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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

SEP 15 2010

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF GLOBAL WATER – PALO VERDE UTILITIES COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. SW-20445A-09-0077

IN THE MATTER OF THE APPLICATION OF VALENCIA WATER COMPANY – GREATER BUCKEYE DIVISION FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-02451A-09-0078

IN THE MATTER OF THE APPLICATION OF WILLOW VALLEY WATER COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-01732A-09-0079

IN THE MATTER OF THE APPLICATION OF GLOBAL WATER – SANTA CRUZ WATER COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-20446A-09-0080

IN THE MATTER OF THE APPLICATION OF WATER UTILITY OF GREATER TONOPAH FOR THE ESTABLISHMENT OF JUST AND

DOCKET NO. W-02450A-09-0081

1 REASONABLE RATES AND CHARGES FOR
2 UTILITY SERVICE DESIGNED TO REALIZE A
3 REASONABLE RATE OF RETURN ON THE
4 FAIR VALUE OF ITS PROPERTY
5 THROUGHOUT THE STATE OF ARIZONA.

6 IN THE MATTER OF THE APPLICATION OF
7 VALENCIA WATER COMPANY – TOWN
8 DIVISION FOR THE ESTABLISHMENT OF JUST
9 AND REASONABLE RATES AND CHARGES
10 FOR UTILITY SERVICE DESIGNED TO
11 REALIZE A REASONABLE RATE OF RETURN
12 ON THE FAIR VALUE OF ITS PROPERTY
13 THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-01212A-09-0082

DECISION NO. 71878

OPINION AND ORDER

8 PUBLIC COMMENTS: December 1, 2009, Maricopa, Arizona.

9 DATES OF HEARING: December 10 (Pre-Hearing Conference), 14, 17, 18, 21
10 and 28, 2009

11 PLACE OF HEARING: Phoenix, Arizona

12 ADMINISTRATIVE LAW JUDGE: Teena Wolfe

13 IN ATTENDANCE: Kristin K. Mayes, Chairman
14 Gary Pierce, Commissioner
15 Sandra D. Kennedy, Commissioner
16 Bob Stump, Commissioner

17 APPEARANCES: Mr. Timothy Sabo and Mr. Michael W. Patten,
18 ROSHKA, DeWULF & PATTEN, PLC, on behalf of
19 Applicants;
20 Mr. Daniel Pozefsky, Chief Counsel, on behalf of the
21 Residential Utility Consumer Office;
22 Mr. Garry D. Hays, GARRY D. HAYS, PC, on behalf
23 of New World Properties;
24 Mr. Greg Patterson, on behalf of the Water Utility
25 Association of Arizona;
26 Mr. Court S. Rich and Mr. Ryan Hurley, ROSE LAW
27 GROUP, INC., on behalf of the City of Maricopa;
28 Mr. Rick Fernandez, *in propria persona*; and
Mr. Wesley Van Cleve, Ms. Ayesha Vohra, and Mr.
Charles Hains, Staff Attorneys, Legal Division, on
behalf of the Utilities Division of the Arizona
Corporation Commission.

1 **BY THE COMMISSION:**2 **I. PROCEDURAL HISTORY**

3 On February 20, 2009, Global Water – Palo Verde Utilities Company (“Palo Verde”);
 4 Valencia Water Company – Greater Buckeye Division (“Valencia-Greater Buckeye”); Willow Valley
 5 Water Company, Inc. (“Willow Valley”); Global Water – Santa Cruz Water Company (“Santa
 6 Cruz”); Water Utility of Greater Tonopah, Inc. (“WUGT”); and Valencia Water Company – Town
 7 Division (“Valencia-Town”),¹ (collectively “Applicants,” “Utilities,” or “Company”) filed with the
 8 Arizona Corporation Commission (“Commission”) applications in the above-captioned dockets
 9 seeking increases in their respective permanent base rates and other associated charges.

10 On March 23, 2009, the Commission’s Utilities Division Staff (“Staff”) filed Letters of
 11 Deficiency in each of the dockets, indicating that the applications did not meet the sufficiency
 12 requirements of Arizona Administrative Code (“A.A.C.”) R14-2-103.

13 On April 7, 13, and 20, 2009, Applicants filed various responses to Staff’s Deficiency Letters,
 14 and certain updated schedules for the applications.

15 On April 30, 2009, Staff filed Letters of Sufficiency stating that each of the above-captioned
 16 applications, as supplemented by the subsequent filings, met the sufficiency requirements of A.A.C.
 17 R14-2-103.

18 On May 28, 2009, a Procedural Order was issued consolidating the six applications, setting a
 19 hearing, requiring mailing and publication of notice of the application and hearing, and setting
 20 associated procedural deadlines.

21 On August 31, 2009, Applicants filed affidavits of mailing and affidavits of publication
 22 indicating Applicants’ compliance with the public notice requirements of the May 28, 2009
 23 Procedural Order.

24 Intervention in this proceeding was granted to the Residential Utility Consumer Office
 25 (“RUCO”), the Water Utility Association of Arizona (“WUAA”), New World Properties (“NWP”),
 26 the City of Maricopa (“Maricopa”), and Rick Fernandez.

27 _____
 28 ¹ Valencia Water Company is one company. Separate rate applications were filed for its Greater Buckeye and Town
 Divisions.

1 On December 1, 2009, a public comment hearing was held in Maricopa. Local elected
2 officials and numerous members of the public appeared and provided public comment on the
3 application.

4 On December 14, 2009, the hearing commenced as scheduled, and concluded on December
5 28, 2009. Initial closing briefs were filed by Applicants, WUAA, NWP, Maricopa, RUCO, and Staff,
6 and reply closing briefs were filed by Applicants, Maricopa, RUCO, and Staff.

7 **II. APPLICATION**

8 **A. Applicants**

9 Applicants and all other Global Utilities are organized as Arizona C corporations, and all are
10 wholly owned by Global Water Resources, LLC ("Global Parent"), a Delaware limited liability
11 company ("LLC"), through its direct subsidiary Global Water, Inc, a Delaware C corporation. The
12 corporate structure of Global Parent and its associated and subsidiary entities ("Global") is illustrated
13 in Exhibit A, attached hereto.² The LLC members of Global Parent are also the members of Global
14 Water Management, LLC, a Delaware LLC.³ Global Water Management, LLC provides growth-
15 related services to its subsidiary utility companies ("Global Utilities"), such as engineering of new
16 facilities, system planning, construction management, inspection of new facilities, regional and
17 project permitting, and regional planning.⁴ Global Water Management, LLC is funded through fees
18 for its growth services to the Global Utilities, its members, and third party services.⁵ Global Water,
19 Inc., provides the operational and administrative staff for the day-to-day activities of the Global
20 Utilities and is funded through utility revenues.⁶ The Global Utilities have no employees of their
21 own.⁷

22 Together, the Global Utilities serve more than 68,000 people at more than 41,000
23 connections.⁸ From an accounting perspective, the Global Utilities are organized into five regions:
24

25 ² Exhibit A is a copy of "Exhibit Hill-4" which was attached to the Direct Testimony of Company witness Trevor Hill
(Exh. A-7).

26 ³ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 2.

27 ⁴ Direct Testimony of Company witness Gregory Barber (Exh. A-20) at 3.

27 ⁵ *Id.*

27 ⁶ *Id.*

28 ⁷ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 2.

28 ⁸ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 2.

1 the West Valley Region, which includes WUGT, Valencia Water Company (Town and Greater
 2 Buckeye Divisions), and Water Utility of Northern Scottsdale.⁹ These Global Utilities are all served
 3 by operators working out of the West Valley Regional office in Buckeye, Arizona.¹⁰ The Maricopa-
 4 Casa Grande Region includes Santa Cruz, Palo Verde, CP Water Company and Francisco Grande
 5 Water Company.¹¹ The Willow Valley Region includes only Willow Valley, which is located in
 6 Mohave County.¹² An Eloy Region may be established once Global Water – Picacho Cove Utilities
 7 Company and Global Water – Picacho Cove Water Company become active.¹³ For accounting
 8 purposes, corporate headquarters are in the Deer Valley Region, and costs from this region are
 9 allocated partly to the Global Utilities through Global Water, Inc., partly to Global Water
 10 Management, LLC, and partly to Global Parent.¹⁴ Global Parent has its own region for accounting
 11 purposes which is comprised of costs that are allocated solely to Global Parent.¹⁵

12 The consolidated rate applications include Palo Verde, which is a wastewater utility, and four
 13 water utilities: Valencia (which has two divisions, Valencia-Greater Buckeye and Valencia-Town);
 14 Santa Cruz; Willow Valley; and WUGT. In total, the consolidated rate applications affect about
 15 25,000 customers.¹⁶

16 B. Summary of Revenue Recommendations

17 By utility/division, Applicants' proposed revenues and the revenue recommendations of the
 18 parties who submitted schedules are as follows:

19 Palo Verde

20 Applicants recommend a revenue requirement of \$15,602,936, which is an increase of
 21 \$8,959,123, or 134.85 percent, over its adjusted test year revenues of \$6,643,813. Applicants'
 22 recommendation would result in an approximate \$39.90 increase for the average 5/8 x 3/4 inch and
 23 3/4 inch water meter residential customers, from \$33.00 per month to \$72.90 per month, or

24 ⁹ Direct Testimony of Company witness Gregory Barber (Exh. A-20) at 4.

25 ¹⁰ *Id.*

26 ¹¹ Direct Testimony of Company witness Gregory Barber (Exh. A-20) at 4-5.

27 ¹² Direct Testimony of Company witness Gregory Barber (Exh. A-20) at 5.

28 ¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 7.

1 approximately 120.91 percent. Applicants propose a three year phase in of the rate increase, with 1/3
2 of the increase, or \$45.33, to be effective now, 2/3 of the rate increase, or \$58.16 to be effective in
3 one year, and 100 percent, or \$72.90, to be effective in the third year.

4 RUCO recommends a revenue requirement of \$12,682,373, which is an increase of
5 \$6,038,560, or 90.89 percent, over its adjusted test year revenues of \$6,643,813. RUCO's
6 recommendation would result in an approximate \$25.63 increase for the average 5/8 x 3/4 inch and
7 3/4 inch water meter residential customers, from \$33.00 per month to \$58.63 per month, or
8 approximately 77.66 percent. RUCO recommends that the phase in of the rate increase proposed by
9 Applicants be adopted, with 1/3 of the increase, or \$41.54, to be effective now, 2/3 of the rate
10 increase, or \$50.09 to be effective in one year, and 100 percent, or \$58.63, to be effective in the third
11 year.

12 Staff recommends a revenue requirement of \$12,762,050, which is an increase of \$6,118,237,
13 or 92.09 percent, over its adjusted test year revenues of \$6,643,813. Staff's recommendation would
14 result in an approximate \$25.51 increase for the average 5/8 x 3/4 inch and 3/4 inch water meter
15 residential customers, from \$33.00 per month to \$58.51 per month, or approximately 77.30 percent.
16 Staff recommends that the phase in of the rate increase proposed by Applicants be adopted, with 1/3
17 of the increase, or \$41.50, to be effective now, 2/3 of the rate increase, or \$50.01 to be effective in
18 one year, and 100 percent, or \$58.51, to be effective in the third year.

19 The revenue requirement authorized herein is \$12,707,205, which is an increase of
20 \$6,063,392, or 91.26 percent, over adjusted test year revenues of \$6,643,813. The rates approved
21 herein will result in an approximate \$29.91 increase for the average 5/8 x 3/4 inch and 3/4 inch water
22 meter residential customers, from \$33.00 per month to \$62.91 per month, or approximately 90.64
23 percent. In accordance with Applicants' phase-in proposal, 1/3 of the increase, or \$42.97, will be
24 effective August 1, 2010; 2/3 of the rate increase, or \$52.94, will be effective January 1, 2011; and
25 100 percent, or \$62.91, will be effective January 1, 2012.

26 **Valencia-Greater Buckeye**

27 Applicants recommend a revenue requirement of \$489,370, which is an increase of \$108,896,
28 or 28.62 percent, over its adjusted test year revenues of \$380,474. Applicants' recommendation

1 would result in an approximate \$10.67 increase for the average usage (9,068 gallons per month) 5/8 x
 2 3/4 inch meter residential customer, from \$40.94 per month to \$51.61 per month, or approximately
 3 26.06 percent.

4 RUCO recommends a revenue requirement of \$451,869, which is an increase of \$71,395, or
 5 18.76 percent, over its adjusted test year revenues of \$380,474. RUCO's recommendation would
 6 result in an approximate \$13.66 increase for the average usage (9,068 gallons per month) 5/8 x 3/4
 7 inch meter residential customer, from \$40.94 per month to \$54.60 per month, or approximately 33.37
 8 percent.

9 Staff recommends a revenue requirement of \$464,182, which is an increase of \$83,708, or
 10 22.0 percent, over its adjusted test year revenues of \$380,474. Staff's recommendation would result
 11 in an approximate \$7.12 increase for the average usage (9,068 gallons per month) 5/8 x 3/4 inch
 12 meter residential customer, from \$40.94 per month to \$48.06 per month, or approximately 17.40
 13 percent. Under Staff's four tier alternative rate design, the increase for the average usage 5/8 x 3/4
 14 inch meter residential customer would be approximately \$3.32, from \$40.94 per month to \$44.26 per
 15 month, or approximately 8.11 percent.

16 The revenue requirement authorized herein is \$457,733, which is an increase of \$77,259, or
 17 20.31 percent, over adjusted test year revenues of \$380,474. The rates approved herein will result in
 18 an approximate \$8.70 increase for the average usage (9,068 gallons per month) 5/8 x 3/4 inch meter
 19 residential customer, from \$40.94 per month to \$49.64 per month, an increase of approximately 21.26
 20 percent. The Conservation Rebate Threshold ("CRT") proposed by Applicants and adopted herein
 21 for Valencia-Greater Buckeye is 9,001 gallons per month, and the Commodity Rate Rebate, which is
 22 applied if monthly consumption is below the CRT, is 45 percent.¹⁷ Therefore, for a 5/8 x 3/4 inch
 23 meter residential customer with usage of 9,000 gallons per month, the rates approved herein will
 24 result in an approximate \$1.16 decrease, from \$40.94 per month to \$39.78 per month, or a decrease
 25 of approximately 2.83 percent.

26 Willow Valley

27 _____
 28 ¹⁷ For each Water Utility, the CRT is set at 90 percent of the average residential consumption for the period November 2007 to October 2008.

1 Applicants recommend a revenue requirement of \$941,059, which is an increase of \$467,532,
 2 or 98.73 percent, over its adjusted test year revenues of \$473,527. Applicants' recommendation
 3 would result in an approximate \$14.44 increase for the average usage (5,142 gallons per month) 5/8 x
 4 3/4 inch meter residential customer, from \$21.91 per month to \$36.35 per month, or approximately
 5 65.94 percent.

6 RUCO recommends a revenue requirement of \$886,591, which is an increase of \$413,064, or
 7 87.23 percent, over its adjusted test year revenues of \$473,527. RUCO's recommendation would
 8 result in an approximate \$16.22 increase for the average usage (5,142 gallons per month) 5/8 x 3/4
 9 inch meter residential customer, from \$21.91 per month to \$38.13 per month, or approximately 74.07
 10 percent.

11 Staff recommends a revenue requirement of \$923,874, which is an increase of \$450,347, or
 12 95.10 percent, over its adjusted test year revenues of \$473,527. Staff's recommendation would result
 13 in an approximate \$18.66 increase for the average usage (5,142 gallons per month) 5/8 x 3/4 inch
 14 meter residential customer, from \$21.91 per month to \$40.57 per month, or approximately
 15 85.19percent. Under Staff's four tier alternative rate design, the increase for the average usage 5/8 x
 16 3/4 inch meter residential customer would be approximately \$14.34, from \$21.91 per month to
 17 \$36.25 per month, or approximately 65.46 percent.

18 The revenue requirement authorized herein is \$901,574, which is an increase of \$428,047, or
 19 90.40 percent, over adjusted test year revenues of \$473,527. The rates approved herein will result in
 20 an approximate \$7.50 increase for the average usage (5,142 gallons per month) 5/8 x 3/4 inch meter
 21 residential customer, from \$21.91 per month to \$29.41 per month, or approximately 34.23 percent.
 22 This average customer bill analysis includes the effect of the adoption of Applicants' proposed CRT
 23 for Willow Valley of 6,401 gallons per month, and the Commodity Rate Rebate, which is applied if
 24 monthly consumption is below the CRT, of 45 percent.

25 **Santa Cruz**

26 Applicants recommend a revenue requirement of \$12,996,221, which is an increase of
 27 \$3,586,360, or 38.11 percent, over its adjusted test year revenues of \$9,409,861. Applicants'
 28 recommendation would result in no change for the average usage (6,474 gallons per month) 3/4 inch

1 meter residential customer bill, which would remain at \$39.23.

2 RUCO recommends a revenue requirement of \$11,000,572, which is an increase of
3 \$1,590,711, or 16.90 percent, over its adjusted test year revenues of \$9,409,861. RUCO's
4 recommendation would result in an approximate \$0.26 increase for the average usage (6,474 gallons
5 per month) 3/4 inch meter residential customer, from \$39.23 per month to \$39.49 per month, or
6 approximately 0.66 percent.

7 Staff recommends a revenue requirement of \$10,986,388, which is an increase of \$1,576,527,
8 or 16.75 percent, over its adjusted test year revenues of \$9,409,861. Staff's recommendation would
9 result in an approximate \$1.73 increase for the average usage (6,474 gallons per month) 3/4 inch
10 meter residential customer, from \$39.23 per month to \$40.96 per month, or approximately 4.40
11 percent. Under Staff's four tier alternative rate design, the average usage 3/4 inch meter residential
12 customer would have a decrease of approximately \$0.84, from \$39.23 per month to \$38.39 per
13 month, or approximately 2.14 percent.

14 The revenue requirement authorized herein is \$10,952,184, which is an increase of
15 \$1,542,323, or 16.39 percent, over adjusted test year revenues of \$9,409,861. The rates approved
16 herein will result in an approximate \$6.61 decrease for the average usage (6,474 gallons per month)
17 3/4 inch meter residential customer, from \$39.23 per month to \$32.62 per month, or an approximately
18 16.85 percent decrease. This average customer bill analysis includes the effect of the adoption of
19 Applicants' proposed CRT for Santa Cruz of 7,001 gallons per month, and the Commodity Rate
20 Rebate, which is applied if monthly consumption is below the CRT, of 65 percent.

21 **WUGT**

22 Applicants recommend a revenue requirement of \$883,134, which is an increase of \$623,830,
23 or 24.06 percent, over its adjusted test year revenues of \$259,304. Applicants' recommendation
24 would result in an approximate \$52.21 increase for the average usage (7,346 gallons per month) 5/8 x
25 3/4 inch meter residential customer, from \$47.62 per month to \$99.83 per month, or approximately
26 109.65 percent.

27 RUCO recommends a revenue requirement of \$306,627, which is an increase of \$47,323, or
28 18.25 percent, over its adjusted test year revenues of \$259,304. RUCO's recommendation would

1 result in an approximate \$5.85 decrease for the average usage (7,346 gallons per month) 5/8 x 3/4
2 inch meter residential customer, from \$47.62 per month to \$41.77 per month, or approximately 12.28
3 percent.

4 Staff recommends a revenue requirement of \$245,204, which is a decrease of \$14,100, or 5.44
5 percent, from its adjusted test year revenues of \$259,304. Staff's recommendation would result in an
6 approximate \$5.44 decrease for the average usage (7,346 gallons per month) 5/8 x 3/4 inch meter
7 residential customer, from \$47.62 per month to \$42.18 per month, or approximately 11.41 percent.
8 Under Staff's four tier alternative rate design, the decrease for the average usage 5/8 x 3/4 inch meter
9 residential customer would be approximately \$8.77, from \$47.62 per month to \$38.85 per month, or
10 approximately 18.42 percent.

11 The revenue requirement authorized herein is \$235,021, which is a decrease of \$24,283, or
12 9.36 percent, from adjusted test year revenues of \$259,304. The rates approved herein will result in
13 an approximate \$16.17 decrease for the average usage (7,346 gallons per month) 5/8 x 3/4 inch meter
14 residential customer, from \$47.62 per month to \$31.45 per month, or an approximately 33.96 percent
15 decrease. This average customer bill analysis includes the effect of the adoption of Applicants'
16 proposed CRT for WUGT of 7,401 gallons per month, and the Commodity Rate Rebate, which is
17 applied if monthly consumption is below the CRT, of 45 percent.

18 **Valencia-Town**

19 Applicants recommend a revenue requirement of \$4,656,687, which is an increase of
20 \$1,619,225, or 53.31 percent, over its adjusted test year revenues of \$3,037,462. Applicants'
21 recommendation would result in an approximate \$10.38 increase for the average usage (5,817 gallons
22 per month) 5/8 x 3/4 inch meter residential customer, from \$29.64 per month to \$40.02 per month, or
23 approximately 35.05 percent.

24 RUCO recommends a revenue requirement of \$4,554,498, which is an increase of
25 \$1,517,036, or 49.94 percent, over its adjusted test year revenues of \$3,037,462. RUCO's
26 recommendation would result in an approximate \$17.18 increase for the average usage (5,817 gallons
27 per month) 5/8 x 3/4 inch meter residential customer, from \$29.64 per month to \$46.82 per month, or
28 approximately 57.99 percent.

1 Staff recommends a revenue requirement of \$4,553,937, which is an increase of \$1,516,475,
 2 or 49.93 percent, over its adjusted test year revenues of \$3,037,462. Staff's recommendation would
 3 result in an approximate \$11.83 increase for the average usage (5,817 gallons per month) 5/8 x 3/4
 4 inch meter residential customer, from \$29.64 per month to \$41.47 per month, or approximately 39.93
 5 percent. Under Staff's four tier alternative rate design, the increase for the average usage 5/8 x 3/4
 6 inch meter residential customer would be approximately \$6.80, from \$29.64 per month to \$36.44 per
 7 month, or approximately 22.97 percent.

8 The revenue requirement authorized herein is \$4,510,474, which is an increase of \$1,473,012,
 9 or 48.49 percent, over adjusted test year revenues of \$3,037,462. The rates approved herein will
 10 result in an approximate \$5.89 increase for the average usage (5,817 gallons per month) 3/4 inch
 11 meter residential customer, from \$29.64 per month to \$35.53 per month, or approximately 19.87
 12 percent. This average customer bill analysis includes the effect of the adoption of Applicants'
 13 proposed CRT for Valencia-Town of 6,701 gallons per month, and the Commodity Rate Rebate,
 14 which is applied if monthly consumption is below the CRT, of 59 percent.

15 **III. RATE BASE**

16 **A. Rate Base Recommendations**

17 The parties recommend the following rate bases in their final schedules:

	Palo Verde	Valencia-Greater Buckeye	Willow Valley	Santa Cruz	WUGT	Valencia-Town
19 Applicants	\$64,011,238	\$895,377	\$2,207,149	\$45,902,454	\$2,563,849	\$4,443,607
21 Staff	\$53,314,083	\$929,057	\$2,251,164	\$39,155,692	(\$4,186,150)	\$4,240,018
23 RUCO	\$53,844,005	\$895,377	\$2,207,149	\$39,797,227	(\$4,220,560)	\$4,443,607

24 The disparity in the parties' rate base recommendations for Palo Verde, Santa Cruz, and
 25 WUGT are due to the differing proposed ratemaking treatment of funds received by Global Parent
 26 from developers pursuant to Infrastructure Coordination and Financing Agreements ("ICFAs") that
 27 Utilities entered into with developers. Staff and RUCO treat the ICFA proceeds collected from
 28 landowners and developers from the areas served by those Utilities as Contributions in Aid of

1 Construction ("CIAC") and deduct them from rate base, while Applicants do not.

2 **B. Infrastructure Coordination and Financing Agreements ("ICFAs")**

3 1. Overview

4 Global Parent has entered into 157 ICFAs with developers in the service areas of Global
5 Utilities.¹⁸ Under the ICFAs, Global Parent has collected funds from developers in exchange for
6 Global Parent's agreement to provide utility service to the developments through its subsidiaries, the
7 Global Utilities companies.¹⁹ Applicants' witness Trevor Hill, President and CEO of Global Parent,
8 describes the ICFAs as follows:

9 An ICFA (Infrastructure Coordination and Financing Agreement) is a voluntary
10 contract between Global Parent and a landowner. These contracts provide for Global
11 Parent to coordinate the planning, financing and construction of off-site water,
12 wastewater and recycled water plant. The Global Utilities will own and operate this
13 plant when construction is complete. Under the ICFAs, Global Parent is responsible
14 for funding both the planning and construction of water, wastewater and recycled
15 water plant. This is a significant investment for Global Parent. The landowners who
16 enter into the ICFAs agree to cooperate with Global Parent's plant planning and
17 construction process. ICFAs formalize the cooperation between the landowner and
18 Global, but also provide fees which allow Global Parent to impress conservation and
19 consolidation into the regional planning initiatives. These fees are intended to recover
20 a portion of the carrying costs for the very expensive facilities required to implement
21 effective water conservation and, in some cases, to fund Global Parent's acquisition of
22 existing utilities.²⁰

23 The amount Global Parent has received in ICFA funds is \$60,084,123.²¹ In their direct filing,
24 Applicants asserted that the fees collected through ICFAs should not be a factor in determining rates
25 for the Utilities.²² NWP and WUAA are in agreement with Applicants' proposed treatment of the

26 ¹⁸ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at Exhibit Hill-10; Tr. at 65.

27 ¹⁹ See, e.g., Exhs. A-48, A-49, and A-50. Applicants state that landowners always have the choice to enter into standard
28 main and line extension agreements. Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 33.

²⁰ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 31.

²¹ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 32. Mr. Hill's testimony also broke down the ICFA
fees received by year as follows:

2004.	\$ 4,998,556
2005	20,543,310
2006	25,939,677
2007	4,656,470
2008	3,946,100
2009	0

²² Direct Testimony of Matthew Rowell (Exh. A-12) at 17. Applicants later stated that if ICFA funds were used to fund
plant, they should be considered CIAC (less taxes and expenses), but that ICFA funds used for other purposes, such as
acquisitions or carrying costs of total water management, should not be treated as CIAC. Rebuttal Testimony of
Company witness Trevor Hill (Exh. A-8) at 22, 26-29.

1 ICFA fees.²³ Maricopa, RUCO, and Staff contend that for ratemaking purposes, ICFA funds should
 2 be treated as developer-supplied CIAC and imputed to the rate bases of the Utilities affected by
 3 ICFAs in these consolidated applications, as recommended by Staff.²⁴

4 2. Global's Use of ICFA Fees for its Total Water Management Approach

5 Applicants assert that Global's total water management approach is the rationale behind
 6 Global's structure, its vision, its utility infrastructure, and its ICFAs;²⁵ that its pursuit of total water
 7 management has resulted in significant achieved and planned groundwater savings;²⁶ and that its use
 8 of ICFAs is integral to its ability to maximize water conservation and the use of recycled water; and
 9 in its acquisition of problematic small water companies.²⁷ Applicants state that if the ICFA fees are
 10 treated as CIAC as recommended by RUCO and Staff, Global Parent will be unable to continue its
 11 commitment to total water management, which entails significant carrying costs.²⁸

12 Applicants assert that "ICFAs are an important new way of financing acquisitions using
 13 developer funds."²⁹ Applicants argue that Arizona badly needs acquisitions [of small water utilities
 14 by large water utilities] to consolidate its water utility sector;³⁰ that traditional ratemaking methods do
 15 not successfully promote such acquisitions;³¹ that Global used ICFA proceeds to fund such
 16 acquisitions;³² and that the ICFA proceeds used for acquisitions should not be deducted from rate
 17 base, because doing so would discourage such acquisitions.³³ From 2004 through year-end 2008
 18 Global spent a total of \$83,080,153 for acquisitions and consolidations, \$43,871,802 of which came
 19 from ICFA fees.³⁴ Applicants state that developers paid ICFA fees in order to help fund Global's

20 _____
 21 ²³ NWP Br. at 2; WUAA Br. at 4.

