, when you testify on
6 this same thing. So we will move on to the next
7 question, which is the service area request. I don't
8 know how to articulate it, but again, it's paragraph
9 13, specifically 13b. And one way to articulate it is
10 that we want to establish from this day forward or from
11 the orders effective date forward the actual service
12 territory or area, because there's some question about
13 historical records.

14 So addressing that, I'll be candid with
15 you, this request in a stipulation actually strikes me
16 as much more significant than the one we just discussed
17 because it potentially involves people or entities that
18 aren't just Wanship or its customers. It involves
19 potentially third parties. We just don't know that
20 yet. We might find out, but I still think it makes
21 some sense to go through the same line of questioning
22 to establish evidentiary perspective under oath what
23 would be helpful to give the Commission to be able to
24 make a decision on this request.

25 So the application provided an Attachment

1 22, and that attachment was titled Service Area Map.
2 Are we familiar with that exhibit or attachment?

3 MR. KOHLER: I am, yes.

4 MR. DELANEY: Okay. So if this is the
5 service area map, why do we need a different service
6 area map? I mean, let me ask it this way: Why was
7 Exhibit 22, Attachment 22, submitted?

8 MR. KOHLER: I think when we went through
9 this rate case we realized that we couldn't find a good
10 defined service area on record from the early '70s. It
11 was generally conveyed through the past documents that
12 it was -- that it's the same service area that we have
13 today. So we were simply clarifying what our service
14 area is at this time.

15 MR. DELANEY: Okay.

16 MR. KOHLER: But we are not changing it.

17 MR. DELANEY: Okay. Well, let's look at
18 Exhibit 22 or Attachment 22 to the application. Is it
19 your testimony here that that is, in fact, not Wanship
20 Water Company, LLC's current service area? Take your
21 time and take a look at it.

22 MR. KOHLER: I need to pull it up. Give
23 me a second.

24 MR. DELANEY: That's fine. And I will
25 tell you, you can feel free to compare it to that which

1 is the proposed service area.

2 MR. KOHLER: Okay. Just so I'm clear,
3 which one are you looking at right now?

4 MR. DELANEY: On what?

5 MR. KOHLER: What document?

6 MR. DELANEY: Your Attachment 22. And
7 it's entitled "Service Area Map." It's a pdf.

8 MR. KOHLER: Attachment 2. Okay. Thank
9 you.

10 MR. DELANEY: No. 22.

11 MR. KOHLER: 22. Sorry.

12 MR. DELANEY: And if it's helpful, you can
13 also go to the PSC's website and look at the docket.
14 It has what you filed to me.

15 MR. KOHLER: Okay. I am on the docket.

16 MR. DELANEY: So you submitted, we have a
17 zip file. And if you look at your file there will be
18 three entries, and I think the middle one is the zip
19 file. If you open that, within that zip file is what's
20 called Attachment 22, among others.

21 Division, are you with us here?

22 MR. GRECU: Yes.

23 MR. DELANEY: Okay.

24 MR. KOHLER: I'm sorry. It just -- just
25 to expedite the speed of me finding this to make sure

1 we are on the same page --

2 MR. DELANEY: That's fine.

3 MR. KOHLER: -- what date was this filed
4 on so I can quickly find this?

5 MR. DELANEY: I don't know that. But if
6 you are on the docket, it would be the very bottom
7 entry.

8 CLERK: May 25.

9 MR. DELANEY: May 25.

10 MR. KOHLER: Thank you.

11 MR. DELANEY: Do you see that date on the
12 docket?

13 MR. KOHLER: I do. Thank you. Now I'm
14 with you. Attachment 22.

15 MR. DELANEY: Got it.

16 MR. KOHLER: I'm looking at the same thing.

17 MR. DELANEY: And what is that titled?
18 "Service Area Map"?

19 MR. KOHLER: Yes. This is Wanship
20 Cottages service Area.

21 MR. DELANEY: Okay. So my initial question
22 is why did you file this? What was the purpose of
23 submitting this?

24 MR. KOHLER: I think we submitted this, if
25 I recall, back to May because that was one of the items

1 that we needed to file, it was required to file with
2 the rate case which was a copy of our Service Area Map.

3 MR. DELANEY: Got it. Okay. So we are on
4 the same page. So the question then becomes is this
5 the service area map? There was a different service
6 area map attached to what has been submitted for the
7 purposes of the stipulation.

8 MR. KOHLER: I think, and Mark, I could be
9 wrong --

10 MR. DELANEY: I will ask Mr. Long this.

11 MR. KOHLER: Okay. Sorry.

12 MR. DELANEY: So your testimony is you
13 submitted this as your service area.

14 MR. KOHLER: This is our service area,
15 correct.

16 MR. DELANEY: And I'll ask you, then, to
17 go ahead and look at the stipulation or Attachment 1.
18 I'm sorry, Attachment 2. And let me direct you to
19 that. Are you looking on the docket?

20 MR. KOHLER: Yes.

21 MR. DELANEY: Go to -- there was a filing
22 dated October 31st, so it will be the last one on the
23 docket. So at the top.

24 MR. KOHLER: And it's Corrected Attachment
25 2.

1 MR. DELANEY: Yes.

2 MR. KOHLER: Okay.

3 MR. DELANEY: And go to page T11.

4 MR. KOHLER: Yes.

5 MR. DELANEY: Okay. So I see a difference
6 between what you submitted as Attachment 22 Service
7 Area Map that you have now testified is your service
8 area, with page T11 of Attachment 2. So which is your
9 service area?

10 MR. KOHLER: The first one.

11 MR. DELANEY: Okay. And by "the first
12 one," you mean Attachment 22 that you filed with the
13 application on May 25th, correct?

14 MR. KOHLER: Correct.

15 MR. DELANEY: Okay. That's actually
16 really important testimony, because at the end of the
17 day I need to walk you through these things so that if
18 we are going to still clear this up, to the extent
19 there's any confusion, that we are working from the
20 same, the correct document.

21 Okay. So the stipulation provides, at
22 page 5, paragraph 13b, "The company states that to the
23 best of its knowledge this proposed Service Area Map
24 represents the true and original boundaries of the
25 service area, and no other water companies or water

1 service areas are adjacent or close to Wanship's
2 service area." That's in paragraph 13b of the
3 stipulation. As you've just testified to, the Service
4 Area Map that is referred to in the stipulation is
5 Exhibit or Attachment 22 that was originally filed,
6 according to your testimony, correct?

7 MR. KOHLER: I'm sorry. Will you ask that
8 question again?

9 MR. DELANEY: Do you have the stipulation
10 up?

11 MR. KOHLER: Yes.

12 MR. DELANEY: Okay. The quoted language I
13 just read refers to proposed Service Area Map. And I'm
14 just clarifying for the record that Attachment 22 is
15 what is being referred to with the use of the phrase
16 "Proposed Service Area Map," correct?

17 MR. KOHLER: Correct.

18 MR. DELANEY: And it says to the best of
19 your knowledge. So what did you or Wanship, or what
20 did you have somebody do on behalf of Wanship, to gain
21 "the best of its knowledge"?

22 MR. KOHLER: There are no close water
23 companies to ours. There's just none that exist.

24 MR. DELANEY: Okay. Let's break it down.
25 Where did you look? What records did you consult? Who

1 looked? When did you do this? So go ahead and tell me
2 that. You say there's no -- that's the conclusion,
3 that there's no adjacent or close water companies or
4 water service areas. How did you make that
5 determination?

6 MR. KOHLER: We looked at the Division of
7 Water Rights map to determine what other water
8 companies are close, and there are none.

9 MR. DELANEY: Okay. Anything else? Is
10 that all you did? I mean, really, give me everything
11 you did.

12 MR. KOHLER: So as far as formal
13 documentation, that is probably our best is that the
14 Division of Water Rights does not have any other
15 utility drinking water utilities within our near
16 proximity.

17 The other way I know is just over time,
18 running this water company for the last year and a
19 half. There has never been any confusion. The closest
20 other water company does have a very similar name but
21 it is on the other side of I-80 from us. So the only
22 calls that we get are either for our water company or
23 that water company on the other side of I-80. There's
24 no close connections, there's no shared water lines.
25 We don't cross each other's lines anywhere. So that's

1 how we know.

