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PUBLIC HEARING DOCKET NO. 23-2443-01
WATERPRO, INC.'S APPLICATION FOR CULINARY WATER RATE
INCREASE

Hearing dated December 5, 2023
From 9:01 a.m. to 9:33 a.m.

Public Service Commission of Utah
Heber Wells Building
160 East 300 South
Salt Lake City, Utah

Reported by: Deirdre Rand, RPR, CSR, CCR

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A P P E A R A N C E S

Public Service Commission:
JOHN DELANEY - Presiding Officer
MELISSA PASCHAL

WaterPro, Inc.:
DARRIN JENSEN-PETERSON
JOSH BEAN

Division of Public Utilities:
PATRICK GRECU
PAUL HICKEN

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

2
3 MR. DELANEY: So good morning. My name is
4 John Delaney and I am the commission's designated
5 officer -- presiding officer for this hearing. Today is
6 December 5, 2023, and it's approximately 9:00 a.m. And
7 this is the date and the time that is scheduled for the
8 hearing on the application of WaterPro, Inc.'s
9 Application for Culinary Water Rate Increase in Docket
10 23-2443-01. And we're here to consider the settlement
11 stipulation of the parties.

12 My microphone seems to be working a lot better
13 today. If I get too loud, let me know, because it's
14 usually not very good.

15 Okay. Why don't start with appearances, and
16 let's start with the applicant, please.

17 MR. JENSEN-PETERSON: Perfect. I'm Darrin
18 Jensen-Peterson, general manager and CEO of WaterPro,
19 Inc.

20 MR. DELANEY: Thank you very much.

21 MR. BEAN: I'm Josh Bean with Bowen Collins &
22 Associates. We're the consulting engineers assisting
23 WaterPro with this application.

24 MR. DELANEY: Thank you very much. And you
25 are not -- WaterPro's not represented by counsel today?

1 MR. JENSEN-PETERSON: We are not.

2 MR. DELANEY: Okay. Thank you.

3 And for the division?

4 MR. GRECU: Patrick Grecu, Assistant Attorney
5 General, representing the Division of Public Utilities.
6 My witness today is Paul Hicken.

7 MR. DELANEY: Good morning, everybody.

8 Okay. Any preliminary matters from the
9 parties before we get going?

10 MR. GRECU: We have one. I believe our
11 testimony summary will have some confidential
12 information in it, so we'll need to close the hearing
13 for that.

14 MR. DELANEY: Okay. And I -- that is one --
15 that is on my list of preliminary matters, too.

16 Anything else? WaterPro, anything?

17 (No audible response.)

18 MR. DELANEY: Okay. So my preliminary matters
19 are three. One is so yesterday at 3:30 we received an
20 email, and that email had two attachments. One was a
21 copy of the executed settlement stipulation and also
22 what was the Attachment 1 that's referenced in the
23 settlement stipulation, and that was not included in the
24 original filing of the settlement stipulation back on
25 November twenty- -- November 22, 2023. I just want that

1 on the record. And thank you guys for providing that in
2 advance. That will short-circuit some of the questions
3 I had.

4 I also want to remind everybody that we have a
5 virtual public witness hearing today scheduled at
6 1:00 p.m. So please be available for that at 1:00 p.m.

7 And then on the issue of confidentiality,
8 let's take a minute and talk through this, because...
9 So this -- this proceeding is presumed to be open, a
10 public hearing. As a result of that, it's being live
11 streamed, and therefore is available to anybody who is
12 logged -- who -- who is -- is it -- are they available
13 on live -- in realtime, Melissa?

14 MS. PASCHAL: Uh-huh.

15 MR. DELANEY: Yeah. They can -- they can
16 watch it in realtime.

17 So if there is confidential information, it
18 needs to be flagged in advance, because if it's not, we
19 can't unring that bell. So if that is going to happen,
20 it must be done in advance.

21 However -- and this is going to be important
22 because there's some inconsistencies here -- if there is
23 claimed information that's confidential, we're going to
24 have to go off the record and -- and have the case be
25 made as to why it is in fact confidential such that this

1 is a closed hearing for that purpose.

