

ORIGINAL

OPEN MEETING ITEM



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COMMISSIONERS
KRISTIN K. MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



Executive Director
RECEIVED

ARIZONA CORPORATION COMMISSION

2010 MAY 10 P 12:50

DATE: MAY 10, 2010

DOCKET NO.: W-04161A-09-0471

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc Stern. The recommendation has been filed in the form of an Order on:

**WHITE HORSE RANCH OWNERS ASSOCIATION, INC.
(RATES)**

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

MAY 19, 2010

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 26, 2010 and MAY 27, 2010

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

MAY 10 2010

DOCKETED BY 


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SBernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES - Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION
9 OF WHITE HORSE RANCH OWNERS
10 ASSOCIATION, INC. FOR APPROVAL OF
11 A RATE INCREASE.

DOCKET NO. W-04161A-09-0471

DECISION NO. _____

12 **ORDER**

13 Open Meeting
14 May 26 and 27, 2010
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 On September 30, 2009, White Horse Ranch Owners Association, Inc. (“Company” or
18 “Applicant”) filed with the Arizona Corporation Commission (“Commission”) an application for an
19 increase in its permanent rates and charges (“Application”). Concurrently with its Application, the
20 Company filed certification that it had provided public notice of its rate Application to its customers.
21 In response thereto, the Commission has not received any protests of the proposed increase, and one
22 response which supports the proposed increase.

23 On October 29, 2009, the Commission’s Utilities Division (“Staff”) issued a Notice of
24 Insufficiency pursuant to A.A.C. R14-2-103.

25 On December 21, 2009, Staff issued a Notice of Sufficiency indicating that the Company’s
26 rate Application was sufficient, and classified the Company as a Class D utility.

27 On March 10, 2010, Staff filed its report recommending approval of its proposed rates and
28 charges.

On March 19, 2010, the Company filed a response and proposed several alternatives.

On April 16, 2010, Staff filed a reply to the Company’s response with certain revisions to the
base rates of larger meter sizes, but continuing the same base rate for 5/8” x 3/4” customers.

On April 22, 2010, the Company filed a further response which indicates the Company’s

1 agreement with Staff's revised recommended rates and charges.

2 * * * * *

3 Having considered the entire record herein and being fully advised in the premises, the
4 Commission finds, concludes, and orders that:

5 **FINDINGS OF FACT**

6 1. Pursuant to authority granted by the Commission in Decision No. 67103 (July 9,
7 2004), Applicant is an Arizona non-profit corporation engaged in the business of providing water
8 service to 116 metered residential customers in the vicinity of Dewey, Yavapai County, Arizona.

9 2. Applicant's present rates and charges for water service were approved in Decision No.
10 67103.

11 3. On September 30, 2009, the Company filed an application requesting authority to
12 increase its rates and charges for water service.

13 4. The Company is seeking an increase in its rates and charges pursuant to Decision No.
14 67103, which ordered the Company to file, by October 9, 2009, a permanent rate case using a July
15 31, 2009, test year ("TY").

16 5. With its Application, the Company filed proof of mailing on September 30, 2009, that
17 it had provided public notice of its Application for a permanent rate increase to its customers.

18 6. On March 10, 2010, Staff, after conducting an investigation of Applicant's proposed
19 rates and charges for water service, filed its Staff Report on the Company's rate Application and
20 recommended that the Commission approve Staff's recommended rates and charges. At that time,
21 Staff's recommended rates reflected two alternatives which would affect customers who use high
22 volumes of water.

23 7. On March 19, 2010, the Company filed a response to the Staff Report and proposed
24 several other alternatives in order to raise additional revenue.

25 8. On April 16, 2010, Staff filed a reply to the Company's response and modified its
26 earlier recommendation and now recommends that the base rate for 5/8" x 3/4" meter customers
27 remain unchanged. Additionally, Staff increased base rates on the other meter sizes, and adjusted its
28 recommendation with respect to the Company's commodity rates.