2 MR. DELANEY: Okay. Thank you. If
3 there's any other way that you went about making this
4 conclusion, state it now while you are under oath,
5 because more is better. But if you don't have
6 anything, I understand.

7 MR. KOHLER: That's all I have.

8 MR. DELANEY: Okay. One idea I had is in
9 the application you filed there is a reference to the
10 drinking water report and I'm not quite sure exactly
11 what that is. But the box that you checked when you
12 attached I think Attachment 22, the box actually reads,
13 "The number of connections approved, and the current
14 area served may be shown by the Service Area Map." And
15 then it says parenthetically, "(This information should
16 be in your CPCN or in your drinking water report.)"
17 Now, I think you've testified that we don't know where
18 the original CPCN is. What about drinking water
19 report? Did you look there to see if anybody else was
20 a close or adjacent water company?

21 MR. KOHLER: I believe what we are
22 referencing there was a lead-based line report that was
23 done. And that was done through an engineering firm to
24 help determine what houses on our system may contain
25 lead or lead within our lines. That was outlined and

1 that is another unofficial map, if you will, of our
2 drinking water system.

3 MR. DELANEY: Okay. But it's just of
4 yours. It's not the adjacent or potentially adjacent?

5 MR. KOHLER: Correct.

6 MR. DELANEY: Okay. Then you've done what
7 you've done and you testified about what you did and I
8 threw one out that didn't apply. So thank you.

9 All right. Let's continue, then. So do
10 you testify under oath today that this proposed Service
11 Area Map which we have identified as Attachment 22 to
12 your application, represents the true and original
13 boundaries of Wanship's service area?

14 MR. KOHLER: I do.

15 MR. DELANEY: So do you testify under oath
16 today that no other water companies or water service
17 areas are adjacent or close to Wanship's service area
18 as reflected in what has been referred to as Attachment
19 22?

20 MR. KOHLER: I do.

21 MR. DELANEY: Finally, do you also testify
22 under oath today that this proposed Service Area Map,
23 22, Attachment 22, does not expand into the territory
24 of any other certificated water company?

25 MR. KOHLER: I do.

1 MR. DELANEY: Okay. Does the Division
2 have any questions for this witness on this issue?

3 MR. GRECU: No questions from the
4 Division.

5 MR. DELANEY: Any objection generally to
6 the request based on the new testimony you have heard
7 today?

8 MR. GRECU: No objection.

9 MR. DELANEY: Okay. Thank you. And I
10 will have some follow-up questions for Mr. Long later.

11 I have nothing further. Thank you very
12 much for your help. It's been helpful.

13 MR. KOHLER: Thank you.

14 MR. DELANEY: Division, would you like to
15 call your witness?

16 MR. GRECU: Thank you. The Division would
17 like to call Mark Long.

18 MR. DELANEY: Good afternoon, Mr. Long.
19 How are you?

20 MR. LONG: Good. How are you?

21 MR. DELANEY: Good. Do you swear to tell
22 the truth?

23 MR. LONG: Yes, I do.

24 MR. DELANEY: You are sworn. Please
25 proceed.

EXAMINATION

BY MR. GRECU:

Q. Could you state and spell your name for the record.

A. Yes, Mark Long. M-A-R-K L-O-N-G.

Q. What is your position with the Division?

A. I'm a utility technical consultant.

Q. What's your business address?

A. 160 East 300 South in Salt Lake City.

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

A. Yes.

Q. Did you review the Company's application for a rate increase and its prefiled testimony and exhibits?

A. Yes, I did.

Q. Did you prepare any cause to be filed for your direct testimony in Exhibit 2.1 and 4 that were filed on September 27, 2023?

A. Yes.

Q. Do you have any corrections to any of those?

A. I believe that the stipulation and the testimony refers to the redlined tariff as Attachment 1, and when it got filed it was shown as Exhibit 3; and

1 likewise with Attachment 2 for the clean tariff, it was
2 shown as Exhibit 4. But with the latest filing
3 yesterday, I believe they are called Attachment 1 and 2
4 again, although it should have been Corrected
5 Attachment 1 and 2. So those should jive more closely
6 with the testimony and the stipulation.

7 MR. DELANEY: Okay. Let me just
8 recharacterize that and get a yes or no. So any time
9 your testimony refers to the tariffs, your intention
10 now is that those references be to Corrected Attachment
11 1 and/or Corrected Attachment 2 as submitted by the
12 filing October 31st?

13 MR. LONG: Yes.

14 MR. DELANEY: Thank you. Continue.

15 Q. And what exactly were those changes as far
16 as what was in Corrected Attachment 1 and Corrected
17 Attachment 2?

18 A. Exhibit 3, or Corrected Attachment 1,
19 which is a redlined version, when we go down to about
20 the middle of it where they have the clean version, it
21 lists the tariff as tariff number 31. It should be
22 Tariff 3. And that was one of the corrections made.

23 Also in that same attachment, we changed
24 the effective date from December 15th, to December 1st.

25 Q. And what changes were made to the

1 Corrected Attachment 2 that was submitted?

2 A. Somehow - and I'm still confused as to how
3 I did this - but it has the original tariff, like 24
4 pages of the preliminary one that we did. Those all
5 need to be removed from pages T1 through T23. And I
6 apologize for that. I'm still at a loss. Also, we
7 changed the effective date from December 15th to
8 December 1st.

9 Q. And why was there a change in the
10 effective date to December 1st?

11 A. Primarily because we moved the hearing up
12 two weeks. And from what we have been giving the
13 Commission, 30 days, they would be able to issue an
14 order by December 1st.

15 Q. Do you adopt those filings with the stated
16 corrections as part of your testimony today?

17 A. Yes.

18 MR. GRECU: At this point I'd like to move
19 for the admission of Mr. Long's testimony and the
20 Exhibits 2.1 through 2.10 which were filed on September
21 27, 2023.

22 MR. DELANEY: Thank you. Any objection,
23 Mr. Kohler?

24 MR. KOHLER: No.

25 MR. DELANEY: Okay. I'm going to hold off

1 granting the motion because there may be a few other
2 corrections that need to be made, and I think that may
3 be cleaner.

4 MR. GRECU: Okay.

5 MR. DELANEY: But noted.

6 MR. GRECU: On that note I will make this
7 motion anyway, but we may be delaying it, as well. I'd
8 like to move to admit the Division's Corrected
9 Attachment 1 and Corrected Attachment 2, the corrected
10 tariff versions that were filed October 31, 2023.

11 MR. DELANEY: Let's park that one, too.

12 MR. GRECU: Okay.

13 Q. (By Mr. Grecu) Mr. Long, did you have an
14 opportunity to review --

15 MR. DELANEY: Pardon me. Hold on a
16 second.

17 Do you have any objection to that motion,
18 Mr. Kohler?

19 MR. KOHLER: No.

20 MR. DELANEY: Okay. Subject to that.
21 Thank you.

22 MR. GRECU: While we are at it, I will
23 make one more move to substitute the Corrected
24 Attachments 1 and 2 for the originally filed versions
25 of the tariff that were a part of Mr. Long's direct

1 testimony and the settlement stipulation as Attachment
2 1 and 2.

3 MR. DELANEY: Can you read that back?

4 (The record was read as follows:

5 "While we are at it, I will make one more
6 move to substitute the Corrected Attachments 1
7 and 2 for the originally filed versions of the
8 tariff that were a part of Mr. Long's direct
9 testimony and the settlement stipulation as
10 Attachment 1 and 2.")

11 MR. DELANEY: Mr. Kohler, do you have any
12 objection to that motion?

13 MR. KOHLER: No.

14 MR. DELANEY: That motion I will grant
15 because anything we do with what was submitted on the
16 31st might override this motion. But yes, I will grant
17 that motion.

18 MR. GRECU: Thank you.

19 MR. DELANEY: Sure.

20 Q. (By Mr. Grecu) Mr. Long, did you have an
21 opportunity to review the settlement stipulation and
22 the corrected attachments that the parties agreed upon
23 in this docket?

24 A. Yes.

25 Q. Based upon your experience as an analyst

1 for the Division and the information in the prefiled
2 testimony and exhibits, do you believe that the
3 approval of the settlement stipulation and the latest
4 revised tariff would be just, reasonable, and in the
5 public interest?

6 A. Yes, I do.

7 Q. Do you have a summary to share that
8 provides the Division's position and your testimony in
9 support of the settlement stipulation?