²⁴ Staff's methodology is described in section 3, below.

²⁵ Co. Br. at 6. Global defines its total water management approach as "a comprehensive approach to water management, planning, and use that relies on water infrastructure but combines it with improvements in the overall productivity of water use." Global Br. at 6, citing to (Gleick 2002, 2003; Wolff and Gleick 2002; Brooks 2005), *The World's Water 2008-2009*, Chapter 1, Peak Water by Meena Palaniappan and Peter H. Gleick.

²⁶ Co. Br. at 18

²⁷ Co. Br. at 1.

²⁸ Co. Br., at 19, citing to Direct Testimony of Company witness Matthew Rowell (Exh. A-12) at 8-9 and Tr. at 866; Co. Br. at 21, citing to Tr. at 78.

²⁹ Co. Reply Br. at 11.

³⁰ Co. Br. at 9-10.

³¹ Co. Br. at 10-12; Co. Reply Br. at 9-10.

³² Co. Br. at 12-13.

³³ Co. Br. at 14.

³⁴ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 32. Mr. Hill's testimony states that the initial acquisition cost of Palo Verde and Santa Cruz was \$33,762,427, and that Global also spent \$5,445,924 to acquire Cave

1 acquisitions.³⁵ Applicants contend that because the ICFA funds were used to purchase utilities,
 2 rather than to provide utility service, the developer funds provided to Global should not be treated as
 3 CIAC.³⁶ Applicants state that Staff and RUCO concede that the rate base of a utility should not
 4 change as the result of an acquisition,³⁷ and argue that this should be the case even if the acquisition
 5 premium was funded by developer-provided ICFA fees. Applicants state that because the utility
 6 companies Global acquired³⁸ had negligible rate bases at the time of purchase, the entire purchase
 7 price of the utilities essentially constituted an acquisition premium.³⁹ Applicants contend that
 8 because almost all of the purchase prices paid by Global Parent were acquisition premiums, they
 9 should not be deducted from rate base under any circumstances.⁴⁰ Applicants assert that since they
 10 are not requesting an acquisition adjustment in this case and will not be earning a return on the
 11 acquisition premium, to the extent that the ICFA fees went to paying for acquisitions, the Global
 12 Utilities will not be receiving a return from ratepayers on those ICFA fees.⁴¹

13 Applicants propose that the ICFA fees collected be allocated to the carrying costs of regional
 14 scale utility facilities built based on the total water management approach, rather than allocated to the
 15 facilities themselves,⁴² and argue that the fact that ICFA fees are much lower than the cost of the
 16 infrastructure facilities built supports its position that ICFAs cover carrying costs, not the costs of the
 17 facilities.⁴³ Applicants contend that the ICFA model allows Global Parent to shield the Global
 18 Utilities companies from development risk, and provides a means for Global Parent to fund some of
 19 the carrying costs of regional plant not in rate base until it can be placed into service.⁴⁴ Applicants

20
 21 Creek Water Company and its affiliate Pacer Equities, and that those acquisitions did not involve ICFA funds. Thus
 22 Global's ICFA related acquisitions costs for that time period were \$43,871,802.

23 ³⁵ Co. Br. at 17, 28.

24 ³⁶ Co. Br. at 17.

25 ³⁷ Co. Br. at 18, citing to Exh. A-40; Tr. at 795; Tr. at 661; Co. Reply Br. at 10, citing to Tr. at 802-804.

26 ³⁸ Global Parent used ICFA revenues to acquire West Maricopa Combine, the 387 Domestic Water and Wastewater
 27 Improvement Districts, CP Water Company, and Francisco Grande. Direct Testimony of Company Witness Trevor Hill
 28 (Exh. A-7) at 29.

³⁹ Co. Br. at 16, citing to Rebuttal Testimony of Company witness Matthew Rowell (Exh. A-13) at 24; Co. Reply Br. at
 10, citing also to Tr. at 304.

⁴⁰ Co. Reply Br. at 10, citing to Rebuttal Testimony of Company witness Matthew Rowell (Exh. A-13) at 24 and Tr. at
 304.

⁴¹ Co. Br. at 26, citing to Rebuttal Testimony of Company witness Matthew Rowell (Exh. A-13) at 25-26.

⁴² Co. Br. at 21.

⁴³ Co. Reply Br. at 8.

⁴⁴ Co. Reply Br. at 14; Co. Br. at 22-23 citing to Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 34 and
 Tr. at 13, and citing to the following testimony of its witness Trevor Hill:

1 assert that the construction of efficient regional infrastructure pursuant to its total water management
 2 approach serves to protect ratepayers from higher long-term operating costs which Global Utilities
 3 maintains are associated with plant built using the traditional AIAC and CIAC forms of plant
 4 financing.⁴⁵ Applicants profess that the use of developer advances in aid of construction ("AIAC")
 5 through main extension agreements is an impractical as a means of implementing total water
 6 management, due to strict limits on the extent that plant can be oversized.⁴⁶ Applicants submit that
 7 traditional methods approved by the Commission have not resulted in total water management or
 8 acquisitions, and that developers have little incentive to spend the extra money on a total water
 9 management plan or to cooperate and coordinate with neighboring developers on such a plan.⁴⁷
 10 Applicants assert that other large utilities are aware of the total water management concept but are
 11 not practicing it, and that the only plausible explanation is that it is not economically feasible under
 12 traditional ratemaking.⁴⁸ Applicants state that Global Parent cannot pursue acquisitions or total water
 13 management if ICFA fees are treated as CIAC.⁴⁹

14 Maricopa contends that the benefits of ICFAs touted by Applicants in regard to efficiencies
 15 achieved by regional planning can be accomplished without ICFAs,⁵⁰ and that it is not self-evident
 16 that the benefits Applicants claim come from allowing ICFAs to be treated as revenues outweigh the
 17 risks.⁵¹ Maricopa argues that when traditional AIAC and CIAC are used, the risk of stalled growth
 18 falls squarely on developers, but that if ICFAs are allowed to be treated as revenues instead of CIAC,
 19 ratepayers will be left to shoulder the financial burden.⁵² Maricopa states that Applicants have not
 20

21 So in light of the fact that there is no alternative tool to allow for this regional infrastructure, we use the
 22 ICFAs to carry the cost of financing that regional infrastructure, build it correctly the first time to
 23 achieve these overarching goals, and then we use the ICFA revenue to carry the cost of carrying that
 24 infrastructure until we can bring it appropriately into rate base.

Tr. at 59.

25 ⁴⁵ Co. Br. at 23, citing to Tr. at 353; Co. Br. at 24-25, citing to Rebuttal Testimony of Company witness Matthew Rowell
 26 (Exh. A-13) at 17-23 and Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 11-16..

⁴⁶ Co. Br. at 20.

27 ⁴⁷ Co. Br. at 19, citing to Tr. at 144 and Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 3; Co.
 28 Reply Br. at 25.

⁴⁸ Co. Reply Br. at 7.

⁴⁹ Co. Br. at 19, citing to Tr. at 144 and Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 3; Co.
 Reply Br. at 25.

⁵⁰ Maricopa Br. at 11.

⁵¹ *Id.*

⁵² *Id.* at 12.

1 presented any evidence as to why regulatory means other than ICFA cannot be used to support better
 2 regional planning and achieve greater efficiencies.⁵³ Maricopa believes development growth risk
 3 should be rightfully borne by developers themselves,⁵⁴ and that regional water infrastructure planning
 4 is not a goal worth pursuing if it means exposing the ratepayers to the inherent risks of development
 5 growth.⁵⁵

6 Staff does not believe that Applicants' total water management program should be the basis
 7 for a determination whether ICFA are in the public interest, and asserts that it would be
 8 inappropriate for the Commission to adopt Applicants' position regarding ICFA fees solely for the
 9 purpose of advancing total water management as a policy.⁵⁶ Staff does not take issue with Global's
 10 total water management program, but believes its goals can be accomplished through traditional
 11 regulatory means.⁵⁷ Staff states that traditional means of financing provide better protection to both
 12 the utility and the ratepayer, by allocating the risk of development failure to developers.⁵⁸ Staff states
 13 that AIAC and CIAC could be used to finance the total water management program in place of ICFA
 14 fees,⁵⁹ and that debt can also be employed to acquire utilities.⁶⁰ Staff submits that there is no
 15 prohibition against using contributed capital for purposes of constructing regional plant necessary for
 16 total water management, and that Applicants' association of the use limitations associated with on-
 17 site facilities discussed by the main extension rules with regional, off-site facilities is mistaken.⁶¹
 18 Staff points out that Applicants have acknowledged that regional, off-site facilities can be funded
 19 with developer supplied capital, and that developers can construct regional scale plant and transfer it
 20 directly to the utility.⁶²

21 In regard to the issue of carrying costs, Staff states that no evidence has been presented
 22 showing that the ICFA revenues were used for carrying costs, and that Staff believes the ICFA fees
 23

24 ⁵³ *Id.* at 12-13, Maricopa Reply Br. at 8.

⁵⁴ Maricopa Br. at 13.

⁵⁵ *Id.*

⁵⁶ Staff Br. at 27; Staff Reply Br. at 7.

⁵⁷ Staff Br. at 22; Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 3.

⁵⁸ Staff Reply Br. at 7.

⁵⁹ Staff Br. at 22; Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 3.

⁶⁰ Staff Reply Br. at 6.

⁶¹ Staff Br. at 31; Staff Reply Br. at 5.

⁶² Staff Reply Br. at 5, citing to Tr. at 383, 385.

1 were used to finance plant and were not used for carrying costs.⁶³ Staff submits that it does not seem
 2 reasonable to assume that developers paid Global Parent millions of dollars, not for plant, but as a
 3 sort of donation to insure that the Global Parent members receive a return on non rate-based plant and
 4 amounts sufficient to pay taxes on the return.⁶⁴

5 RUCO is in agreement with Maricopa and Staff that Applicants have not shown that Global's
 6 proposed solutions to issues facing the water industry in Arizona cannot or should not be addressed
 7 by normal regulatory accounting means.⁶⁵ RUCO submits that while the total water management
 8 concept is a wonderful idea that deserves attention, its implementation should not come at a cost that
 9 is unfair to Applicants' ratepayers.⁶⁶ RUCO does not agree with Applicants' position, as RUCO
 10 describes it, that Global's "vision for total water management in Arizona somehow trumps traditional
 11 ratemaking practices that have been established to insure that utilities do not earn a recovery on and a
 12 recovery of capital that is provided by third parties as opposed to utility investors."⁶⁷

13 3. Ratemaking Treatment of ICFA Fees

14 a. Staff's Proposed Rate Base Adjustment

15 Staff recommends that \$10,991,128 be deducted from Palo Verde's rate base, \$6,600,076 be
 16 deducted from Santa Cruz's rate base, and \$7,085,645 be deducted from WUGT's rate base, as
 17 shown in Exhibit LAJ-2, attached hereto and incorporated herein as Exhibit B.⁶⁸ In conjunction with
 18 its proposed CIAC adjustments to the rate bases of Palo Verde, Santa Cruz, and WUGT, Staff
 19 proposes accompanying adjustments increasing the level of CIAC amortization.⁶⁹ Staff proposes an
 20 increase in CIAC amortization for Palo Verde of \$667,381, for Santa Cruz of \$494,849, and for
 21 WUGT of \$309,366.⁷⁰ As a result, Staff's total rate base adjustments related to its proposed ICFA-
 22 related CIAC imputation are reductions of \$10,323,747 for Palo Verde, \$6,105,227 for Santa Cruz,
 23

24 ⁶³ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 11.

⁶⁴ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 11.

⁶⁵ RUCO Br. at 3.

⁶⁶ *Id.* at 2.

⁶⁷ Surrebuttal Testimony of RUCO witness William Rigsby (Exh. R-7) at 7.

⁶⁸ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11), Exhibit LAJ-2. Exhibit LAJ-2 was docketed on December 8, 2009, attached to "Staff's Notice of Errata Regarding the Testimony of Linda Jaress."

⁶⁹ Staff Br. at 7.

⁷⁰ Staff Final Sched. Palo Verde CSB-3 through CSB-6, Santa Cruz CSB-3 through CSB-6, and WUGT CSB-3 through CSB-6.

1 and \$6,849,397 for WUGT.⁷¹

2 Using information provided by Applicants in a data response, Staff determined which ICFA
3 contracts were entered by landowners and developers in the West Valley, and which ICFA contracts
4 were entered by landowners and developers in the Maricopa area.⁷²

5 Staff determined that the four West Valley ICFA contracts totaling \$9,226,100 applied to both
6 WUGT and Hassayampa Utility Company ("HUC"). To avoid reducing rate base for ICFA funds
7 which might have been applied to a utility not included in this rate case, Staff allocated the proceeds
8 of the four contracts between WUGT (76.8 percent) and HUC (23.2 percent) based on total plant, as
9 shown in Exhibit B.⁷³

10 Staff determined that the ICFA fees collected from the Maricopa area, excluding Picacho
11 Cove, totaled \$49,982,522.⁷⁴ Because the information provided by Applicants was not segregated by
12 water or wastewater service, Staff allocated the proceeds of the Maricopa area ICFA to Palo Verde
13 (50.9 percent) and Santa Cruz (49.1 percent) based on test year plant amounts provided in Schedule
14 E-1 of the Palo Verde and Santa Cruz applications.⁷⁵ Then Staff reduced the resulting allocated
15 ICFA fees by the voluntary rate base reductions that Palo Verde and Santa Cruz made based upon
16 excess capacity, resulting in a \$10,991,128 reduction to Palo Verde's rate base and a \$6,600,076
17 reduction to Santa Cruz's rate base.⁷⁶

18 While RUCO appears to have accepted Staff's methodology for determining the ICFA CIAC
19 imputation, RUCO did not update its recommendation for WUGT to comport with the changes
20 reflected in Staff's Surrebuttal Testimony and Schedule LAJ-2,⁷⁷ and RUCO's proposed amortization
21 of CIAC differs from Staff's for Santa Cruz.⁷⁸ However, RUCO did not object to Staff's
22 methodology for amortization of CIAC, or to the change in the WUGT imputation amount.

23
24 ⁷¹ *Id.*

⁷² Direct Testimony of Staff witness Linda Jaress (S-10) at 14;

⁷³ *Id.*; Surrebuttal Testimony of Staff witness Linda Jaress (S-11) at 22 and Exhibit LAJ-2.

⁷⁴ Direct Testimony of Staff witness Linda Jaress (S-10) at 14; Surrebuttal Testimony of Staff witness Linda Jaress (S-11)
26 at Exhibit LAJ-2.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ See RUCO Br. at 8, citing to Surrebuttal Testimony of RUCO witness Rodney Moore (Exh. R-2) at Schedules Palo
27 Verde SURR RLM-3, Santa Cruz SURR RLM-3 and WUGT SURR RLM-3.

⁷⁸ Surrebuttal Testimony of RUCO witness Rodney Moore (Exh. R-2) at Schedule Santa Cruz SURR RLM-3.

1 b. ICFA Fees are Developer Supplied Funds

2 Staff takes the position that the ICFA agreements are a cost free source of capital which by
3 their very nature are non-investor supplied,⁷⁹ and that they “create CIAC by another name.”⁸⁰ Staff
4 believes that the ICFA fees are properly considered contributed cost free capital to the Utilities
5 because they are funds received by Global Parent from developers to provide utility service.⁸¹ Staff
6 states that the fees generated through the ICFAs should therefore be treated as contributions to the
7 Utilities and removed from rate base.⁸² Staff urges that the ratemaking treatment of the ICFAs in this
8 case “will have far reaching implications for all Arizona public corporations (not just water).”⁸³

9 Staff cautions the Commission not to confuse Applicants’ claimed ICFA fee accomplishments
10 with the fact that the fees are developer provided funds.⁸⁴ Staff states that however laudable the goals
11 underlying total water management approach, they do not justify the regulatory treatment of ICFA
12 fees requested by Applicants.⁸⁵ Staff explains the importance of its recommended removal of ICFA
13 fees from rate base as follows:

14 It is important because utility customers should pay for the cost of their service and no
15 more. Customers should not be required to pay a return on plant which was built with
16 cost-free capital. Staff concludes that ICFA fee revenues that are invested as equity in
17 Global Utilities is cost-free capital and that this cost-free capital was used to pay for
18 the Utilities’ plant.

19 Also, treating ICFA fees as contributions is essential to protect ratepayers from a rush
20 by other public utility holding companies to contrive similar transactions that serve to
21 circumvent the Commission’s ability to regulate the earnings of utilities under its
22 jurisdiction by recognizing cost-free capital as equity. It is doubtful that the ratepayers
23 of Arizona Public Service Company (“APS”) would benefit by Pinnacle West Capital
24 Corporation executing similar arrangements with developers and infusing the
25 collections in APS as equity. The ICFA or ICFA-like contracts further blur the line
26 between the holding company and the utility; a line which is already blurred by the use
27 of a common management company and common officers and directors.

28 Finally, when the Global Parent accepts ICFA fees from developers and uses the
proceeds to make equity investments in the Global Utilities to pay for plant to serve

⁷⁹ Staff Br. at 21-22.

⁸⁰ *Id.* at 2.

⁸¹ Staff Reply Br. at 2.

⁸² Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 12.

⁸³ Staff Br. at 21.

⁸⁴ *Id.* at 28.

⁸⁵ Staff Reply Br. at 7.

1 those developers, it is essentially transferring the risk that the development will be
2 unsuccessful to the ratepayers. By adjusting rate base for imputed ICFA fees, the
3 ratepayers are protected from the financial impact of plant installed for the developers
4 but not used.⁸⁶

5 Maricopa agrees with Staff, asserting that if the Applicants are allowed to earn a return on
6 landowner-supplied ICFA money simply because it spends different dollars on plant, that it is likely
7 all utilities would employ an ICFA model, and ratepayers across the State would suffer from paying a
8 rate of return on plant for which the utilities expend no real capital.⁸⁷ Maricopa states that Applicants
9 are attempting to frame the issue of whether or not to treat ICFAs as CIAC and deduct them from
10 Applicants' rate base as a determination of whether or not the State of Arizona should engage in
11 responsible water management, when the true issue is whether the rates resulting from the regulatory
12 treatment will be fair and just.⁸⁸

13 Applicants assert that they have proposed strict limits on how ICFA funds should be used, and
14 that Staff and RUCO have the skills and experience to audit and enforce compliance with those
15 limits.⁸⁹ Applicants contend that "[i]f other utilities use ICFA funds to pay for acquisition
16 adjustments or to cover the carrying costs of total water management infrastructure, so much the
17 better . . . if the fees are not used for those purposes, the Commission is free to determine an
18 appropriate CIAC imputation."⁹⁰

19 RUCO states that the ICFA issue is about the accepted ratemaking treatment of CIAC, and
20 nothing more.⁹¹ RUCO describes Applicants' proposed accounting treatment of the ICFA proceeds
21 as a transparent attempt to avoid the effect on rate base that normally occurs when a utility receives
22 contributions.⁹² RUCO states that if the ICFA fees are not treated as CIAC and imputed to rate base,
23 both the recovery of and recovery on the ICFA fees provided by developers will be embedded in the
24 rates paid by the Utilities' customers.⁹³ RUCO describes that typically, a utility earns a rate of return
25 on utility plant in service that has been financed either by capital provided by its investors (i.e.,

25 ⁸⁶ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 13.

26 ⁸⁷ Maricopa Br. at 6-7; Maricopa Reply Br. at 19.

27 ⁸⁸ Maricopa Reply Br. at 7.

28 ⁸⁹ Co. Reply Br. at 21.

⁹⁰ *Id.* at 21-22.

⁹¹ Surrebuttal Testimony of RUCO witness William Rigsby (Exh. R-7) at 8.

⁹² RUCO Br. at 3.

⁹³ Surrebuttal Testimony of RUCO witness William Rigsby (Exh. R-7) at 7-8.

1 equity) or by capital provided through the issuance of debt (i.e., bonds or loans).⁹⁴ RUCO explains
 2 that in addition to receiving a ratemaking “return on” this invested capital through operating income,
 3 utilities are also permitted a dollar-for-dollar recovery of, or “return of” the equity or debt investment,
 4 over the life of the plant assets, through annual depreciation expense.⁹⁵ The “return of and return on”
 5 the equity or debt investment is embedded in customers’ rates.⁹⁶ RUCO states that ordinarily, if a
 6 developer provides capital to construct plant needed to serve its development projects, with no
 7 arrangement to be paid back over time, the third party-supplied capital is booked as CIAC which is
 8 subsequently treated as a deduction to rate base.⁹⁷ Deducting the CIAC from rate base ensures that
 9 the utility does not earn a return on developer supplied funds through rates, and because CIAC is
 10 amortized over time, there is no utility recovery of developer supplied funds through depreciation
 11 expense.⁹⁸ RUCO explains that this ratemaking practice insures that utilities do not recover from
 12 ratepayers funds that were never provided by the utility’s investors, which is what would happen if
 13 ICFA’s were not treated as CIAC.⁹⁹ RUCO also agrees with the point made by Staff that using
 14 developer supplied funds, and not investor supplied capital, in order to build plant to serve customers
 15 who may or may not materialize, shifts risk away from the utility and its ratepayers and puts it onto
 16 the third party developers, who must put their own funds at risk.¹⁰⁰

17 RUCO contends that since the traditional ratemaking treatment of developer supplied funds is
 18 to treat them as CIAC, Applicants should not have assumed that their radically different ratemaking
 19 treatment would be approved.¹⁰¹ Maricopa agrees,¹⁰² and takes issue with a statement made by
 20 Applicant’s witness at the hearing that it would be “punitive” to treat the ICFA funds as a reduction
 21 to rate base.¹⁰³ Maricopa argues that Global Parent entered into the ICFA’s with full knowledge that
 22 their ratemaking treatment was unresolved and that it was the only utility it knew of that was using
 23

24 ⁹⁴ *Id* at 8.

25 ⁹⁵ *Id.*

26 ⁹⁶ *Id.*

27 ⁹⁷ *Id.*

28 ⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id* at 7, 9.

¹⁰¹ RUCO Br at 7, citing to Surrebuttal Testimony of RUCO witness William Rigsby (Exh. R-7) at 11.

¹⁰² Maricopa Br. at 8-11.

¹⁰³ Maricopa Br. at 10, citing to Tr. at 173.

1 such a mechanism.¹⁰⁴ Maricopa contends that the record in this proceeding demonstrates that Global
 2 has known for years that the status of IFCA agreements and their treatment was unresolved, but that
 3 it continued to enter into numerous ICFAs.¹⁰⁵ Maricopa contends that the language of the ICFAs
 4 acknowledges that the ratemaking status of the ICFAs was in question, making clear that Global was
 5 aware of uncertainty related to ratemaking treatment of the ICFAs.¹⁰⁶ Maricopa submits that the
 6 appearance of such language in the ICFAs further makes clear that Global was willing to enter into
 7 the ICFAs even with the risk that the money would receive a different regulatory treatment and that
 8 Global might be liable for additional costs in the event of such occurrence.¹⁰⁷ Maricopa contends that
 9 it would not be punitive to correctly classify the ICFA funds as a deduction from rate base, because
 10 Global was fully aware that its use of ICFAs was a risky and unresolved approach.¹⁰⁸ Maricopa
 11 states that the City understands Global's need to make money, and the important role Global plays in
 12 making Maricopa a great place to live and work, but urges that its citizens not be made to suffer as a
 13 result of Global's decision to use ICFAs despite knowing the risks entailed.¹⁰⁹

14 Staff states that public utilities commonly perceive disallowances or other ratemaking
 15 adjustments as "punishment," but that Staff is not recommending that Global Utilities or Global
 16 Parent be punished for whatever innovations they have made.¹¹⁰ Staff states that it wants to insure
 17 that the risk of innovation is borne by the innovators, and not the ratepayers.¹¹¹ Staff states that while
 18 its ratemaking recommendation regarding the ICFA fees would result in a reduction to the revenue
 19 requirement, its recommendation was not made for that purpose, but rather, its recommendation

20
 21 ¹⁰⁴ Maricopa Br. at 11.

¹⁰⁵ *Id.* at 9.

¹⁰⁶ *Id.* at 9. The language cited by Maricopa is as follows:

22 Coordinator shall be responsible for and assume the risk of any future regulatory treatment of this
 23 Agreement by the ACC, including (without limitation) the imposition of hook-up fees or other charges
 24 related to the extension of Utility Services to the Land, and shall indemnify and hold harmless Current
 25 Owner and Landowners for, from and against the consequences of same. Without limiting the
 26 foregoing, Current Owner and Landowner shall not be liable for any additional costs in the event that
 the ACC treats any payments under this Agreement as contributions or advances in aid of construction,
 or in the event the ACC imposes hook-up fees or other charges related to the Off-Site Facilities, and
 Coordinator shall be responsible for payment of same.

Exh. A-48 at 8.

¹⁰⁷ *Id.* at 9, referring to Exh. A-48 at 8.

¹⁰⁸ Maricopa Br. at 10.

¹⁰⁹ Maricopa Reply Br. at 8

¹¹⁰ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 2.

¹¹¹ *Id.*

1 resulted from its analysis and calculations of the materials that Applicants provided.¹¹²

2 c. Lack of Accounting for ICFA Fees

3 In rebuttal testimony, Applicants stated that if ICFA funds were used to fund plant, they
4 should be considered CIAC (less taxes and expenses), but that ICFA funds used for other purposes,
5 such as acquisitions or carrying costs of total water management, should not be treated as CIAC.¹¹³
6 WUAA states that it takes no position on whether ICFA fees should or should not be classified as
7 CIAC,¹¹⁴ but argues that "CIAC should only [be] 'removed' from rate base if it was used to finance a
8 purchase that was actually placed into rate base."¹¹⁵

9 Staff states that while Applicants claim that ICFA fees were used to pay for carrying costs and
10 for the acquisition of utilities, Applicants acknowledge that it cannot be demonstrated that the ICFA
11 fees were used only for that purpose.¹¹⁶ Staff notes that the ICFA fees are accounted for only on
12 Global Parent's books, and not on the books of Global Utilities, and are not kept separate from other
13 funds available to Global Parent.¹¹⁷ Global Parent has been depositing the ICFA fees in the same
14 bank account as money provided by investors, bond proceeds, and revenues from the utilities.¹¹⁸
15 Staff states that the problem with such accounting for the ICFA fees, as Applicants acknowledged, is
16 that cash is fungible.¹¹⁹ Staff states that the end result of such accounting is that there is no way to
17 determine whether the ICFA fees were used for the acquisition of utilities and to cover carrying costs,
18 or whether they were in fact used to construct plant.¹²⁰ Staff points out, however, that the ICFA fees
19 are only collected in instances where a developer or landowner needs plant for utility service, and this
20 is why Staff views the ICFA fees as an integral part of Global Utilities' financing of plant used to
21 supply utility service.¹²¹ As evidence in support of its position that ICFA fees were used to construct
22

23 ¹¹² Staff Reply Br. at 2, citing to Tr. at 636.

24 ¹¹³ Co. Br. at 26, citing to Rebuttal Testimony of Company witness Trevor Hill (Exh. A-8) at 22 and Tr. at 46-47; Co.
Reply Br. at 16, citing to Rebuttal Testimony of Company witness Trevor Hill (Exh. A-8) at 26-29 and Rebuttal
Testimony of Matthew Rowell (Exh. A-13) at 34-35.

25 ¹¹⁴ WUAA Br. at 4.

¹¹⁵ *Id.*

26 ¹¹⁶ Staff Br. at 28, citing to Tr. at 172-173.

¹¹⁷ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 9, 12.

27 ¹¹⁸ Staff Br. at 23, citing to Tr. at 152; Tr. at 153.

¹¹⁹ Staff Br. at 23, citing to Tr. at 152.

¹²⁰ Staff Br. at 23.

28 ¹²¹ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 12.