2 It will be the burden of the party claiming
3 the confidentiality. And then we'll make a
4 determination as to whether or not it meets the legal
5 definition of what is really confidential.

6 And the reason I'm raising that is because
7 there are some things that are redacted in various of
8 the filings that are not redacted elsewhere. And an
9 example would be -- Mr. Bean's testimony, for example,
10 has the loan values, the amounts, not redacted.

11 Whereas, something from the division -- and
12 I'm not sure which exact document, maybe it's testimony
13 or otherwise -- it is redacted. So there's an
14 inconsistency, but most importantly what is being
15 redacted by one party as confidential has already been
16 disclosed to the public in a public filing.

17 Another example would be in the stipulation
18 itself it has redacted the rates that are going to be
19 charged, and those are then reflected in the tariff
20 sheets as not redacted, the Attachment 1 that we got
21 yesterday.

22 Which makes sense, because that's published,
23 right? That's what the customers get to see. And so
24 that it's redacted in the settlement stipulation doesn't
25 make a whole lot of sense.

1 So it's kind of a long way of saying this.
2 If you really need -- if you -- if you -- if you think
3 you need to disclose what you think might be
4 confidential, consider whether or not you actually need
5 to disclose that which you think is confidential. And
6 if you do, certainly we will engage in this exercise and
7 see if it's confidential.

8 But if you can get around not having to
9 disclose what you think -- doesn't matter if it is or
10 isn't, but what think is confidential, then consider not
11 disclosing it.

12 But at the end of the day, the most important
13 thing is that if it is deemed confidential by you, that
14 it's disclosed in advance so that it's not already out
15 and therefore the whole exercise is moot. Okay?

16 That was a lot. So any questions? And I --
17 I welcome any questions you might have on this issue.

18 I'll start with WaterPro. Any questions?

19 MR. JENSEN-PETERSON: I don't think so. No.

20 MR. DELANEY: Okay.

21 Mr. Grecu?

22 MR. GRECU: No questions. I think we can
23 manage to avoid the confidentiality issue without really
24 affecting the testimony.

25 MR. DELANEY: Okay. And if -- if not, that's

1 -- that's absolutely fine, we can engage in that
2 exercise.

3 MR. GRECU: Okay.

4 MR. DELANEY: Okay. Great.

5 Okay. Well, those are all my preliminary
6 matters.

7 So why don't we get going. And WaterPro, your
8 application, so you go first. Who will be testifying on
9 behalf of WaterPro?

10 MR. JENSEN-PETERSON: I will be testifying as
11 a statement, if that's what you're asking. Are you
12 asking for my statement now? Or asking for any
13 questions that may come up during the matter?

14 MR. DELANEY: Well, it really comes down to
15 people being sworn to answer any questions, but whoever
16 wants to be on the record on behalf of -- whoever
17 WaterPro would like to be on the record, under oath.

18 MR. JENSEN-PETERSON: We both will be.

19 MR. DELANEY: Okay.

20 MR. JENSEN-PETERSON: I will for WaterPro, and
21 if there's any technical questions, Josh Bean is here to
22 answer those.

23 MR. DELANEY: Okay. I will just swear you
24 both in then at this point.

25 MR. JENSEN-PETERSON: Perfect.

1 MR. DELANEY: Okay. So Mr. -- is it Jensen?

2 MR. JENSEN-PETERSON: Jensen-Peterson.

3 MR. DELANEY: Jensen-Peterson. Yes. Good
4 morning. Do you swear to tell the truth?

5 MR. JENSEN-PETERSON: I do.

6 MR. DELANEY: Okay. You are sworn. Thank
7 you.

8 MR. JENSEN-PETERSON: Thank you.

9 MR. DELANEY: Mr. Bean, good morning.

10 MR. BEAN: Good morning.

11 MR. DELANEY: Yes, keep that on.

12 Do you swear to tell the truth today?

13 MR. BEAN: I do.

14 MR. DELANEY: Okay. Thank you. You are
15 sworn. Please proceed.

16 MR. JENSEN-PETERSON: Perfect.

17 Well, good morning, and I appreciate you
18 taking the time to review our proposed rate adjustment
19 increase to our customers, along with the settlement
20 stipulation that was entered and agreed upon on
21 November 21, 2023.