1 9. On April 22, 2010, the Company filed a further response indicating that the company
 2 now agrees with Staff's recommended rates and charges as modified by Staff.

3 10. During the TY ending July 31, 2009, Applicant served 116 customers, who are
 4 primarily residential users served by 5/8-inch x 3/4-inch meters.

5 11. Average and median water usage by the Company's customers during the TY was
 6 4,885 gallons and 3,546 gallons per month, respectively.

7 12. The water rates and charges for Applicant at present, as proposed by the Company and
 8 as recommended by Staff are as follows:

<u>MONTHLY USAGE CHARGE:</u>	<u>Present Rates</u>	<u>Proposed Rates</u>	
		<u>Company</u>	<u>Staff</u>
5/8" x 3/4" Meter	\$ 35.00	\$ 40.00	\$ 35.00
3/4" Meter	35.00	40.00	52.00
1" Meter	57.50	66.00	87.50
1-1/2" Meter	115.00	132.00	175.00
2" Meter	184.00	212.00	280.00
3" Meter	345.00	400.00	560.00
4" Meter	575.00	660.00	875.00
6" Meter	1,150.00	1,325.00	1,750.00
Gallons in the Minimum	-0-		

<u>COMMODITY RATES:</u> (Per 1,000 Gallons)	<u>Present Rates</u>	<u>Proposed Rates</u>	
		<u>Company</u>	<u>Staff</u>
0 to 3,000 gallons	\$ 2.00		
3,001 to 15,000 gallons	3.00		
Over 15,000 gallons	3.60		
0 to 3,000 gallons		\$ 2.50	
3,001 to 6,000 gallons		3.50	
6,001 to 9,000 gallons		4.50	
Over 9,000 gallons		12.95	
0 to 2,000 gallons			\$ 4.00
2,001 to 4,000 gallons			6.00
4,001 to 9,000 gallons			8.00
Over 9,000 gallons			12.00

23 **SERVICE LINE AND METER INSTALLATION CHARGES:**
 (Refundable Pursuant to A.A.C. R14-2-405)

	<u>Present</u>	<u>Company Proposed</u>			<u>Staff Recommended</u>			
		<u>Total</u>	<u>Service Line</u>	<u>Meter</u>	<u>Total</u>	<u>Service Line</u>	<u>Meter</u>	<u>Total</u>
				<u>Installation</u>			<u>Installation*</u>	
5/8" x 3/4 " Meter	\$ 500.00	N/A	N/A	\$ 500.00	\$ 400.00	\$ 100.00	\$ 500.00	
3/4 " Meter	575.00	N/A	N/A	575.00	335.00	240.00	575.00	
1" Meter	660.00	N/A	N/A	660.00	420.00	240.00	660.00	
1-1/2" Meter	900.00	N/A	N/A	900.00	470.00	430.00	900.00	
2" Meter	1,872.00	N/A	N/A	1,872.00	835.00	1,037.00	1,872.00	
3" Meter	2,562.00	N/A	N/A	2,562.00	980.00	1,582.00	2,562.00	
4" Meter	3,812.00	N/A	N/A	3,812.00	1,360.00	2,452.00	3,812.00	
5" Meter	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
6" Meter	6,892.00	N/A	N/A	6,892.00	2,090.00	4,802.00	6,892.00	

* Note: Meter charge includes meter box or vault.

<u>SERVICE CHARGES:</u>	<u>Current Charges</u>	<u>Company Proposed</u>	<u>Staff Recommended</u>
Establishment	\$ 30.00	\$ 30.00	\$ 30.00
Establishment (After Hours)	45.00	45.00	45.00
Reconnection (Delinquent)	25.00	25.00	25.00
Reconnection (Delinquent) (After Hours)	N/A	50.00	50.00
Meter Test (If Correct)	30.00	30.00	30.00
Deposit	*	*	*
Deposit Interest	*	*	*
Re-establishment (Within 12 Months)	Months Times Minimum	Months Times Minimum	**
NSF Check	\$ 15.00	\$ 15.00	\$ 15.00
Deferred Payment	0.0%	0.0%	***
Meter Re-Read (If Correct)	N/A	\$ 20.00	\$ 20.00
Late Payment Charge (Per Month)	1.5%	1.5%	1.5%

