



0000116139

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

AUG 10 2010

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION
OF CHAPARRAL WATER PROPERTIES,
INC., DBA CHAPARRAL WATER
COMPANY FOR APPROVAL OF A RATE
INCREASE.

DOCKET NO. W-02393A-09-0539

DECISION NO. 71833

ORDER

Open Meeting
July 27 and 28, 2010
Phoenix, Arizona

BY THE COMMISSION:

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

PROCEDURAL HISTORY

1. Chaparral Water Properties Inc., dba Chaparral Water Company¹ ("Chaparral" or "Company") is a public service corporation engaged in the business of providing water utility service to the public in an area located approximately one mile west of Grand Avenue near Patton Road and 203rd Avenue in the Phoenix metropolitan area, Maricopa County, Arizona, pursuant to authority granted by the Arizona Corporation Commission ("Commission") in Decision No. 52362 (August 1, 1981).

2. On November 23, 2009, Chaparral filed with the Commission an application for an increase in its permanent rates and charges ("Application").

3. With its Application, the Company filed proof of mailing indicating that it provided public notice of its Application for a permanent rate increase to its customers on November 19, 2009.

¹ The Company filed the Application as Chaparral Water Company. According to the June 29, 2009 annual report filed with the Corporations Division, the Company's name is Chaparral Water Properties Inc. The Company's name has been corrected in the caption to reflect its actual corporate name, and to indicate that it is doing business as Chaparral Water Company.

1 4. On December 23, 2009, Staff issued a Notice of Insufficiency pursuant to A.A.C.
 2 R14-2-103.

3 5. On January 20, 2010, the Company filed revised documents in response to Staff's
 4 Notice of Insufficiency.

5 6. On January 28, 2010, the Commission received one customer comment opposing the
 6 Company's proposed rate increase.

7 7. On February 17, 2010, the Commission's Utilities Division ("Staff") issued a Notice
 8 of Sufficiency indicating that the Application was sufficient, and classifying the Company as a Class
 9 D utility.

10 8. On May 3, 2010, after conducting an investigation of Chaparral's proposed rates and
 11 charges for water service, Staff filed its Staff Report on the Application. The Staff Report indicated
 12 that any party who wished to file comments to the Staff Report should file them with the
 13 Commission's Docket Control Center on or before May 13, 2010.

14 9. No comments to the Staff Report were filed.

15 10. On May 17, 2010, Staff filed a Notice of Errata correcting the rate design schedule in
 16 the Staff Report.

17 **FINDINGS OF FACT**

18 11. Chaparral is organized as a C Corporation, and is a wholly owned subsidiary of The
 19 Carioca Company. Chaparral's present rates and charges for water service were approved in
 20 Decision No. 66395 (October 6, 2003).

21 12. The Application is based on a test year ended June 30, 2009. During the test year,
 22 Chaparral served an average of 326 metered residential customers, all but 4 of whom are served by
 23 5/8 x 3/4-inch meters.

24 13. The water rates and charges for Chaparral at present, as proposed by the Company and
 25 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 | \$ 12.85 | \$ 18.00 | \$ 13.25 |
| 3/4" Meter | 19.28 | 25.06 | 19.28 |
| 1" Meter | 30.70 | 45.00 | 32.50 |
| 1 1/2" Meter | 64.25 | 83.53 | 64.25 |

| | | | | |
|---|----------|--------|--------|--------|
| 1 | 2" Meter | 102.80 | 133.64 | 103.50 |
| | 3" Meter | 192.75 | 250.58 | 205.60 |
| 2 | 4" Meter | 321.25 | 417.63 | 321.25 |
| | 6" Meter | 642.50 | 835.25 | 642.50 |

| 3 | <u>COMMODITY RATES:</u> | <u>Present Rates</u> | <u>Proposed Rates</u> | |
|---|-------------------------|----------------------|-----------------------|--------------|
| | | | <u>Company</u> | <u>Staff</u> |
| 4 | | | | |
| 5 | 0 - 9,000 gallons | \$1.80 | | |
| | 9,001 - 25,000 gallons | 2.00 | | |
| 6 | Over 25,000 gallons | 2.46 | | |