22 Our last time that we met before the
23 commission was August 4, 2022, when we requested a five
24 percent increase, which was approved and became
25 effective September 1, 2022.

1 Being a private utility and providing culinary
2 water for our customers since 1911, it's been our
3 mission to provide the very best quality of water at the
4 most fair and reasonable rates possible. Our community
5 dynamics have definitely changed over the years, but our
6 mission has not.

7 Our company not only provides culinary water,
8 but also operates a secondary system that dates back to
9 the early 1800s. And we currently have over 8,300
10 culinary connections with almost 3,300 pressurized
11 irrigation connections within our system.

12 To serve all of our customers fairly, WaterPro
13 has six base rate categories. There are also five
14 different service areas that are each charged at a
15 different volume and usage rate due to different costs
16 to serve each in that area.

17 The proposed rate adjustment shows no change
18 to the rates except in tier -- except for a decrease in
19 all tier 2 rates.

20 In conjunction with this change, the volume
21 amounts per tier have all been modified. The proposed
22 volume divisions per tier are anticipated to increase
23 water conservation by our customers, better capture the
24 cost of service associated with increasing water usage,
25 and provide more an equitable distribution, cost, and

1 conservation.

2 At WaterPro we have determined these changes
3 are needed to continue to provide its high standards of
4 water service to all customers. Due to the rising cost
5 of water and the demand of water along the Wasatch Front
6 and the need to conserve water, we are before you today
7 requesting these changes on all current culinary rate
8 structures for all customers to go into effect
9 January 1, 2024, if possible.

10 We started this process when filing our
11 application May 3, 2023, and have been working with the
12 division and public utilities, answering all questions
13 and providing all requested documentations needed.

14 As in the past, I have truly enjoyed my time
15 working with those on this docket and what a
16 professional and efficient manner it has been. I would
17 like to thank Paul Hicken and his entire team for the
18 work that they have done to make this process go so
19 smooth.

20 As stated, on November 21, 2023, all parties
21 agreed to enter into a settlement stipulation.
22 I believe it is just and reasonable and in the best
23 interest of our customers for WaterPro to continue to
24 provide them with the water which we have for many, many
25 years.

1 Entry into this settlement allows efficiency,
2 and evidence we have provided shows in the best interest
3 of everyone. We have been transparent, giving our
4 customers notice of our rate increase by our newsletter
5 that was mailed out per the instructions for this
6 docket.

7 We first notified all of our customers back in
8 March about this rate change back at our shareholders'
9 meeting. A notice was then sent out November 1, 2023,
10 with a follow-up notice November 30th, giving notice
11 that we have entered into a settlement stipulation.

12 Notice has also been given out on our website
13 directing our customers to the PSC's website, which they
14 can see the entire docket. The information sent out
15 informed our customers of the public hearing today at
16 1:00.

17 I have supplied the division this morning with
18 copies of our newsletters and I do have one for you
19 today if you would like.

20 We've also asked our customers to contact our
21 office if they have any questions or concerns leading up
22 to this day and as of yet, we have not heard from
23 anyone.

24 We are committed to the community we serve to
25 continue to provide culinary water at the best

1 reasonable rates, with the understanding of rising costs
2 on all products across the board.

3 In closing, I state again I believe our rate
4 increase/rate adjustment we have before you today is
5 fair, equitable, and is needed for us to continue the
6 company in the forward direction. That's all I have for
7 you today.

8 MR. DELANEY: Thank you very much. Any
9 questions from the division?

10 MR. GRECU: No questions.

11 MR. DELANEY: Okay.

12 I've got two questions. I think at the very
13 end there you were talking about the notice to your --
14 to your customers.

15 MR. JENSEN-PETERSON: Yes.

16 MR. DELANEY: And you said that -- I thought
17 your testimony was that it was November 30th that you --

18 MR. JENSEN-PETERSON: On November 1st --

19 MR. DELANEY: Okay.

20 MR. JENSEN-PETERSON: -- we notified our
21 customers via our newsletter and on all their billing
22 statements regarding the hearing that was coming up
23 today. Then on November 30th, through our newsletter
24 and email blast, we also notified our customers that
25 we've entered into a settlement stipulation.