1 plant, Staff also points to the fact that the Utilities' books show high plant balances, but zero CIAC
 2 balances, for types of plant that are normally paid for by developers with contributions, such as 8 and
 3 10 inch mains.¹²² Staff states that since Global ownership, the Global Utilities have not accepted
 4 "meaningful" CIAC, and the two largest Global Utilities have accepted none at all.¹²³

5 RUCO urges that the Commission not be persuaded by Applicants' argument that there is no
 6 accounting relationship between the ICFAs and utility plant.¹²⁴ RUCO states that it is not reasonable
 7 to assume that Global Parent could collect the ICFA fees absent its relationship to the Utilities.¹²⁵
 8 RUCO argues that if adopted, Applicants' proposal to treat the developer contributions not as CIAC,
 9 but as a Global Parent "investment" of ICFA proceeds in the form of equity, would result in Global
 10 Parent earning a return on cost-free, non-investor supplied capital.¹²⁶

11 Maricopa points to the language of the ICFAs themselves as proof that the ICFAs are a
 12 promise to provide plant in exchange for the money from developers.¹²⁷ Maricopa states that the
 13 ICFAs provide, in clear terms, that Global Parent will construct or cause the construction of plant to
 14 serve developments in exchange for the payment to Global Parent and that under no circumstances
 15 will Global Parent ever require additional payments for plant.¹²⁸

16 Applicants assert that the proposed imputation of CIAC for all the ICFA fees is erroneous
 17 because the imputation ignores that some of the plant existed prior to the collection of ICFA fees; the
 18 imputation ignores that some of the plant was funded with AIAC; the imputation ignores that some
 19 plant was funded by Industrial Development Authority ("IDA") debt; the imputation does not allocate
 20 any of the ICFA fees to acquisitions; the imputation is for gross ICFA fees instead of for after-tax net
 21 income to Global Parent from ICFAs; and the imputation does not consider the carrying costs
 22 associated with total water management facilities.¹²⁹ WUAA argues that money that comes from a
 23 specific source and is earmarked for a specific purpose must be spent on that purpose, and that to the
 24

25 ¹²² *Id.*

26 ¹²³ Surrebuttal Testimony of Staff witness Linda Järess (Exh. S-11) at 12.

27 ¹²⁴ RUCO Br. at 5.

28 ¹²⁵ RUCO Br. at 4, citing to Direct Testimony of Staff witness Linda Järess (Exh. S-10) at 12.

¹²⁶ RUCO Reply Br. at 6.

¹²⁷ Maricopa Reply Br. at 2-4.

¹²⁸ Maricopa Reply Br. at 4

¹²⁹ Co. Br. at 30.

1 extent IDA bonds were used to finance a portion of plant, then that same portion of plant was not also
 2 financed by another source.¹³⁰ WUAA argues, and Applicants agree, that if items purchased by
 3 CIAC are not placed into rate base “it would be an accounting error to simply assign, or somehow
 4 impute CIAC to rate base and subtract it.”¹³¹

5 Staff points out that while Applicants were aware of Staff’s position taken in the Staff Report
 6 issued in Docket No. W-00000C-06-0149 (“Generic Docket”),¹³² Applicants included no substantive
 7 documentation with its direct testimony evidencing the ICFA fees were used for the purposes
 8 Applicants assert, to cover carrying costs and fund the acquisition of utilities.¹³³ Staff states that as
 9 Applicants acknowledge, until Applicants filed rejoinder testimony, Applicants presented no detailed
 10 information showing that it used the fees received pursuant to the ICFAs for acquisitions and to cover
 11 carrying costs.¹³⁴ In rejoinder testimony, as evidence that the ICFA fees were used to fund the
 12 acquisition of utilities and to cover carrying costs, Applicants presented a table that its witness stated
 13 “spells out the use of the ICFA funds since Global’s inception.”¹³⁵ Attached to the testimony was an
 14 excerpt from an audited financial statement for 2008 and some bank statements.¹³⁶ RUCO states that
 15 the exhibits, which address only a small portion of the ICFA proceeds, fail to disclose what the ICFA
 16 proceeds were used for.¹³⁷ Staff points out that Applicants’ witness acknowledged that the

17
 18
 19 ¹³⁰ WUAA Br, at 8.

¹³¹ WUAA Br. at 5; Co. Reply Br. at 23.

20 ¹³² Docket No. W-00000C-06-0149, *In the matter of the Commission's generic evaluation of the regulatory impacts from*
 21 *the use of non-traditional financing arrangements by water utilities and their affiliates*, was opened on March 8, 2006.
 Staff solicited comments from water utilities and issued a Staff Report on October 6, 2006, to which responses were filed
 in February 2007. No further action has been taken in that docket. The Staff Report concluded as follows:

22 With respect to the appropriate regulatory treatment of the nontraditional funding mechanisms, Staff
 23 encourages the development of policies that will facilitate either regulated or non-regulated entities to
 24 seek regional solutions to Arizona’s water and wastewater infrastructure development. Staff concludes
 25 that ICFA type arrangements can provide appropriate long-term solutions which promote conservation
 of water supplies and efficient wastewater utilization. If such costs are incurred at the parent level and
 subsequently contributed to the regulated utility, the cost of such contributed capital should be
 determined on a case by case basis. However, based on the scenarios contained in this report, Staff
 would recommend that these costs be treated as advances or contributions instead of equity for
 ratemaking purposes.

Exh. A-38 at 7.

26 ¹³³ Staff Br. at 25, citing to Direct Testimony of Company witness Matthew Rowell (Exh. A-12) at 8, 12.

¹³⁴ Staff Br. at 26, citing to Tr. at 151.

27 ¹³⁵ Rejoinder Testimony of Company witness Trevor Hill (Exh. A-9) at 18.

¹³⁶ *Id.* at Hill-1 and Hill-2.

28 ¹³⁷ RUCO Reply Br. at 4-5.

1 documents only provide a few examples of how Global used the ICFA fees.¹³⁸

2 RUCO argues that while no direct accounting link of the ICFA proceeds to the Utilities has
3 been demonstrated, neither has a direct accounting link to acquisitions.¹³⁹ RUCO argues that even if
4 Applicants could prove that the ICFA proceeds were used for acquisition and associated carrying
5 costs, it is a distinction that makes little difference, because there is no dispute that developers are the
6 providers of the ICFA proceeds.¹⁴⁰ RUCO states that when developers make contributions in
7 exchange for current or future service, and a utility uses the developer contributions to fund
8 acquisitions, those developer-provided funds free up other utility funds for other uses.¹⁴¹

9 Staff states that even if, for the sake of argument, the Commission were to agree that
10 Applicants have demonstrated that the ICFA fees were used to fund the acquisition of water utilities
11 and to cover carrying costs and that none of the ICFA fees were used for utility plant, Staff's
12 recommendation remains unchanged, for the following reasons: First, Staff believes that Applicants'
13 attempted distinction between constructing plant with developer funds, in order to provide service,
14 and the acquisition of a utility with developer funds, in order to provide service, is without merit.¹⁴²
15 Second, Staff does not believe there is a discrepancy or contradiction between using the ICFA fees
16 directly to construct plant and using the ICFA fees to pay the interest on the IDA bonds that
17 Applicants claim were used to pay for the Southwest Plant,¹⁴³ because the result is the IDA bonds
18 become a cost free source of capital for Global Parent.¹⁴⁴ Staff states that neither would it make a

19
20 ¹³⁸ Staff Br. at 26, citing to Tr. at 129.

¹³⁹ RUCO Reply Br. at 6.

¹⁴⁰ *Id.* at 5.

¹⁴¹ *Id.* at 5, 6.

¹⁴² Staff Br. at 28.

¹⁴³ *Id.* at 28, citing to Rejoinder Testimony of Company witness Trevor Hill (Exh. A-9) at 18.

¹⁴⁴ Staff Br. at 28, citing to Tr. at 885. Staff's witness addressed this issue in response to questions from Staff's attorney as follows:

21 Q. "Does whether or not evidence is present in this case as to whether those bonds were used to construct plant,
22 does that change Staff's representation in this case as far as the treatment of the ICFA fees?"

23 A. No. No. The company has mentioned that they were using ICFA funds to repay debt, which was used to build
24 plant. So to me they are using the ICFA funds to build plant.

25 Q. So is this – and again, the bonds that we are talking of, speaking about, have some sort of a cost to them; is that
26 correct?

A. The interest, yes.

27 Q. And in effect what the company has done is use these fees that it's collected through these ICFA agreements that
28 have no cost; correct?

A. Yes.

Q. Okay. And that is why it doesn't have an impact on the Staff's recommendation in this case?

1 difference if it could be shown that the use of IDA bonds to fund plant displaced ICFA funds as a
 2 source for the money used to construct plant.¹⁴⁵ Staff asserts that because cash is fungible and ICFA
 3 fees were deposited into the same account as investor proceeds and bond proceeds, it makes no
 4 difference if the IDA bond proceeds were used or the ICFA fees were used to fund the construction
 5 of plant.¹⁴⁶ Staff states that ultimately, it is Staff's position that developer provided funds should be
 6 treated as CIAC regardless of how they are used.¹⁴⁷ Staff states that no matter how the transaction is
 7 structured, the developer ultimately receives service from one of the Global Utilities in return for
 8 paying the ICFA fees.¹⁴⁸

9 d. Tax Liability and Global Parent Expenses

10 Applicants assert that the proposed imputation of CIAC for all the ICFA fees is erroneous
 11 because the imputation is for gross ICFA fees instead of for after-tax net income to Global Parent
 12 from ICFAs.¹⁴⁹ Applicants contend that Global Parent could invest ICFA revenues in plant only after
 13 it paid its expenses and satisfied its tax liabilities, and that only then would the ICFA fees be
 14 available for utility purposes.¹⁵⁰ Applicants state that Global Parent incurred \$24,057,683 in tax
 15 liability from the total \$60,084,123 in ICFA revenues, and therefore calculate net ICFA revenues of
 16 \$34,859,816.¹⁵¹ Global Applicants argue that under the matching principle, Global Parent expenses
 17 must also be deducted from the ICFA revenues before any imputation of CIAC is made.¹⁵²

18 i. Tax Liability on ICFA Fees

19 In regard to the issue of ICFA related tax liability, Staff states that because Global Parent is
 20 organized as an LLC, a non-taxable entity, the income from Global Parent flows through to the
 21 members untaxed.¹⁵³ If a member does not have offsetting tax losses from other sources, the member
 22

23 A. That's correct.

Tr. at 885-886.

24 ¹⁴⁵ Staff Reply Br. at 4.

¹⁴⁶ *Id.* at 4-5.

25 ¹⁴⁷ Staff Br. at 28.

¹⁴⁸ *Id.* at 29.

26 ¹⁴⁹ Co. Br. at 30.

¹⁵⁰ *Id.* at 33-34.

27 ¹⁵¹ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 32.

¹⁵² Co. Reply Br. at 19; Co. Br. at 33, citing to Rebuttal Testimony of Matthew Rowell at 35 and Rejoinder Testimony of
 28 Matthew Rowell (Exh. A-15) at 6-7.

¹⁵³ Surrebuttal Testimony of Linda Jaress (Exh. S-11) at 4.

1 pays taxes on his or her share of the earnings of the LLC, or if the LLC suffers net losses, those losses
 2 can offset the profits from the members' other business interests.¹⁵⁴ Staff states that it appears that
 3 members of Global Parent decided that the LLC would make distributions to the members in amounts
 4 sufficient to pay the income tax on the earnings of the LLC allocated to each member.¹⁵⁵ Staff states
 5 that another decision made by the members was for the Global Parent to account for the ICFA fees
 6 received from developers as revenue to the Global Parent, and not as contributions to the Global
 7 Utilities, and that this decision resulted in the proceeds from the ICFAs becoming taxable to the
 8 members.¹⁵⁶ Staff does not believe that the choice to structure Global Parent and the ICFA contracts
 9 in such a way that makes the ICFA proceeds taxable to the members constitutes a valid reason for the
 10 Commission to recognize the income tax effect of the ICFA fees on the members' personal income
 11 taxes.¹⁵⁷ Staff contends that the ICFA fees replace contributions and advances which are not taxable
 12 to a utility and therefore, taxes on the fees should not be recognized.¹⁵⁸

13 Applicants argue that Global Parent's choice of corporate structure is irrelevant, because even
 14 if Global Parent were organized as a corporation, the ICFA fees would still generate a tax liability for
 15 Global Parent.¹⁵⁹ WUAA argues that "taxes paid to the IRS on ICFAs did not go into rate base and
 16 are not a component of the items to be removed from rate base,"¹⁶⁰ and that if ICFAs are determined
 17 to be taxable CIAC, then it should be treated net of taxes.¹⁶¹

18 Applicants argue that the only difference is that instead of Global Parent directly paying the
 19 government, the funds are paid to the members, who then pay the government.¹⁶² However, as Staff
 20 points out, Applicants provided no evidence to show whether the LLC members in fact realized a tax
 21 liability on the ICFA fees.¹⁶³ The tax liability of \$24,057,683 represents Global Parent's calculated
 22 estimation of the personal tax liability of its members.¹⁶⁴ Global Parent chose to distribute this

23 ¹⁵⁴ *Id.*

24 ¹⁵⁵ *Id.*

25 ¹⁵⁶ *Id.*

26 ¹⁵⁷ *Id.* at 5.

27 ¹⁵⁸ *Id.*

28 ¹⁵⁹ Co. Br. at 34.

¹⁶⁰ WUAA Br. at 8.

¹⁶¹ *Id.* at 9.

¹⁶² Co. Reply Br. at 20.

¹⁶³ Staff Reply Br. at 4.

¹⁶⁴ Tr. at 169-170.

1 amount to its members as a means of compensating its members in the amount of an estimated
 2 personal income tax liability of the members.¹⁶⁵ The \$24,057,683 in "income tax expense"
 3 referenced by Applicants is not an expense of Global Parent at all, but instead represents only the
 4 estimated expense of its individual members, which Global Parent chose to distribute to them as
 5 compensation. Staff correctly notes that the ICFA fees replace contributions and advances which are
 6 not taxable to a utility and therefore, taxes on the fees should not be recognized. As Staff states, the
 7 issue of the members' tax liability generated by the ICFA fees need not be addressed for the same
 8 reason the Commission does not address the tax liability of the shareholders of a utility formed as a
 9 corporation: the tax liability of investors is not part of the calculation of revenue requirement.¹⁶⁶ For
 10 these reasons, it would be inappropriate to recognize the "tax liability" as a deduction to developer
 11 provided funds.

12 ii. Other Global Parent Expenses

13 Applicants assert that Staff's imputation of CIAC "effectively leaves all expenses at the
 14 Global Parent, many of which would be borne by the utilities if Global parent wasn't carrying
 15 them."¹⁶⁷ Applicants' witness testified that the Global Parent annual "expenses not allocated to
 16 utilities" was \$3,930,676,¹⁶⁸ but also testified that Global Parent's 2008 financial statements showed
 17 that Global Parent incurred "up to \$9.13 million of expenses which could have been passed down to
 18 the utilities were it not for the revenue provided by the ICFAs. This example only considers 2008;
 19 similar expenses were borne by Global Parent in previous years as well."¹⁶⁹

20 Other than income tax expenses, Applicants fail to specify which Global Parent expenses they
 21 contend should go to offset the ICFA fees. Applicants do not document the type of such expenses, or
 22 even the exact amount of such expenses, and therefore provide no basis upon which to make a
 23 deduction from the developer-supplied ICFA funds.

24 4. Conclusion

25 There is no dispute that Global has exercised its total water management approach in

26 ¹⁶⁵ *Id.*

27 ¹⁶⁶ See Surrebuttal Testimony of Linda Jaress (Exh. S-11) at 5.

27 ¹⁶⁷ Rejoinder Testimony of Matthew Rowell (Exh. A-15) at 6.

28 ¹⁶⁸ Rebuttal Testimony of Matthew Rowell at 35.

28 ¹⁶⁹ Rejoinder Testimony of Matthew Rowell (Exh. A-15) at 6.

1 providing utility service within the service territories of the Utilities included in these consolidated
2 rate applications. Neither is it disputed that landowners and developers in the service territories of
3 WUGT, Palo Verde, and Santa Cruz paid Global Parent ICFA fees pursuant to ICFA agreements,
4 through which Global Parent agreed to provide utility service to the landowners/developers.
5 Applicants request that the Commission put aside the normal regulatory ratemaking treatment of
6 contributions that were given in exchange for utility service, because Global's innovative means of
7 collecting and spending the contributions allows it to pursue total water management goals. This
8 Commission is tasked with protecting the interests of utilities and ratepayers alike, and this important
9 task requires a careful balancing. One of the foremost tenets of ratemaking is unchanging, however,
10 when making a determination that affects both utility and ratepayer, and that is the inclusion in rates
11 of the cost of providing utility service. We must ensure that captive monopoly ratepayers pay for the
12 costs of providing utility service, but no more. Part of that cost of service includes a fair and
13 reasonable return to the provider of the utility service on funds that it has invested in the utility in
14 order to provide reasonable and adequate service to its ratepaying customers. Here, Applicants have
15 not "invested" ICFA funds for the purpose of providing utility service. Rather, developers have
16 provided ICFA funds to Global Parent which, commingled with equity and debt provided by
17 Applicants' parent company, have been used for the provision of utility service, whether through
18 acquisitions, carrying costs, or plant construction. Allowing developer contributed funds to remain in
19 rate base would require captive ratepayers to pay Applicants a return on developer-provided ICFA
20 funds, which would violate fundamental ratemaking principles and would unjustly and unreasonably
21 enrich Applicants at ratepayer expense. For the reasons set forth in the arguments of Maricopa,
22 RUCO and Staff, Staff's CIAC adjustments are just, reasonable, and in the public interest, and will be
23 adopted.

24 We believe the Commission should commence a generic investigation which looks at how
25 best to achieve the Commission's objectives with regard to encouraging the acquisition of troubled
26 water companies and the development of regional infrastructure where appropriate. As part of this
27 proceeding, we would like stakeholders, including Global and Staff, to also address in workshops
28 whether ICFAs, or other mechanisms, if properly segregated and accounted for, could be utilized to

1 finance the actual acquisition of troubled water companies, subject to Commission approval.

2 Additionally, we would also like stakeholders to address whether ICFAs, or some other
3 mechanism, if properly segregated and accounted for, would be appropriate for use in covering such
4 expenses as a portion of the carrying costs associated with unused regional water and wastewater
5 facilities or infrastructure which meets the Commission's objectives. Additionally, we would like the
6 question of whether other mechanisms not addressed in this case would be appropriate in inducing
7 such regional water and wastewater infrastructure, and the acquisition of troubled water companies,
8 such as acquisition adjustments, rate premiums, or Distribution System Investment Charges.
9 Therefore, we will require Staff to notice and facilitate, and Global to participate in, stakeholder
10 workshops designed to address these issues, and make recommendations to the Commission on the
11 issues discussed in the workshops, including whether it is appropriate to adopt the recommendations
12 in the next Global Utility rate case, as well as other future rate cases. The workshops shall be noticed
13 and held in the existing Generic Docket.

14 While we decline to approve the Applicants' requested treatment of ICFAs in this Order, we
15 believe the issue could be more fully informed by the Commission's workshop process. In the event
16 that the workshop process leads to recommendations for a different treatment of ICFAs than in this
17 Order, the Applicants may request review of ICFAs in accordance with the workshop
18 recommendations in a future rate case.

19 **C. Fair Value Rate Base Summary**

20 Applicants did not prepare schedules showing the elements of Reconstruction Cost New Rate
21 Base ("RCND").¹⁷⁰ Instead, Applicants requested that their Original Cost Rate Base ("OCRB") be
22 treated as their Fair Value Rate Base ("FVRB").¹⁷¹ Based on the discussion of rate base issues set
23 forth above, we find the Applicants' FVRB to be as follows:

Palo Verde	Valencia- Greater Buckeye	Willow Valley	Santa Cruz	WUGT	Valencia- Town
\$53,314,083	\$929,057	\$2,251,164	\$39,155,692	(\$4,186,150)	\$4,240,018

27
28 ¹⁷⁰ Direct Testimony of Company witness Gregory Barber (Exh. A-20) at 16.

¹⁷¹ *Id.*

1 **IV. OPERATING INCOME**

2 **A. Test Year Revenues**

3 The parties agreed that the Utilities' adjusted test year revenues were as follows:

	Palo Verde	Valencia - Greater Buckeye	Willow Valley	Santa Cruz	WUGT	Valencia - Town
Adjusted Test Year Revenues	\$6,643,813	\$380,474	\$473,527	\$9,409,861	\$259,304	\$3,037,462

8 **B. Test Year Operating Expenses**

9 Applicants, RUCO and Staff propose several uncontested adjustments to the Applicants' test
10 year operating expenses including the Applicants' proposed cost allocation methodology, which were
11 adopted. Applicants state that their filings reflect that Global laid off 40 percent of its staff since
12 September 1, 2008, eliminated all bonuses during the test year, reduced overtime, and eliminated all
13 cost of living increases and pay raises.¹⁷² Applicants further states that Global's shareholders
14 continued to pay 84 percent of executive compensation costs, which led to the Applicants requesting
15 recovery of only \$162,428 in executive compensation expense in this case.¹⁷³

16 Operating income issues remaining in dispute are discussed below.

17 **1. Bad Debt Expense**

18 Applicants and Staff disagree on the amount of bad debt expense to be recovered in rates.
19 The parties recommendations on an appropriate level of bad debt expense, according to their final
20 schedules, is as follows:

	Palo Verde	Valencia- Greater Buckeye	Willow Valley	Santa Cruz	WUGT	Valencia- Town
Applicants	\$95,689	\$4,120	\$473,527	\$86,450	\$2,451	\$42,898
RUCO ¹⁷⁴	\$95,689	\$4,120	\$473,527	\$86,450	\$1,191	\$42,898

26 ¹⁷² Global Br. at 6-7, citing to Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 17, and to Direct
Testimony of Company witness Jamie Moe (Exh. A-21) at 4.

27 ¹⁷³ Co. Br. at 7, citing to Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 17, and Rejoinder Testimony of
Company witness Trevor Hill (Exh. A-9) at 3, 5, and Tr. at 35, 235.

28 ¹⁷⁴ RUCO's amounts differ from Applicants only for WUGT, and this sole difference appears to be due to a clerical error,
as RUCO's final schedules show a different "as filed" amount than does Applicants' for WUGT only.

Staff	\$58,293	\$1,154	\$787	\$41,960	\$864	\$6,417
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Applicants' proposed bad debt expense is based on its test year bad debt expense account balance, and not on actual test year bad debt write offs.¹⁷⁵ RUCO states that the actual, unadjusted test year bad debt expense is a fair and reasonable reflection of the historical annual amount.¹⁷⁶ RUCO does not address the issue raised by Staff, that actual bad debt expense is demonstrated by actual write-offs.¹⁷⁷

Staff recommends that Applicants' allowable bad debt expense recovery be based on actual uncollectible accounts receivable, as determined by examining Applicants' bad debt write-offs.¹⁷⁸ Staff asserts that Applicants' proposed bad debt expense is an estimate, as opposed to its actual experienced test year bad debt expense as demonstrated through write-offs.¹⁷⁹ Staff argues that Applicants' proposal should be rejected in favor of a methodology that determines the amount of bad debt expense recovered in rates to instead be based on actual uncollectible accounts receivable.¹⁸⁰

Applicants state that under the National Association of Regulatory Utility Commissioners ("NARUC") Uniform System of Accounts ("USOA") bad debt write offs are not defined the same as bad debt expense,¹⁸¹ and that while it did not occur in this case, a utility could manipulate bad debt write offs to increase them during a test year.¹⁸² Applicants assert that its proposal is based on the more sound practice of basing bad debt expense on its actual test year bad debt expense account balance, and not on actual test year bad debt write offs.¹⁸³ Applicants are correct that the NARUC USOA definitions differ, and that it would be possible to manipulate write offs. However, the NARUC USOA provides that the purpose of the bad debt expense account is to be charged with an amount sufficient to provide for losses from uncollectible utility revenues.¹⁸⁴ The uncollectible accounts receivable account is to be credited for actual losses, with records maintained to show write

¹⁷⁵ Co. Br. at 59.

¹⁷⁶ RUCO Br. at 14.

¹⁷⁷ *Id.*

¹⁷⁸ Staff Br. at 5, citing to Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 23.

¹⁷⁹ Staff Br. at 6, citing to Tr. at 633-634, Exh. A-41 at 65, 144, and Exh. A-42 at 68, 144.

¹⁸⁰ Staff Br. at 6.

¹⁸¹ Co. Br. at 59.

¹⁸² *Id.*, citing to Tr. at 634.

¹⁸³ Co. Br. at 59.

¹⁸⁴ See Exhs. A-41, A-42.

1 offs.¹⁸⁵ While attempted manipulation might be possible, in that event, an audit would demonstrate
 2 whether the timing of write offs was made in bad faith, and corresponding adjustments could be made
 3 to prevent overcollection of expenses. A utility's bad debt expense is best measured by test year
 4 uncollectible account actual write offs, and not by the balance of its bad debt expense account. We
 5 therefore adopt Staff's bad debt expense adjustments.

6 2. Property Tax Expense

7 Applicants propose a property tax adjustor mechanism. For the reasons discussed below, we
 8 do not adopt the adjustor mechanism. The computation of test year property tax expense is not in
 9 dispute, and therefore allowable property tax expense will be calculated in the usual manner.

10 3. Wages and Expenses Reclassification

11 Staff proposed adjustments reclassifying Salaries and Wages expense, and Pension and
 12 Benefits expense to the NARUC USOA account for Contract Services – Management Fees.¹⁸⁶ This
 13 adjustment has no net effect on operating income, but Staff made it in recognition of the fact that all
 14 work performed for the Global Utilities is done through contract services.¹⁸⁷ Applicants object to the
 15 adjustment on the basis that the reclassification would lump employee expenses with other outside
 16 contract services typically found in this account.¹⁸⁸ Applicants argue that keeping the accounts in the
 17 manner it does provides more transparency.¹⁸⁹ RUCO does not oppose Applicants' proposal to leave
 18 the expenses in Salaries and Wages and Pension and Benefits accounts.¹⁹⁰ As regards transparency, it
 19 is incumbent upon Applicants to ensure that adequate records are kept to support its expenses,
 20 whether at the utility level or at the level of the corporate structure which Global has chosen to
 21 implement. Applicants have no employees, and therefore no Salaries and Wages expense, or Pension
 22 and Benefits expense. Staff's adjustment is in keeping with the NARUC USOA and will be adopted.

23 4. Depreciation Expense

24 In conjunction with their reclassification of ICFA fees as CIAC, Staff and RUCO made
 25

26 ¹⁸⁵ See *id.*

¹⁸⁶ Direct Testimony of Staff witness Crystal Brown (Exh. S-60) at 10-11.

¹⁸⁷ *Id.*

¹⁸⁸ Co. Br. at 60.

¹⁸⁹ *Id.*

¹⁹⁰ RUCO Reply Br. at 11.

1 adjustments to test year depreciation expense for Palo Verde, Santa Cruz and WUGT to account for
 2 amortization of CIAC.¹⁹¹ Staff's final schedules include an explanation of the basis of its
 3 adjustments, and RUCO did not take issue with Staff's recommended adjustments. Staff's
 4 adjustments to depreciation expense will be adopted.