Company Proposed - All Sizes

| | | | | |
|---|------------------------|--|--------|--|
| 7 | 0 - 9,000 gallons | | \$2.25 | |
| 8 | 9,001 - 25,000 gallons | | 2.50 | |
| | Over 25,000 gallons | | 3.00 | |

Staff Recommended - All Sizes

| | | | | |
|----|------------------------|--|--|---------|
| 9 | 0 - 7,000 gallons | | | \$ 1.91 |
| 10 | 7,001 - 15,000 gallons | | | 2.40 |
| | Over 15,000 gallons | | | 3.00 |

| | | | | |
|----|-------------------------------|--------|--------|---------|
| 11 | Standpipe (Per 1,000 gallons) | \$2.50 | \$3.25 | \$ 3.00 |
|----|-------------------------------|--------|--------|---------|

SERVICE LINE AND METER INSTALLATION

CHARGES:

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

| 14 | | <u>Present Rates</u> | <u>Company Proposed</u> | <u>Staff Recommended</u> | | |
|----|--------------------|----------------------|-------------------------|---------------------------|----------------------------|--------------|
| | | | | <u>Meter Installation</u> | <u>Service Line Charge</u> | <u>Total</u> |
| 15 | 5/8" x 3/4 " Meter | \$ 500.00 | \$ 650.00 | \$ 155.00 | \$ 445.00 | \$ 600.00 |
| | 3/4 " Meter | 575.00 | 745.00 | 255.00 | 445.00 | 700.00 |
| 16 | 1" Meter | 660.00 | 850.00 | 315.00 | 495.00 | 810.00 |
| | 1 1/2" Meter | 900.00 | 1,175.00 | 525.00 | 550.00 | 1,075.00 |
| 17 | 2" Meter | 1,525.00 | 1,975.00 | 1,095.00 | 880.00 | 1,975.00 |
| | 3" Meter | 2,165.00 | 2,800.00 | 1,700.00 | 1,100.00 | 2,800.00 |
| 18 | 4" Meter | 3,360.00 | 4,350.00 | 2,770.00 | 1,580.00 | 4,350.00 |
| | 6" Meter | 6,035.00 | 7,850.00 | 5,440.00 | 2,410.00 | 7,850.00 |
| 19 | Over 6-inch | Actual Cost | Actual Cost | Actual Cost | Actual Cost | Actual Cost |

* Note: Meter charge includes meter box or vault.

| 20 | <u>SERVICE CHARGES:</u> | <u>Current Charges</u> | <u>Company Proposed</u> | <u>Staff Recommended</u> |
|----|-------------------------------------|------------------------|-------------------------|--------------------------|
| 21 | Establishment | \$25.00 | \$25.00 | \$25.00 |
| | Establishment (After Hours) | 50.00 | 50.00 | 50.00 |
| 22 | Reconnection (Delinquent) | 50.00 | 50.00 | 50.00 |
| | Meter Test (If Correct) | 25.00 | 25.00 | 25.00 |
| 23 | Deposit | * | * | * |
| | Deposit Interest | ** | ** | ** |
| 24 | Re-establishment (Within 12 Months) | *** | *** | *** |
| | NSF Check | 15.00 | 15.00 | 15.00 |
| 25 | Deferred Payment | 1.50% | 1.50% | 1.50% |
| | Meter Re-Read (If Correct) | \$15.00 | \$15.00 | \$15.00 |
| 26 | Late Payment Charge (Per Month) | 1.5% or \$3.50 | 1.5% or \$3.50 | 1.50% |
| | | Minimum | Minimum | |
| 27 | Charge for Moving Meter | Cost | | Cost |

28

MONTHLY SERVICE CHARGE FOR FIRE SPRINKLERS:

| | | | |
|-----------------|--------|--------|------|
| 4" or Smaller | \$0.00 | \$0.00 | **** |
| 6" | 0.00 | 0.00 | **** |
| 8" | 0.00 | 0.00 | **** |
| 10" | 0.00 | 0.00 | **** |
| Larger than 10" | 0.00 | 0.00 | **** |

* Per Commission Rule A.A.C. R14-2-403(B)(7).