1 MR. DELANEY: Okay.

2 On paragraph 22C of the settlement stipulation
3 itself it says November 1, 2023, that you posted on its
4 website, so that sounds -- that you had entered into a
5 settlement.

6 MR. JENSEN-PETERSON: Okay, so -- yeah, the
7 settlement -- the settlement stipulation wasn't until
8 November 21st.

9 MR. DELANEY: Okay.

10 MR. JENSEN-PETERSON: But we did notify our
11 customers as of November 1st regarding the hearing --

12 MR. DELANEY: Okay.

13 MR. JENSEN-PETERSON: -- and letting -- you
14 know, directing them to our website, showing all the
15 rate adjustments that was happening.

16 MR. DELANEY: Okay. So, in essence, paragraph
17 22C is not accurate.

18 MR. JENSEN-PETERSON: That is correct.

19 MR. DELANEY: Okay.

20 MR. JENSEN-PETERSON: Yeah, you're correct.

21 MR. DELANEY: And I also heard you testify
22 that after your latest notice to your customers, you've
23 -- you've heard nothing from -- from them one way or the
24 other.

25 MR. JENSEN-PETERSON: We have not heard

1 anything from them since we started the process in
2 March, when we let them know that we were going to be
3 doing an increase, and then along the way.

4 MR. DELANEY: Okay. Thank you.

5 MR. JENSEN-PETERSON: You're welcome.

6 MR. DELANEY: My final question to you is your
7 -- your application and the prefile materials, would you
8 like to move to admit those into evidence in this
9 matter?

10 MR. JENSEN-PETERSON: Yes, please.

11 MR. DELANEY: Any objection, Mr. Grecu?

12 MR. GRECU: No objection.

13 MR. DELANEY: Okay.

14 Your motion is granted.

15 MR. JENSEN-PETERSON: Thank you.

16 MR. DELANEY: Thanks.

17 Okay. And for the division, I will ask, you
18 have no questions for Mr. Bean, either, right?

19 MR. GRECU: Correct.

20 MR. DELANEY: Okay.

21 Okay. Well, I'll turn it over to the division
22 then, please.

23 MR. GRECU: Thank you. The division would
24 like to call Paul Hicken as its witness.

25 MR. DELANEY: Good morning, Mr. Hicken.

1 Do you swear to tell the truth?

2 MR. HICKEN: Yes, I do.

3 MR. DELANEY: Thank you. You are sworn.

4 BY MR. GRECU:

5 Q. Could you please state and spell your name for
6 the record?

7 A. My name is Paul Hicken. P-a-u-l, H-i-c-k-e-n.

8 Q. And what is your position at the division?

9 A. I'm a technical consultant for the division.

10 Q. And your business address?

11 A. 160 East 300 South, Salt Lake City.

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

14 A. Yes, I was the division's lead consultant on
15 this rate case.

16 Q. Did you review the company's application for a
17 rate increase in its prefiled testimonies and exhibits?

18 A. Yes, I did.

19 Q. And did you prepare and cause to be filed your
20 direct testimony in DPU Exhibit 1.1 that were filed on
21 October 17, 2023?

22 A. Yes, that's correct.

23 Q. Did you also prepare and cause to be filed
24 your corrected direct testimony in DPU Exhibit 1.1 on
25 November 22, 2023?

1 A. Yes, that's right.

2 Q. And can you explain the reasons for filing the
3 corrected direct testimony and DPU Exhibit 1.1 on the
4 22nd?

5 A. Yes, the reasons were primarily clerical
6 errors that were discovered after the testimony had
7 already been submitted, mostly referencing errors in --
8 I had some attachments and in referring to those
9 attachments, I kind of mixed up the wrong columns and
10 rows, which made it confusing. And I had a footnote
11 that listed the docket number incorrectly.

12 Q. And do you have any corrections to the
13 corrected direct testimony or the DPU Exhibit 1.1 that
14 were filed on November 22nd?

15 A. Yes, I discovered this morning an error in one
16 of the adjustments. It's an adjustment made for some
17 employee benefits, and I adjusted out an amount based on
18 the allocation factor that the company uses for culinary
19 and irrigation expense. I adjusted out 20 percent of
20 the disallowed expenses. I should have adjusted out 80
21 percent of the disallowed expenses.