10 A. Yes.

11 Q. Please proceed.

12 A. On behalf of the Division, I request that
13 the Commission approve the filed stipulation regarding
14 Wanship's application for a general rate increase.
15 I'll start by providing a little background
16 information.

17 Wanship filed its request for a general
18 rate increase on May 25, 2023. The company has not
19 requested a rate increase for approximately 35 years.
20 Its last rate increase was in 1988. Division records
21 show no informal or formal complaints have been filed
22 with the Commission or the Division against Wanship for
23 at least the past 10 years.

24 With that background, the Division has
25 reviewed Wanship's application for a general rate

1 increase and the numerous supporting exhibits. The
2 Division also received additional information by
3 reviewing the Company's responses to the Division's
4 informal data requests, and many e-mails, texts, phone
5 calls, and virtual meetings. The Division analysis
6 shows that the Company's current rates are no longer
7 just and reasonable, as the rates no longer cover fixed
8 costs.

9 The Division filed this direct testimony
10 on September 27, 2023. Subsequently, the Division and
11 the Company entered into settlement discussions in
12 anticipation of reaching a settlement. On October 11,
13 2023, the Division filed an unopposed motion to vacate
14 the procedural schedule and change the hearing date
15 from November 15, 2023 to today, November 1, 2023. The
16 Commission granted this motion on October 12, 2023.
17 The discussions between the Company and the Division
18 led to a negotiated settlement agreement that was filed
19 with the Commission on October 17, 2023.

20 I'll specifically address three paragraphs
21 of the stipulation that the Division believes are of
22 particular importance: Paragraph 12, 13a, and 13b.
23 Paragraph 12, Table 1, presents a new rate model
24 including rates, fees, and other charges that cover all
25 costs, funds a reserve account, covers projected taxes,

1 and provides Wanship an opportunity to earn a return on
2 its investment in infrastructure.

3 Paragraph 13a addresses the billing cycle
4 for Wanship. Wanship requests authorization to use a
5 three-month, or quarterly, billing cycle instead of the
6 not-more-than-two-month billing cycle as required by
7 Utah Administrative Rule 746-200-4(A). The Commission
8 has the authority to waive its rules under
9 R746-200-1(F)(2) and the Company requests the
10 Commission do so and grant its requested billing cycle.
11 The billing cycle set forth in the rules would create
12 an undue burden on Wanship due to unnecessary labor and
13 postage cost. The Division supports this request and
14 recommends that as long as Wanship does not
15 individually meter its customers' water use, it should
16 be allowed to use a quarterly billing cycle.

17 However, if the Commission grants Wanship
18 an exemption from the billing cycle rule, the Division
19 also recommends that the Company and the Commission
20 revisit Wanship's exemption from the rule if the
21 Company starts to meter each customer's water usage.
22 To accomplish this Commission review, Wanship and the
23 Division, individually or jointly, could seek a tariff
24 change if appropriate.

25 Paragraph 13b. The Division also wishes

1 to bring to the Commission's attention the Service Area
2 Map on page T11 of Tariff 3. According to its
3 available records, the Division notes that previous
4 dockets, including the Company's original 1977 tariff
5 in docket 77-067-01, did not include a copy of its
6 service area map. The Company states that to the best
7 of its knowledge, this proposed service area map
8 included in Tariff 3 represents the true and original
9 boundaries of the service area, and no other water
10 companies or water service areas are adjacent or close
11 to Wanship's service area. The Division recommends
12 that the Commission adopt this map as the official
13 Service Area Map for Wanship.

14 In summary, as previously stated, Wanship
15 has not had a rate increase since 1988, approximately
16 35 years ago. The Company has been operating at a loss
17 for years and borrowing money to stay afloat. The
18 Division is mindful of the magnitude of the recommended
19 increase and its likely effects on customers. Such
20 increases may be frustrating to customers. However, a
21 reasonable rate is needed for Wanship to provide safe,
22 adequate, and reliable service. The recommended rates
23 are reasonable, given operating conditions and
24 expenses.

25 The rate structure, as proposed, in

1 addition to providing full cost funding, will provide
2 additional funds in Wanship's capital reserve account,
3 which will help the Company with repairs and
4 replacement of an aging infrastructure.

5 The Division concludes that the criteria
6 for a settlement, according to Utah Code Section
7 54-7-1, have been met and that the evidence contained
8 in the record supports a finding that the settlement
9 proposal, as a whole, is just and reasonable in result
10 and in the public interest. Therefore, the Division
11 recommends the Commission approve the stipulation filed
12 with the Commission on October 17, 2023, and the
13 amended redline and new tariffs, included as Corrected
14 Attachments 1 and 2, filed with the Commission on
15 October 31, 2023, with both the stipulation and tariff
16 to have an effective date of December 1, 2023.

17 I guess they really weren't filed as
18 corrected versions, but you know what I mean.

19 MR. DELANEY: We'll clean that up.

20 MR. LONG: Gotcha. That concludes my
21 summary.

22 MR. DELANEY: Thank you very much.

23 Mr. Kohler, do you have any questions for
24 Mr. Long?

25 MR. KOHLER: No, I do not.

1 MR. DELANEY: Okay. I do have some
2 questions and I think we will start with kind of the
3 same concepts that I addressed to Mr. Kohler, but we
4 will start with the first one last which is we will
5 start with the service map area and talk about the
6 billing thing, and then there's some questions about
7 the underlying support for the recommendation.

8 MR. LONG: Okay.

9 MR. DELANEY: On the service map area
10 request, what was the Division's -- well, I'm just
11 going to say Mr. Long, on behalf of the Division, what
12 was your understanding of what exhibit or Attachment 22
13 was when it was submitted with the application?

14 MR. LONG: It was my understanding that
15 that was what they thought their service area was,
16 according to that map. When we started looking at it,
17 it was unclear as to whether it included all the
18 customers that had been being served water since the
19 early '70s. And our attempt at making sure that it was
20 all inclusive of all the customers being served was
21 this Google map that they transposed the outline of the
22 service area on. In looking at it closer, it almost
23 looks like to me that --

24 MR. DELANEY: For the record, will you
25 make clear so the court reporter can pick up what you

1 are referring to as you are pointing?

2 MR. LONG: Okay. I'm referring to the
3 service area map that is attached to the tariff on page
4 T11.

5 MR. DELANEY: Thank you.

6 MR. LONG: Sure. The corrected attachment.

7 MR. DELANEY: Thank you.

8 MR. LONG: Anyway, in looking at that map,
9 it almost looks like the purple outline on the top
10 between the two little nubs there maybe should be a
11 little bit higher, which would be almost exactly the
12 service area map that Mr. Kohler submitted as
13 Attachment 22 in his original submission. It was only
14 our intent to make sure to include everybody that's
15 been served and was included as the customer since the
16 early '70s.

17 MR. DELANEY: Absolutely. I understand
18 the intent. So I guess my original question was what
19 was your understanding of what Attachment 22 was. And
20 your testimony was that you understood that to be what
21 Wanship believed was their service area map, correct?

22 MR. LONG: At the time, I believe they
23 believed that.

24 MR. DELANEY: Okay. But now what I hear
25 you saying is that Attachment 22, according to your

1 testimony, is not, in fact, accurate as their service
2 area map; is that correct?

3 MR. LONG: Yeah, it may not be. We have
4 had quite a bit of discussion about this, Mr. Kohler
5 and I, and it was unclear whether it included that one
6 company that, on the map, it was on the upper -- on the
7 map on page T11. It was unclear whether it included
8 that one residence right there. And we just wanted to
9 make it clear that he is part of the service area and
10 has actually been served for nearly 50 years.

11 MR. DELANEY: Okay.

12 MR. LONG: Maybe we took something that
13 was easy and muddled it up. I don't know. But that
14 was our intention.

15 MR. DELANEY: No, I understand that. But
16 we have conflicting information for a very specific
17 request. So you've answered my question. I do want to
18 dig in a little bit, though, because your written
19 testimony says there's no copy of -- basically says
20 this on page 15, that there's no copy of Wanship's
21 service area map in the Division's records, correct?

22 MR. LONG: That's correct.

23 MR. DELANEY: So with that reference to
24 the Division's records, does that mean the files,
25 whether hard copy or electronic, that are maintained

1 within the Division's office?