5 5. Operating/Licensing Agreements Fees (Franchise Fees)

6 Applicants request authority to pass through fees associated with Operating/License
 7 agreements. As discussed below, we find it more appropriate to allow recovery of test year franchise
 8 fee-type expenses in rates, as recommended by RUCO. Global Utilities states that if its proposed
 9 pass through surcharge is rejected, it would accept RUCO's proposed adjustments. RUCO's
 10 proposed adjustments will therefore be adopted, in the amount of \$380,471 for Palo Verde and
 11 \$330,017 for Santa Cruz.¹⁹²

12 **C. Pass-Through and Adjustor Mechanism Expense Recovery Requests**

13 1. Central Arizona Groundwater Replenishment District ("CAGRDR") Fees

14 a. CAGRDR Fee Pass Through Request

15 CAGRDR assesses fees directly on utilities that possess a Designation of Assured Water
 16 Supply ("DAWS").¹⁹³ Applicants propose that they be permitted to recover CAGRDR fees as a pass
 17 through expense, as it is a tax levied on actual consumption of water.¹⁹⁴ The CAGRDR rate would be
 18 applied to individual customers' consumption.¹⁹⁵ Applicants assert that a pass through mechanism is
 19 appropriate because the fees are based on consumption and therefore entirely caused by the end-user,
 20 and the amount of the assessment is known and measureable based on a particular user's
 21 consumption, given the structure of the CAGRDR fees.¹⁹⁶ Applicants state that while none of the
 22 Utilities are currently paying CAGRDR fees, WUGT is working on the completion of a DAWS, and
 23 thus WUGT expects to be paying the CAGRDR fees in the near future.¹⁹⁷ Applicants state that the

24 _____
 25 ¹⁹¹ Staff Final Scheds. CSB-14 for Palo Verde, Santa Cruz and WUGT; RUCO Br. at 15, citing to Surrebuttal Testimony
 of Rodney Moore (Exh. R-2) at 5-6, and Sched. SURR RLM-7.

26 ¹⁹² RUCO Final Scheds. SURR RLM-7, Adj. 3 to "Contractual Services - Other" for the Palo Verde and Santa Cruz
 utilities.

27 ¹⁹³ Direct Testimony of Company witness Jamie Moe (Exh. A-21) at 16-18.

28 ¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ Co. Brief at 52-53, citing to Rebuttal Testimony of Company witness Jamie Moe (Exh. A-21) at 10.

¹⁹⁷ Co. Brief at 52, citing to Direct Testimony of Company witness Jamie Moe (Exh. A-21) at 19 and Tr. at 112, 435.

1 CAGR D is currently proposing legislation that would establish bonding authority for the acquisition
 2 of water to meet its replenishment obligations, and the proposal includes fees associated with the
 3 enrollment in the CAGR D based on the obligations undertaken by the CAGR D as a consequence of
 4 that enrollment, such that the bonds would be funded by fees assessed to designated providers.¹⁹⁸
 5 Applicants state that if the bonding levy is passed, those costs should also be passed through.¹⁹⁹
 6 Applicants argue that implementation of a CAGR D pass through will assist Utilities in converting to
 7 a DAW S.²⁰⁰ Applicants state that in the West Valley, a DAW S is critical for coordinating numerous
 8 interested parties and ensuring long term availability of groundwater.²⁰¹ Applicants propose that in
 9 the alternative to a pass through, that the Commission authorize it to implement an adjustor
 10 mechanism similar to that recommended by Staff in the pending rate case in Docket No. WS-
 11 02987A-08-0180.²⁰²

12 Santa Cruz is the only Global Utilities water company that has received a DAW S.²⁰³ WUG T
 13 has filed an application for, but has not yet received a DAW S.²⁰⁴ Staff recommends that Applicants'
 14 request for pass through recovery of CAGR D fees be denied because no Global Utilities are currently
 15 being directly charged the CAGR D fees, and it is unknown when the CAGR D fees will need to be
 16 paid, how much the fees will be, or which of the Utility customers will need to pay the fee.²⁰⁵ Staff
 17 argues that because the volume of excess groundwater that will be pumped in 2010 is not known, the
 18 CAGR D fees cannot be known with any degree of certainty.²⁰⁶ Staff states that in the event the
 19 Commission determines that a mechanism should be in place for Applicants to recover future
 20 CAGR D assessments, that it would be more appropriate to develop an adjustor mechanism similar to
 21 that Staff recommended in the pending rate case in Docket No. WS-02987A-08-0180.²⁰⁷

22 Maricopa argues that Applicants should not be permitted to take advantage of an accelerated
 23

24 ¹⁹⁸ Direct Testimony of Company witness Jamie Moe (Exh. A-21) at 19.

25 ¹⁹⁹ *Id.*

26 ²⁰⁰ Co. Br. at 53.

27 ²⁰¹ *Id.*

28 ²⁰² *Id.*

²⁰³ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 31.

²⁰⁴ *Id.*

²⁰⁵ Staff Br. at 38.

²⁰⁶ *Id.*, citing to Tr. at 431, 436.

²⁰⁷ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 38.

1 cost recovery process for unsubstantiated costs not yet incurred.²⁰⁸ Maricopa also states that it
 2 concurs with Staff's position regarding CAGR D fees in its entirety as presented by the testimony of
 3 Staff's witness.²⁰⁹

4 RUCO objects to implementation of a CAGR D adjustor mechanism for the same reasons it
 5 objects to the proposed Distributed Energy Recovery Tariff, discussed below.²¹⁰ RUCO does not
 6 oppose Applicants' recovery of CAGR D fees as an operating expense, once the fees are actually
 7 assessed.²¹¹ RUCO recommends that this issue be addressed in a subsequent rate case filing after
 8 Applicants have enrolled in the CAGR D program and are paying fees.²¹²

9 b. Long Term Storage Credits

10 In its discussion of Applicants' requested CAGR D fee recovery, Staff raised an issue and
 11 made recommendations on an issue related to the CAGR D.²¹³ Staff states that one way for a utility to
 12 reduce the amount of groundwater it pumps is to participate in the Arizona Department of Water
 13 Resource's ("ADWR") water recharge program and accumulate long term water storage credits for
 14 later use.²¹⁴ This program was established by the Arizona Legislature to encourage the use of
 15 renewable water supplies, and it provides a vehicle by which surplus supplies of water can be stored
 16 underground and recovered at a later date.²¹⁵ Persons who desire to store water through the Recharge
 17 Program must receive appropriate permits from ADWR.²¹⁶ The type of permit received depends on
 18 the type of the storage facility, i.e. storage of water or in-lieu water.²¹⁷ Under the program, as water
 19 is stored and not withdrawn, long term water storage credits can be earned by the permit holder
 20 storing the water.²¹⁸ These credits can be used to establish an Assured Water Supply for a CAWS or
 21 DAWS necessary to acquire a property report from the Arizona Department of Real Estate.²¹⁹ These

23 ²⁰⁸ Maricopa Br. at 18.

24 ²⁰⁹ *Id.*, citing to Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 37-38.

25 ²¹⁰ RUCO Reply Br. at 11.

26 ²¹¹ *Id.* at 17, RUCO Reply Br. at 11.

27 ²¹² RUCO Br. at 17.

28 ²¹³ *See* Staff Br. at 37-38.

²¹⁴ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 34.

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

1 credits may also be bought and sold like any other commodity. The owner of the long term storage
 2 credit may never take delivery of the water and the water storage credit may be purchased and sold
 3 any number of times.²²⁰

4 In its investigation of this issue, Staff reviewed the Annual Status Report on the Underground
 5 Water Storage, Savings and Replenishment Program for 2008 published by ADWR's Water
 6 Management Division.²²¹ Staff states that the report lists the parties who participate in the program
 7 and the permits they have received.²²² Staff explains that a permit is required to operate a water
 8 storage facility, to store water and to create a water storage account in which to accumulate water
 9 storage credits, and that according to the report, during 2008, in the Phoenix AMA, West Maricopa
 10 Combine, the intermediate parent of the three West Valley Utilities, held permits for underground
 11 water storage facilities.²²³ The report indicates that WUGT, Valencia Water Company and Santa
 12 Cruz held water storage permits, and WUGT, Water Utility of Greater Buckeye (now Valencia-
 13 Greater Buckeye), and Valencia Water Company held permits for wells to recover stored water.²²⁴
 14 The report also shows that only WUGT, Valencia Water Company and West Maricopa Combine held
 15 long term storage accounts.²²⁵ WUGT and Valencia enter incentive recharge contracts with the
 16 Central Arizona Project ("CAP") which give the two Utilities the right to withdraw a certain amount
 17 of "excess" water from the CAP canal for the purposes of recharge.²²⁶ After the water has been
 18 stored for one year, recharged, the Utilities earn water storage credits.²²⁷

19 Staff states that according to a purchase agreement filed with ADWR, on December 31, 2008,
 20 Global sold 2007 and 2008 long term water storage credits to Aqua Capital Management, LP ("Aqua
 21 Capital") for \$3,392,263.²²⁸ Attached to the purchase agreement is a form required by ADWR for the
 22 transfer of the credits.²²⁹ The transfer document indicates that the seller of the credits is WUGT, and
 23

24 ²²⁰ *Id.*

²²¹ *Id.* at 34-35.

²²² *Id.* at 35.

²²³ *Id.* at 34-35.

²²⁴ Direct *Id.* at 35.

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.* at 35-36.

1 not Global Parent.²³⁰ Staff states that the Global Parent consolidated financial statements indicate a
 2 value of the stored water credits at \$1,175,675.²³¹ Staff indicates that the Global Utilities have not
 3 received any compensation from Global Parent for the sale, transfer or use of their water storage
 4 credits.²³²

5 Based on its understanding that holders of water storage credits can use them to reduce the
 6 amount of groundwater the holder pumps, thus reducing the amount they pay in CAGR
 7 assessments, Staff states that the Utilities have given away the right to withdraw water they could use
 8 when they receive membership in the CAGR.²³³ Staff concluded that in order to preserve the
 9 benefits of the sale of storage credits for ratepayers, the Utilities should recognize (i.e., record) a
 10 regulatory liability equal to the net sales proceeds, so that the Commission can determine the
 11 appropriate method for ratepayers to benefit from the regulatory liability in a future rate
 12 proceeding.²³⁴ Staff also concluded that the Utilities should file, every year, as a compliance filing in
 13 this docket, the revenue received by Global Parent or its assignee(s) from the sale of water storage
 14 credits generated by each Utility during the current year and for each prior year.²³⁵

15 Applicants state that the Utilities have “absolutely not” given away their right to withdraw
 16 water they could use when they receive membership in the CAGR.²³⁶ Applicants state that Global
 17 Parent and its subsidiary West Maricopa Combine owned and operated the Hassayampa Recharge
 18 Facility, located in the West Valley.²³⁷ Applicants state that in order to be the beneficiary of sales of
 19 long term storage credits, a utility must acquire the water, pay to recharge that water, and pay for the
 20 administration of the process, and that none of the Global Utilities do that.²³⁸ Applicants further state
 21 that none of the Global Utilities incur any costs as a result of the long term storage credits.²³⁹
 22 Applicants state that the long term storage credits sold to Aqua Capital were created with incentive
 23

24 ²³⁰ *Id* at 36.

²³¹ *Id.*

²³² *Id.*

²³³ *Id* at 37.

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ Rebuttal Testimony of Graham Symmonds (Exh. A-25) at 9.

²³⁷ *Id* at 8.

²³⁸ *Id.*

²³⁹ *Id.*

1 recharge water, and involve no long term right to withdraw water.²⁴⁰ Applicants state that WUGT
 2 and Valencia-Greater Buckeye have subcontract rights associated with CAP water, and in no case
 3 was that water used to create recharge credits.²⁴¹ Applicants state that through incentive recharge,
 4 Global replaced every drop of water pumped by the Utilities with renewable CAP water.²⁴²

5 Applicants explain that incentive recharge water is available for use only as it is flowing down
 6 the CAP canal, that there is no right to it unless one has paid for it, and that once past, it is gone and
 7 cannot be accessed.²⁴³ Applicants state that the Global Utilities do not have the capacity to acquire
 8 the incentive recharge water at the temporal instant it is available.²⁴⁴ Applicants state that the
 9 Utilities do not own the recharge facility, do not acquire the water, do not pay to recharge the water,
 10 do not administer the recharge project, and have not paid to have their groundwater pumping nullified
 11 through recharge, and in no way are financially involved in the long term storage credits
 12 transaction.²⁴⁵

13 Applicants are opposed to Staff's recommendation because while it would not immediately
 14 impact rate base, the recording of a regulatory liability would have an immediate impact on the
 15 Utilities' balance sheets, as well as a future impact on rate base.²⁴⁶ In addition, Applicants assert that
 16 the recommendation has not been explained in sufficient detail for Applicants to be able to comply
 17 with it, such as how to calculate "net sales proceeds," or which Utilities should record the liabilities
 18 or how the net sale proceeds should be allocated between the Utilities.²⁴⁷ In regard to the reporting
 19 requirements, Applicants assert that they would make no sense because Global Parent and West
 20 Maricopa Combine sold the Hassayampa Recharge Facility effective November 30, 2009, at a loss of
 21 \$5,856,764.²⁴⁸

22 c. Conclusion

23 It is clear is that the relationship between Global Parent's rights, benefits and obligations

24 ²⁴⁰ *Id.* at 9.

25 ²⁴¹ *Id.*

26 ²⁴² *Id.*

27 ²⁴³ *Id.* at 10.

28 ²⁴⁴ *Id.*

²⁴⁵ *Id.* at 10-11.

²⁴⁶ Co. Br. at 57.

²⁴⁷ *Id.*

²⁴⁸ *Id.* at 58, citing to Rejoinder Testimony of Company witness Graham Symmonds (Exh. A-27) at 9-10.

1 associated with the ownership, operation and sale of the Hassayampa Recharge Facility and the
 2 expenses that the Utilities may incur as a result of membership in the CAGR D requires further
 3 exploration prior to Commission approval of Global Utilities' recovery of yet-to-be-incurred CAGR D
 4 expenses. After considering Applicants' response to Staff's conclusions stemming from its
 5 investigation of the sale of long term storage credits, we do not find it necessary at this time to adopt
 6 Staff's recommendations.

7 Under the facts of this case, we also do not believe it is in the public interest to approve a
 8 CAGR D adjustor mechanism for the Utilities involved in this rate application at this time. Instead,
 9 the CAGR D fee expense recovery issue should be addressed, as RUCO recommends, in a subsequent
 10 rate case filing after Applicants have enrolled in the CAGR D program and are paying fees. At that
 11 time, actual costs would be known, and the relationship between Global Parent's water storage
 12 benefits and CAGR D fees paid by the Utilities can be better explored.

13 2. MOU Operating/Licensing Agreements Fees

14 Global Parent entered into Memoranda of Understanding ("MOU") with the City of
 15 Maricopa, the City of Casa Grande, and the City of Eloy.²⁴⁹ Applicants request approval of the pass
 16 through of some of the expenses incurred pursuant to the MOUs.²⁵⁰ Pursuant to the MOUs, Global
 17 Parent makes two types of payments, one based on a set amount for each new hook-up, and the
 18 second based on revenues.²⁵¹ Applicants are not requesting any rate recovery of the payments it
 19 makes based on new hook-ups.²⁵² The second fee is a "franchise-like" fee specifically linked to the
 20 MOU that allows the Global Utilities to use the public rights of way.²⁵³ Applicants assert that
 21 because the fee is based on gross revenues, it is like sales taxes, and it is therefore appropriate for
 22 recovery via a pass through mechanism.²⁵⁴ Applicants state that Global Parent entered into these
 23 MOUs in good faith to obtain the numerous benefits to its customers that they provide, recognizing
 24 that the municipalities would be entitled to franchise fees upon their demand for a franchise

25 _____
 26 ²⁴⁹ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 24 and Hill-7, Hill-8, and Hill-9.

²⁵⁰ *Id* at 25.

²⁵¹ *Id*.

²⁵² Co. Br. at 55.

²⁵³ *Id*.

²⁵⁴ *Id*.

1 agreement.²⁵⁵ Applicants state that the Maricopa and Casa Grande City Councils voted to approve
 2 the MOUs, and have not chosen to pursue franchise elections at this time.²⁵⁶

3 Staff recommends denial of the requested pass through because the fees are not in fact
 4 franchise fees.²⁵⁷ Staff states that they have not been voted on by the public.²⁵⁸ Staff contends that
 5 permitting such fees to be recovered via a pass through mechanism risks allowing the municipality to
 6 place its expenses into utility rates, and that it would discourage complete disclosure of costs on
 7 ratepayers' utility bills.²⁵⁹

8 RUCO recommends that Applicants be allowed to recover only franchise fees through an
 9 increase in operating expenses.²⁶⁰ RUCO recommends that any portion of the franchise fees
 10 negotiated through the MOU agreements that are not associated with services typically included in a
 11 municipal franchise fee not be recovered in rates.²⁶¹ RUCO is concerned with the potential for over-
 12 recovery if a pass-through is allowed.²⁶² RUCO recommends that recovery be limited to three
 13 percent of operating revenues, and that a direct pass through to ratepayers not be allowed, in order to
 14 ensure that Applicants will recover only franchise fee expenses.²⁶³ RUCO further recommends that
 15 the fees be subject to review in the next rate case to ensure that only costs associated with franchise
 16 fees are recovered.²⁶⁴

17 Applicants argue that while the fees are not being collected pursuant to a franchise election,
 18 elected representatives made the decision to enter into the MOUs.²⁶⁵ Applicants request that if pass
 19 through treatment is denied, that they be allowed recovery through rates as recommended by
 20 RUCO.²⁶⁶ RUCO's recommendations are reasonable and will be adopted.

21 ...

22

23 ²⁵⁵ *Id* at 56.

24 ²⁵⁶ RUCO Br. at 8, citing to Direct Testimony of William Rigsby (Exh. R-4) at 16-18.

25 ²⁵⁷ Staff Br. at 32, citing to Tr. at 876.

26 ²⁵⁸ Staff Br. at 35.

27 ²⁵⁹ *Id.*

28 ²⁶⁰ RUCO Br. at 8, citing to Direct Testimony of William Rigsby (Exh. R-4) at 16-18.

²⁶¹ *Id.* citing to Direct Testimony of William Rigsby (Exh. R-4) at 14.

²⁶² *Id.* citing to Direct Testimony of William Rigsby (Exh. R-4) at 16-17.

²⁶³ *Id.* citing to Direct Testimony of William Rigsby (Exh. R-4) at 16-18; RUCO Reply Br. at 8.

²⁶⁴ RUCO Br. at 8, citing to Direct Testimony of William Rigsby (Exh. R-4) at 16-18.

²⁶⁵ Co. Br. at 55.

²⁶⁶ *Id.* at 56.

1 3. Distributed Energy Recovery Tariff

2 Applicants request approval of a Distributed Energy Recovery Tariff to provide financing for
 3 constructing renewable energy facilities at its wastewater facilities.²⁶⁷ The methodology would be
 4 similar to that of the Arsenic Cost Recovery Mechanism (“ACRM”) approved for water utilities in
 5 recent years.²⁶⁸ Under the proposed tariff, the Global Utility would construct the plant, and after
 6 construction of the renewable energy plant is completed, the Utility would file an application
 7 detailing the cost of the plant, the technical specifications of the plant’s operational characteristics
 8 and capacities, and its related expenses.²⁶⁹ Through the application, the Utility would request
 9 recovery of a return on the plant, depreciation expense and related expenses, after which a renewable
 10 energy surcharge would be imposed, consisting of a monthly minimum and commodity charge
 11 component.²⁷⁰ Applicants propose that only projects that utilize technologies that qualify as
 12 renewable under the Commission’s REST rules be allowed recovery under its proposed tariff.²⁷¹ In
 13 conjunction with providing the Utility with accelerated recovery of the cost of installing the facilities,
 14 Applicants propose that customers be provided a credit associated with the Utility’s decreased
 15 purchased power expense.²⁷² The credit would be deducted from the return and expenses passed
 16 through the tariff’s monthly minimum and commodity charges.²⁷³

17 Global is currently working to develop a project installing photovoltaic panels in the setback
 18 area of the Palo Verde Campus 1 Water Reclamation Facility.²⁷⁴ The initial phase of the facility is
 19 anticipated to be a \$1.5 million to \$2.0 million installation capable of providing 750 kW to 1 MW of
 20 solar power, which represents a production of over 1,500,000 kWh of power annually, and
 21 approximately 25 percent of the current annual power consumption of the Water Reclamation
 22 Facility.²⁷⁵

23 Maricopa, RUCO, and Staff all oppose approval of the proposed tariff. Staff recommends

24 ²⁶⁷ Direct Testimony of Company witness Jamie Moe (Exh. A-21) at 10.

25 ²⁶⁸ *Id* at 10-11.

26 ²⁶⁹ *Id* at 11.

27 ²⁷⁰ *Id*.

28 ²⁷¹ *Id*.

²⁷² *Id*.

²⁷³ *Id* at 12.

²⁷⁴ *Id* at 13.

²⁷⁵ *Id*.

1 that the Commission determine the treatment of the costs of installed and operating distributed
 2 renewable energy assets during a rate case instead of through Applicants' proposed ACRM-like
 3 surcharge mechanism.²⁷⁶ Staff states that because Applicants have no requirement to implement
 4 renewable generation, they should undertake the implementation of distributed renewable generation
 5 in the same manner as for any other plant addition.²⁷⁷ Staff contends that it would be inappropriate
 6 for Applicants to be authorized to utilize a mechanism that would shield it from the risk of
 7 implementing renewable generation.²⁷⁸ Staff responds to Applicants' concerns regarding Staff's
 8 different position in the recent APS rate case settlement by stating that the issues in this case are very
 9 different, and that under Global Utilities' proposal here, all the costs and risks of the distributed
 10 energy plant would be transferred from the utility to the customers.²⁷⁹ Staff asserts that because
 11 Applicants are not required to generate renewable energy, and because many of its customers are
 12 already paying APS, or will soon be paying ED3, a REST adjustor in their monthly electric bill,
 13 Applicants' customers should not be required to pay an additional renewable energy adjustor to their
 14 water provider as well.²⁸⁰

15 In addition, Staff does not believe that Applicants have adequately demonstrated that the
 16 proposed renewable energy generation will result in actual savings to ratepayers.²⁸¹ According to
 17 Staff's analysis of the example provided in Applicants' testimony, it would take 33 years of
 18 ratepayers paying a return on and return of the \$2.0 million investment before the savings on the
 19 Utilities' electric bill would exceed the size of the investment.²⁸²

20 RUCO also recommends denial.²⁸³ RUCO states that while it does not oppose the use of plant
 21 additions that employ renewable resources such as solar, or the recovery of their reasonable and
 22 prudent costs, RUCO opposes such recovery through the use of an adjustor mechanism.²⁸⁴ RUCO
 23 argues that if approved, the adjustor mechanism would only consider cost increases in one category

24 ²⁷⁶ Surrebuttal Testimony of Linda Jaress (Exh. S-11) at 10.

25 ²⁷⁷ Staff Br. at 11.

26 ²⁷⁸ *Id.* at 12.

27 ²⁷⁹ Surrebuttal Testimony of Linda Jaress (Exh. S-11) at 10.

28 ²⁸⁰ Staff Br. at 40.

²⁸¹ *Id.* at 41.

²⁸² *Id.*, citing to Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 40-41.

²⁸³ RUCO Br. at 13.

²⁸⁴ *Id.* at 9, citing to Direct Testimony of William Rigsby (Exh. R-4) at 5.

1 of expenses and would ignore changes in revenues.²⁸⁵ RUCO asserts that it has not been shown that
 2 the plant costs associated with solar technology are not normal plant expenditures or that they are
 3 volatile such that they would justify the extraordinary ratemaking treatment of an adjustor
 4 mechanism.²⁸⁶

5 Maricopa states that while it encourages and supports the use and implementation of
 6 renewable energy by all utilities providing services to its residents, it concurs with RUCO and Staff
 7 that the proposed tariff is not a responsible mechanism for recovery of the associated costs, and
 8 asserts that recovery of such costs should instead be addressed in a regular rate case.²⁸⁷ Maricopa
 9 states that it agrees with RUCO's reasoning regarding the lack of necessity for employing an ACRM-
 10 like adjustor as a means of recovering such costs, and that it agrees with Staff that Staff's position in
 11 the recent APS Settlement does not provide support for Global Utilities' proposed tariff.²⁸⁸

12 Applicants respond that Global cannot pursue renewable projects through the traditional rate
 13 process, as recommended by the parties opposing the tariff.²⁸⁹ Applicants argue that not all adjustors
 14 implemented are approved to meet government mandated standards or when an expense is both large
 15 and highly variable, and provides as examples APS's DSM adjustor, and adjustors for water utility
 16 low-income tariffs.²⁹⁰ Applicants state that while adjustors should not be approved haphazardly or
 17 for every expense, adjustors that support policy objectives such as renewable energy or support for
 18 low income customers are particularly appropriate.²⁹¹

19 We applaud Applicants' initiatives in conservation and environmental stewardship. We also
 20 agree that in some cases, adjustors that support policy objectives are appropriate. However, the
 21 proposed plant additions not only are not required to meet government mandated standards, but they
 22 are also not essential to the provision of utility service by Applicants, and would come at the expense
 23 of increased costs to customers at a time when some customers are already finding it difficult to meet
 24

25 ²⁸⁵ *Id.* at 9.

²⁸⁶ RUCO Br. at 13.

26 ²⁸⁷ Maricopa Br. at 17-18.

²⁸⁸ *Id.*, citing to Direct Testimony of William Rigsby (Exh. R-4) at 6, 7-9, 10; and citing to Surrebuttal Testimony of
 27 Linda Jaress (Exh. S-11) at 10.

²⁸⁹ Co. Reply Br. at 5, citing to Rebuttal Testimony of Company witness Trevor Hill (Exh. A-8) at 5.

²⁹⁰ Co. Br. at 4.

28 ²⁹¹ *Id.* at 6.

1 their household expenses. We find that in today's economic climate, the benefits of the proposed
 2 adjustor do not outweigh the costs to customers, which costs include having them bear the risk of
 3 Applicants' plant investments. The proposed adjustor will therefore not be approved.

4 4. Property Tax Expense Adjustor Mechanism

5 Applicants believe that property tax expense, which is not within their control, will become
 6 increasingly volatile in the near future.²⁹² Between 2006 and 2008, Santa Cruz's property tax
 7 expense increased from \$106,204 to \$423,523, or 298%.²⁹³ Applicants originally requested a pass
 8 through mechanism, but in rebuttal testimony, requested an adjustor mechanism instead.²⁹⁴

9 Staff believes that both the pass-through mechanism as Applicants originally proposed, and
 10 the adjustor mechanism would be inappropriate and unnecessary.²⁹⁵ Maricopa concurs with Staff,
 11 and states that it wishes to clarify that the Company's reference to a fluctuation in the construction
 12 sales tax rate is misleading because the construction sales tax neither relates to nor has any effect
 13 upon property taxes.²⁹⁶ RUCO is also in agreement with Staff that an adjustor mechanism is not an
 14 appropriate method of recovery for such a routine expense as property tax.²⁹⁷

15 Staff and RUCO both recommend a property tax adjustment to operating income instead.²⁹⁸
 16 For the same reasons that it argues against approval of the proposed distributed renewable energy
 17 tariff, RUCO recommends denial of the proposed property tax adjustor.²⁹⁹ Staff asserts that pass
 18 through mechanisms are used for items that are known and measurable, easily calculated, or based
 19 only on a single factor, such as sales or revenue, and that Applicants' property taxes do not satisfy
 20 this criteria as the revenue input is an estimate.³⁰⁰ Staff explains that property tax expense is clearly
 21 not known and measurable, because the gross revenue is only one variable in the property tax
 22 expense calculation.³⁰¹ Staff also argues that an adjustor mechanism would also be inappropriate,

23 ²⁹² *Id.* at 53.

24 ²⁹³ Co. Final Schedule Santa Cruz E-2.

25 ²⁹⁴ Co. Br. at 53, citing to Rebuttal Testimony of Company witness Jamie Moe (Exh. A-22) at 8.

26 ²⁹⁵ Staff Br. at 5.

27 ²⁹⁶ Maricopa Br. at 18.

28 ²⁹⁷ RUCO Reply Br. at 9.

²⁹⁸ Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 25; Surrebuttal Testimony of Staff witness Crystal Brown (Exh. S-7) at 10; RUCO Reply Br. at 9.

²⁹⁹ RUCO Reply Br. at 9.