22 The total dollar amount was nonmaterial and
23 doesn't affect anything on the outcome of the rate case.

24 Q. With those -- with that correction, do you
25 adopt those filings as part of your testimony today?

1 A. Yes, I do.

2 MR. GRECU: I would like to move to admit the
3 corrected direct testimony and DPU Exhibit 1.1 filed on
4 November 22, 2023 with those corrections that were
5 stated.

6 MR. DELANEY: Okay.

7 WaterPro, any objections?

8 MR. JENSEN-PETERSON: No objections.

9 MR. DELANEY: And you understand that there
10 has been corrections made to the corrections?

11 MR. JENSEN-PETERSON: Correct.

12 MR. DELANEY: And you're okay with the
13 corrections as just explained by Mr. Hicken to that
14 allocation?

15 MR. JENSEN-PETERSON: Yes.

16 MR. DELANEY: And that it is immaterial?

17 MR. JENSEN-PETERSON: Yes.

18 MR. DELANEY: Okay. Thank you.

19 Motion is granted.

20 BY MR. GRECU:

21 Q. Mr. Hicken, did you have an opportunity to
22 review the settlement stipulation that the parties
23 agreed upon in this docket?

24 A. Yes, I did.

25 Q. And based upon your experience as an analyst

1 for the division, and the information in the prefiled
2 testimonies and exhibits, do you believe that the
3 approval of the settlement stipulation would be just,
4 reasonable, and in the public interest?

5 A. Yes, I do.

6 MR. GRECU: At this point I would like to move
7 to admit the settlement stipulation that was filed on
8 November 22nd and the associated Attachment 1 that was
9 filed on December 4, 2023.

10 MR. DELANEY: WaterPro, any objection?

11 MR. JENSEN-PETERSON: No.

12 MR. DELANEY: Okay.

13 Let me ask a question very quickly. Thank you
14 very much, Mr. Hicken, for your corrections that you
15 submitted on the 22nd.

16 Those corrections are nowhere referenced in
17 the actual settlement agreement. Do you want to
18 incorporate those into the actual signed, fully-executed
19 settlement agreement?

20 MR. GRECU: Yes.

21 MR. DELANEY: Go ahead and make that motion
22 then.

23 MR. GRECU: I would like to move to substitute
24 the corrected direct testimony and the exhibit, DPU
25 Exhibit 1.1, for the direct testimony and Exhibit DPU

1 Exhibit 1.1 referenced in the settlement stipulation.

2 MR. DELANEY: So paragraphs 13 to 14 from a
3 timeline perspective of the settlement stipulation
4 itself appear to be where it would have -- the corrected
5 testimony would have been listed in the background
6 section.

7 So you would like to insert that into the
8 settlement stipulation or do you want to replace what is
9 now paragraph 13?

10 MR. GRECU: I think let's insert that there.

11 MR. DELANEY: Okay.

12 Do you have any objection to that?

13 MR. JENSEN-PETERSON: No.

14 MR. DELANEY: Okay. So now there will just be
15 an additional chronological piece in that background
16 section, which will -- also would include now, actually,
17 Exhibit -- or Attachment 1.

18 Okay. Motion is granted.

19 MR. GRECU: Thank you.

20 MR. DELANEY: And then on the motion to admit
21 into evidence the settlement stipulation, that -- no
22 objection being heard, that objection -- or that motion
23 is also granted.

24 MR. GRECU: Thank you.

25 BY MR. GRECU:

1 Q. Mr. Hicken, do you have a summary to share
2 that provides the division's position and your testimony
3 in support of the settlement stipulation?

4 A. I do. Would you like me to read that?

5 Q. Please proceed.

6 A. On March 7, 2023, WaterPro, Inc. notified the
7 commission of its intent to file a petition for a
8 general rate increase of its culinary water rates. On
9 May 9, 2023, WaterPro filed a comprehensive general rate
10 increase application with the commission. The division
11 reviewed the company's application and filed comments
12 with the commission on May 22, 2023, recommending that
13 the commission acknowledge the filing and accept it as
14 substantially complete.