2 MR. LONG: I believe within the office. I
3 also had a customer service representative look at
4 anything she could find electronically, and she
5 couldn't find anything either.

6 MR. DELANEY: Okay. Did you look or have
7 this person who was helping you look in archives,
8 whether on site or off site?

9 MR. LONG: No, I didn't. At the time I
10 had her look, I don't think there would have been time
11 to go to archives and look for it, but I did not.

12 MR. DELANEY: Understandable. This is
13 just helpful for me to understand, especially since we
14 have some conflicting information. We've got testimony
15 that 22 is good and we've got testimony that 22 might
16 not be good. But the intention is for it to be good,
17 so we've got a conflict. So I just want to run to
18 ground where we might find or where you looked to try
19 to find what might show what is exactly accurate.

20 MR. LONG: Okay.

21 MR. DELANEY: You also testified that
22 Mr. Kohler indicated to you that, according to his
23 research, no other water companies or water service
24 areas are adjacent or close to Wanship's service area.

25 MR. LONG: That's correct.

1 MR. DELANEY: We heard his testimony on
2 that. Other than him indicating to you, did you do
3 anything to verify the accuracy of that statement?

4 MR. LONG: No. I just want to add one
5 thing. I believe that Mr. Kohler indicated that he
6 talked to Deann Gary that owned the company for maybe
7 40 years, and she wasn't aware of anything, either.

8 MR. DELANEY: Okay. That's all I have for
9 you on that. Thank you.

10 MR. LONG: Okay.

11 MR. DELANEY: How about the billing cycle
12 exemptions? Let's talk about that quickly.

13 MR. LONG: Okay.

14 MR. DELANEY: You heard Mr. Kohler's
15 testimony on that today. You provided, in your live
16 testimony and your prefiled written testimony, some
17 written explanation. So I want to ask you this: Do
18 you have anything to add as to why requiring monthly or
19 every-other-month billing would impose an undue burden
20 on Wanship?

21 MR. LONG: No. I'd have to refer to
22 Mr. Kohler. I'm not sure if you were asking this
23 question to him or if he misunderstood it, but
24 typically we like to have monthly billing cycles. That
25 way if the customer is using a lot of water, it will

1 give them a signal and say, "I'm using too much water.
2 Let me cut back the next month." Or if there's a leak,
3 "Let me find the leak a lot easier." And when you have
4 customers that aren't being -- the water isn't metered,
5 there's really no useful signal to the customer to bill
6 it any more than quarterly.

7 MR. DELANEY: Okay. So you jumped to the
8 next one, which was limited benefits to the customer.
9 But let's stay on this one, undue burden. It's a term
10 of art. So do you have any other information that you
11 would use to demonstrate that this is an undue burden
12 to send out bills six times a year instead of four
13 times a year, so a total of 70 more bills, in essence,
14 per year, electronically? Do you have any other
15 information that would support an undue burden finding?

16 MR. LONG: No. Other than to support
17 Mr. Kohler's statement that it's only \$300, but \$300
18 with only 35 customers is quite a bit.

19 MR. DELANEY: Okay. Great. So then I was
20 going to ask you, do you have anything else to add
21 other than what you have said in your testimony, in
22 your statement today, your testimony you prefilled, and
23 in regards to Mr. Kohler's testimony, that requiring
24 monthly or every-other-month billing results in
25 Wanship's customers receiving no or limited benefits?

1 MR. LONG: That's correct.

2 MR. DELANEY: So nothing else to that?

3 MR. LONG: Right.

4 MR. DELANEY: Okay. Thank you. On those
5 two things I think I have gotten everything I can to
6 try to make a request that's baked into a stipulation
7 into something a little more formal as a part of the
8 whole process that I can have the Commission review.

9 So now I want to talk about your prefiled
10 testimony, and this is why I parked that motion is
11 because basically you testified that there were some
12 changes, you testified to those, but that there were no
13 other changes. What I want to preface this with is I'm
14 very sensitive to the fact that the parties have worked
15 hard to reach an agreement on this, and it's the best
16 way to resolve things, I think. And the agreement is
17 on the ultimate fees, the rates, the terms, and those
18 sorts of things that are reflected in the work that's
19 been submitted, and the settlement stipulation.

20 MR. LONG: Okay.

21 MR. DELANEY: But the rationale that
22 supports the numbers is supported by actual numbers,
23 right? And that's in your testimony, correct?

24 MR. LONG: Yes.

25 MR. DELANEY: Okay. So the accuracy of

1 those numbers is important. And because it benefits
2 everyone to have a clean, accurate record, I want to
3 address some of those with you. Okay?

4 MR. LONG: Okay.

5 MR. DELANEY: So let's have you put in
6 front of you - and Mr. Kohler, please feel free to
7 bring this in front of you, as well - your written
8 testimony, the narrative at this point. And I'm trying
9 to break out the exhibits so you don't have to toggle
10 back. So just your testimony.

11 MR. LONG: Okay.

12 MR. DELANEY: So on page 6, lines 148 to
13 149, you state that Wanship requested \$5,000 per year
14 as a capital reserve, for its capital reserve account.
15 Do you see that?

16 MR. LONG: Yes.

17 MR. DELANEY: I can't find that anywhere.
18 Where was that request made? I looked at the
19 application, I've looked at what is, in essence, the
20 filed testimony. So where did that come from? Is that
21 part of your communications off line?

22 MR. LONG: It could have been. Or could
23 that possibly have been in one of your analyses,
24 Mr. Kohler? The profit and loss one, if I'm recalling?

25 MR. DELANEY: So let me ask the question.

1 Do you know where that came from?

2 MR. LONG: I know we talked about it
3 verbally, but I also believe this is in writing from
4 him.

5 MR. DELANEY: This will be easy.
6 Mr. Kohler, do you have any reason to dispute that
7 testimony, that there was a \$5,000 request for the
8 capital reserve account? Just that the request was
9 made?

10 MR. KOHLER: It was. And Mr. Long was
11 correct. It was in writing. It was in our P&L
12 numbers.

13 MR. DELANEY: Okay. Thank you. So let's
14 look at Table 1 now. This is again in your narrative.
15 It's on page 8. I made this joke before, that I went
16 to law school and they said there would be no math, and
17 they didn't tell the truth. Other lawyers in the room
18 may testify to that.

19 So on Table 1, it says, "Current Rates,
20 Fees and Charges Amounts." Do you see that column
21 heading?

22 A. Yes.

23 Q. I want to clarify this, because I think I
24 figured it out, but there are two fees, one is titled
25 "Reconnection for Unauthorized Use Fee," for \$150, and

1 the other is "Seasonal Turn On and Turn Offs Fee" for
2 \$25. Do you see those?

3 A. Yes.

4 Q. Okay. I do not see those in Mr. Kohler's
5 direct testimony where he lists what is the existing
6 and proposed rates. But I do see those in what is the
7 still current tariff. Is that where those two numbers
8 come from in your Table 1?

9 MR. LONG: Yes.

10 MR. DELANEY: Okay. Thank you. Let's
11 look at Table 2, next page. This is where you are
12 going to have to be really patient with me. And again,
13 I know you reached a settlement and that you've arrived
14 at a final number, but what I need to do is make sure
15 the record reflects accurately the rationale and the
16 numbers that support where you ended up.

17 Okay. Table 2, page 9, the column with
18 the heading "Rates, Fees, Charges Requested by Wanship
19 Amounts," that far right column; do you see that?

20 MR. LONG: Yes.

21 MR. DELANEY: Okay. And the word
22 "requested" is obviously operative, so I'm comparing it
23 to that which was Mr. Kohler's written testimony.

24 MR. LONG: Okay.

25 MR. DELANEY: So I'm looking at them side

1 by side. And what I see is -- I get confused because
2 if I look at these numbers, are they monthly?

3 MR. LONG: Yes.

4 MR. DELANEY: Okay. That's what I
5 figured. So if you look at unmetered water for
6 connected customers carried all the way over to \$90.75
7 that represents a monthly number, right?

8 MR. LONG: Right.

9 MR. DELANEY: Okay.

10 MR. LONG: As well as the \$19 does. So to
11 keep the --

12 MR. DELANEY: Okay. Well, okay. So as I
13 compare your numbers in this column in Table 2 to
14 Mr. Kohler's direct testimony with his proposed rates,
15 otherwise requested rates --

16 MR. LONG: Yes.

17 MR. DELANEY: -- they don't translate. So
18 for example, if you take \$90.75 per month and times
19 that by three months, that is \$272.25. Mr. Kohler's
20 application or direct testimony proposed \$363 per
21 quarter. So I'm not following. And maybe the answer
22 is requested -- where did these requests come from?
23 Because it's not translating all the way down.