³⁰⁰ Staff Br. at 5, citing to Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 25-26.

³⁰¹ *Id.*

1 because Applicants' property tax expenses do not meet the criteria of constituting a highly volatile
 2 expense, because they are not fluctuating to a degree that would be considered volatile.³⁰² Staff also
 3 argues that Applicants' property tax expenses, which according to Applicants, range from 2.7 percent
 4 to 6.4 percent of operating expenses, do not constitute a significantly large percentage of total
 5 operating expenses to merit an adjustor mechanism.³⁰³

6 The evidence presented demonstrates an increase in property tax expense, but not volatility.
 7 Neither a pass through nor an adjustor mechanism are appropriate methods for recovery for such a
 8 routine expense as property tax, and neither will be authorized at this time. We will instead authorize
 9 property tax expense recovery in the usual forward looking manner for Applicants in this proceeding.
 10 If property taxes become volatile as predicted by Applicants, they can present evidence of volatility
 11 in a future rate proceeding and renew their request.

12 D. Operating Income Summary

	Palo Verde	Valencia - Greater Buckeye	Willow Valley	Santa Cruz	WUGT	Valencia - Town
Adjusted Test Year Revenues	\$6,643,813	\$380,474	\$473,527	\$9,409,861	\$259,304	\$3,037,462
Adjusted Test Year Operating Expenses	\$6,128,842	\$355,865	\$561,703	\$7,231,606	\$226,183	\$3,585,808
Adjusted Test Year Operating Income	\$514,971	\$24,609	(\$88,176)	\$2,178,255	\$33,121	(\$548,346)

22 V. COST OF CAPITAL

23 The parties' rate of return recommendations based on their weighted average cost of capital
 24 ("WACC") recommendations for each of the utilities/divisions are as follows:

	Applicants	RUCO	Staff
25 Palo Verde	8.34%	8.03%	8.30%
26 Valencia-Greater Buckeye	8.65%	8.03%	8.10%
Willow Valley	8.65%	8.03%	8.20%

27
 28 ³⁰² *Id.*, citing to Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 26.

³⁰³ *Id.*

1	Santa Cruz	8.49%	8.03%	8.50%
2	WUGT	8.65%	(8.03% Operating Margin)	(10.0% Operating Margin)
3	Valencia-Town	8.65%	8.03%	8.70%

A. Capital Structure

1. Parties' Capital Structure Recommendations

	Applicants	RUCO	Staff	
	% Debt/Equity	% Debt/Equity	% Debt/Equity	
7	Palo Verde	45.30 / 54.70	37.89 / 62.11	45.30 / 54.70
8	Valencia- Greater Buckeye	37.89 / 62.11	37.89 / 62.11	54.90 / 45.10
9	Willow Valley	37.89 / 62.11	37.89 / 62.11	40.00 / 60.00
10	Santa Cruz	43.90 / 56.10	37.89 / 62.11	43.90 / 56.10
11	WUGT	37.89 / 62.11	N/A	N/A
12	Valencia-Town	37.89 / 62.11	37.89 / 62.11	40.00 / 60.00

2. Discussion

13 Palo Verde and Santa Cruz have 100 percent equity on their books, but for purposes of this
 14 rate case, Applicants have agreed to impute Industrial Development Authority of Pima County tax-
 15 free bond debt issued by Global Parent ("IDA Bonds") to those utilities, as the IDA Bond proceeds
 16 were used to fund projects for Palo Verde and Santa Cruz.³⁰⁴ For the remaining utilities, Applicants
 17 originally proposed their actual capital structures, but now accept RUCO's proposed hypothetical
 18 capital structure as a compromise.³⁰⁵

19 RUCO's capital structure recommendation is a composite based on the combined amounts of
 20 long term debt and common equity of each of the six utilities/divisions.³⁰⁶ RUCO states that its
 21 recommended capital structure produces a lower weighted cost of common equity which is consistent
 22 with the lower risk that the Global Utilities face when compared to the more leveraged companies
 23 used in RUCO's proxy.³⁰⁷ RUCO further states that its composite capital structure recommendation
 24 is close to the 40 percent debt/60 percent equity capital structure the Commission has stated is in line

25 ³⁰⁴ From 2006 through 2008 Global Parent acquired a total of \$115,180,000 in IDA Bonds. The IDA Bonds were issued
 26 in three series: 2006, 2007, and 2008. At the time of issuance for each series, Global Parent identified specific capital
 27 expansion and improvements to Santa Cruz's water system and Palo Verde's wastewater and recycled water systems.
 Direct Testimony of Company witness Matthew Rowell (Exh. A-12) at 23, Attachment MJR-3.

³⁰⁵ Rebuttal Testimony of Company witness Matthew Rowell (Exh. A-13) at 40.

³⁰⁶ RUCO Br. at 18.

³⁰⁷ *Id.*, citing to Direct Cost of Capital Testimony of RUCO witness William Rigsby (Exh. R-6) at 51.

1 with the industry average.³⁰⁸

2 Staff's recommended capital structures for Palo Verde and Santa Cruz are based on
 3 Applicants' proposed capital structures for those utilities.³⁰⁹ For Willow Valley and Valencia Town,
 4 Staff proposed hypothetical capital structures of 40 percent debt/60 percent equity in lieu of the actual
 5 capital structure of 18.7 percent debt/83.3 percent equity for Willow Valley, and 32.8 percent
 6 debt/67.2 percent equity for Valencia-Town originally proposed by Applicants.³¹⁰ As a starting point
 7 for Valencia-Buckeye, Willow Valley and Valencia-Town, Staff removed the amount of the
 8 acquisition adjustments paid for those utilities, which brought the capital structures down to 54.9
 9 percent debt/45.1 percent equity for Valencia-Buckeye, 23.3 percent debt/76.7 percent equity for
 10 Willow Valley and 32.8 percent debt/67.2 percent equity for Valencia Town.³¹¹ Because the
 11 resulting structures for Willow Valley and Valencia Town would still be weighted heavily toward
 12 equity, Staff instead recommends a 40 percent debt/60 percent equity structure for them.³¹² Staff
 13 believes the hypothetical capital structures are necessary to protect Willow Valley and Valencia-
 14 Town ratepayers from inefficient capital structures, and Staff chose 40 percent debt/60 percent equity
 15 as a hypothetical structure because 60 percent is the maximum level of equity Staff considers
 16 reasonable for a for-profit water utility with access to the capital markets.³¹³ Staff recommends the
 17 54.9 percent debt/45.1 percent equity capital structure for Valencia-Buckeye, as it does not exceed
 18 Staff's standard.³¹⁴

19 Applicants disagree with Staff's proposed hypothetical 40 percent debt/60 percent equity
 20 capital structures for Willow Valley and Valencia-Town.³¹⁵ Applicants contend that there is no firm
 21 60 percent cap on equity ratios, and state that the Commission has approved 100 percent equity
 22 ratios. Applicants argue that their acceptance of RUCO's composite 37.89 percent debt/62.11
 23 percent equity capital structure for Willow Valley and Valencia-Town brings them very close to
 24

25 ³⁰⁸ *Id.* at 19.

³⁰⁹ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 26-28.

26 ³¹⁰ *Id.*

³¹¹ *Id.* at 27-28.

27 ³¹² *Id.* at 26-28.

³¹³ *Id.*

³¹⁴ *Id.* at 28.

28 ³¹⁵ Co. Reply Br. at 24.

1 Staff's recommendation.³¹⁶

2 Staff argues that the capital structure proposed by RUCO and agreed to by Applicants should
3 be rejected in favor of Staff's recommendations.³¹⁷ Staff points out that RUCO developed its
4 composite capital structure prior to RUCO's decision to treat the ICFAs as CIAC, and RUCO has
5 acknowledged the that the composite capital structure would be different if it had been determined
6 after that decision.³¹⁸

7 **3. Conclusion**

8 While we understand the rationale behind RUCO's "blanket" capital structure
9 recommendation, we find it more reasonable to use the imputed IDA Bond debt to the Palo Verde
10 and Santa Cruz capital structures as proposed by Applicants and accepted by Staff. Global Utilities'
11 proposal to apply RUCO's composite to the remaining utilities/divisions would provide a less
12 realistic alternative than that proposed by Staff, as the composite would only be applied to two of the
13 utilities upon which it is based. Of the three proposals, we therefore find Staff's to be the more
14 reasonable, in that it more closely reflects the actual capital structures of each utility while still
15 protecting ratepayers from capital structures that exceed a reasonable equity ratio. We therefore
16 adopt the following capital structures to be used in determining the rate of return for Global Utilities:

	% Debt/Equity
Palo Verde	45.30 / 54.70
Valencia – Greater Buckeye	54.90 / 45.10
Willow Valley	40.00 / 60.00
Santa Cruz	43.90 / 56.10
WUGT	N/A
Valencia – Town	40.00 / 60.00

21 **B. Cost of Debt**

22 **1. Parties' Cost of Debt Recommendations**

	Applicants	RUCO	Staff
Palo Verde	6.34%	6.44%	6.3%
Valencia – Greater Buckeye	6.44%	6.44%	6.6%
Willow Valley	6.44%	6.44%	5.5%
Santa Cruz	6.57%	6.44%	6.6%
WUGT	6.44%	N/A	N/A

27 ³¹⁶ *Id.*

28 ³¹⁷ Staff Br. at 9.

³¹⁸ *Id.*, citing to Tr. at 593.

Valencia – Town	6.44%	6.44%	6.7%
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2. Discussion

For Palo Verde and Santa Cruz, Applicants propose using the actual weighted interest cost associated with the imputed IDA bonds as the cost of debt.³¹⁹ For the other utilities/divisions, Applicants are accepting RUCO's composite cost of debt as a compromise.³²⁰

RUCO reached its proposed 6.44 percent "blanket" cost of debt by calculating a weighted average of Applicants' proposed cost of debt using the projected dollar amounts of long-term debt for each of the six utilities/divisions.³²¹ RUCO states that using the weighted average of the six utilities/divisions provides a result in line with the industry average.³²²

Staff's recommendation bases cost of debt on the actual costs of debt of each individual utility/division, as Applicants originally proposed.³²³ Staff states that its method of setting debt cost recognizes the specific financing and cost of financing, thus reducing cross-utility subsidization.³²⁴

3. Conclusion

We find Staff's cost of debt recommendation to be the more reasonable of the recommendations presented, because it recognizes the specific financing and cost of financing for each utility/division. For purposes of this rate case, we therefore adopt the following costs of debt:

Palo Verde	6.34%
Valencia-Greater Buckeye	6.60%
Willow Valley	5.50%
Santa Cruz	6.57%
WUGT	N/A
Valencia-Town	6.70%

C. Cost of Equity

1. Parties' Cost of Equity Recommendations

Unlike the cost of debt, which can be based on actual costs, Applicants' cost of equity must be estimated. Applicants propose a 10 percent return on the cost of common equity, based on Staff's

³¹⁹ Global Br. at 35, citing to Direct Testimony of Company witness Matthew Rowell (Exh. A-12) at 30.

³²⁰ Rebuttal Testimony of Company witness Matthew Rowell (Exh. A-13) at 40.

³²¹ RUCO Br. at 19-20, citing to Direct Cost of Capital Testimony of RUCO witness William Rigsby (Exh. R-6) at 52.

³²² RUCO Br. at 20.

³²³ Staff Br. at 10, citing to Surrebuttal Testimony of Staff witness Linda Jaress (Exh. S-11) at 21.

1 cost of equity recommendation in Docket No. W-01303A-08-0227 et al. as presented in the January
 2 12, 2009 Direct Testimony of Staff witness David Parcell in Commission Docket No. W-01303A-08-
 3 0227 et al.³²⁵ Staff recommends adoption of Applicants' proposed 10 percent cost of equity for this
 4 case.³²⁶ RUCO's cost of equity recommendation of 9.0 percent, based on the cost of equity analysis
 5 performed by its witness William Rigsby.

6 2. Discussion

7
 8 Applicants state that their 10 percent cost of equity proposal is consistent with Staff's cost of
 9 equity recommendation in Docket No. W-01303A-08-0227 et al., with more recent Staff cost of
 10 equity recommendations, and with the Commission's Decision No. 71308 (October 21, 2009) in the
 11 most recent rate case for Chaparral City Water Company, Inc.³²⁷ Applicants state that they proposed
 12 this cost of equity to reduce the issues in dispute, and thus reduce the expense for all parties involved
 13 in the case.³²⁸

14
 15 Staff's witness states that Staff recently conducted a cost of equity analysis based on a sample
 16 of six water utilities and filed its related cost of capital testimony on September 21, 2009, in
 17 Commission Docket No. SW-02361A-08-0609 for Black Mountain Sewer Corporation ("Black
 18 Mountain").³²⁹ Staff asserts that although differences in circumstances between utilities can cause
 19 differing results in the specific estimated equity costs for each utility, the fundamental analysis is
 20 essentially the same, and Staff's cost of equity analysis in the Black Mountain case used the same
 21 methodology Staff would have used if it had performed an analysis in this case.³³⁰ Staff's witness
 22 testified that the underlying analysis from the Black Mountain case can reasonably be applied to this
 23

24 ³²⁴ *Id.*

25 ³²⁵ Co. Br. at 36, citing to Exh. A-16.

26 ³²⁶ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 29.

27 ³²⁷ Co. Br. at 36, citing to Exh. A-17, September 21, 2009 Direct Testimony of Staff witness Juan Manrique in
 Commission Docket No. SW-02361A-08-0609 (Black Mountain Sewer Corporation); and citing to Exh. A-18, June 12,
 2009 Direct Testimony of Staff witness David Parcell in Commission Docket No. W-01445A-08-0440 (Arizona Water
 Company).

28 ³²⁸ Co. Br. at 36.

³²⁹ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 29.

³³⁰ *Id.*; Staff Br. at 11, citing to Tr. at 757.

1 case, because that analysis is current and is based on a sample of water utilities.³³¹ Staff's cost of
 2 equity estimates for the sample companies ranged from 9.8 percent for the capital asset pricing model
 3 ("CAPM") to 10.7 percent for the discounted cash flow method ("DCF").³³² Staff's witness testified
 4 that since Applicants' proposed 10.0 percent return on equity is within Staff's recent estimated cost
 5 of equity range and because Staff supports Applicants' efforts to reduce unnecessary activities and
 6 costs, Staff recommends adoption of Applicants' proposed 10 percent cost of equity for this case.³³³
 7 As further support for its recommendation, Staff states that Decision No. 71308 recently adopted a
 8 9.9 percent cost of equity.³³⁴ In response to questioning from RUCO as to whether the economy is a
 9 factor to be considered in a cost of equity analysis, Staff's witness testified in the affirmative, and
 10 stated that the current state of the economy was considered in the recent Commission discussions and
 11 recent Staff testimony.³³⁵

12 RUCO initially recommended a cost of equity of 8.01 percent, which Mr. Rigsby reached by
 13 taking the mean average of its DCF and CAPM estimates.³³⁶ Mr. Rigsby's analysis was based on
 14 sample water and natural gas distribution companies.³³⁷ Based on RUCO's opinion that the financial
 15 markets are improving, RUCO increased its recommended cost of equity capital from 8.01 percent to
 16 9.00 percent.³³⁸ At the hearing, Mr. Rigsby explained that he revised his 8.01 percent
 17 recommendation upward based on the recommendation he was making in testimony in another rate
 18 case pending before the Commission.³³⁹

19 RUCO is critical of the fact that Applicants and Staff based their cost of equity
 20 recommendation on analysis performed in prior rate cases, going so far as to state that "neither Staff
 21 nor the Company's recommendation is supported by substantial evidence . . . based on the record in
 22 this case."³⁴⁰ In response to RUCO's criticism that it did not perform a cost of equity analysis
 23

24 ³³¹ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 29; see Exh. A-17 at 13.

25 ³³² Exh. A-17 at 34.

26 ³³³ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 29.

27 ³³⁴ *Id.* at 30.

28 ³³⁵ Tr. at 759.

³³⁶ RUCO Br. at 20, citing to Direct Testimony of RUCO witness William Rigsby on Cost of Capital (Exh. R-6) at 7.

³³⁷ Direct Testimony of RUCO witness William Rigsby on Cost of Capital (Exh. R-6) at 17-22.

³³⁸ RUCO Br. at 21.

³³⁹ Tr. at 588.

³⁴⁰ RUCO Br. at 22-25; RUCO Reply Br. at 11-12.

1 specifically for this case in reaching its recommendation, Staff pointed out that RUCO's cost of
 2 equity analysis in this case is also based on RUCO's cost of equity analysis it conducted in recent rate
 3 cases.³⁴¹ RUCO disagrees with Staff that a similarity exists between Mr. Rigsby's consideration of
 4 his analysis in one case to revise his cost of equity estimate in another case, and what RUCO terms
 5 Staff's and Applicants' "lack of analysis" in this case.³⁴²

6 Applicants contend that the Staff testimony entered into the record in this proceeding provides
 7 solid evidentiary support for adoption of a 10 percent cost of equity.³⁴³ Applicants also point out that
 8 the differences cited by RUCO between those cases and this case, such as differing operating
 9 expenses, operating revenues, rate bases, parent companies, and total water management, were not
 10 relied on by RUCO's cost of equity witness in his testimony.³⁴⁴ Applicants state that RUCO is also
 11 recommending the same cost of equity for each of the Utilities, despite the fact that each has differing
 12 operating expenses, operating revenues, and rate bases.³⁴⁵

13 We find that the evidence presented by RUCO as a basis for its cost of equity
 14 recommendation constitutes substantial evidence in support of its cost of equity recommendation.
 15 We further find that the evidence presented by the Company as a basis for its cost of equity
 16 recommendation,³⁴⁶ contrary to RUCO's assertion, constitutes evidence that is no less substantial in
 17 support of its recommendation and of Staff's acceptance thereof. The methodologies on which each
 18 of the parties relied in making their cost of equity recommendations are clearly set forth in the
 19 hearing exhibits. Based on a consideration of all the evidence presented in this proceeding, we find
 20 a cost of common equity of 9.0 percent to be reasonable in this case. This level of return on equity
 21 reasonably and fairly balances the needs of Applicants and their ratepayers, is reflective of current
 22 market conditions, and results in the setting of just and reasonable rates.

23 ³⁴¹ Staff Br. at 11, citing to Tr. at 587-589.

24 ³⁴² RUCO Reply Br. at 12, citing to Tr. at 588.

25 ³⁴³ Co. Reply Br. at 24, citing to Exh. A-16, January 12, 2009 Direct Testimony of Staff witness David Parcell in
 Commission Docket No. W-01303A-08-0227 *et al.*; Exh. A-17, September 21, 2009 Direct Testimony of Staff witness
 26 Juan Manrique in Commission Docket No. SW-02361A-08-0609 (Black Mountain Sewer Corporation); and citing to
 Exh. A-18, June 12, 2009 Direct Testimony of Staff witness David Parcell in Commission Docket No. W-01445A-08-
 0440 (Arizona Water Company).

27 ³⁴⁴ Co. Reply Br. at 24-25, citing to Direct Testimony of RUCO witness William Rigsby on Cost of Capital and
 Surrebuttal Testimony of RUCO witness William Rigsby (Exhs. R-6 and R-7).

28 ³⁴⁵ Co. Br. at 25.

³⁴⁶ Exhs. A-16, A-17, A-18, and A-19.

1 WUGT, there is insufficient investment upon which to grant WUGT a return. Staff recommends an
 2 operating margin of 10 percent for WUGT. Global Utilities states that if the CIAC imputation for
 3 WUGT as recommended by Staff and RUCO is accepted, it agrees with the use of Staff's
 4 recommended operating margin of 10 percent.³⁴⁷ RUCO recommends an operating margin of 8.03
 5 percent, which is the same as RUCO's cost of capital recommendation for the other five
 6 utilities/districts.

7 Authorizing an operating margin for WUGT presents a regulatory challenge, as any part of an
 8 operating margin that is not used to cover legitimate utility expenses would accrue to the utility as
 9 income. Allowing a utility to collect an operating margin in rates has the potential to allow the utility
 10 to accrue a net income similar to the return earned by a utility that has made an investment in plant.
 11 In other words, authorizing an operating margin when there is no rate base investment has the
 12 potential of allowing the utility to realize a profit without making any investment, creating a windfall
 13 for the utility, without the utility having put any capital at risk.

14 We do not wish to reward WUGT for having a negative rate base. However, neither do we
 15 wish to risk placing its customers in the position of being served by a utility that is unable to meet its
 16 legitimate operating expenses. Therefore, in order to protect WUGT's customers, we will authorize
 17 an operating margin that will allow WUGT to meet its legitimate operating expenses while it works
 18 to build its equity investment. The issue of whether an operating margin remains suitable, and
 19 whether the size of the operating margin is appropriate, will be re-evaluated in WUGT's next rate
 20 filing if it still has a negative rate base such that authorizing an operating margin in lieu of a rate of
 21 return calculation would be necessary in order to prevent operating losses.

22 In keeping with the basis for RUCO's operating margin recommendation, we find it
 23 reasonable to provide WUGT with an operating margin equivalent to the average of the rates of
 24 return granted to the other utilities/divisions in this proceeding, or 7.82 percent.

25 **VI. REVENUE REQUIREMENT**

26 **A. Summary**

27
 28 ³⁴⁷ Co. Br. at 36.

1 Based on the discussion herein, revenue increases for each of the utilities/divisions are
2 authorized as follows:

3 **Palo Verde**

4 Based on our findings herein, we determine that Palo Verde's gross revenue should increase
5 by \$6,063,392, or 91.26 percent.

6	Fair Value Rate Base	\$53,314,083
7	Adjusted Operating Income	514,971
8	Required Fair Value Rate of Return	7.80%
9	Required Operating Income	4,158,498
10	Operating Income Deficiency	3,643,528
	Gross Revenue Conversion Factor	1.66415
	Gross Revenue Increase	\$ 6,063,392

11 **Valencia-Greater Buckeye**

12 Based on our findings herein, we determine that Valencia-Greater Buckeye's gross revenue
13 should increase by \$77,259, or 20.31 percent.

14	Fair Value Rate Base	\$929,057
15	Adjusted Operating Income	24,609
16	Required Fair Value Rate of Return	7.68%
17	Required Operating Income	71,352
18	Operating Income Deficiency	46,742
	Gross Revenue Conversion Factor	1.65286
	Gross Revenue Increase	\$ 77,259

19 **Willow Valley**

20 Based on our findings herein, we determine that Willow Valley's gross revenue should
21 increase by \$428,047, or 90.40 percent.

22	Fair Value Rate Base	\$2,251,164
23	Adjusted Operating Income	(88,176)
24	Required Fair Value Rate of Return	7.60%
25	Required Operating Income	171,088
	Operating Income Deficiency	259,265
	Gross Revenue Conversion Factor	1.65100
	Gross Revenue Increase	\$ 428,047

26 **Santa Cruz**

27 Based on our findings herein, we determine that Santa Cruz's gross revenue should increase
28 by \$1,542,323, or 16.39 percent

1	Fair Value Rate Base	\$39,155,692
2	Adjusted Operating Income	2,178,255
3	Required Fair Value Rate of Return	7.93%
4	Required Operating Income	3,105,046
5	Operating Income Deficiency	926,791
6	Gross Revenue Conversion Factor	1.66415
7	Gross Revenue Increase	\$ 1,542,323

WUGT

8 The adjusted test year operating income for WUGT was \$33,121. A 7.82 percent operating
9 margin results in operating income of \$18,379. Based on our findings herein, we determine that the
10 WUGT's gross revenue should decrease by \$24,283, or 9.36 percent.

11	Fair Value Rate Base	(\$4,186,150)
12	Adjusted Operating Income	33,121
13	Operating Margin	7.82%
14	Required Operating Margin	18,379
15	Operating Income Deficiency	(\$14,742)
16	Gross Revenue Conversion Factor	1.64724
17	Gross Revenue Increase	(\$24,283)

Valencia-Town

18 Based on our findings herein, we determine that Valencia-Town's gross revenue should
19 increase by \$1,473,012, or 48.49 percent.

20	Fair Value Rate Base	\$4,240,018
21	Adjusted Operating Income	(\$548,346)
22	Required Fair Value Rate of Return	8.08%
23	Required Operating Income	342,593
24	Operating Income Deficiency	890,939
25	Gross Revenue Conversion Factor	1.65332
26	Gross Revenue Increase	\$ 1,473,012

VII. RATE DESIGN**A. Water**

27 Applicants propose a rate design structure it calls "Rebate Threshold Rates" that is based on a
28 combination of six volumetric tiers, a volumetric rebate, and an increased monthly minimum
charge.³⁴⁸ Applicants assert that their proposed rate design meets the three core rate design goals of

³⁴⁸ Co. Reply Br. at 23; Direct Testimony of Company witness Graham Symmonds at 35-52.

1 revenue neutrality, equity and conservation.³⁴⁹ Applicants state that the goal of the proposed rate
 2 design is to provide clear incentives to both the utility and the customer to conserve.³⁵⁰ Applicants
 3 state that they intend to provide feedback, guidance and support to its customers in their conservation
 4 efforts, in the form of: (1) educational materials delivered via its website and monthly bills; (2)
 5 courses on xeriscaping and desert vegetation; (3) instruction on landscape irrigation; and (4) feedback
 6 on their personal water use.³⁵¹

7 1. Tier Structure

8 All parties proposing rate designs proposed inverted tier block rates. Applicants' proposal
 9 includes a six tier rate design. Staff recommends a three tier rate design, but has also provided a four
 10 tier rate design for consideration. RUCO agrees with the Company-proposed six tier structure.³⁵²

11 The tier breakpoints for the proposed rate designs are as follows:³⁵³

Global Utilities and RUCO 6 tier	Staff 3 tier	Staff 4 tier alternative
0-1,000	0-3,000	0-2,000
1,000-5,000	3,000-10,000	2,000-5,000
5,000-10,000	Over 10,000	5,000-10,000
10,000-18,000		Over 10,000
18,000-25,000		
Over 25,000		

20 Applicants assert that the six tier rate design allows for more granularity between tiers than a
 21 3 tier rate design, which allows customers to manage their own usage to minimize their costs.³⁵⁴
 22 Applicants assert that limiting rate design to three tiers means that the tiers are necessarily broad,
 23 which limits customers' opportunities to realize true cost savings.³⁵⁵ Global Utilities believes that a
 24 six tier rate design furnishes the customer with an opportunity to actively manage consumption and

25 ³⁴⁹ Direct Testimony of Company witness Graham Symmonds at 36.

26 ³⁵⁰ Co. Reply Br. at 23; Direct Testimony of Company witness Graham Symmonds at 35-52.

27 ³⁵¹ Co. Reply Br. at 23.

27 ³⁵² RUCO Br. at 27; RUCO Reply Br. at 13.

27 ³⁵³ Exh. A-44.

28 ³⁵⁴ Direct Testimony of Company witness Graham Symmonds at 38.

28 ³⁵⁵ *Id.*

1 receive the benefit of the lower rate of a lower tier, giving the customer greater control over his or her
 2 costs.³⁵⁶ Applicants are critical of Staff's rate design proposal, stating that in comparison to their
 3 proposal, Staff's rate design has lower volumetric charges for higher consumers, and higher
 4 volumetric charges for lower consumers, which sends the wrong price signal.³⁵⁷ Applicants argue
 5 that under Staff's rate design proposal, higher tier users have less of a financial incentive to adjust
 6 their consumption, and no financial incentive to conserve beyond 10,000 gallons of consumption per
 7 month.³⁵⁸

8 Staff states that it does not have a fundamental disagreement with Applicants regarding the
 9 number of tiers it proposes.³⁵⁹ Staff is concerned, however, with the customers' transition to a six tier
 10 rate design.³⁶⁰ Staff points out that Santa Cruz and Valencia-Town currently have single tier rates,
 11 and Willow Valley, Valencia-Buckeye and WUGT currently have only two tier rate designs.³⁶¹ Staff
 12 expresses concern that customer confusion may result from the implementation of Global Utilities'
 13 proposed rate design, and that the confusion may undermine the efficient commodity usage goals that
 14 inverted tier rate structures exist to promote.³⁶² Staff recommends "a more modest immediate
 15 conversion to three tiers and would recommend deferring implementation of more tiers until a future
 16 rate case when the Company's customers have had an opportunity to educate themselves on how
 17 inverted multi-tier rate designs function so they can make efficient choices."³⁶³ Staff believes that it
 18 will be difficult for customers to understand how the volumetric rebate (discussed below) and the
 19 implementation of a multi-tiered rate structure may be combined to secure financial benefits.³⁶⁴ Staff
 20 states that in the event it is determined that circumstances warrant using more than three tiers, Staff
 21 developed an alternative four tiered rate structure.³⁶⁵

22 While it is true that any change in rate structure may result initially in customer confusion and
 23

24 ³⁵⁶ *Id.*

³⁵⁷ Co. Br. at 37.