15 On May 23, 2023 the commission issued a
16 scheduling order, notice of hearing, and notice of
17 public witness hearing.

18 On June 2, 2023 the company filed direct
19 testimony. The division filed direct testimony on
20 October 17, 2023.

21 To facilitate reaching a settlement, the
22 division -- the division filed an unopposed motion to
23 vacate the schedule on October 27, 2023.

24 In early November, WaterPro notified its
25 customers of the proposed settlement stipulation. The

1 division filed corrected direct testimony on
2 November 22, 2023, to correct some clerical and
3 referencing errors in the initial direct testimony.

4 The settlement stipulation that is the subject
5 of this hearing was also filed on November 22, 2023.
6 The division filed the updated tariff sheets referenced
7 in the settlement stipulation on December 4, 2023.

8 WaterPro's application sought approval to
9 decrease tier volumes for four basic tier rates in its
10 tariff which amounted to approximately 5.4 percent
11 increase in revenue from all tiered rates in all its
12 service areas.

13 In its review, the division scrutinized the
14 application, the appendixes, and exhibits, testimonies,
15 and other relevant data in detail, including WaterPro's
16 annual report filed with the division and consolidated
17 financial statements prepared by an outside accounting
18 firm.

19 The division also contacted the company
20 several times to gather more information. An informal
21 data request set of six questions was sent to the
22 company in September seeking further information and
23 documentation. This was followed with several phone
24 calls and emails to the company to clarify their
25 responses. The division notes that the company was

1 cooperative and timely with its responses, which were
2 helpful to further explain the issues.

3 I filed direct testimony on behalf of the
4 division on October 17, 2023. My testimony was
5 presented -- my testimony presented the following
6 analysis and conclusions.

7 The company's 2022 annual report indicated net
8 revenues which showed about a 1.9 percent return on rate
9 base. The net revenue for 2022 is also a significant
10 decrease from the previous year. The company is faced
11 with increasing costs and expenses, along with an
12 increasing concern over water conservancy.

13 According to the revenue calculation model
14 used by the division, a 5.4 percent increase in rates
15 would yield approximately 347,523 additional revenue
16 when applied to the 2022 year-end accounting.

17 The company's request could have been greater
18 to provide additional revenue. The division's model
19 compared rates from other regulated utilities and showed
20 a rate increase of more than 9.6 percent could have been
21 supported. But in interest of the customers and to
22 avoid rate shock, the company is only requesting a 5.4
23 percent increase.

24 The requested increase of 5.4 percent or
25 \$347,523 is needed to make capital improvements and

1 provide maintenance necessary to continue the current
2 level of service and efficiency for existing customers
3 and to curb the riding cost of inflation.

4 Subsequently, the company and the division
5 discussed the application, its exhibits, the responses
6 to the data requests, and the division's findings and
7 conclusions. These discussions resulted in the
8 settlement stipulation filed with the commission on
9 November 22nd. The settlement reached allows the
10 parties to minimize time and expense to the state and
11 the company, and enhances administrative efficiency.

12 Based on the division's review of WaterPro's
13 application and the company's expenses, revenues, and
14 depreciation, and other operations, the division
15 concludes that the settlement stipulation, taken as a
16 whole, including the rate increase proposed, is just and
17 reasonable and in the public interest.

18 The division recommends the commission approve
19 the settlement stipulation as filed, and approve the
20 requested rate increase, with an effective date of
21 January 1, 2024. Thank you.

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

25 MR. DELANEY: Thank you very much.

1 WaterPro, do you have any question for
2 Mr. Hicken?

3 MR. JENSEN-PETERSON: No questions.

4 MR. DELANEY: Okay. Thank you.

5 A couple of questions for you, Mr. Hicken.
6 The testimony you provided earlier about the adjustment
7 correction, where is that located in the -- I think it's
8 referred to probably in your direct -- your corrected
9 testimony as well as in an exhibit. Where is that?

10 MR. HICKEN: Yes. I can give you the -- it's
11 referred to -- let me find the exact line.

12 The section on the adjustment starts with line
13 148 and goes through line 168. That specific adjustment
14 starts on line 157.