24 MR. LONG: I think, once again, it
25 probably came from the spreadsheet, the profit and loss

1 spreadsheet that had all the complete numbers on there.
2 I'm not sure if it got translated to his written
3 testimony or not, but that's what I used as requested
4 by.

5 Is that true, Mr. Kohler?

6 MR. DELANEY: Let me park this and ask you
7 this question. So I want to orient you, Mr. Kohler.
8 If you look at Mr. Long's written direct testimony,
9 that's what we've been talking about, which is Table 2
10 on page 9 of Mr. Long's testimony. Are you with me?

11 MR. KOHLER: Yes.

12 MR. DELANEY: The comparison that I'm
13 trying to draw here is in your application of May 25,
14 2023, not in the zip file but --

15 I don't know, is it in the zip file,
16 Melissa? I think it may be a separate entry.

17 MR. KOHLER: I have it in front of me.

18 MR. DELANEY: Okay. And it says,
19 "Testimony of Grady Kohler, owner, May 25th." Is that
20 what you are looking at?

21 MR. KOHLER: Yes.

22 MR. DELANEY: Okay. So you have "Proposed
23 Rates" as a column. You see that in the far right
24 column?

25 MR. KOHLER: Yes.

1 MR. DELANEY: And then you have on
2 "Unmetered Water" \$363 per quarter.

3 MR. KOHLER: Yes.

4 MR. DELANEY: Now, if you were to divide
5 that by 3 which would be, therefore, a monthly rate,
6 doesn't your math say that would be \$121?

7 MR. KOHLER: Yes.

8 MR. DELANEY: Okay. So if you were to
9 compare \$121 as a monthly rate to Mr. Long's Table 2 of
10 \$90.75, do you see that comparison?

11 MR. KOHLER: Yes.

12 MR. DELANEY: Mr. Long, as I understand
13 his testimony, is saying that your \$363 number is not
14 where he drew the requested amount from. Is that
15 consistent with your understanding?

16 MR. KOHLER: Yes. My testimony to our
17 request is actually, I believe, accurate because that
18 does also flow through to the spreadsheet that we have
19 discussed, and those two numbers do match up.

20 MR. DELANEY: Okay. What two numbers?

21 MR. KOHLER: The spreadsheet P&L, which
22 was entered in our original application for the rate
23 increase, and my direct testimony to the rate increase.
24 Those numbers are the same.

25 MR. DELANEY: Okay.

1 MR. KOHLER: Your math is correct.

2 MR. DELANEY: Thank you. Did you
3 understand that testimony, Mr. Long?

4 MR. LONG: Yes.

5 MR. DELANEY: Okay. So I think where we
6 were going was that you believed that your \$90.75
7 number came from something other than what I'm
8 comparing it to, which is the direct testimony.

9 MR. LONG: (Witness nods head up and
10 down.)

11 MR. DELANEY: So I'd like to get this
12 straightened out.

13 MR. LONG: I think I can make it easy for
14 you.

15 MR. DELANEY: Okay. And again, I
16 understand you have all reached an agreement. I
17 understand you all have come to an agreed-upon rate.
18 But I want to test the rationale. Please testify as
19 you see fit.

20 MR. LONG: I'm looking at the profit and
21 loss statement that I referred to, and I see now that
22 the break-even cost per quarter is the \$362.82, which
23 divided by three would be the \$121.

24 MR. DELANEY: Okay.

25 MR. LONG: I'm not sure where I got the

1 \$90 or whatever that is.

2 MR. DELANEY: \$90.75.

3 MR. LONG: Yes.

4 MR. DELANEY: Well, without going chapter
5 and verse here, I've got to tell you that if what
6 Mr. Kohler just testified to is accurate, which is all
7 of the numbers that he has listed in his direct
8 testimony of May 25th in the "Proposed Rate" column is
9 accurate, and that accuracy then translates into the
10 P&L that you just testified about, all of the rest of
11 your numbers in Table 2 don't follow Mr. Kohler's
12 testimony.

13 And so what I'm going to suggest is I
14 wonder if this odd error that happened, that you just
15 testified about, the \$90.75 example, doesn't carry
16 through each of them below the \$90.75. And let me tell
17 you why I think that's important. Because you just
18 testified that what you saw in the P&L, the break-even
19 number is built on a bigger number.

20 MR. LONG: Yes.

21 MR. DELANEY: Right?

22 MR. LONG: Yes.

23 MR. DELANEY: And while we end up at
24 \$153.50 ultimately on Table 4, for example, as the
25 agreed-upon rate, my concern is that that \$153.50 may

1 have been built around something like \$90.75, an
2 erroneous initial number. Do you understand my
3 concern?

4 MR. LONG: I understand what you're --
5 yeah.

6 MR. DELANEY: Okay. So it just gives me
7 some pause to understand whether or not -- because I do
8 have some questions about this \$153.50 number anyway.

9 MR. LONG: Okay.

10 MR. DELANEY: And I will get there. But
11 I'm wondering, is it giving you any pause, sir?

12 MR. LONG: Not as much. We typically
13 don't come up with the rate that the water company
14 does. Ours is usually typically higher.

15 MR. DELANEY: Yeah.

16 MR. LONG: So I'm not sure where he got
17 all these numbers from, but it doesn't surprise me that
18 it's way different.

19 MR. DELANEY: Okay. Okay. And that's
20 fair enough, because when we get to where I have these
21 questions about the \$153.50 number, then maybe we can
22 address this.

23 MR. LONG: Okay.

24 MR. DELANEY: So I guess I want to give
25 you a chance, though, you testified earlier that there

1 was no other corrections you wanted to make to your
2 testimony. This is an obvious correction that you
3 could make if you wanted to make it. If you don't want
4 to make it, you don't have to make it.

5 MR. LONG: I could, although I'd like to
6 delve into it a little bit more and find where I got
7 these numbers from. They came from somewhere.

8 MR. DELANEY: I figured you'd say that.

9 MR. LONG: In one of his exhibits.

10 MR. DELANEY: I figured you'd say that.
11 And I'm not quite sure how to handle that at the end of
12 the day, because we do have an agreement and the number
13 that it was going to be agreed upon. And I guess if
14 your testimony -- if you can testify here today as we
15 look at Table 2 that the numbers in the far right
16 column did not necessarily inform, as a basis, for you
17 to arrive at the ultimate settlement numbers that you
18 guys reached.

19 MR. LONG: That's true. Although --

20 MR. DELANEY: Just answer that question
21 and then tell me.

22 MR. LONG: Would you say it again, please.

23 MR. DELANEY: Would you read that back,
24 please.

25 (The record was read as follows:

1 Question: "I'm not quite sure how to
2 handle that at the end of the day, because we do
3 have an agreement and the number that it was
4 going to be agreed upon. And I guess if your
5 testimony -- if you can testify here today --")

6 MR. DELANEY: Stop. "If you can testify
7 here today." Here's the question right after this.

8 (The record was read as follows:

9 "If you can testify here today as we look
10 at Table 2 that the numbers in the far right
11 column did not necessarily inform, as a basis,
12 for you to arrive at the ultimate settlement
13 numbers that you guys reached.")

14 MR. LONG: And that's correct.

15 MR. DELANEY: Okay. Great. Then let's
16 move off that at this point. But please, you were
17 going to say something. Please say it.

18 MR. LONG: I don't know if I want to say
19 it now.

20 MR. DELANEY: If you need a minute, if you
21 want to talk with your lawyer, that's fine. If you
22 just need to take a break, that's fine, too.

23 MR. GRECU: Could we have a five-minute
24 break?

25 MR. DELANEY: Absolutely. Let's -- 2:25

1 by that clock. If you need a few minutes longer,
2 that's fine.

3 (Break taken from 2:18 to 2:23 p.m.)

4 MR. DELANEY: So we are back on the record
5 on docket 23-067-01, having taken a five-minute break.
6 I will begin by saying I'll turn it back over to the
7 Division on what they wanted to discuss amongst
8 themselves and report back, if anything.