³⁵⁸ *Id.*

³⁵⁹ Staff Reply Br. at 15, citing to Tr. at 707.

³⁶⁰ Staff Reply Br. at 15.

³⁶¹ *Id.* at 14.

³⁶² *Id.*

³⁶³ *Id.* at 15.

³⁶⁴ *Id.* at 15-16.

³⁶⁵ *Id.*

1 will require customer education, it is not apparent that a more “modest” conversion to first three tiers
 2 in this case, then later to more tiers in a subsequent case, as recommended by Staff, would result in
 3 less overall customer confusion. It is clear, however, that a rate design that gives customers greater
 4 control over their costs by allowing them to tailor their water usage, if they so choose, does provide a
 5 benefit to customers. The benefits of implementation of a conservation-oriented rate design that will
 6 give customers the ability to control their costs outweigh the negative aspect of initial customer
 7 confusion over the new rate design. We therefore find that implementation of the six tier rate design
 8 proposed by Applicants is in the public interest at this time.

9 As Staff pointed out, the implementation of a six tier rate design may initially result in
 10 customer confusion. We do not disagree, and believe the issue must be addressed proactively.
 11 Global Utilities has stated an intent to make customer education a part of its “Rebate Threshold Rate”
 12 program. We will require that the customer notification of the new rates to be implemented as a
 13 result of this Decision include a specific and comprehensive explanation of the new method by which
 14 the customers’ bills will be calculated, and a means to contact the utility to learn more about how the
 15 rate design will affect their specific usage patterns. Global Utilities shall provide adequate training to
 16 all its customer service representatives to ensure that customers who make inquiries will receive
 17 adequate, timely, and accurate explanation of the effects the new rate design will have on their bills.

18 2. Volumetric Rebate Threshold

19 As part of its conservation-oriented rate design, Global Utilities proposes a volumetric rebate
 20 program that establishes a rebate threshold volume for customers’ commodity rates.³⁶⁶ The rebate
 21 functions by establishing a consumption threshold.³⁶⁷ Applicants state that it is primarily designed to
 22 provide a benefit to residential customers, but that if commercial and industrial accounts are able to
 23 reduce their consumption below the rebate threshold, they would be eligible for the rebate.³⁶⁸ Under
 24 the proposed mechanism, when a customer achieves a consumption level below the rebate threshold,
 25 that customer is entitled to receive a reduction in commodity charges.³⁶⁹ Applicants propose a rebate

26
 27 ³⁶⁶ Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 37.

³⁶⁷ Staff Br. at 16.

³⁶⁸ Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 49.

³⁶⁹ *Id* at 37.

1 threshold at 90 percent of the average residential consumption for the period November 2007 to
 2 October 2008.³⁷⁰ The amount of the reduction for each utility varies, ranging from 45 percent to 65
 3 percent.³⁷¹ Applicants state that providing customer feedback on the attainment of the rebate
 4 threshold standard will allow residential ratepayers an opportunity to benefit financially, and thereby
 5 be more motivated to conserve resources, which will in turn result in the environmental benefit of
 6 reduced water withdrawals.³⁷² According to Applicants' analysis, as an example, 57.6 percent of
 7 Santa Cruz's accounts would currently be eligible for the proposed volumetric rebate.³⁷³

8 Staff expresses concerns with regard to the rebate mechanism and the potential that this novel
 9 rate design device could cause the Applicants to substantially either over earn or under earn.³⁷⁴ Staff
 10 notes that the Applicants included anticipated payout of rebates in its proposed revenue requirement,
 11 thereby making it possible for the Applicants to exceed its revenue requirement under certain
 12 circumstances, such as if customer water usage were to increase due to abnormal weather variations
 13 thus leading to fewer customers meeting the rebate threshold.³⁷⁵ Staff points out that Applicants
 14 recognize the risk of possible under recovery of revenues due to success of the rebate mechanism,
 15 and that this is why the proposed rate design projects the volumetric rebates that Global Utilities
 16 expect to occur.³⁷⁶ Staff argues that the need for this additional mechanism demonstrates that the
 17 rebate is unduly complicated and introduces unnecessary complexity, and should therefore be
 18 rejected.³⁷⁷

19 RUCO states that it supports programs to encourage conservation, but that RUCO believes
 20 that the six tier rate structure and the increased monthly minimum alone will send a proper price
 21 signal to conserve water.³⁷⁸ RUCO does not believe that the volumetric rebate proposal would
 22 encourage conservation, and therefore does not support it.³⁷⁹ RUCO asserts that the volumetric
 23

24 ³⁷⁰ *Id.*

³⁷¹ *Id.*

³⁷² *Id.* at 46.

³⁷³ *Id.* at 47.

³⁷⁴ Staff Br. at 16.

³⁷⁵ *Id.*; Surrebuttal Testimony of Staff witness Darak Eaddy (Exh. S-9) at 5.

³⁷⁶ Staff Br. at 17; Surrebuttal Testimony of Staff witness Darak Eaddy (Exh. S-9) at 5.

³⁷⁷ Staff Br. at 17.

³⁷⁸ Direct Rate Design Testimony of RUCO witness William Rigsby (Exh. A-5) at 9.

³⁷⁹ RUCO Br. at 27; RUCO Reply Br. at 13.

1 rebate proposal is flawed because it would award rebates to all customers who consume less than the
 2 median amount, whether they have always had usage below the median or not; and also because high
 3 use customers who reduce their usage demonstrably, but still have usage exceeding the minimum,
 4 would not benefit from the rebate.³⁸⁰

5 Applicants acknowledge Staff and RUCO's point that the volumetric rebate program already
 6 applies to customers with usage levels below the threshold. Applicants disagree with the arguments
 7 of RUCO and Staff that it provides no conservation incentive to such customers, however, and assert
 8 that those customers will be deterred from increasing their usage for fear of losing their rebate.³⁸¹
 9 Applicants assert that the volumetric rebate program offers customers the option of being able to
 10 manage their usage to achieve cost reductions.³⁸² Testimony submitted on behalf of Applicants also
 11 acknowledges RUCO's point that high use customers will not benefit from the program.³⁸³ Funding
 12 of the volumetric rebate program is skewed toward large water consumers, such that "heavier users of
 13 water pay more for that service."³⁸⁴ Applicants further point out that the incentive needs to be there
 14 to encourage conservation options such as internal re-use of water, or for heavy irrigation customers,
 15 switching to more efficient irrigation practices or xeriscape.³⁸⁵

16 Based on our analysis of the proposed volumetric rebate proposal, and of the arguments
 17 presented, we find that the volumetric rebate program as proposed by Applicants can provide a
 18 valuable conservation incentive and a welcome means for residential customers to limit the impact of
 19 the necessary revenue increases imposed in this Decision. As we stated in our discussion of the
 20 impact on customers of implementation of six tier rates, it is very important that the water Utilities
 21 provide adequate, timely, and accurate information to customers regarding the specific impact of the
 22 volumetric rebate program on the way customers' bills are calculated. We will require that the
 23 customer notification of the new rates to be implemented as a result of this Decision include a
 24 specific and comprehensive explanation of the new method by which the customers' bills will be

25 _____
 26 ³⁸⁰ RUCO Reply Br. at 13.

³⁸¹ Co. Reply Br. at 24.

³⁸² Co. Br. at 41.

³⁸³ Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 50.

³⁸⁴ *Id.*

³⁸⁵ *Id.*

1 calculated, and a means to contact the utility to learn more about how the rate design will affect their
 2 specific usage patterns. We will further require the water Utilities to provide adequate training to all
 3 its customer service representatives to ensure that customers who make inquiries will receive
 4 adequate, timely, and accurate explanation of the effects the new rate design, including the
 5 volumetric rebate threshold, will have on their bills.

6 Because the rate design we adopt includes projected revenues required to fund the volumetric
 7 rebates, we will require each water Utility to make quarterly volumetric threshold rebate reports as a
 8 compliance item in this docket. The quarterly filings shall commence on December 15, 2010, and
 9 shall continue until rates approved in the Utility's next rate case are effective. The quarterly
 10 volumetric threshold rebate report shall indicate, by month, the number of invoices prepared, the
 11 number of those invoices with consumption below the rebate threshold and thus entitled to the
 12 volumetric rebate, and the dollar amount of rebates provided to customers on those invoices.

13 3. Increased Monthly Minimum Charge

14 Applicants propose moving more recovery of fixed costs into the monthly minimum charge,
 15 asserting that doing so allows a utility to effect meaningful, measurable and repeatable resource
 16 conservation without the chance of utility revenue reduction.³⁸⁶ Applicants argue that to achieve
 17 conservation goals, the cycle of selling more water [to attain increased revenue] must be broken.³⁸⁷
 18 Applicants assert that the way to do so is to allow for the recovery of fixed utility costs by
 19 establishing a reasonable apportionment of costs to the monthly minimum and commodity charges,
 20 with a bias toward the monthly minimum.³⁸⁸ Applicants state that under Staff's rate design, using
 21 Santa Cruz as an example, a 4.6 percent reduction in consumption would result in an 11 percent
 22 reduction in revenue, while under Applicants' model, a 4.58 percent reduction in consumption would
 23 only result in a 5 percent reduction in revenue.³⁸⁹ Applicants designed their proposed residential
 24 monthly minimum charges to generate 50 percent of gross revenues from monthly minimum charges
 25 for all the water utilities/divisions in this application.³⁹⁰

26 ³⁸⁶ *Id.* at 39.

27 ³⁸⁷ *Id.*

28 ³⁸⁸ *Id.*

³⁸⁹ Co. Br. at 37-38.

³⁹⁰ Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 41, 51.

1 RUCO agrees with the proposed increase in the minimum monthly charge.³⁹¹

2 Staff agrees with Applicants that a movement toward greater recovery through monthly
3 minimums might provide a utility with greater flexibility to offer conservation incentives due to
4 increased revenue certainty.³⁹² However, Staff also argues that the need to increase the monthly
5 minimums in the manner proposed by Applicants and accepted by RUCO demonstrates that the
6 proposal is cumbersome and overly complex, and recommends that Staff's rate design be adopted
7 instead.³⁹³

8 We find that in conjunction with the six tier rate structure and volumetric rebate threshold
9 program we adopt herein, the monthly minimum charges should recover 50 percent of the utilities'
10 revenue requirement, as proposed by Applicants and RUCO. This component of the rate design
11 proposed by Applicants will be adopted.

12 4. Construction Meters

13 Applicants propose monthly minimum charges for construction meters in addition to
14 commodity charges. Applicants assert that the fixed monthly minimum charge goes toward utility
15 costs in providing system capacity for the construction meters.³⁹⁴ Staff disagrees with the proposals,
16 arguing that it is inappropriate to apply a monthly minimum to construction meters as they are
17 generally temporary meters.³⁹⁵ Staff recommends to instead increase construction meter commodity
18 rates to that charged for the highest tier for tiered meters.³⁹⁶ We agree with Applicants that their
19 construction water customers have meters and cause capacity and administrative costs which should
20 be recovered through monthly minimum charges, with commodity rates the same as all other
21 customers, based on usage, and will adopt Applicants' proposal.

22 5. Partial Consolidation Proposal

23 Applicants propose consolidating rates for WUGT, Valencia-Town and Valencia-Greater
24 Buckeye.³⁹⁷ Under Applicants' proposed revenue requirement, WUGT would face a significant rate

25 ³⁹¹ RUCO Br. at 27; RUCO Reply Br. at 13.

26 ³⁹² Staff Br. at 18, citing to Surrebuttal Testimony of Staff witness Darak Eaddy (Exh. S-9) at 18.

27 ³⁹³ Staff Br. at 18.

27 ³⁹⁴ Co. Br. at 43.

27 ³⁹⁵ Staff Reply Br. at 10.

28 ³⁹⁶ *Id.*

28 ³⁹⁷ Co. Br. at 42, citing to Direct Testimony of Company witness Matthew Rowell (Exh. A-12) at 3.

1 increase, and Applicants asserted that consolidating WUGT's rates would provide significant benefits
2 to WUGT customers while not significantly impacting the rates of the two Valencia divisions.³⁹⁸

3 RUCO does not believe that the proposed partial rate consolidation is in the best interests of
4 all the ratepayers, and in particular of the Valencia-Town and Valencia-Greater Buckeye
5 ratepayers.³⁹⁹ RUCO states that Valencia-Greater Buckeye's ratepayers would more than likely bear
6 the brunt of subsidizing WUGT, and that Valencia-Town and Valencia-Greater Buckeye's ratepayers
7 are unlikely to derive any meaningful contribution toward any reciprocal infrastructure improvements
8 from the small number of WUGT's ratepayers in the future.⁴⁰⁰ RUCO therefore takes the position
9 that a rate design based on cost of service is more appropriate in this case.⁴⁰¹

10 Staff states that as a consequence of Staff's ICFA recommendation, consolidation would
11 result in an increase in WUGT's rates that would effectively subsidize the Valencia-Town system,
12 which has approximately 5,000 customers, a far larger customer base than WUGT, which has
13 approximately 350 customers.⁴⁰² Staff states that if its ICFA proposal is adopted, consolidation
14 would result in a small utility bearing a substantial portion of the rate increase burden with little
15 benefit to the larger utility, and therefore Staff recommends against consolidation at this time.⁴⁰³

16 The revenue requirement authorized herein for WUGT is much lower than that proposed by
17 Applicants. Therefore, the basis for the consolidation as expressed by Applicants no longer exists.
18 The consolidation proposal will not be adopted.

19 B. Wastewater

20 Applicants proposed a three-year phase-in of rates for its Palo Verde district. Under this
21 proposal, one third of Palo Verde's revenue requirement would be recognized at the time of this
22 Decision, two-thirds one year later, and the full revenue requirement two years following this
23 Decision, without recovery of the foregone revenue at a later date.⁴⁰⁴ RUCO recommends that, given

24 ³⁹⁸ Co. Br. at 42.

25 ³⁹⁹ RUCO Br. at 25, citing to Direct Rate Design Testimony of RUCO witness William Rigsby (Exh. R-5) at 4.; RUCO
Reply Br. at 12.

26 ⁴⁰⁰ Direct Rate Design Testimony of RUCO witness William Rigsby (Exh. R-5) at 4-5.

27 ⁴⁰¹ *Id.* at 6.

28 ⁴⁰² Staff Br. at 18-19, citing to Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 29.

⁴⁰³ Staff Br. at 19, citing to Direct Testimony of Staff witness Crystal Brown (Exh. S-6) at 30.

⁴⁰⁴ Co. Br. at 7, citing to Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 20; Exh. A-1 at Schedule H-3,
Page 2 of 2; and Co. Final Schedules, Palo Verde, Schedule H-3, Page 2 of 2.

1 the magnitude of the increases and the current economic conditions, that the Commission adopt
 2 Applicants' phase in proposal.⁴⁰⁵ We agree that the phase in as proposed by Applicants for the Palo
 3 Verde wastewater rates is reasonable, and adopt it.

4 **VIII. OTHER ISSUES**

5 **A. Low Income Program**

6 Applicants propose a Low Income Tariff to provide direct assistance to qualified families,
 7 which is modeled on similar programs in place at APS and Tucson Electric Power and will be
 8 administered by the Arizona Community Action Association ("ACAA"). Applicants propose
 9 funding the program 50 percent by Global Parent and 50 percent by the application of a charge on
 10 existing ratepayers.⁴⁰⁶ Assuming that ratepayers funded \$50,000, and Global Parent provided
 11 matching funds to increase the available relief and to cover administrative overhead costs, there
 12 would be \$90,000 per year for possible allocation.⁴⁰⁷ Applicants state that the program would
 13 therefore be capped at \$90,000.⁴⁰⁸ Under Applicants' proposed limit of \$250 per year, the program
 14 could assist 360 families per year, or about 1 percent of Global Utilities' connections.⁴⁰⁹

15 Staff recommends that Applicants file the Low Income Relief Tariff within 60 days for Staff's
 16 review and the Commission's consideration.⁴¹⁰ Staff's recommendation is reasonable and will be
 17 adopted.

18 **B. Demand Side Management ("DSM") Program**

19 Global has designed a DSM Program to augment the rebate threshold rate structure, and allow
 20 for large consumers to achieve meaningful conservation with the assistance of the Utilities.⁴¹¹ Under
 21 the program, the Utilities will allocate 15 percent of the revenue generated from the sale of recycled
 22 water to the DSM Program.⁴¹² In areas where a Utility does not control recycled water, a similar pre-
 23 connection revenue amount will be allocated from revenues generated from the highest tier.⁴¹³ There

24 ⁴⁰⁵ RUCO Br. at 26; RUCO Reply Br. at 13.

25 ⁴⁰⁶ Co. Br. at 49.

26 ⁴⁰⁷ *Id.*

27 ⁴⁰⁸ *Id.* at 50.

28 ⁴⁰⁹ *Id.*

⁴¹⁰ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. A-11) at 18.

⁴¹¹ Co. Br. at 48.

⁴¹² Co. Br. at 48, citing to Rebuttal Testimony of Company witness Graham Symmonds (Exh. A-25) at 17.

⁴¹³ *Id.*

1 is no customer surcharge associated with the proposed DSM Program.⁴¹⁴ The program is directed at
 2 large consumers, including HOA customers with large usage, who can benefit from sophisticated
 3 irrigation management and appropriate turf replacement.⁴¹⁵ Applicants state that in addition,
 4 residential customers can benefit from turf replacement, rainwater catchment, toilet replacement, and
 5 other program elements.⁴¹⁶ Applicants state that they strongly believe that the Commission should
 6 formally approve the program⁴¹⁷

7 RUCO does not oppose the Company's proposal.⁴¹⁸

8 Staff states that after an initial review of the proposed DSM Program, Staff concludes that
 9 many of its elements are similar to the ADWR's Best Management Practices ("BMPs").⁴¹⁹ Staff
 10 states that it sees potential positive results from such a program but that because the tariff was filed in
 11 the rebuttal testimony phase of the proceeding, Staff requires more time and information to obtain a
 12 complete understanding of the program.⁴²⁰ Staff recommends that Applicants file the DSM Program
 13 tariffs within 60 days for Staff's review and the Commission's consideration.⁴²¹ Staff's
 14 recommendation is reasonable and will be adopted.

15 While the Commission recognizes the Company's efforts to develop a DSM program, we
 16 believe some additional guidance may be necessary. We believe it is reasonable to require the
 17 Company to develop at minimum 10 BMPs or 10 equivalent elements, applicable for each of the
 18 Company's water systems with average customer counts exceeding 5,000, and at least 3 BMPs or 3
 19 equivalent elements, for the Company's remaining water systems, as part of its DSM Program for
 20 Commission consideration.

21 C. Changes to Service and Miscellaneous Charges and Tariffs

22 1. Meter Exchange Fee

23 Meter size is determined by the home builder based on flow and pressure requirements.⁴²² At

24 ⁴¹⁴ *Id.* at 48, citing to Rebuttal Testimony of Company witness Graham Symmonds (Exh. A-25) at 17 and Tr. at 45.

25 ⁴¹⁵ *Id.* at 48, citing to Rebuttal Testimony of Company witness Graham Symmonds (Exh. A-25) at 20-21.

26 ⁴¹⁶ *Id.*

27 ⁴¹⁷ Co. Br. at 49.

28 ⁴¹⁸ RUCO Reply Br. at 11.

⁴¹⁹ Surrebuttal Testimony of Staff witness Linda Jaress (Exh. A-11) at 18.

⁴²⁰ *Id.*

⁴²¹ *Id.*

⁴²² Co. Br. at 43.

1 initial installation, the home builder requests a meter of sufficient size to ensure acceptable flow and
 2 pressure throughout the operational envelope.⁴²³ Applicants propose the creation of a Customer
 3 Meter Exchange Fee (Size) that applies when a homeowner requests that the meter be changed to a
 4 different size. Under this tariff, the homeowner will be responsible for:

5 1. Determining the appropriate size of the meter. Further, the homeowner
 6 agrees to hold harmless and release Global Water, its affiliated companies together
 7 with the employees, agents and assigns of such companies from any responsibility for
 8 direct or collateral damage, losses or operational impacts associated with the meter
 size change or the size of the meter being inadequate or insufficient for the needs of
 the homeowner.

9 2. Reimbursement of utility costs associated with that change, including
 10 cost of new meter and installation costs in accordance with A.A.C. R14-2-405(B)(5).
 See Service Line and Meter Installation Charges Tariff.

11 Applicants and Staff are in agreement on the Meter Exchange Fee language.⁴²⁴ Applicants
 12 should file within 60 days with the Commission's Docket Control, as a compliance item in this
 13 matter, a copy of its Meter Exchange Fee Tariff for Staff's review and the Commission's
 14 consideration.

15 2. Water Theft/Loss Tariffs

16 Applicants request approval of a water theft tariff that would allow the utility to charge a fee
 17 of \$500 for water theft. In the case of a homeowner, the fee would be added to their account, and in
 18 the case of water trucks stealing from utility hydrants, the fee would be presented in the form of an
 19 invoice to the responsible party. Staff disagrees with Applicants' proposal, stating that the relevant
 20 rule already exists in the form of A.A.C. R14-2-407(B)(4) which provides that "[e]ach customer shall
 21 be responsible for payment for any equipment damage resulting from unauthorized breaking of seals,
 22 interfering, tampering or bypassing the utility meter." Applicants respond that in the absence of
 23 equipment damage, the rule does not apply. While Applicants state that there is no way for the utility
 24 to recover its costs associated with managing these instances, Staff points out that Applicants have
 25 recourse with the relevant law enforcement entities, as water theft is a Class 7 Felony. Applicants
 26 have provided no authority for the proposition that the Commission can fine non-ratepayers for
 27

28 ⁴²³ *Id.*, citing to Direct Testimony of Graham Symmonds (Exh. A-24) at 56.

⁴²⁴ Staff Br. at 20; Tr. at 489.

1 criminal conduct. We agree with Staff. Approval of such a tariff would not be in the public interest,
2 and it will not be approved.

3 3. Hydrant Meter Deposit Charge

4 Applicants and Staff are in agreement on Applicants' proposed refundable Hydrant Meter
5 Deposit Charge that reflects the replacement cost of these large expensive pieces of equipment.
6 Applicants should file within 60 days with the Commission's Docket Control, as a compliance item
7 in this matter, a copy of its Hydrant Meter Deposit Charge Tariff for Staff's review and the
8 Commission's consideration.

9 4. Lock/Security Tab Cutting Charge

10 Applicants request authority to impose a Lock/Security Tab Cutting Charge designed to
11 defray the costs associated with dealing with such events. Staff disagrees with Applicants' proposal,
12 stating that the relevant rule already exists in the form of A.A.C. R14-2-407(B)(4) which provides
13 that "[e]ach customer shall be responsible for payment for any equipment damage resulting from
14 unauthorized breaking of seals, interfering, tampering or bypassing the utility meter." Staff points
15 out that if the perpetrators are not customers of the utility, then Applicants have recourse with the
16 relevant law enforcement entities, and that Applicants have provided no authority for the proposition
17 that the Commission can fine non-ratepayers for criminal conduct. We agree with Staff. Approval of
18 such a tariff would not be in the public interest, and it will not be approved.

19 5. Source Control Tariff

20 Applicants have prepared a comprehensive Source Control Program Tariff for its Palo Verde
21 Utility.⁴²⁵ The purposes of the tariff are to protect the collection systems from blockages and
22 damages, to protect the treatment system from process upsets, to protect the quality of recycled water,
23 to protect the quality of biosolids (sludge), and to protect human health and the environment from
24 damage.⁴²⁶ Staff agrees that the requested Source Control Program Tariff is appropriate, including
25 the \$250 fee for commercial customers found to be violating source control requirements. The
26 Source Control Program Tariff attached to Mr. Symmonds' Direct Testimony at GSS-3 is reasonable
27

28 ⁴²⁵ Direct Testimony of Company witness Graham Symmonds (Exh. A-24) at 63 and GSS-3.

⁴²⁶ *Id.* at 63.

1 and appropriate and will be adopted.

2 6. Unauthorized Discharge Fee

3 To discourage unauthorized discharges into sewers, Applicants propose an Unauthorized
4 Discharge Fee Tariff. Applicants state that septic tank haulers and grease trap haulers, who charge a
5 fee for removal services, then pay a fee to facilities for environmentally sound disposal in landfills.
6 Applicants state that some haulers choose instead to dump their loads into a sewer system, and that
7 some of the materials that haulers carry have the potential to seriously disrupt its wastewater
8 treatment processes, in some cases for many days or even weeks. Staff agrees that the Unauthorized
9 Discharge Fee Tariff is appropriate, including a \$5,000 charge for violations plus all costs of
10 collection and remediation. Applicants should file within 60 days with the Commission's Docket
11 Control, as a compliance item in this matter, a copy of its Unauthorized Discharge Fee Tariff for
12 Staff's review and the Commission's consideration.

13 7. Deposit Interest

14 Staff disagrees with Applicants' proposals regarding customer deposit interest, including its
15 proposal to use the one year Certificate of Deposit rate as the interest rate to apply to customer
16 deposits at the time they are made. Staff believes that the methodology would be unduly
17 cumbersome. Staff further believes that over a long period of time the 6 percent interest rate fairly
18 approximates a reasonable interest rate, and recommends against adopting the modifications
19 Applicants propose. We agree with Staff that the 6 percent interest rate is reasonable and will not
20 approve the requested change.

21 8. Other Miscellaneous Fees

22 Applicants and Staff are in agreement on minor changes to the following existing fees:
23 Establishment Fees, After Hours Fees, Reconnect Fees and NSF Fees. The agreed-upon changes are
24 reasonable and will be adopted.

25 **D. Staff's Engineering Recommendations**

26 1. WUGT- Roseview Storage

27 Staff recommends that WUGT install a storage tank with a minimum storage capacity of
28 3,750 gallons for WUGT's Roseview system (PWS 07-082), and file within 12 months, with the

1 Commission's Docket Control, as a compliance item in this matter, Arizona Department of
2 Environmental Quality ("ADEQ") or Maricopa County Environmental Services Division
3 ("MCESD") Approval of Construction for a storage tank with a minimum storage capacity of 3,750
4 gallons for WUGT's Roseview system (PWS 07-082).⁴²⁷ Applicants are in agreement with this
5 recommendation, which is reasonable and will be adopted.

6 2. Water Loss

7 Staff recommends that Valencia-Greater Buckeye file with within 90 days, as a compliance
8 item with the Commission's Docket Control, a detailed plan demonstrating how the Sun
9 Valley/Sweetwater I (PWS 07-195) and Sweetwater II (PWS 07-129) water systems will reduce their
10 water loss to less than 10 percent. Staff recommends that if Valencia-Greater Buckeye finds that
11 reduction of water loss to less than 10 percent is not cost effective in a system, that Valencia-Greater
12 Buckeye be required to submit within 90 days, as a compliance item with the Commission's Docket
13 Control, a detailed cost analysis and explanation for each system demonstrating why water loss
14 reduction to less than 10 percent is not cost effective. Staff recommends that in any event, water loss
15 shall not exceed 15 percent.