15 MR. DELANEY: Okay. And then as it carries
16 over to your work papers, where is that -- which --

17 MR. HICKEN: That is on --

18 MR. DELANEY: Okay. I do see a reference
19 here. It's on line 57, you're citing that as Excel
20 Row 41 Column K; is that correct?

21 MR. HICKEN: Yes, that's right.

22 MR. DELANEY: Okay. Just so we have that for
23 the record, we know where the correction is now in the
24 work paper as well.

25 MR. HICKEN: Thank you.

1 MR. DELANEY: Okay.

2 Any questions on that, WaterPro? Okay?

3 MR. JENSEN-PETERSON: No questions.

4 MR. DELANEY: Okay. So based on the filing
5 yesterday, let's just get this under oath, too. There
6 was a representation in the cover email to that filing
7 that the copy of the settlement submitted has no changes
8 and was just included in the filing for reference. Can
9 you confirm that, please?

10 MR. HICKEN: Yes, that's correct.

11 MR. DELANEY: Okay.

12 And then the second is that the Attachment 1
13 included in the December 4, 2023 filing is in fact the
14 Attachment 1 that is referenced in paragraph 21 of the
15 fully-executed settlement stipulation that's dated
16 November 21, 2023. Can you confirm that?

17 MR. HICKEN: Yes, that's correct.

18 MR. DELANEY: Okay. Thank you.

19 Oh, I guess the last question I should ask
20 you, Mr. Hicken, is on paragraph 22, sub C of the
21 settlement stipulation, there was testimony earlier that
22 that was inaccurate.

23 Do you have a position one way or the other on
24 the accuracy of that paragraph?

25 MR. HICKEN: I believe we talked about that.

1 It was actually posted on November 17th or something.
2 I can't remember the date that he mentioned.

3 MR. DELANEY: Well, so the testimony was that
4 that -- that paragraph was just inaccurate. And -- and
5 so regardless of whether it should be a different date
6 or not, that says that you're saying it's inaccurate?

7 MR. HICKEN: Yeah, I think I -- I might have
8 misunderstood when I -- when I talked with Darrin --

9 MR. DELANEY: Okay.

10 MR. HICKEN: -- over the phone.

11 MR. DELANEY: Okay. But you had no objections
12 to that --

13 MR. HICKEN: No.

14 MR. DELANEY: -- so I just wanted to clarify
15 that.

16 MR. HICKEN: No objections.

17 MR. DELANEY: Okay. Great. Thank you.

18 That's all I have. Does anybody have anything
19 else? No?

20 MR. GRECU: Nothing further from the division.

21 MR. DELANEY: Is there anything outstanding,
22 Court Reporter, that I didn't admit that was moved for
23 admission?

24 THE REPORTER: (Shakes head.)

25 MR. DELANEY: Okay. Well, thanks, everybody

1 for what appears to be a very cooperative effort, and
2 all of your work put into this. We're mindful of the
3 settlement stipulation reflecting an effective date of
4 January 1, 2024. And we will issue an order in due
5 course.

6 If nobody has anything else, then thank you
7 again for your time and your preparation, and we'll be
8 adjourned.

9 MR. GRECU: Thank you.

10 MR. DELANEY: Thank you.

11 Mr. JENSEN-PETERSON: Thank you.

12 MR. GRECU: We'll see you at one?

13 MR. DELANEY: Oh, yeah. Yeah, I'm sorry. And
14 we'll see you at one. Virtually.

15 MR. GRECU: Yes.

16 MR. DELANEY: Okay. Thanks. Bye.

17 MR. GRECU: Thank you.

18 MR. JENSEN-PETERSON: Thanks.

19 (Proceedings concluded at 9:33 a.m.)
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REPORTER'S CERTIFICATE

STATE OF UTAH)
)
COUNTY OF UTAH)

I, DEIRDRE RAND, a Certified Court Reporter and Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time therein set forth, with all parties appearing in person. 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 further certify that I am not a relative or employee of any of the parties, nor do I have a financial interest in the action.

I have subscribed my name on this 18th day of December, 2023.



DEIRDRE RAND, RPR, CSR, CCR

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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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2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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