MONTHLY SERVICE CHARGE FOR FIRE SPRINKLERS:

4" or Smaller	N/A	N/A	****
6"	N/A	N/A	****
8"	N/A	N/A	****
10"	N/A	N/A	****
Larger than 10"	N/A	N/A	****

- * Per Commission Rule A.A.C. R14-2-403(B).
- ** Number of months off system times the monthly minimum A.A.C. R14-2-403(D).
- *** Per Commission Rule A.A.C. R14-2-409(G).
- **** 2.0% of monthly minimum for a comparable size meter connection, but no less than \$10.00 per month. The service charge for fire sprinklers is only applicable for service lines separate and distinct for the primary water service line.

13. Pursuant to the Staff Report, Applicant's fair value rate base ("FVRB") is determined to be \$78,856 which is the same as its original cost rate base. Staff's adjustment to the Company's proposed FVRB resulted primarily from a \$74,634 increase to plant in service due to the addition of two new wells to the system and other related increases. These increases were reduced somewhat due to a \$5,086 decrease to working capital using the formula method.

14. Staff increased Applicant's TY operating expenses by \$4,580 primarily in three categories. First, Staff increased purchased water expense by a \$3,740 adjustment to accurately reflect TY expenses for the Company to haul water. Second, Staff increased rate case expense by \$3,333 after applying Staff's recommended normalized level of rate case expense. Third, Staff increased depreciation expense by \$6,511 to reflect Staff's application of its recommended depreciation rates in accordance with Staff's recommended plant balances, less any fully depreciated or non-depreciable plant and offset by the amortization of contributions-in-aid construction.

1 However, these increased operating expenses were partially offset by Staff decreasing \$3,924 from
2 outside services expense to remove capital costs which should have been recorded as plant and
3 decreasing \$5,080 from water testing expense which was incurred due to the development of Well
4 Nos. 3 and 4 to reflect normalized water testing expense.

5 15. Applicant's present water rates and charges produce operating revenue of \$66,730 and
6 adjusted operating expenses of \$99,778, which resulted in an operating loss of \$33,048 for a negative
7 rate of return on FVRB.

8 16. The water rates and charges proposed by the Company would produce operating
9 revenue of \$66,730 and adjusted operating expenses of \$99,778 resulting in an operating loss of
10 \$18,048 for a negative rate of return on FVRB.

11 17. The water rates and charges as recommended by Staff in its report filed on April 16,
12 2010, would produce operating revenues of \$90,545 and adjusted operating expenses of \$99,778
13 resulting in a net loss of \$9,233 or a negative rate of return on FVRB. Although the Company would
14 continue to operate at a loss, Staff's revenues will enable the Company, to recover more of its
15 operating expenses. Staff's recommended rates increase revenue by \$23,815 or 35.69 percent over
16 the TY revenue of \$66,730, because Staff believes additional revenue is needed due to the
17 Company's inability to produce more water, and its need to haul water.

18 18. Staff's proposed rates are higher than those requested by the Company, but Staff's
19 alternative will enable the Company to recover all TY expenses except \$9,233 of water hauling costs
20 of \$27,315 incurred during the TY.¹ Staff's proposed rates should provide the Company with
21 sufficient funds for its ongoing operations and obligations.

22 19. Staff's rate design continues the base rate for 5/8" x 3/4" customer at \$35.00, but
23 Staff's recommended four tier inverted block commodity charges will impose higher rates on water
24 customers who use more water.²

25 20. The Company's proposed rates would increase the average monthly metered customer
26

27 ¹ According to the Staff Report, the Company's four wells are unable to pump sufficient water for its customers and
during the TY Applicant had to haul 804,300 gallons of water to satisfy the demand for water.