16 Staff recommends that WUGT file with within 90 days, as a compliance item with the
17 Commission's Docket Control, a detailed plan demonstrating how the Garden City (PWS 07-037),
18 West Phoenix Estates #1, West Phoenix Estates #6, (PWS 07-733), Tufte (PWS 07-617), Buckeye
19 Ranch (PWS 07 618), and Dixie (PWS 07-030) water systems will reduce their water loss to less
20 than 10 percent. Staff recommends that if WUGT finds that reduction of water loss to less than 10
21 percent is not cost effective in a system, that WUGT be required to submit within 90 days, as a
22 compliance item with the Commission's Docket Control, a detailed cost analysis and explanation for
23 each system demonstrating why water loss reduction to less than 10 percent is not cost effective.
24 Staff recommends that in any event, water loss shall not exceed 15 percent.

25 Staff recommends that Willow Valley file with within 90 days, as a compliance item with the
26 Commission's Docket Control, a detailed plan demonstrating how the King Street (PWS 08-040), and
27

28 ⁴²⁷ Staff Br. at 12.

1 Lake Cimarron, (PWS 08-129) water systems will reduce their water loss to less than 10 percent.
 2 Staff recommends that if Willow Valley finds that reduction of water loss to less than 10 percent is
 3 not cost effective in a system, that Willow Valley be required to submit within 90 days, as a
 4 compliance item with the Commission's Docket Control, a detailed cost analysis and explanation for
 5 each system demonstrating why water loss reduction to less than 10 percent is not cost effective.
 6 Staff recommends that in any event, water loss shall not exceed 15 percent.

7 In rebuttal testimony, Applicants' witness discussed the Gallons per Hour per Mile per Inch
 8 ("GPHMI") and Unavoidable Real Losses ("UARL") methodologies used for measuring water
 9 loss.⁴²⁸ Staff states that neither the UARL nor the GPHMI methods apply to any of the systems in
 10 this case that are experiencing excessive water loss.⁴²⁹ Staff contends that acceptable water loss
 11 levels should not be determined based on system length and diameter.⁴³⁰

12 Applicants agree to provide the recommended report.⁴³¹ Applicants state that as part of its
 13 water loss report, Applicants will include a discussion of results under different metrics.

14 Staff's recommendations are reasonable and will be adopted. While Applicants may include a
 15 discussion of results under different metrics, for purposes of compliance, Applicants shall use the
 16 metrics used by Staff to measure water loss.

17 3. Depreciation Rates

18 Staff recommends that the water utilities/divisions be required to use the depreciation rates
 19 delineated on the schedule attached hereto and incorporated herein as Exhibit D, and that Palo Verde
 20 be required to use the depreciation rates delineated on the schedule attached hereto and incorporated
 21 herein as Exhibit E. Applicants did not object. Staff's recommendation is reasonable and will be
 22 adopted.

23 E. NWP's Concern for Uniform Treatment of Developers

24 NWP is the only party to this matter who has executed an ICFA with Global Parent.⁴³²

26 ⁴²⁸ Co. Br. at 66 and Staff Br. at 13, citing to Rebuttal Testimony of Company witness Graham Symmonds (Exh. A-25) at 23-31.

27 ⁴²⁹ Staff Br. at 13, citing to Surrebuttal Testimony of Staff witness Jian Liu (Exh. S-5) at 2.

⁴³⁰ *Id.*, citing to Tr. at 613.

⁴³¹ Co. Br. at 66.

28 ⁴³² NWP Br. at 2.

1 NWP asserts that when development resumes in its area, there is a “real possibility” of unequal
2 treatment of developers if there is no mechanism in place to protect from such treatment,” and
3 advocates for a mechanism to allow the Commission to ensure that all developers are treated in a
4 uniform manner similar to a Main Extension Agreement.⁴³³ Global Utilities asserts that NWP does
5 not cite to the record to support its concerns, and that NWP did not state that it was treated
6 unequally.⁴³⁴

7 NWP’s request was made on brief following the close of the hearing, and therefore the
8 parties did not have an opportunity to elicit further information from NWP on the record, or to
9 respond to NWP’s concerns. Staff’s witness testified that a review of ICFAs revealed that the fees
10 charged by Global Parent under the ICFAs per equivalent dwelling unit (“EDU”) differ by ICFA
11 contracts, depending on the year the ICFA was entered and on the particular development.⁴³⁵ As
12 Global Utilities points out, Staff’s witness also testified that Staff is unaware of any complaints by
13 developers regarding unequal treatment under ICFAs.⁴³⁶

14 Developers receive uniform treatment under main extension agreements and hook-up fee
15 tariffs approved by the Commission.⁴³⁷ Applicants state that landowners always have the choice to
16 enter into standard main and line extension agreements.⁴³⁸ We urge developers who have any
17 questions or issues regarding ICFAs, main and line extension agreements, hook-up fees, or any other
18 issues related to establishing service to their developments, to contact Staff with their concerns, and
19 we likewise instruct Staff to insure that the Commission is promptly informed, either through a filing
20 by the developer or by Staff, if it appears that there is a need for the Commission to take action.

21 * * * * *

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

24 ...

25 _____

26 ⁴³³ *Id.* at 3.
27 ⁴³⁴ Co. Reply Br. at 23.
28 ⁴³⁵ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 8.
⁴³⁶ Co. Reply Br. at 23.
⁴³⁷ Direct Testimony of Staff witness Linda Jaress (Exh. S-10) at 8.
⁴³⁸ Direct Testimony of Company witness Trevor Hill (Exh. A-7) at 33.

1 9. On February 27, 2009, Applicants filed Notices of Errata in each of the dockets.

2 10. On March 23, 2009, Staff filed Letters of Deficiency in each of the dockets, indicating
3 that the applications did not meet the sufficiency requirements of A.A.C. R14-2-103.

4 11. On April 7, 13, and 20, 2009, Applicants filed various responses to Staff's Deficiency
5 Letters, and certain updated schedules for the applications.

6 12. On April 30, 2009, Staff filed Letters of Sufficiency stating that each of the
7 applications, as supplemented by the subsequent filings, met the sufficiency requirements of A.A.C.
8 R14-2-103.

9 13. On April 13, 2009, Valencia-Town filed a Motion for Approval of Arsenic Surcharge.
10 However, on April 20, 2009, Valencia-Town Division filed a Notice of Filing Withdrawal of Motion,
11 stating that it re-filed the arsenic surcharge request as a separate application.⁴³⁹

12 14. On May 8, 2009, Applicants filed compliance reports from ADWR for Valencia-
13 Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and Valencia-Town.

14 15. On May 12, 2009, Staff filed Motions to Consolidate in all six rate application
15 dockets.

16 16. On May 19, 2009, RUCO filed an Application to Intervene.

17 17. On May 28, 2009, a Procedural Order was issued consolidating the applications,
18 setting a hearing, requiring mailing and publication of notice of the application and hearing, and
19 setting associated procedural deadlines. The Procedural Order also granted intervention to RUCO.

20 18. On August 13, 2009, Commissioner Stump filed a letter in the docket.

21 19. On August 31, 2009, Applicants filed affidavits of mailing and affidavits of
22 publication indicating compliance with the public notice requirements of the May 28, 2009
23 Procedural Order.

24 20. On October 13, 2009, WUAA filed an Application to Intervene.

25 21. On October 19, 2009, Staff filed a Motion for Extension of Time Regarding Rate
26 Design Testimony (as modified by a Notice of Errata filed on the same date).

27 ⁴³⁹ On April 17, 2009, Valencia -Town Division filed an application for approval of an arsenic surcharge (Docket No. W-
28 01212A-09-0186). On May 8, 2009, Valencia - Town Division filed in that same docket a Notice of Filing Withdrawal of
Application "in order for Staff to focus on the pending rate cases for the Global."

1 22. On October 21, 2009, a Procedural Order was issued granting intervention to WUAA
2 and granting Staff's requested extension of filing deadlines.

3 23. On October 21, 2009, Applicants filed a Response to "CopaNews" articles.

4 24. On November 5, 2009, a Procedural Order was issued setting a public comment
5 meeting to be held on December 1, 2009 in Maricopa, Arizona, and ordering Applicants to provide
6 public notice thereof.

7 25. On November 23, 2009, Applicants filed an affidavit of publication indicating
8 compliance with the public notice requirements of the November 5, 2009 Procedural Order.

9 26. In total, including petition signatures, the Commission has received 3,006 customer
10 comments in opposition to the Utilities' proposed rate increases.

11 27. On November 24, 2009, Applicants filed a Notice of Filing Errata to Rebuttal
12 Testimony.

13 28. On December 1, 2009, a public comment hearing was held in Maricopa. Local elected
14 officials and numerous members of the public appeared and provided public comment on the
15 application.

16 29. Also on December 1, 2009, Applicants docketed correspondence and communication
17 between Global, the Maricopa staff, the City Council of Maricopa, and community members. The
18 filing also included a copy of a City Council of Maricopa emergency resolution.

19 30. Also on December 1, 2009, NWP filed an Application to Intervene.

20 31. On December 2, 2009, Staff filed a Response to NWP' Application to Intervene.

21 32. Also on December 2, 2009, Staff filed a Motion for Extension of Time Re: Rate
22 Design Surrebuttal Testimony.

23 33. On December 4, 2009, a Procedural Order was issued granting Staff's request for an
24 extension of time to file surrebuttal testimony. The Procedural Order also granted intervention to
25 NWP, and ordered that due to the lateness of NWP' intervention request, NWP would not be allowed
26 to introduce new evidence.

27 34. On December 8, 2009, Rick Fernandez filed a Motion to Intervene. Mr. Fernandez
28 claimed in his Motion that as President of the Santarra Homeowners Association, he represented 311

1 residential customers.

2 35. On December 9, 2009, Staff filed a Response opposing Mr. Fernandez's Motion to
3 Intervene. Staff opposed the Motion as untimely filed, and because granting the intervention might
4 broaden the issues in this proceeding. Staff stated that unless Mr. Fernandez is an attorney, he cannot
5 represent the interests of either the Santarra Homeowners Association or the 311 residential
6 customers who are members of the Santarra Homeowners Association. Staff requested that in the
7 event Mr. Fernandez's untimely Motion was granted, Mr. Fernandez be allowed to only represent his
8 own interests, and that he not be permitted to introduce new evidence, either through pre-filed
9 testimony or at the hearing through other parties' witnesses.

10 36. Also on December 9, 2009, Applicants filed an Opposition to Mr. Fernandez's Motion
11 to Intervene. The Applicants requested that the Motion be denied as untimely, and because granting
12 the intervention might broaden the issues in this proceeding.

13 37. Also on December 9, 2009, the Maricopa filed an Application to Intervene. Maricopa
14 requested that it be permitted to intervene subject to the requirements that it not introduce its own
15 evidence or call its own witnesses in this matter, consistent with the Procedural Order issued on
16 December 4, 2009, granting intervention to NWP. Maricopa stated that it does not believe its
17 intervention will lengthen the proceeding or burden any of the other intervenors.

18 38. The Pre-Hearing Conference convened as scheduled on December 10, 2009. Counsel
19 for Applicants, WUAA, NWP, RUCO, and Staff appeared. Counsel representing Maricopa also
20 appeared and responded to questions in regard to Maricopa's Application for Leave to Intervene.
21 Arguments in opposition to Maricopa's intervention request were heard and considered, and
22 Maricopa was granted intervention on a limited basis. Due to the lateness of its intervention request,
23 Maricopa was granted intervention subject to the requirement that it shall not present any witnesses
24 or introduce any new evidence, either through prefiled testimony, or at the hearing through other
25 parties' witnesses. Mr. Fernandez did not appear at the Pre-Hearing Conference.

26 39. On December 11, 2009, a Procedural Order was issued granting intervention to Mr.
27 Fernandez for the purpose of representing his own interests, and to Maricopa. Due to the lateness of
28 Mr. Fernandez's and Maricopa's Motions to Intervene, they were granted intervention subject to the

1 requirement that they not present any witnesses or introduce any new evidence, either through
2 prefiled testimony, or at the hearing through other parties' witnesses.

3 40. On December 11, 2009, Rick Fernandez filed a Response to the oppositions to his
4 Motion to Intervene.

5 41. On December 14, 2009, the hearing commenced as scheduled. Applicants, NWP,
6 WUAA, Maricopa, RUCO and Staff appeared through counsel, and Rick Fernandez appeared on his
7 own behalf. Global Utilities, RUCO and Staff presented evidence for the record.

8 42. On December 17, 2009, Mr. Fernandez filed a second Motion to Intervene, to which
9 was attached a document titled "Santarra Homeowners Association Resolution of the Board of
10 Directors" that included four signatures, each dated December 9, 2009.

11 43. On December 31, 2009, Global Utilities filed a Notice of Filing Corrected Exhibit A-
12 3.

13 44. On February 5, 2010, Applicants, WUAA, NWP, Maricopa, RUCO, and Staff filed
14 initial closing briefs.

15 45. On February 19, 2010, Applicants, Maricopa, RUCO, and Staff filed reply closing
16 briefs.

17 46. On March 22, 2010, Applicants filed a Notice of Filing Late-Filed Exhibit A-51, a
18 report on financing of solar projects by regulated water utilities.

19 **FINDINGS OF FACT**

20 47. The fair value rate base of Palo Verde is \$53,314,083, and a rate of return of 7.80
21 percent is reasonable and appropriate.

22 48. The fair value rate base of Valencia-Greater Buckeye is \$929,057, and a rate of return
23 of 7.68 percent is reasonable and appropriate.

24 49. The fair value rate base of Willow Valley is \$2,251,164, and a rate of return of 7.60
25 percent is reasonable and appropriate.

26 50. The fair value rate base of Santa Cruz is \$39,155,692 and a rate of return of 7.93
27 percent is reasonable and appropriate.

28

1 51. The fair value rate base of WUGT is (\$4,186,150) and an operating margin of 7.82
2 percent is reasonable and appropriate.

3 52. The fair value rate base of Valencia-Town is \$4,240,018 and a rate of return of 8.08
4 percent is reasonable and appropriate.

5 53. The revenue increases requested by Applicants would produce an excessive return on
6 FVRB.

7 54. The gross revenues of Palo Verde should increase by \$6,063,392.

8 55. The gross revenues of Valencia-Greater Buckeye should increase by \$77,259.

9 56. The gross revenues of Willow Valley should increase by \$428,047.

10 57. The gross revenues of Santa Cruz should increase by \$1,542,323.

11 58. The gross revenues of WUGT should decrease by \$24,283.

12 59. The gross revenues of Valencia-Town should increase by \$1,473,012.

13 60. The rate designs adopted herein are just and reasonable.

14 61. Because the rate design we adopt herein is new, it is very important that the water
15 Utilities provide adequate, timely, and accurate information to their customers regarding the specific
16 impact of the six tier rates and the volumetric rebate program on the way water customers' bills are
17 calculated. Therefore, the customer notification of the new rates to be implemented as a result of this
18 Decision should include a specific and comprehensive explanation of the new method by which the
19 customers' bills will be calculated, and a means to contact the Utility to learn more about how the
20 rate design will affect their specific usage patterns. The Utilities shall provide adequate training to all
21 its customer service representatives to ensure that customers who make inquiries will receive
22 adequate, timely, and accurate explanation of the effects the new six tier rate design and the
23 volumetric rebate threshold will have on their bills.

24 62. Because the rate design we adopt includes projected revenues required to fund the
25 volumetric rebates, each water Utility should make quarterly volumetric threshold rebate reports as a
26
27
28

1 compliance item in this docket, to commence on December 15, 2010, and to continue until rates
2 approved in the Utility's next rate case are effective. The quarterly volumetric threshold rebate report
3 should indicate, by month, the number of invoices prepared, the number of those invoices with
4 consumption below the rebate threshold and thus entitled to the volumetric rebate, and the dollar
5 amount of rebates provided to customers on those invoices.
6

7 63. Valencia-Greater Buckeye is located in the Phoenix Active Management Area
8 ("AMA") and is subject to its AMA reporting and conservation requirements. Staff Engineering
9 states that ADWR reported in May 2009 that Valencia-Greater Buckeye is in compliance with its
10 requirements.

11 64. MCESD, the formally delegated agent of ADEQ, has determined that Valencia
12 Greater Buckeye has no deficiencies and is currently delivering water that meets water quality
13 standards required by Title 18, Chapter 4 of the Arizona Administrative Code.

14 65. Willow Valley is not located in any AMA and is not subject to any AMA reporting
15 and conservation requirements. Staff Engineering states that ADWR reported in April 2009 that
16 Willow Valley is in compliance with its requirements.

17 66. ADEQ has determined that Willow Valley has no deficiencies and is currently
18 delivering water that meets water quality standards required by Title 18, Chapter 4 of the Arizona
19 Administrative Code.

20 67. Santa Cruz is located in the Pinal AMA and is subject to its AMA reporting and
21 conservation requirements. Staff Engineering states that ADWR reported in April 2009 that Santa
22 Cruz is in compliance with its requirements.

23 68. ADEQ has determined that Santa Cruz has no deficiencies and is currently delivering
24 water that meets water quality standards required by Title 18, Chapter 4 of the Arizona
25 Administrative Code.

26 69. WUGT is located in the Phoenix AMA and is subject to its AMA reporting and
27 conservation requirements. Staff Engineering states that ADWR reported in May 2009 that WUGT is
28 in compliance with its requirements.

1 70. MCESD, the formally delegated agent of ADEQ, has determined that WUGT has no
2 deficiencies and is currently delivering water that meets water quality standards required by Title 18,
3 Chapter 4 of the Arizona Administrative Code.

4 71. Valencia-Town is located in the Phoenix AMA and is subject to its AMA reporting
5 and conservation requirements. Staff Engineering states that ADWR reported in May 2009 that
6 Valencia-Town is in compliance with its requirements.

7 72. MCESD, the formally delegated agent of ADEQ, has determined that Valencia-Town
8 has no deficiencies and is currently delivering water that meets water quality standards required by
9 Title 18, Chapter 4 of the Arizona Administrative Code.

10 73. Palo Verde's wastewater treatment facilities are regulated by ADEQ. Staff
11 Engineering states that ADEQ reported in January 2009 that the Palo Verde wastewater treatment
12 plant is in full compliance with ADEQ requirements.

13 74. Palo Verde should be required to file within 60 days with the Commission's Docket
14 Control, as a compliance item in this matter, a copy of its Unauthorized Discharge Fee Tariff for
15 Staff's review and the Commission's consideration.

16 75. Palo Verde, Valencia-Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and
17 Valencia-Town should be required to file within 60 days with the Commission's Docket Control, as a
18 compliance item in this matter, a copy of their Low Income Relief Tariff for Staff's review and the
19 Commission's consideration.

20 76. Valencia-Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and Valencia-Town
21 should be required to file within 60 days with the Commission's Docket Control, as a compliance
22 item in this matter, a copy of their Demand Side Management Program Tariffs for Staff's review and
23 the Commission's consideration.

24 77. Valencia-Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and Valencia-Town
25 should be required to file within 60 days with the Commission's Docket Control, as a compliance
26 item in this matter, a copy of their Meter Exchange Fee Tariffs for Staff's review and the
27 Commission's consideration.

28 78. Valencia-Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and Valencia-Town

1 should be required to file within 60 days with the Commission's Docket Control, as a compliance
2 item in this matter, a copy of their Hydrant Meter Deposit Charge Tariffs for Staff's review and the
3 Commission's consideration.

4 79. WUGT should be required to file with within 90 days, as a compliance item with the
5 Commission's Docket Control, a detailed plan demonstrating how the Garden City (PWS 07-037),
6 West Phoenix Estates #1, West Phoenix Estates #6, (PWS 07-733), Tufte (PWS 07-617), Buckeye
7 Ranch (PWS 07 618), and Dixie (PWS 07-030) water systems will reduce their water loss to less than
8 10 percent. If WUGT finds that reduction of water loss to less than 10 percent is not cost effective in
9 a system, that WUGT shall file within 90 days, as a compliance item with the Commission's Docket
10 Control, a detailed cost analysis and explanation for each system demonstrating why water loss
11 reduction to less than 10 percent is not cost effective. In any event, water loss should not exceed 15
12 percent.

13 80. Willow Valley should be required file with within 90 days, as a compliance item with
14 the Commission's Docket Control, a detailed plan demonstrating how the King Street (PWS 08-040),
15 and Lake Cimarron, (PWS 08-129) water systems will reduce their water loss to less than 10 percent.
16 If Willow Valley finds that reduction of water loss to less than 10 percent is not cost effective in a
17 system, Willow Valley should submit within 90 days, as a compliance item with the Commission's
18 Docket Control, a detailed cost analysis and explanation for each system demonstrating why water
19 loss reduction to less than 10 percent is not cost effective. In any event, water loss should not exceed
20 15 percent.

21 81. WUGT should be required to file, within 12 months, with the Commission's Docket
22 Control as a compliance item in this matter, the ADEQ or MCESD Approval of Construction for a
23 storage tank with a minimum storage capacity of 3,750 gallons for WUGT's Roseview system (PWS
24 07-082).

25 82. Valencia-Greater Buckeye, Willow Valley, Santa Cruz, WUGT, and Valencia-Town
26 should be required to use the depreciation rates delineated on the schedule attached hereto and
27 incorporated herein as Exhibit D.

28 83. Palo Verde should be required to use the depreciation rates delineated on the schedule

1 attached hereto and incorporated herein as Exhibit C.

2 84. It is appropriate and in the public interest for Global and Staff and other interested
3 stakeholders to commence a generic investigation which looks at how best to achieve the
4 Commission's objectives with regard to encouraging the acquisition of troubled water companies and
5 the development of regional infrastructure where appropriate. As part of this proceeding, Global and
6 Staff and other interested stakeholders should also address in workshops whether ICFAs, or other
7 mechanisms, if properly segregated and accounted for, could be utilized to finance the actual
8 acquisition of troubled water companies, subject to Commission approval. Additionally, stakeholders
9 should address whether ICFAs, if properly segregated and accounted for, would be appropriate for
10 use in covering such expenses as a portion of the carrying costs associated with unused regional
11 water and wastewater facilities or infrastructure which meets the Commission's objectives.
12 Additionally, parties should address whether other mechanisms not addressed in this case would be
13 appropriate in inducing such regional water and wastewater infrastructure, and the acquisition of
14 troubled water companies, such as acquisition adjustments, rate premiums, or Distribution System
15 Investment Charges. Therefore, we will require Staff to notice and facilitate, and Global to
16 participate in, stakeholder workshops designed to address these issues, and make recommendations to
17 the Commission on the issues discussed in the workshops, including whether it is appropriate to
18 adopt the recommendations in the next Global Utility rate case, as well as other future rate cases.
19 The workshops shall be noticed and held in the existing Generic Docket.

20 85. While we decline to approve the Applicants' requested treatment of ICFAs in this
21 Order, we believe the issue could be more fully informed by the Commission's workshop process. In
22 the event that the workshop process leads to recommendations for a different treatment of ICFAs than
23 in this Order, the Applicants may request review of ICFAs in accordance with the workshop
24 recommendations in a future rate case.

25 CONCLUSIONS OF LAW

26 1. Applicants are public service corporations pursuant to Article XV of the Arizona
27 Constitution and A.R.S. §§ 40-250 and 40-251.

28 2. The Commission has jurisdiction over Applicants and the subject matter of the

1 application.

2 3. Notice of the proceeding was provided in conformance with law.

3 4. The fair value of Global Water – Palo Verde Utilities Company’s rate base is
4 \$53,314,083, and applying a 7.80 percent rate of return on this fair value rate base produces rates and
5 charges that are just and reasonable.

6 5. The fair value of Valencia Water Company – Greater Buckeye Division’s rate base is
7 \$929,057, and applying a 7.68 percent rate of return on this fair value rate base produces rates and
8 charges that are just and reasonable.

9 6. The fair value of Willow Valley Water Company, Inc.’s rate base is \$2,251,164, and
10 applying a 7.60 percent rate of return on this fair value rate base produces rates and charges that are
11 just and reasonable.

12 7. The fair value of Global Water – Santa Cruz Water Company’s rate base is
13 \$39,155,692, and applying a 7.93 percent rate of return on this fair value rate base produces rates and
14 charges that are just and reasonable.

15 8. The fair value of Water Utility of Greater Tonopah, Inc.’s rate base is (\$4,186,150),
16 and applying an operating margin of 7.82 percent produces rates and charges that are just and
17 reasonable.

18 9. The fair value of Valencia Water Company – Town Division’s rate base is \$4,240,018,
19 and applying an 8.08 percent rate of return produces rates and charges that are just and reasonable.

20 10. The rates and charges approved herein are reasonable.

21 **ORDER**

22 IT IS THEREFORE ORDERED that Global Water – Palo Verde Utilities Company, Valencia
23 Water Company – Greater Buckeye Division, Willow Valley Water Company, Inc., Global Water –
24 Santa Cruz Water Company, Water Utility of Greater Tonopah, Inc., and Valencia Water Company –
25 Town Division are hereby authorized and directed to file with the Commission, on or before
26 September 17, 2010, the schedules of rates and charges attached hereto and incorporated herein as
27 Exhibit E, which shall be effective for all service rendered on and after August 1, 2010.

28 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company, Valencia

1 Water Company – Greater Buckeye Division, Willow Valley Water Company, Inc., Global Water –
2 Santa Cruz Water Company, Water Utility of Greater Tonopah, Inc., and Valencia Water Company –
3 Town Division shall notify their customers of the revised schedules of rates and charges authorized
4 herein by means of an insert in their next regularly scheduled billing in a form and manner acceptable
5 to the Commission’s Utilities Division Staff. The customer notification shall include a specific and
6 comprehensive explanation of the new method by which the customers’ bills will be calculated,
7 including the six tier rate design and the volumetric rebate threshold, and a means to contact the
8 utility to learn more about how the rate design will affect their specific usage patterns and
9 consequently, their bills.

10 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company, Valencia
11 Water Company – Greater Buckeye Division, Willow Valley Water Company, Inc., Global Water –
12 Santa Cruz Water Company, Water Utility of Greater Tonopah, Inc., and Valencia Water Company –
13 Town Division shall provide adequate training to all customer service representatives to ensure that
14 customers who make inquiries will receive adequate, timely, and accurate explanation of the effects
15 the new six tier rate design and the volumetric rebate threshold will have on their bills.

16 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company, Valencia
17 Water Company – Greater Buckeye Division, Willow Valley Water Company, Inc., Global Water –
18 Santa Cruz Water Company, Water Utility of Greater Tonopah, Inc., and Valencia Water Company –
19 Town Division make quarterly volumetric threshold rebate reports as a compliance item in this
20 docket. The quarterly filings shall commence on December 15, 2010, and shall continue until rates
21 approved in the Utility’s next rate case are effective. The quarterly volumetric threshold rebate report
22 shall indicate, by month, the number of invoices prepared, the number of those invoices with
23 consumption below the rebate threshold and thus entitled to the volumetric rebate, and the dollar
24 amount of rebates provided to customers on those invoices.

25 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company shall file,
26 along with the new schedules of rates and charges ordered above, the Source Control Program Tariff
27 attached to Mr. Symmonds’ Direct Testimony at GSS-3.

28 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company, Valencia

1 Water Company – Greater Buckeye Division, Willow Valley Water Company, Inc., Global Water –
2 Santa Cruz Water Company, Water Utility of Greater Tonopah, Inc., and Valencia Water Company –
3 Town Division shall file within 60 days with the Commission’s Docket Control, as a compliance item
4 in this matter, a copy of their Low Income Relief Tariffs for Staff’s review and the Commission’s
5 consideration.