9 MR. LONG: Yes, let me clarify this.

10 MR. DELANEY: Thank you.

11 MR. LONG: I used the \$363 number like
12 that was discussed earlier. And I believe I saw
13 "quarter" so I thought, "Oh, quarter, that's 25
14 percent. Let's divide it by four." And that comes up
15 to the \$90.75. If you divide a quarter, which really
16 has three months in it, by three, it's the \$121. So I
17 was using the same numbers, just had a brain fart, I
18 guess, and did it by four instead of three.

19 MR. DELANEY: The testimony that lives
20 forever in infamy --

21 MR. LONG: A brain glitch.

22 MR. DELANEY: That's better, thank you.
23 Given that you believe that you have identified this
24 error in your testimony, would you like to correct it?

25 MR. LONG: I can, although it's not

1 instrumental on --

2 MR. DELANEY: You can do it generally by
3 explaining that what you just testified about applies
4 to everything in your column.

5 MR. LONG: The only thing it would
6 possibly apply to is the stand by fee, the second lot
7 double fee, everything else are charges, not rates that
8 would have been affected by dividing by four rather
9 than three.

10 MR. DELANEY: Okay. So that's the extent
11 of your correction to your testimony at this point?

12 MR. LONG: Sure. Yes.

13 MR. DELANEY: Okay. I've got to ask you a
14 question based on what you just testified about. If
15 you'll look at Table 2, the one-time fee, under
16 "One-Time Fees," you have first-time service connection
17 fee of \$3000. Do you see that?

18 MR. LONG: Yes.

19 MR. DELANEY: If I look at Mr. Kohler's
20 testimony and the submission that he made with his
21 proposed rates, I see the first-time connection fee as
22 \$5,000. Can you explain why those are different?

23 MR. LONG: We had quite a few discussions
24 on some of this one-time fees and charges. And at the
25 time, we kind of went through and talked about them and

1 said \$3000 is more commonly used unless you can show
2 otherwise. And we went through each one like that and
3 discussed that. Somewhere in his -- at least verbally,
4 but I believe it is written down somewhere, as well,
5 too, and we also went over these tables in detail.

6 MR. DELANEY: And again, I respect the
7 settlement and I respect the work you've done to get to
8 that.

9 MR. LONG: And he did agree to all of
10 these.

11 MR. DELANEY: And that's not my question.
12 My question was you testified that you didn't want to
13 make any corrections. So all I'm giving you an
14 opportunity to do is make any corrections that you deem
15 appropriate. And if you do not deem these to be errors
16 or if you don't deem them to be correctable, that's
17 fine, too. Just so testify.

18 MR. LONG: I'll stand by the numbers.
19 They came either through negotiation or as an agreement
20 between us as we were proceeding with the rate case.

21 MR. DELANEY: Great. One last question on
22 that exact point, then. So you can testify here today,
23 Mr. Long, that Mr. Kohler's direct testimony and the
24 numbers that he has listed in his "Proposed Rates"
25 column in that direct testimony is not necessarily the

1 source that you got for your tables identifying what
2 Wanship requested; is that correct?

3 MR. LONG: That's correct.

4 MR. DELANEY: Thank you. If you will flip
5 over to page 11 of your testimony and look at Table 4.

6 MR. LONG: Okay.

7 MR. DELANEY: There's a middle column,
8 "Rates, Fees, and Charges Requested by Wanship
9 Amounts." Do you see that?

10 MR. LONG: Yes, I do.

11 MR. DELANEY: And those numbers that are
12 in that column are simply represented the same way that
13 we have just been testifying about with respect to
14 Table number 2, correct?

15 MR. LONG: That's correct.

16 MR. DELANEY: Okay. And again, the source
17 of those numbers were not necessarily --

18 MR. LONG: That's correct.

19 MR. DELANEY: Just so the record can be
20 clear, from Mr. Kohler's May 25th testimony?

21 MR. LONG: That's correct.

22 MR. DELANEY: Thank you.

23 MR. LONG: At least his written testimony.

24 MR. DELANEY: I'm sorry. The May 25th --

25 MR. LONG: Because he provided exhibits,

1 other exhibits that would have had those numbers on
2 them.

3 MR. DELANEY: I'm sorry. The synopsis
4 that lists the proposed rates.

5 MR. LONG: Right. That's correct.

6 MR. DELANEY: Thank you for the
7 clarification. Okay. Now I would like to spend a few
8 minutes with your exhibits, because I think this is
9 really where a lot of the heavy lifting gets done is in
10 your exhibits.

11 MR. LONG: Right.

12 MR. DELANEY: In Mr. -- excuse me. In
13 Wanship's application filing, Attachment 12 was a
14 Department of Environmental Quality noncompliance
15 letter dated February 1, 2023. Are you familiar with
16 that?

17 MR. LONG: I reviewed it.

18 MR. DELANEY: So the question on that
19 letter has nothing to do with where that stands. I
20 couldn't find where that issue was specifically
21 addressed in your exhibits as a cost. Is it something
22 that is otherwise reflected in your exhibits that there
23 is costs that are going to be associated with that
24 remediation or compliance?

25 MR. LONG: As I recall, that number will

1 either be in the loan amount that Mr. Grady [sic] has,
2 or it would be possibly on Exhibit 2.3, page 1 of 6.

3 MR. DELANEY: Okay.

4 MR. LONG: It might be included in line
5 21, 22, 23, 24. Those are the repairs that we
6 amortized to include in rates. And some of those were
7 to remedy drinking water concerns.

8 MR. DELANEY: Okay. That's great. Let's
9 look at Exhibit 2.2. As I understand kind of the
10 matrix, the chart, the "Total Number of Customer Type"
11 here in this model uses 34 connected and six standby.

12 MR. LONG: That's correct.

13 MR. DELANEY: Okay. So the question is
14 where did 34 come from? And let me tell you why that's
15 a question. Because Mr. Kohler's application testimony
16 says 34. Consistent. He testified today there were
17 35. The application Attachment 8, which is the AR
18 aging summary, lists 33. The application Attachment 23
19 tab that says "Customers and Water Sold" says 33. And
20 then the drinking water division lists 30 residential,
21 49 transient, 28 residential. So my question to you is
22 given these different numbers that I'm seeing, how did
23 you arrive at 34 for purposes of this model?

24 MR. LONG: I also think somewhere it lists
25 like 89 connections, too. So with all these different

1 connections, I don't recall if I -- I think I texted
2 him and called him and said, "Hey, look, how many
3 connections are there? We need to get an exact amount
4 because it's very important on the rates." And he
5 responded with the 34 and the 6.

6 MR. DELANEY: Okay.

7 MR. LONG: And I said, "That's it, right?"
8 And he goes, "Yeah. Those are the exact rates we
9 have." So I don't know if he has billing for 35. I
10 was kind of surprised when I heard that. But he has
11 assured me it is 34 and 6.

12 MR. DELANEY: Because your model is built
13 around these numbers and that's why you need the
14 numbers.

15 MR. LONG: Exactly. Oh, yeah. Right.

16 MR. DELANEY: Let's stay here. I might
17 come back to Mr. Kohler on this. Because the
18 application itself, let's talk about the standby, your
19 model builds six. The application itself says zero.

20 MR. LONG: Right.

21 MR. DELANEY: And none of the other
22 sources that I talked about earlier says anything about
23 standby. So we've got a representation in the filing
24 that there are zero standby. But then through later
25 conversations, your testimony is, "No, it was raised to

1 six." Is that correct?

2 MR. LONG: Yes.

3 MR. DELANEY: So based on that, you built
4 your model.

5 MR. LONG: I feel comfortable that those
6 numbers are correct.

7 MR. DELANEY: Okay. I'm going to do this
8 now instead of jumping back or coming back.

9 Mr. Kohler, you just heard this testimony
10 from Mr. Long. What's your response?

11 MR. KOHLER: One item to clarify is in our
12 previous tariff we did not have a standby customer
13 billing. So that's probably some of the back and forth
14 is that we are now moving to the concept of having what
15 is commonly referred to as a wet lot or a standby lot,
16 a lot that we are providing water service to that lot,
17 but there's perhaps not currently a cabin built on that
18 lot, or a house.

19 MR. DELANEY: Okay.

20 MR. KOHLER: So we didn't have that in our
21 previous tariff and we do now. Mr. Long is correct.
22 We counted the number of possible standby lots and that
23 is six.