** Per Commission Rule A.A.C. R14-2-403(B)(3).

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

**** 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 from the primary water service line.

14. Because the Company did not provide a reconstructed cost new less depreciation ("RCND") study, its fair value rate base ("FVRB") is the same as its original cost rate base ("OCRB"). The Company proposed an OCRB of \$176,108. Staff reclassified \$6,550 in water testing material and equipment from water testing expense to laboratory equipment, increasing plant in service by \$6,550. Staff recalculated accumulated depreciation from the Company's proposed \$283,649 to \$324,183, based on Staff's proposed plant in service using Commission-approved rates. Finally, using the formula method, Staff decreased Chaparral's cash working capital by \$279. Staff's recommended adjustments resulted in a decrease of \$34,263 to the Company's proposed OCRB, for an OCRB and FVRB of \$141,845.

15. Staff accepted the Company's reported test year operating revenue of \$148,972.

16. Staff made adjustments to the Company's test year total operating expenses, and recommended \$152,563, which is \$8,759 less than the Company's reported costs of \$161,322. Staff reduced water testing expense from \$13,975 to \$7,207. This \$6,768 adjustment results from the \$6,550 reclassification of expense to plant in service, and a disallowance of \$218 to reflect an appropriate level of test year costs based on the Monitoring Assistance Program ("MAP") costs. Staff also reclassified \$1,472 in postage costs and telephone costs from miscellaneous expense to office supplies and expense. Staff decreased income tax expense to reflect the Company's test year operating loss, and adjusted property tax expense downward by \$6,383 to reflect an appropriate level of expense using the Arizona Department of Revenue ("ADOR") methodology. In addition, Staff increased regulatory expense by \$10,445 to reflect the reclassification of \$3,778 from miscellaneous

1 expense to regulatory expense and to reflect \$6,667 of normalized rate case expense.

2 17. According to the Staff Report, the Company indicated that it had incurred \$39,205.56
3 for preparing, filing, and amending this rate filing, and that it expected to incur an additional \$11,000
4 for the remainder of this proceeding, for a total of \$50,205.56 in rate case expense. Staff stated that
5 \$50,205.56 is an excessive amount of rate case expense for a company with approximately 326
6 customers, and recommended that the Company be allowed \$20,000 as reasonable rate case expense,
7 normalized over three years.

8 18. Based on Staff's analysis, Chaparral's present water rates and charges produced
9 operating revenues of \$148,972 and adjusted operating expenses of \$152,563, which resulted in an
10 operating loss of \$3,591 for no return on FVRB in the test year.

11 19. The water rates and charges proposed by the Company would produce operating
12 revenue of \$185,885 and adjusted operating expenses of \$161,322 resulting in an operating income of
13 \$24,563, for a 13.95 percent rate of return on FVRB.

14 20. The water rates and charges as recommended by Staff would produce operating
15 revenues of \$176,003 and adjusted operating expenses of \$158,403 resulting in an operating income
16 of \$17,600 or a 12.41 percent rate of return on the \$141,845 FVRB and an operating margin of 10
17 percent.

18 21. The Company proposed to continue its three-tier rate design, and to retain its current
19 first tier breakover point of 9,000 gallons. The Company proposed a change to its second tier
20 breakover point from 25,000 to 50,000 gallons, and a change to its third tier breakover point from
21 over 25,000 gallons to over 50,000 gallons.

22 22. Staff also proposed a three tiered rate structure, but with a first tier breakover point of
23 7,000 gallons, a second tier breakover point of 15,000 gallons, and a third tier breakover point of over
24 15,000 gallons. Staff stated that its first tier breakover point is slightly lower than the customers'
25 median usage of 8,516 gallons/month, while the second tier breakover point is higher than the
26 customers' average usage of 12,823 gallons/month. Staff stated that its recommended rate structure
27 will encourage a more efficient use of water.

28 23. The Company's proposed rates would result in a monthly increase of \$8.98, from

1 \$28.18 to \$37.16, or 31.9 percent, for a median usage (8,516 gallons/month) residential customer on a
2 3/4 x 5/8-inch meter. For an average usage (12,823 gallons/month) customer, the Company's
3 proposed rates would increase the monthly bill by \$11.11, from \$36.70 to \$47.81, or 30.3 percent.