28 ² Staff's recommended revenue requirement is sufficient and could allow the Company to recover all routine TY
expenses.

1 water bill by \$7.44 or 15.95 percent, from \$46.66 to \$54.10, and increase the median monthly
2 metered customer water bill by \$6.77 or 15.88 percent, from \$42.64 to \$49.41.

3 21. Staff's recommended rates would increase the average monthly metered customer
4 water bill by \$15.43 or 33.06 percent, from \$46.66 to \$62.08, and increase the median monthly
5 metered customer water bill by \$9.64 or 22.60 percent, from \$42.64 to \$52.28.

6 22. According to the Staff Report, the Applicant is in compliance with prior Commission
7 Orders and is in good standing with the Commission. Applicant is also current on the payment of its
8 sales and property taxes.

9 23. The Company is in compliance with the requirements of the Arizona Department of
10 Environmental Quality ("ADEQ") and is providing water which meets the requirements of the Safe
11 Drinking Water Act.

12 24. The Commission has previously approved the Company's Curtailment Tariff and its
13 Cross-Connection Backflow Prevention Tariff.

14 25. Staff also recommends that the Commission order the following:

- 15 • that the Company file, within 30 days of the effective date of this Decision, with
16 the Commission's Docket Control, as a compliance item in this docket, a schedule
17 of its approved rates and charges;
- 18 • that Applicant notify its customers of the water rates and charges approved
19 hereinafter and their effective date by means of an insert in its next monthly billing
20 and file a copy of the notice sent to its customers with the Commission's Docket
21 Control as a compliance item in this docket;
- 22 • that Applicant, in addition to the collection of its regular rates and charges, collect
23 from its customers their proportionate share of any privilege, sales, or use tax as
24 provided for in A.A.C. R14-2-409(D);
- 25 • that the Company adopt the depreciation rates delineated by Staff in Table H-1 of
26 the Engineering Report attached to the Staff Report on a going-forward basis; and
- 27 • that the Company file, within 45 days of the effective date of this Decision, with
28 the Commission's Docket Control, as a compliance item in this docket, documentation that the Company has installed or updated an "information" sign at the facility site. The sign should comply with ADEQ requirements and should include the following information: system name, system PWS ID and emergency contact phone numbers.

26 26. Because an allowance for the property tax expense of Applicant is included in the
27 Company's rates and will be collected from its customers, the Commission seeks assurances from the
28

1 Company that any taxes collected from ratepayers have been remitted to the appropriate taxing
2 authority. It has come to the Commission's attention that a number of water companies have been
3 unwilling or unable to fulfill their obligation to pay the taxes that were collected from ratepayers,
4 some for as many as twenty years. It is reasonable, therefore, that as a preventive measure the
5 Company shall annually file, as part of its annual report, an affidavit with the Utilities Division
6 attesting that the company is current in paying its property taxes in Arizona.

7 27. Based upon our review of the Application and the Staff Report, we find that Staff's
8 recommended rates are more reasonable and equitable since the Company is not operated to earn a
9 profit, and these rates should enable Applicant to meet most of its water hauling costs and its normal
10 operating expenses. Additionally, the higher commodity rate at the fourth tier should encourage
11 water conservation for a Company that lacks water. Lastly, Staff's additional recommendations
12 should be adopted.

13 **CONCLUSIONS OF LAW**

14 1. Applicant is a public service corporation within the meaning of Article XV of the
15 Arizona Constitution and A.R.S. §§ 40-250 and 40-251.

16 2. The Commission has jurisdiction over Applicant and of the subject matter of the
17 Application.

18 3. Notice of the Application was provided in the manner prescribed by law.

19 4. The rates and charges proposed by Staff and authorized hereinafter are just and
20 reasonable.

21 5. Staff's recommendations as set forth in Findings of Fact No. 25 are reasonable and
22 should be adopted.