24 MR. DELANEY: Okay.

25 MR. KOHLER: And we currently have 36

1 customers in our database, to be precise, and that
2 number has improved over time from 34 as we went from
3 back-of-napkin accounting and getting everybody
4 actually correctly built into our database. And so I'm
5 currently looking at our QuickBooks and our customers
6 in there, and we have exactly 36 as it stands here
7 today.

8 MR. DELANEY: Okay. Thank you. So
9 Mr. Long, your numbers are off by two. The effect of
10 that on your model is, generally speaking, what?

11 MR. LONG: Considering there's only 34
12 customers, two will make a difference. Although I
13 might add, this commonly happens. We work with the
14 numbers we are given at the time. And water companies
15 are growing and adding and subtracting, so I don't know
16 how much you want to chase that on every rate case that
17 you do.

18 MR. DELANEY: But my question is what
19 effect does that have on your model? And if the answer
20 is -- I'd like your answer, but if it is de minimus, or
21 if it is significant, I'd like to know either way.

22 MR. LONG: I'd have to plug the numbers in.

23 MR. DELANEY: Okay. Does it change your
24 conclusion that the rate, as agreed to, is just,
25 reasonable, and in the public interest?

1 MR. LONG: At this time if there's 36, the
2 numbers would change.

3 MR. DELANEY: Will you read back my
4 question to him, please?

5 (The record was read as follows:

6 "Does it change your conclusion that the
7 rate, as agreed to, is just, reasonable, and in
8 the public interest?")

9 MR. DELANEY: We can take a break, if
10 you'd like.

11 MR. LONG: I can go plug the numbers in
12 and then we can see.

13 MR. DELANEY: Would that make you feel
14 more comfortable?

15 MR. LONG: Yeah. I'm a numbers guy. That
16 would make me feel better.

17 MR. DELANEY: That's fine. Can you do it
18 in five minutes?

19 MR. LONG: Sure.

20 MR. DELANEY: Or will you need a little
21 bit longer?

22 MR. LONG: No. Five should do it.

23 MR. DELANEY: Let's take a break until
24 quarter to.

25 (Break taken from 2:37 to 2:43 p.m.)

1 MR. DELANEY: We are going to go back on
2 the record, and before I get to you guys I'll bounce
3 over here. We are back on the record on docket number
4 23-067-01. We took a five-minute break to look over
5 some numbers.

6 But before I have the Division follow up
7 on what we were talking about before the break, I want
8 to ask Wanship a question. You testified that there
9 are six standby customers that otherwise were not
10 covered by your current tariff, but will be covered by
11 the proposed new tariff, correct?

12 MR. KOHLER: Yes. That is our
13 approximation. These have not been billed ever before,
14 or tracked. But that is our approximation of looking
15 at the plat map and counting the number of possible wet
16 lots that could be built.

17 MR. DELANEY: Okay. So given what you've
18 just said, hypothetically if this tariff goes into
19 effect as proposed on December 1, 2023, and if you were
20 on a monthly billing cycle you could start billing six
21 different people or issuing six different bills for
22 \$38.50 per month.

23 MR. KOHLER: Correct.

24 MR. DELANEY: So that's built into the
25 revenue stream.

1 MR. KOHLER: That's built into our pro
2 forma. Best case scenario.

3 MR. DELANEY: Thank you. If that's
4 helpful, great, if not, please go ahead and follow up
5 with what you were talking about earlier.

6 MR. LONG: Okay. I went to plug the new
7 numbers in, and before I had a chance to do that,
8 Mr. Kohler came and said, "No, the actual number of
9 connected customers is 34."

10 MR. DELANEY: Okay.

11 MR. LONG: And he may be able to explain
12 this better. Apparently one customer was incorrectly
13 entered and the other is actually a standby now but
14 maybe later will become a connected customer.

15 MR. DELANEY: That's okay. I won't ask
16 him for an explanation on that because I'm really
17 looking at your model. And that seems, therefore, to
18 justify your model.

19 MR. LONG: Okay.

20 MR. DELANEY: But I want to continue to go
21 through this based on what we just heard about standby
22 customers, because if we look at Exhibit 2.3, 2.3 on
23 page 3 of 6, the "Total Expenses As Adjusted," so the
24 far right column --

25 MR. LONG: Yes.

1 MR. DELANEY: -- is \$65,296.95. Right?

2 MR. LONG: Yes.

3 MR. DELANEY: Well, if I do the math of 34
4 connected customers at \$153.50 per month, I get a
5 difference of -- I get a total of \$62,628.

6 MR. LONG: That's correct.

7 MR. DELANEY: So there's a difference of
8 minus \$2,668.95. Their expenses are outpacing their
9 revenue just with connected and expenses, right?

10 MR. LONG: Yes.

11 MR. DELANEY: And then if I add in the
12 standby customers of \$38.50 per month, times six, times
13 twelve, I'm still seeing expenses that outpace revenue.
14 Is that accurate? Total expenses are outpaced by total
15 revenue.

16 MR. LONG: I don't think so. If you were
17 to refer to Exhibit 2.4.

18 MR. DELANEY: Great. Thank you.

19 MR. LONG: And if you refer to lines 6 and
20 7, I believe it has the calculations that you were just
21 talking about; 34 customers times a monthly rate and
22 then annually is the \$62,628. And then likewise for
23 the standby customers. My spreadsheet here shows it
24 comes up to \$65,400. And then if you refer to the
25 expenses, starting on line 10, I show the expenses,

1 including tax and everything else, is the \$65,296. So
2 there really is \$100 over earnings there, which is
3 minimal.

4 MR. DELANEY: Okay. Thank you for
5 orienting me on that point. I checked your math, and
6 your math is accurate in 2.4. Except for -- let me ask
7 you one question on 2.4 while we are there.

8 MR. LONG: Okay.

9 MR. DELANEY: Line 1 says "Connected
10 Customers," monthly rate of \$152.50 in comparison to
11 line 6, "Connected Customers," \$153.50. Why the dollar
12 difference?

13 MR. LONG: I had to separate those so I
14 could correctly calculate the income tax base on this.
15 It's kind of a backed-in number. So I had to show both
16 of those so I could use one of the numbers for the
17 income tax and the other to justify it. So it's
18 separated like that.

19 MR. DELANEY: So the dollar difference --

20 MR. LONG: Right.

21 MR. DELANEY: -- is intentional.

22 MR. LONG: Usually it's more than a dollar.

23 MR. DELANEY: It's the back-end tax --

24 MR. LONG: Yes.

25 MR. DELANEY: Thank you. That gets a

1 different question I had.

2 We're really close here. 2.3, I just
3 wanted to check one narrative. Exhibit 2.3.

4 MR. LONG: Okay.

5 MR. DELANEY: On lines 23 and 24, the
6 narrative on page 5 of 6, they are different headings.
7 They are both contractual services; 23 is for
8 "Miscellaneous repairs, pump house upper well."

9 MR. LONG: Yes.

10 MR. DELANEY: And line 24 is, "Install
11 pump and equipment at the upper well." So different
12 headings.

13 MR. LONG: Right.

14 MR. DELANEY: But the narrative for each
15 is exactly the same. Oh --

16 MR. LONG: They're different amounts.

17 MR. DELANEY: The numbers are different.
18 The narrative to what is being done is exactly the
19 same. That's intentional?

20 MR. LONG: Yes.

21 MR. DELANEY: Okay. Thank you. Last
22 Exhibit is 2.9. On this exhibit, you provide a return
23 on investment of 10 percent, rate of return of 10
24 percent.

25 MR. LONG: Yes.

1 MR. DELANEY: You see that? How did you
2 arrive at that? I don't see anything in the testimony,
3 requested or otherwise, and I've seen other rates in
4 recent cases that are very different. How did you
5 arrive at 10 percent?

6 MR. LONG: Typically with water companies
7 we use anywhere between 8 and 12 percent. To be frank
8 with you, we don't do a lot of analysis. Although I
9 will say a rate case that's coming up that you're going
10 to be hearing soon, we had the guy that does the
11 calculation of rates for the power companies, he looked
12 at water companies and although there's a lot more
13 customers than this, it was around 10 percent. And,
14 you know, pull that out of the air between 8 and 12,
15 and that's always been fairly -- in past cases we have
16 done some analysis and it usually comes up to one of
17 those numbers.