4 24. Staff's recommended rates would result in a monthly increase of \$2.08, from \$28.18
5 to \$30.26, or 7.4 percent, for a median usage (8,516 gallons/month) residential customer on a 3/4 x
6 5/8-inch meter. For an average usage (12,823 gallons/month) customer, Staff's proposed rates would
7 increase the monthly bill by \$3.89, from \$36.70 to \$40.59, or 10.6 percent.

8 25. In addition to recommending approval of its recommended rates, Staff made the
9 following recommendations:

- 10 • that the Company be authorized to collect from its customers an appropriate share
11 of any privilege, sales, or use tax as provided for in A.A.C. R14-2-409(D);
- 12 • that the Company adopt the depreciation rates set forth in Table H-1 of the
13 Engineering Report attached to the Staff Report on a going-forward basis; and
- 14 • that the Company file, with the Commission's Docket Control, as a compliance
15 item in this docket, within 30 days of the effective date of this Decision, a schedule
16 of its approved rates and charges.

17 26. According to the Staff Report, Chaparral is in compliance with prior Commission
18 Orders and is in good standing with the Commission.

19 27. Chaparral included with its Application a certificate from ADOR that The Carioca
20 Company (Chaparral's parent company) and its subsidiaries are current on the payment of sales and
21 property taxes.

22 28. The Maricopa County Environmental Services Department ("MCESD"), a delegated
23 agency of the Arizona Department of Environmental Quality ("ADEQ") indicated in a November 13,
24 2009 report that the Company's water system is in compliance with the regulatory agency's
25 requirements and is providing water that meets State and Federal drinking water quality standards
26 required by Title 18, Chapter 4 of the Arizona Administrative Code.

27 29. Chaparral is located within the Phoenix Active Management Area ("AMA")
28 designated by the Arizona Department of Water Resources ("ADWR"). Staff stated that it received a
compliance status report from ADWR issued in April 2010 indicating that Chaparral is in compliance
with ADWR requirements.

1 30. The Commission has previously approved the Company's Curtailment Tariff and its
2 Cross-Connection Backflow Prevention Tariff.

3 31. Because an allowance for the property tax expense of Chaparral is included in the
4 Company's rates and will be collected from its customers, the Commission seeks assurances from
5 Chaparral that any taxes collected from ratepayers have been remitted to the appropriate taxing
6 authority. It has come to the Commission's attention that a number of water companies have been
7 unwilling or unable to fulfill their obligation to pay the taxes that were collected from ratepayers,
8 some for as many as twenty years. It is reasonable, therefore, that as a preventive measure Chaparral
9 shall annually file, as part of its annual report, an affidavit with the Utilities Division attesting that the
10 Company is current in paying its property taxes in Arizona.

11 32. Staff's recommendations are reasonable and should be adopted.

12 **CONCLUSIONS OF LAW**

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

15 2. The Commission has jurisdiction over Chaparral and of the subject matter of the
16 Application.

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

18 4. The rates and charges proposed by Staff and authorized hereinafter are just and
19 reasonable and should be approved without a hearing.

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

22 **ORDER**

23 IT IS THEREFORE ORDERED that Chaparral Water Properties Inc., dba Chaparral Water
24 Company is hereby directed to file by July 30, 2010, with Docket Control, as a compliance item in
25 this docket, revised rate schedules that reflect the Company's actual corporate name and that set forth
26 the following new rates and charges:

27 **MONTHLY USAGE CHARGE:**

| | |
|----------------------|----------|
| 28 5/8" x 3/4" Meter | \$ 13.25 |
| 3/4" Meter | 19.28 |

| | | |
|---|--------------|--------|
| 1 | 1" Meter | 32.50 |
| | 1 1/2" Meter | 64.25 |
| 2 | 2" Meter | 103.50 |
| | 3" Meter | 205.60 |
| 3 | 4" Meter | 321.25 |
| | 6" Meter | 642.50 |

COMMODITY RATES:

| | | |
|---|--|---------|
| 5 | <u>All Meter Sizes (Per 1,000 gallons)</u> | |
| 6 | 0 - 7,000 gallons | \$ 1.91 |
| | 7,001 - 15,000 gallons | 2.40 |
| 7 | Over 15,000 gallons | 3.00 |
| 8 | Standpipe (Per 1,000 gallons) | \$ 3.00 |