23 **ORDER**

24 IT IS THEREFORE ORDERED that White Horse Ranch Owners Association, Inc. shall file,
25 on or before June 1, 2010, a revised rate schedule setting forth the following rates and charges:

26 **MONTHLY USAGE CHARGE:**

27	5/8" x 3/4" Meter	\$ 35.00
	3/4" Meter	52.00
28	1" Meter	87.50

1	1-1/2" Meter	175.00
	2" Meter	280.00
2	3" Meter	560.00
	4" Meter	875.00
3	6" Meter	1,750.00

COMMODITY RATES:

4	0 to 2,000 gallons	\$ 4.00
	2,001 to 4,000 gallons	6.00
5	4,001 to 9,000 gallons	8.00
6	Over 9,000 gallons	12.00

SERVICE LINE AND METER INSTALLATION CHARGES:

(Refundable Pursuant to A.A.C. R14-2-405)

	<u>Service Line</u>	<u>Meter *</u>	<u>Total</u>
	<u>Charge</u>	<u>Installation</u>	
8			
9	5/8" x 3/4" Meter	\$ 400.00	\$ 500.00
	3/4" Meter	335.00	575.00
10	1" Meter	420.00	660.00
	1-1/2" Meter	470.00	900.00
11	2" Meter	835.00	1,872.00
	3" Meter	980.00	2,562.00
12	4" Meter	1,360.00	3,812.00
	6" Meter	2,090.00	6,892.00

* Note: Meter charge includes meter box or vault.

SERVICE CHARGES:

14	Establishment	\$ 30.00
15	Establishment (After Hours)	45.00
	Reconnection (Delinquent)	25.00
16	Reconnection (Delinquent) (After Hours)	50.00
	Meter Test (If Correct)	30.00
17	Deposit	*
	Deposit Interest	*
18	Re-establishment (Within 12 Months)	**
	NSF Check	\$ 15.00
19	Deferred Payment	***
	Meter Re-Read (If Correct)	\$ 20.00
20	Late Payment Charge (Per Month)	1.5%

MONTHLY CHARGE FOR FIRE SPRINKLERS:

21	4" or Smaller	****
22	6"	****
	8"	****
23	10"	****
24	Larger than 10"	****

* Per Commission Rule A.A.C. R14-2-403(B).

** Number of months off system times the monthly minimum A.A.C. R14-2-403(D).

*** Per Commission Rule A.A.C. R14-2-409(G).

**** 2.0% of monthly minimum for a comparable size meter connection, but no less than \$10.00 per month. The service charge for fire sprinklers is only applicable for service lines separate and distinct for the primary water service line.

28

1 IT IS FURTHER ORDERED that White Horse Ranch Owners Association, Inc. shall notify
2 its customers of the water rates and charges approved herein, and their effective date, by means of an
3 insert in its next monthly billing and file a copy of the notice when sent to its customers with the
4 Commission's Docket Control as a compliance item in this docket.

5 IT IS FURTHER ORDERED that the above rates and charges shall be effective for all
6 services provided on and after June 1, 2010.

7 IT IS FURTHER ORDERED that White Horse Ranch Owners Association, Inc. is hereby
8 directed to comply with Staff's recommendations as set forth in Findings of Fact No. 25.

9 IT IS FURTHER ORDERED that White Horse Ranch Owners Association, Inc., in addition
10 to the collection of its regular rates and charges, shall collect from its customers their proportionate
11 share of any privilege, sale, or use tax as provided in A.A.C. R14-2-409(D).

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1 IT IS FURTHER ORDERED that White Horse Ranch Owners Association, Inc. shall
2 annually file, as part of its Annual Report, an affidavit with the Utilities Division attesting that the
3 Company is current in paying its property taxes in Arizona.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

6
7
8 CHAIRMAN _____ COMMISSIONER _____

9
10 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____, 2010.

16
17 _____
18 ERNEST G. JOHNSON
19 EXECUTIVE DIRECTOR

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1 SERVICE LIST FOR: WHITE HORSE RANCH OWNERS ASSOCIATION, INC.

2 DOCKET NO.: W-04161A-09-0471

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4 Ray Jones
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