18 MR. DELANEY: Let me try to figure out how
19 to ask this question to get a simple answer. Your
20 answer was appropriate, Mr. Long, I'm not questioning
21 that. So based on what I heard, is it your testimony
22 today here under oath that a 10 percent rate of return
23 is in the public interest in this case?

24 MR. LONG: Yes. And I want to clarify one
25 thing. That's based on historical rate of returns that

1 we have used. I may be characterizing it as pulling it
2 out of the air, but it is based on historical data and
3 what's commonly used.

4 MR. DELANEY: Okay. And that historical
5 comparison, for lack of a better phrase, is based on
6 similarly situated watered companies?

7 MR. LONG: Yes. And it's very hard to
8 find any water companies this size to come up with any
9 rate of return.

10 MR. DELANEY: Okay. But there was no
11 request for this 10 percent by the applicant, correct?

12 MR. LONG: No.

13 MR. DELANEY: Okay. And I say that
14 because I have seen some other cases where the
15 applicant has actually made a request, and that request
16 tends to be lower than what an analysis might otherwise
17 support. And here your testimony is there was no
18 request made?

19 MR. LONG: Right.

20 MR. DELANEY: And your testimony is
21 further that the 10 percent reflects historical
22 knowledge that you have from other water cases?

23 MR. LONG: Yes. And I believe the case
24 you are referring to, they did request a lot less. If
25 they wouldn't have requested that, we probably would

1 have given them the 10 percent. But they wanted that
2 to -- that was all they felt they needed.

3 MR. DELANEY: Okay. That's all the
4 questions I have for now.

5 Mr. Kohler, do you have any follow-up
6 questions for Mr. Long based on the questions and the
7 discourse we had?

8 MR. KOHLER: No, I do not.

9 MR. DELANEY: Okay. So circling back,
10 we've got three motions that are pending. Sorry, two
11 motions that are pending. One that I'm going to ask
12 somebody to make in a minute, but I'm trying to think
13 about logistically how this is going to work. And I'm
14 going to think out loud here for a second because what
15 we have here now is a record that addresses questions
16 related to prefiled testimony. And that further
17 addresses the rationale underlying the numbers that
18 were supported to reach the agreed-upon settlement,
19 which is reflected then in the settlement and
20 stipulation. And that settlement and stipulation also
21 have part of it, as part of it, two attachments. They
22 might be named something else, but two attachments.
23 And those attachments reflect the existing tariff as it
24 exists now, the new tariff in redline as it may exist,
25 and then the final clean copy of the nonredlined filed

1 tariff. Does that all sound about right?

2 MR. GRECU: Yes.

3 MR. DELANEY: Okay. Mr. Long has made any
4 corrections that he wanted to make to his testimony,
5 which included the motion, also included the exhibits.
6 So we had a motion for Mr. Long's testimony, prefiled
7 written testimony, and exhibits to be admitted,
8 correct?

9 MR. GRECU: Correct.

10 MR. DELANEY: Okay. And I will ask again
11 any objection to that motion, Mr. Kohler?

12 MR. KOHLER: No.

13 MR. DELANEY: Okay. That motion also
14 included a caveat as to the corrected stipulations;
15 that is, as to Exhibit 3 and 4, it was 3 and 4 in
16 Mr. Long's testimony.

17 Okay. That motion is granted.

18 We also have a motion to admit into
19 evidence the October 31, let's call it the October 31st
20 filing, which included the Corrected Attachments 1 and
21 2. However, those two exhibits or attachments are
22 still not accurate. But I'm going to admit those. I'm
23 going to grant the motion, but I'm going to make a
24 request. So I will grant that motion, as well, to
25 admit the motion to admit the October 31st filings.

1 Then I'd like somebody to move to admit
2 the settlement stipulation, period, just as it was
3 submitted. And then we will deal with that in a
4 minute.

5 MR. GRECU: I'll make that motion.

6 MR. DELANEY: Go ahead and articulate it
7 for the record.

8 MR. GRECU: I'd like to move to admit the
9 settlement stipulation as filed on October 17, 2023.

10 MR. DELANEY: Any objection, Mr. Kohler?

11 MR. KOHLER: No.

12 MR. DELANEY: Okay. That motion is
13 granted.

14 Okay. And here is my request. So what we
15 do know is that the final tariff, as we would like it,
16 doesn't exist in front of us in the form you'd like it
17 to exactly exist, and the only difference is the cover
18 sheet. You want it to say "corrected" as opposed to
19 just "attachment." You wanted it to say "Corrected
20 Attachment 1," and, "Corrected Attachment 2."
21 Everything else behind the cover sheet stays the same
22 in each one of those attachments, correct?

23 MR. GRECU: Correct.

24 MR. DELANEY: Okay. So what I'd like you
25 to do is file a stipulated motion that submits the two

1 attachments with the correct cover page on each one,
2 and I'd like the motion to indicate basically what's
3 being done. So something to the effect that these two
4 replacements or these two attachments replace any and
5 all earlier submissions relating to the tariff. And if
6 you want to parenthetically identify each time those
7 were done, you can.

8 And I also want you to say that in this
9 motion, what you are attaching is what is referenced
10 specifically in paragraph 13, or anywhere else in the
11 tariff -- I mean in the settlement stipulation. You
12 see where I'm going?

13 MR. GRECU: Yes.

14 MR. DELANEY: Because this will put a cap
15 on everything, and it will tie it into the operative
16 document, which is going to be the settlement
17 stipulation. And then for purposes of the order, if
18 the Commission grants the proposal, then it will be
19 easy for cross reference purpose. And the reason I
20 want you to do it by stipulation -- if you can't, you
21 can't, fine. But if you can, our rules require 15 days
22 for someone to oppose it. And if there is no
23 opposition because it's stipulated to, then we can do
24 it more quickly.

25 Do you have any idea what we are talking

1 about?

2 MR. KOHLER: Not really.

3 MR. DELANEY: Okay.

4 MR. KOHLER: Sounds good, though.

5 MR. DELANEY: But you will speak with the
6 opposing party, and if you can come to an agreement as
7 I have outlined, great. If you can't, you don't have
8 to, but we will just proceed from that position.

9 MR. GRECU: Okay.

10 MR. DELANEY: Mr. Kohler, do you want to
11 submit -- would you like to make a motion to have
12 admitted into evidence what you have otherwise filed
13 with the Public Service Commission? Simply because you
14 file it, doesn't make it evidence.

15 MR. KOHLER: Yes, I will make a motion to
16 submit what I have filed into evidence.

17 MR. DELANEY: And I'm going to characterize
18 that as the May 25th filing.

19 Melissa, I'm looking at you to see if
20 that's accurate.

21 CLERK: I'm checking. Yes.

22 MR. DELANEY: The May 25th filing with the
23 Public Service Commission, your motion is to admit into
24 evidence that filing?

25 MR. KOHLER: Correct.

1 MR. DELANEY: Correct? Okay.

2 MR. GRECU: No objection.

3 MR. DELANEY: No objection? Okay. Thank
4 you. That motion is granted.

5 Okay. I believe that's it. So as we have
6 talked about today, there appears to be three issues.
7 There's the rate increase request, there's the billing
8 frequency exemption request, and there is the service
9 area map request. That's still open ended in my mind.
10 But is there anything else?

11 MR. GRECU: No.

12 MR. DELANEY: Okay. We are mindful that
13 the settlement stipulation seeks a December 1st
14 effective date, and we will do what we can. And if
15 there's nothing else, we will see everybody online at
16 five o'clock. Thanks for your time. See you then.

17 We are adjourned.

18 (The proceeding concluded at 3:06 p.m.)

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REPORTER'S HEARING CERTIFICATE

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

I, Diana Kent, RPR, CRR, and Notary Public
in and for the State of Utah, do hereby certify:

That prior to being examined, the
witnesses were duly sworn to tell the truth, the whole
truth, and nothing but the truth;

That said proceeding was taken down by me
in stenotype on November 1, 2023, at the place therein
named, and was thereafter transcribed, and that a true
and correct transcription of said testimony is set
forth in the preceding pages;

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

WITNESS MY HAND AND OFFICIAL SEAL this 9th
day of November, 2023.



Diana Kent, RPR, CRR
Notary Public
Residing in Salt Lake County

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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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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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