SERVICE LINE AND METER INSTALLATION CHARGES:

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

| | Meter Installation | Service Line Charge | Total | |
|----|-----------------------|------------------------|-------------|-------------|
| 10 | 5/8" x 3/4 " Meter | \$ 155.00 | \$ 445.00 | \$ 600.00 |
| 11 | 3/4 " Meter | 255.00 | 445.00 | 700.00 |
| | 1" Meter | 315.00 | 495.00 | 810.00 |
| 12 | 1 1/2" Meter | 525.00 | 550.00 | 1,075.00 |
| | 2" Meter | 1,095.00 | 880.00 | 1,975.00 |
| 13 | 3" Meter | 1,700.00 | 1,100.00 | 2,800.00 |
| 14 | 4" Meter | 2,770.00 | 1,580.00 | 4,350.00 |
| | 6" Meter | 5,440.00 | 2,410.00 | 7,850.00 |
| 15 | Over 6-inch | Actual Cost | Actual Cost | Actual Cost |

* Note: Meter charge includes meter box or vault.

SERVICE CHARGES:

| | | |
|----|-------------------------------------|---------|
| 17 | Establishment | \$25.00 |
| 18 | Establishment (After Hours) | 50.00 |
| | Reconnection (Delinquent) | 50.00 |
| 19 | Meter Test (If Correct) | 25.00 |
| 20 | Deposit | * |
| | Deposit Interest | ** |
| 21 | Re-establishment (Within 12 Months) | *** |
| | NSF Check | 15.00 |
| 22 | Deferred Payment | 1.50% |
| | Meter Re-Read (If Correct) | 15.00 |
| 23 | Late Payment Charge (Per Month) | 1.50% |
| 24 | Charge for Moving Meter | Cost |

MONTHLY SERVICE CHARGE FOR**FIRE SPRINKLERS:**

| | | |
|----|-----------------|------|
| 26 | 4" or Smaller | **** |
| | 6" | **** |
| 27 | 8" | **** |
| | 10" | **** |
| 28 | Larger than 10" | **** |

- 1 * Per Commission Rule A.A.C. R14-2-403(B)(7).
- 2 ** Per Commission Rule A.A.C. R14-2-403(B)(3).
- 3 *** Number of months off system times the monthly minimum A.A.C. R14-2-403(D).
- 4 **** 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 from the primary water service line.

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

6 ~~IT IS FURTHER ORDERED that Chaparral Water Properties Inc., dba Chaparral Water~~
 7 ~~Company shall notify its customers of the water rates and charges approved herein, and their~~
 8 ~~effective date, by means of an insert in its next monthly billing and shall file a copy of the notice~~
 9 ~~when sent to its customers with the Commission's Docket Control as a compliance item in this~~
 10 ~~docket.~~

11 IT IS FURTHER ORDERED that in addition to collection of its regular rates and charges,
 12 Chaparral Water Properties Inc., dba Chaparral Water Company shall collect from its customers a
 13 proportionate share of any privilege, sales or use tax per A.A.C. R14-2-409(D).

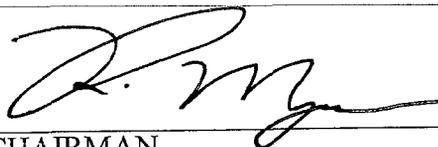
14 IT IS FURTHER ORDERED that Chaparral Water Properties Inc., dba Chaparral Water
 15 Company shall annually file, as part of its Annual Report, an affidavit with the Utilities Division
 16 attesting that it is current in paying its property taxes in Arizona.

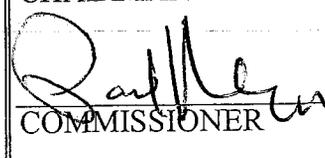
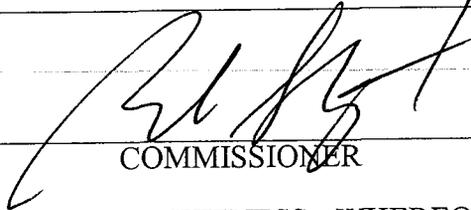
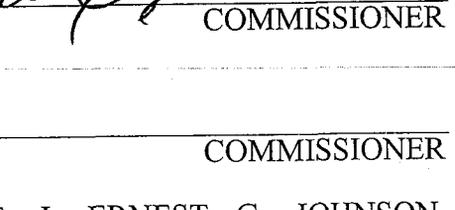
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1 IT IS FURTHER ORDERED that Chaparral Water Properties Inc., dba Chaparral Water
2 Company shall use the depreciation rates by individual National Association of Regulatory Utilities
3 Commissioners category shown in Exhibit A, attached hereto and incorporated herein, on a going-
4 forward basis.

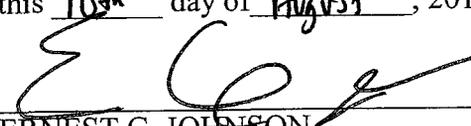
5 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

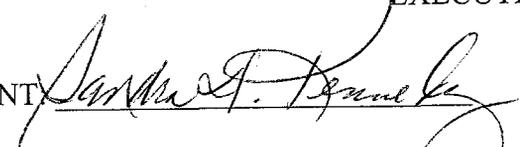
6 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

7  CHAIRMAN  COMMISSIONER

9  COMMISSIONER  COMMISSIONER  COMMISSIONER

12 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
13 Executive Director of the Arizona Corporation Commission,
14 have hereunto set my hand and caused the official seal of the
15 Commission to be affixed at the Capitol, in the City of Phoenix,
16 this 10th day of August, 2010.

17 
18 ERNEST G. JOHNSON
19 EXECUTIVE DIRECTOR

20 DISSENT: 

21 DISSENT: _____
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1 SERVICE LIST FOR: CHAPARRAL WATER PROPERTIES, INC., DBA
2 CHAPARRAL WATER COMPANY

3 DOCKET NO.: W-02393A-09-0539

4 Eric Young
5 CHAPARRAL WATER PROPERTIES, INC., DBA
6 CHAPARRAL WATER COMPANY
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13 Steve Olea, Director
14 Utilities Division
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EXHIBIT A

Table H-1. Depreciation Rates

| NARUC Acct. No. | Depreciable Plant | Average Service Life (Years) | Annual Accrual Rate (%) |
|--------------------|--------------------------------------|------------------------------------|-------------------------------|
| 304 | Structures & Improvements | 30 | 3.33 |
| 305 | Collecting & Impounding Reservoirs | 40 | 2.50 |
| 306 | Lake, River, Canal Intakes | 40 | 2.50 |
| 307 | Weils & Springs | 30 | 3.33 |
| 308 | Infiltration Galleries | 15 | 6.67 |
| 309 | Raw Water Supply Mains | 50 | 2.00 |
| 310 | Power Generation Equipment | 20 | 5.00 |
| 311 | Pumping Equipment | 8 | 12.5 |
| 320 | Water Treatment Equipment | | |
| 320.1 | Water Treatment Plants | 30 | 3.33 |
| 320.2 | Solution Chemical Feeders | 5 | 20.0 |
| 330 | Distribution Reservoirs & Standpipes | | |
| 330.1 | Storage Tanks | 45 | 2.22 |
| 330.2 | Pressure Tanks | 20 | 5.00 |
| 331 | Transmission & Distribution Mains | 50 | 2.00 |
| 333 | Services | 30 | 3.33 |
| 334 | Meters | 12 | 8.33 |
| 335 | Hydrants | 50 | 2.00 |
| 336 | Backflow Prevention Devices | 15 | 6.67 |
| 339 | Other Plant & Misc Equipment | 15 | 6.67 |
| 340 | Office Furniture & Equipment | 15 | 6.67 |
| 340.1 | Computers & Software | 5 | 20.00 |
| 341 | Transportation Equipment | 5 | 20.00 |
| 342 | Stores Equipment | 25 | 4.00 |
| 343 | Tools, Shop & Garage Equipment | 20 | 5.00 |
| 344 | Laboratory Equipment | 10 | 10.00 |
| 345 | Power Operated Equipment | 20 | 5.00 |
| 346 | Communication Equipment | 10 | 10.00 |
| 347 | Miscellaneous Equipment | 10 | 10.00 |
| 348 | Other Tangible Plant | 10 | 10.00 |