6 IT IS FURTHER ORDERED that Valencia Water Company – Greater Buckeye Division,
7 Willow Valley Water Company, Inc., Global Water – Santa Cruz Water Company, Water Utility of
8 Greater Tonopah, Inc., and Valencia Water Company – Town Division shall file within 60 days with
9 the Commission’s Docket Control, as a compliance item in this matter, a copy of their Demand Side
10 Management Program Tariffs for Staff’s review and the Commission’s consideration. The Demand
11 Side Management program shall incorporate at minimum 10 Best Management Practices, or their
12 equivalent elements, applicable for each of Applicants’ water systems with average customer counts
13 exceeding 5,000, and at least three Best Management Practices or three equivalent elements, for
14 Applicants’ remaining water systems, for each of Applicants’ systems addressed herein.

15 IT IS FURTHER ORDERED that Valencia Water Company – Greater Buckeye Division,
16 Willow Valley Water Company, Inc., Global Water – Santa Cruz Water Company, Water Utility of
17 Greater Tonopah, Inc., and Valencia Water Company – Town Division shall file within 60 days with
18 the Commission’s Docket Control, as a compliance item in this matter, a copy of their Meter
19 Exchange Fee Tariffs within 60 days for Staff’s review and the Commission’s consideration.

20 IT IS FURTHER ORDERED that Valencia Water Company – Greater Buckeye Division,
21 Willow Valley Water Company, Inc., Global Water – Santa Cruz Water Company, Water Utility of
22 Greater Tonopah, Inc., and Valencia Water Company – Town Division shall file within 60 days with
23 the Commission’s Docket Control, as a compliance item in this matter, a copy of their Hydrant Meter
24 Deposit Charge Tariffs within 60 days for Staff’s review and the Commission’s consideration.

25 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company Division
26 shall file within 60 days with the Commission’s Docket Control, as a compliance item in this matter,
27 a copy of its Unauthorized Discharge Fee Tariff within 60 days for Staff’s review and the
28 Commission’s consideration.

1 IT IS FURTHER ORDERED that Water Utility of Greater Tonapah shall file, within 12
2 months, with the Commission's Docket Control as a compliance item in this matter, the ADEQ or
3 MCESD Approval of Construction for a storage tank with a minimum storage capacity of 3,750
4 gallons for its Roseview system (PWS 07-082).

5 IT IS FURTHER ORDERED that Global Water – Palo Verde Utilities Company shall use the
6 depreciation rates delineated on the schedule attached hereto and incorporated herein as Exhibit C.

7 IT IS FURTHER ORDERED that Valencia Water Company – Greater Buckeye Division,
8 Willow Valley Water Company, Inc., Global Water – Santa Cruz Water Company, Water Utility of
9 Greater Tonopah, Inc., and Valencia Water Company – Town Division shall use the depreciation
10 rates delineated on the schedule attached hereto and incorporated herein as Exhibit D.

11 IT IS FURTHER ORDERED that Valencia Water Company – Greater Buckeye Division
12 shall file with within 90 days, as a compliance item with the Commission's Docket Control, a
13 detailed plan demonstrating how the Sun Valley/Sweetwater I (PWS 07-195) and Sweetwater II
14 (PWS 07-129) water systems will reduce their water loss to less than 10 percent. If Valencia Water
15 Company – Greater Buckeye Division finds that reduction of water loss to less than 10 percent is not
16 cost effective in a system, it shall file within 90 days, as a compliance item with the Commission's
17 Docket Control, a detailed cost analysis and explanation for each system demonstrating why water
18 loss reduction to less than 10 percent is not cost effective. In any event, water loss shall not exceed
19 15 percent.

20 IT IS FURTHER ORDERED that Willow Valley Water Company, Inc. shall file with within
21 90 days, as a compliance item with the Commission's Docket Control, a detailed plan demonstrating
22 how the King Street (PWS 08-040), and Lake Cimarron, (PWS 08-129) water systems will reduce
23 their water loss to less than 10 percent. If Willow Valley Water Company, Inc. finds that reduction
24 of water loss to less than 10 percent is not cost effective in a system, it shall file within 90 days, as a
25 compliance item with the Commission's Docket Control, a detailed cost analysis and explanation for
26 each system demonstrating why water loss reduction to less than 10 percent is not cost effective. In
27 any event, water loss shall not exceed 15 percent.

28 IT IS FURTHER ORDERED that Water Utility of Greater Tonopah, Inc. shall file with

1 within 90 days, as a compliance item with the Commission's Docket Control, a detailed plan
 2 demonstrating how the Garden City (PWS 07-037), West Phoenix Estates #1, West Phoenix Estates
 3 #6, (PWS 07-733), Tufte (PWS 07-617), Buckeye Ranch (PWS 07 618), and Dixie (PWS 07-030)
 4 water systems will reduce their water loss to less than 10 percent. If Water Utility of Greater
 5 Tonopah, Inc. finds that reduction of water loss to less than 10 percent is not cost effective in a
 6 system, it shall file within 90 days, as a compliance item with the Commission's Docket Control, a
 7 detailed cost analysis and explanation for each system demonstrating why water loss reduction to less
 8 than 10 percent is not cost effective. In any event, water loss shall not exceed 15 percent.

9 IT IS FURTHER ORDERED that a generic investigation shall be commenced which looks at
 10 how best to achieve the Commission's objectives with regard to encouraging the acquisition of
 11 troubled water companies and the development of regional infrastructure where appropriate. As part
 12 of this proceeding, the workshop shall address whether ICFAs, or other mechanisms, if properly
 13 segregated and accounted for, could be utilized to finance the actual acquisition of troubled water
 14 companies, and a portion of the carrying costs associated with the unused water and wastewater
 15 facilities or infrastructure determined to meet the Commission's objectives in this regard. Therefore,
 16 we will require Staff to notice and facilitate, and Global to participate in, stakeholder workshops
 17 designed to address these issues, and make recommendations to the Commission on the issues
 18 discussed in the workshops, including whether it is appropriate to adopt the recommendations in the
 19 next Global Utility rate case, as well as other future rate cases. The workshops shall be noticed and
 20 held in the existing Generic Docket.

21 IT IS FURTHER ORDERED that Staff shall, within 30 days, provide notice to the parties to
 22 the Generic Docket, and to other stakeholders, of new workshops in Docket No. W-00000C-06-0149,
 23 for stakeholder workshops designed to address the issues set forth in Findings of Fact No. 84.
 24 Following the conclusion of the workshops, Staff shall, within 90 days, make recommendations to the
 25 Commission on the issues discussed in the workshops, including whether it is appropriate to adopt
 26 the recommendations in the next Global Utility rate case, as well as other future water cases.

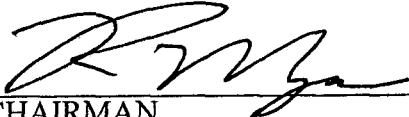
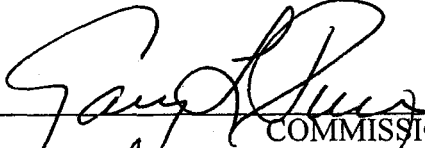
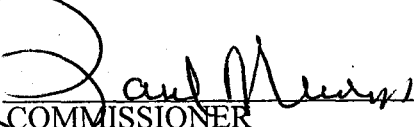

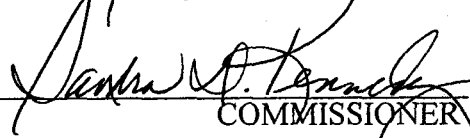
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28 ...

1 IT IS FURTHER ORDERED that if the Commission workshop results in future treatment of
2 ICFAs that is different than the result in this case, the Applicants may request review of the ICFAs
3 subject to this Order in a future rate case for setting prospective rates consistent with the
4 recommendations adopted from the future workshop process.

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

6 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

7
8  CHAIRMAN  COMMISSIONER
9
10  COMMISSIONER  COMMISSIONER  COMMISSIONER
11

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

18 
19 ERNEST G. JOHNSON
20 EXECUTIVE DIRECTOR

21 DISSENT _____

22 DISSENT _____

1 SERVICE LIST FOR: GLOBAL WATER – PALO VERDE UTILITIES
2 COMPANY; VALENCIA WATER COMPANY –
3 GREATER BUCKEYE DIVISION; WILLOW
4 VALLEY WATER COMPANY; GLOBAL WATER –
5 SANTA CRUZ WATER COMPANY; WATER
6 UTILITY OF GREATER TONOPAH; and VALENCIA
7 WATER COMPANY – TOWN DIVISION

5 DOCKET NOS.: SW-20445A-09-0077; W-02451A-09-0078; W-01732A-
6 09-0079; W-20446A-09-0080; W-02450A-09-0081 and
7 W-01212A-09-0082

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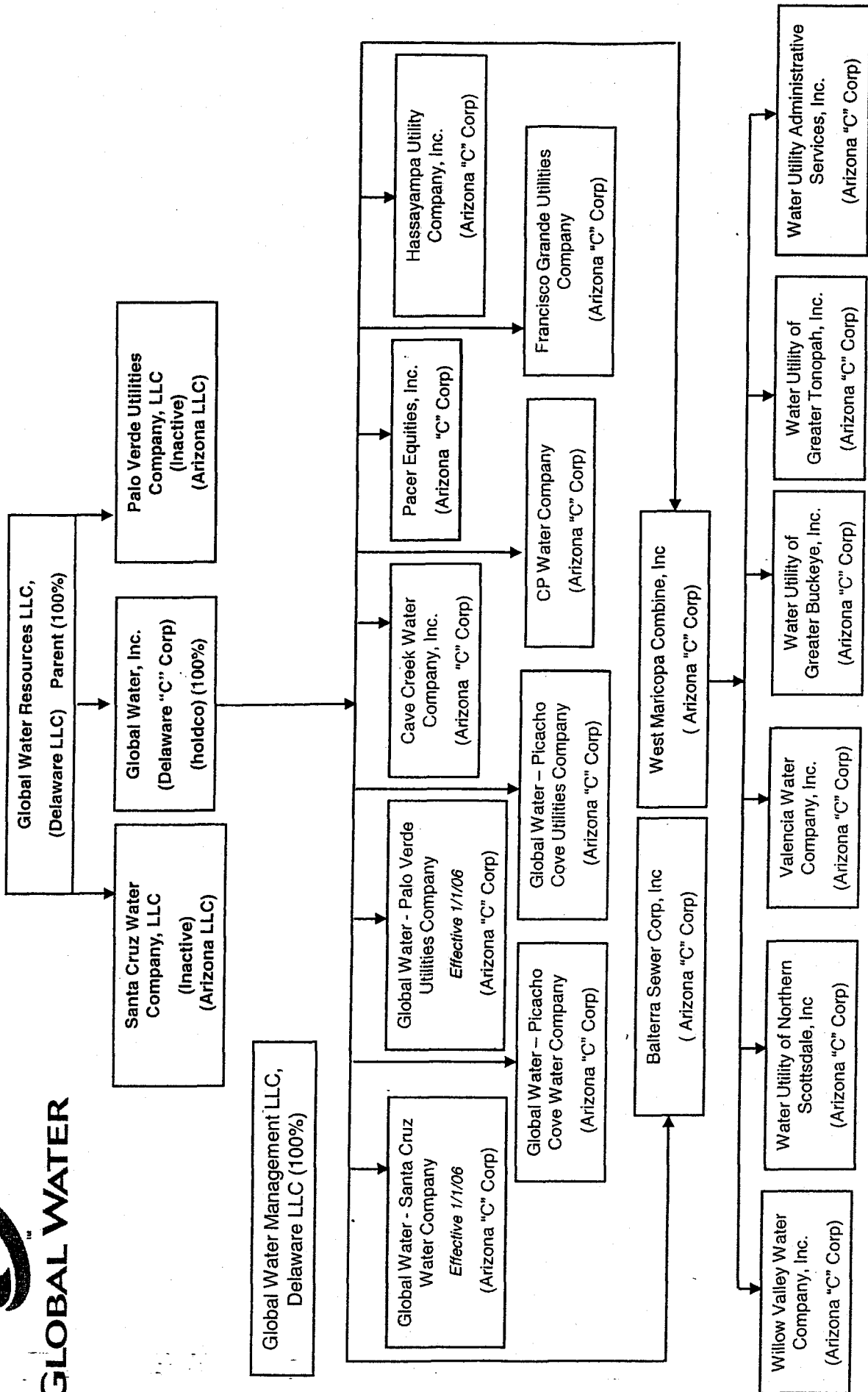
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EXHIBIT A

Corporate Structure (Current)



GLOBAL WATER



DECISION NO. 71878

EXHIBIT B**CALCULATION OF ICFA RATE BASE ADJUSTMENTS**

(Source: Company response to LJ-3.10a)

WATER UTILITY OF GREATER TONOPAH**ICFA Fees Collected by Contract:**

2006-0939440	HUC and WUGT	\$	5,819,850		
2006-0939366	HUC and WUGT	\$	2,531,250		
2008-0061205	HUC and WUGT	\$	500,000		
2008-0679693	HUC and WUGT	\$	375,000		
		\$	<u>9,226,100</u>		
Hassayampa Utilities Net Plant (a)		\$	1,440,781	23.2%	
Water Utility Greater Tonopah Net Plant		\$	<u>4,764,594</u>	76.8%	
Total Plant		\$	6,205,375		
2006-0939440	WUGT Allocation	\$	5,819,850	76.8%	\$ 4,469,645
2006-0939366	WUGT Allocation	\$	2,531,250	76.8%	\$ 1,944,000
2008-0061205	WUGT Allocation	\$	500,000	76.8%	\$ 384,000
2008-0679693	WUGT Allocation	\$	375,000	76.8%	\$ 288,000
Total WUGT Rate Base Adjustment		\$			<u>\$ 7,085,645</u>

PALO VERDE AND SANTA CRUZ

(Source: Company response to LJ-3.10a)

ICFA fees Collected from Maricopa (Excluding Picacho Cove)		\$	49,982,522		
Palo Verde Net Plant (Schedule E-1)		\$	108,965,553	50.9%	
Santa Cruz Net Plant (Schedule E-1)		\$	<u>105,113,290</u>	49.1%	
Total		\$	214,078,843		
Palo Verde Allocation		\$	49,982,522	50.9%	\$ 25,441,104
Santa Cruz Allocation		\$	49,982,522	49.1%	\$ 24,541,418
Palo Verde excess capacity RB reduction - Company		\$	14,449,976		
Santa Cruz excess capacity RB reduction - Company		\$	<u>17,941,342</u>		
Total		\$	32,391,318		
Total Palo Verde Rate Base Adjustment (Allocated ICFA fees less excess capacity adj.) (\$25,440,969 minus \$14,449,976)					\$ 10,991,128
Total Santa Cruz Rate Base Adjustment (Allocated ICFA fees less excess capacity adj.) (\$24,541,553 minus \$17,941,342)					\$ 6,600,076

(a) Hassayampa Utilities (HUC) is a Global subsidiary not included in this rate case.

EXHIBIT C

Table G-1. Wastewater Depreciation Rates

NARUC Acct. No.	Depreciable Plant	Average Service Life (Years)	Annual Accrual Rate (%)
354	Structures & Improvements	30	3.33
355	Power Generation Equipment	20	5.00
360	Collection Sewers – Force	50	2.0
361	Collection Sewers- Gravity	50	2.0
362	Special Collecting Structures	50	2.0
363	Services to Customers	50	2.0
364	Flow Measuring Devices	10	10.0
365	Flow Measuring Installations	10	10.00
366	Reuse Services	50	2.00
367	Reuse Meters & Meter Installations	12	8.33
370	Receiving Wells	30	3.33
371	Pumping Equipment	8	12.50
374	Reuse Distribution Reservoirs	40	2.50
375	Reuse Transmission & Distribution System	40	2.50
380	Treatment & Disposal Equipment	20	5.0
381	Plant Sewers	20	5.0
382	Outfall Sewer Lines	30	3.33
389	Other Plant & Miscellaneous Equipment	15	6.67
390	Office Furniture & Equipment	15	6.67
390.1	Computers & Software	5	20.0
391	Transportation Equipment	5	20.0
392	Stores Equipment	25	4.0
393	Tools, Shop & Garage Equipment	20	5.0
394	Laboratory Equipment	10	10.0
395	Power Operated Equipment	20	5.0
396	Communication Equipment	10	10.0
397	Miscellaneous Equipment	10	10.0
398	Other Tangible Plant	----	----

NOTE: Acct. 398, Other Tangible Plant may vary from 5% to 50%. The depreciation rate would be set in accordance with the specific capital items in this account.

EXHIBIT D

Table B. 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	Wells & 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	3	33.33
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	----	----

NOTES:

- These depreciation rates represent average expected rates. Water companies may experience different rates due to variations in construction, environment, or the physical and chemical characteristics of the water.
- Acct. 348, Other Tangible Plant may vary from 5% to 50%. The depreciation rate would be set in accordance with the specific capital items in this account.

EXHIBIT "E"

GLOBAL WATER - PALO VERDE UTILITIES COMPANY

BASIC SERVICE CHARGE:

5/8" x 3/4" Meter	\$ 62.91
3/4" Meter	62.91
1" Meter	157.28
1-1/2" Meter	314.55
2" Meter	503.28
3" Meter	1,006.56
4" Meter	1,572.75
6" Meter	3,145.50
8" Meter	5,032.80

PHASE IN RATES:

	<u>August 1, 2010</u>	<u>January 1, 2011</u>	<u>January 1, 2012</u>
5/8" x 3/4" Meter	\$42.97	\$52.94	\$ 62.91
3/4" Meter	42.97	52.94	62.91
1" Meter	107.43	132.35	157.28
1-1/2" Meter	214.85	264.70	314.55
2" Meter	343.76	423.52	503.28
3" Meter	687.52	847.04	1,006.56
4" Meter	1,074.25	1,323.50	1,572.75
6" Meter	2,148.50	2,647.00	3,145.50
8" Meter	1,677.60	3,355.20	5,032.80

EFFLUENT CHARGE:

All Gallons (Per Acre Foot)	\$ 185.74
All Gallons (Per 1,000 Gallons)	0.57

SERVICE CHARGES:

Establishment	\$ 35.00
Establishment (After Hours)	50.00
Re-establishment of Service (Within 12 Months)	(a)
Reconnection of Service (Delinquent)	35.00
Reconnection of Service-After Hours (Delinquent)	50.00
After Hours Service Charge, Per Hour *	50.00
Deposit	(b)
NSF Check	30.00
Late Payment Charge (Per Month)	1.5%
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-603(D).

(b) Per A.A.C. R14-2-603(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.

VALENCIA WATER COMPANY – GREATER BUCKEYE DIVISION
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MONTHLY USAGE CHARGE:Meter Size (All Classes)

5/8" x 3/4" Meter	\$ 27.72
3/4" Meter	27.72
1" Meter	69.30
1-1/2" Meter	138.60
2" Meter	221.76
3" Meter	443.52
4" Meter	693.00
6" Meter	1,386.00

COMMODITY RATE CHARGES (Per 1,000 Gallons):

<u>Potable Water – All Meter Sizes and Classes</u>	<u>Rate Block</u>	<u>Volumetric Charge</u>
Tier One Breakover	1,000 Gallons	\$ 1.35
Tier Two Breakover	5,000 Gallons	2.55
Tier Three Breakover	10,000 Gallons	3.75
Tier Four Breakover	18,000 Gallons	4.95
Tier Five Breakover	25,000 Gallons	6.15
Tier Six Breakover	999,999,999	7.35

Conservation Rebate Threshold ("CRT")

9,001 Gallons

Commodity Rate Rebate (applied if consumption is below the CRT):

45%

Non-Potable Water – All Meter Sizes and Classes

	<u>Volumetric Charge</u>
All Gallons (Per Acre Foot)	\$ 185.74
All Gallons (Per 1,000 Gallons)	.57

SERVICE LINE AND METER INSTALLATION CHARGES:

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

<u>Meter Size</u>	<u>Service Line Charges</u>	<u>Meter Charges</u>	<u>Total Charges</u>
5/8" x 3/4" Meter	\$ 445.00	\$ 155.00	\$ 600.00
3/4" Meter	445.00	255.00	700.00
1" Meter	495.00	315.00	810.00
1-1/2" Meter	550.00	525.00	1,075.00
2" Turbine	830.00	1,045.00	1,875.00
2" Compound	830.00	1,890.00	2,720.00
3" Turbine	1,045.00	1,670.00	2,715.00
3" Compound	1,165.00	2,545.00	3,710.00
4" Turbine	1,490.00	2,670.00	4,160.00
4" Compound	1,670.00	3,645.00	5,315.00
6" Turbine	2,210.00	5,025.00	7,235.00
6" Compound	2,330.00	6,920.00	9,250.00
8" and Larger	At Cost	At Cost	At Cost

SERVICE CHARGES:

Establishment	\$ 35.00
Establishment (After Hours)	50.00
Re-establishment of Service (Within 12 Months)	(a)
Reconnection of Service (Delinquent)	35.00
Reconnection of Service-After Hours (Delinquent)	50.00
Meter Move at Customer Request	(b)
After Hours Service Charge, Per Hour *	50.00
Deposit	(c)
Meter Re-Read (If Correct)	30.00
Meter Test Fee (If Correct)	30.00
NSF Check	30.00
Late Payment Charge (Per Month)	1.5%
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-403(D).

(b) Cost to include parts, labor, overhead and all applicable taxes per A.A.C. R14-2-405(B)(5)

(c) Per A.A.C. R14-2-403(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.

WILLOW VALLEY WATER COMPANY, INC.

MONTHLY USAGE CHARGE:

Meter Size (All Classes)	
5/8" x 3/4" Meter	\$ 21.12
3/4" Meter	21.12
1" Meter	52.80
1-1/2" Meter	105.60
2" Meter	168.96
3" Meter	337.92
4" Meter	528.00
6" Meter	1,056.00
8" Meter	2,112.00

COMMODITY RATE CHARGES (Per 1,000 Gallons):

<u>Potable Water – All Meter Sizes and Classes</u>	<u>Rate Block</u>	<u>Volumetric Charge</u>
Tier One Breakover	1,000 Gallons	\$ 1.48
Tier Two Breakover	5,000 Gallons	2.99
Tier Three Breakover	10,000 Gallons	4.51
Tier Four Breakover	18,000 Gallons	6.00
Tier Five Breakover	25,000 Gallons	7.50
Tier Six Breakover	999,999,999	9.00

Conservation Rebate Threshold ("CRT")

6,401 Gallons

Commodity Rate Rebate (applied if consumption is below the CRT):

45%

Non-Potable Water – All Meter Sizes and Classes

All Gallons (Per Acre Foot)

Volumetric Charge

All Gallons (Per 1,000 Gallons)

\$ 185.74

.57

SERVICE LINE AND METER INSTALLATION CHARGES:

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

<u>Meter Size</u>	<u>Service Line Charges</u>	<u>Meter Charges</u>	<u>Total Charges</u>
5/8" x 3/4" Meter	\$ 445.00	\$ 155.00	\$ 600.00
3/4" Meter	445.00	255.00	700.00
1" Meter	495.00	315.00	810.00
1-1/2" Meter	550.00	525.00	1,075.00
2" Turbine	830.00	1,045.00	1,875.00
2" Compound	830.00	1,890.00	2,720.00
3" Turbine	1,045.00	1,670.00	2,715.00
3" Compound	1,165.00	2,545.00	3,710.00
4" Turbine	1,490.00	2,670.00	4,160.00
4" Compound	1,670.00	3,645.00	5,315.00
6" Turbine	2,210.00	5,025.00	7,235.00
6" Compound	2,330.00	6,920.00	9,250.00
8" and Larger	At Cost	At Cost	At Cost

SERVICE CHARGES:

Establishment	\$ 35.00
Establishment (After Hours)	50.00
Re-establishment of Service (Within 12 Months)	(a)
Reconnection of Service (Delinquent)	35.00
Reconnection of Service-After Hours (Delinquent)	50.00
Meter Move at Customer Request	(b)
After Hours Service Charge, Per Hour *	50.00
Deposit	(c)
Meter Re-Read (If Correct)	30.00
Meter Test Fee (If Correct)	30.00
NSF Check	30.00
Late Payment Charge (Per Month)	1.5%
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-403(D).

(b) Cost to include parts, labor, overhead and all applicable taxes per A.A.C. R14-2-405(B)(5)

(c) Per A.A.C. R14-2-403(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.

EXHIBIT "E"

GLOBAL WATER – SANTA CRUZ WATER COMPANY

MONTHLY USAGE CHARGE:Meter Size (All Classes)

5/8" x 3/4" Meter	\$ 27.68
3/4" Meter	27.68
1" Meter	69.20
1-1/2" Meter	138.40
2" Meter	221.44
3" Meter	442.88
4" Meter	692.00
6" Meter	1,384.00
8" Meter	2,768.00

COMMODITY RATE CHARGES (Per 1,000 Gallons):Potable Water – All Meter Sizes and Classes

	<u>Rate Block</u>	<u>Volumetric Charge</u>
Tier One Breakover	1,000 Gallons	\$ 1.30
Tier Two Breakover	5,000 Gallons	2.12
Tier Three Breakover	10,000 Gallons	2.94
Tier Four Breakover	18,000 Gallons	3.76
Tier Five Breakover	25,000 Gallons	4.58
Tier Six Breakover	999,999,999	5.48

Conservation Rebate Threshold ("CRT")

7,001 Gallons

Commodity rate rebate (applied if consumption is below the CRT):

65%

Non-Potable Water – All Meter Sizes and Classes

	<u>Volumetric Charge</u>
All Gallons (Per Acre Foot)	\$ 185.74
All Gallons (Per 1,000 Gallons)	.57

SERVICE LINE AND METER INSTALLATION CHARGES:

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

<u>Meter Size</u>	<u>Service Line Charges</u>	<u>Meter Charges</u>	<u>Total Charges</u>
5/8" x 3/4" Meter	\$ 445.00	\$ 155.00	\$ 600.00
3/4" Meter	445.00	255.00	700.00
1" Meter	495.00	315.00	810.00
1-1/2" Meter	550.00	525.00	1,075.00
2" Turbine	830.00	1,045.00	1,875.00
2" Compound	830.00	1,890.00	2,720.00
3" Turbine	1,045.00	1,670.00	2,715.00
3" Compound	1,165.00	2,545.00	3,710.00
4" Turbine	1,490.00	2,670.00	4,160.00
4" Compound	1,670.00	3,645.00	5,315.00
6" Turbine	2,210.00	5,025.00	7,235.00
6" Compound	2,330.00	6,920.00	9,250.00
8" and Larger	At Cost	At Cost	At Cost

SERVICE CHARGES:

Establishment	\$ 35.00
Establishment (After Hours)	50.00
Re-establishment of Service (Within 12 Months)	(a)
Reconnection of Service (Delinquent)	35.00
Reconnection of Service-After Hours (Delinquent)	50.00
Meter Move at Customer Request	(b)
After Hours Service Charge, Per Hour *	50.00
Deposit	(c)
Meter Re-Read (If Correct)	30.00
Meter Test Fee (If Correct)	30.00
NSF Check	30.00
Late Payment Charge (Per Month)	1.5%
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-403(D).

(b) Cost to include parts, labor, overhead and all applicable taxes per A.A.C. R14-2-405(B)(5)

(c) Per A.A.C. R14-2-403(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.

EXHIBIT "E"

WATER UTILITY OF GREATER TONOPAH, INC.

MONTHLY USAGE CHARGE:Meter Size (All Classes)

5/8" x 3/4" Meter	\$ 22.55
3/4" Meter	22.55
1" Meter	56.38
1-1/2" Meter	112.75
2" Meter	180.40
3" Meter	360.80
4" Meter	563.75
6" Meter	1,127.50
8" Meter	2,255.00

COMMODITY RATE CHARGES (Per 1,000 Gallons):Potable Water – All Meter Sizes and Classes

	<u>Rate Block</u>	<u>Volumetric Charge</u>
Tier One Breakover	1,000 Gallons	\$ 1.18
Tier Two Breakover	5,000 Gallons	1.99
Tier Three Breakover	10,000 Gallons	2.89
Tier Four Breakover	18,000 Gallons	3.80
Tier Five Breakover	25,000 Gallons	4.68
Tier Six Breakover	999,999,999	5.54

Conservation Rebate Threshold ("CRT")

7,401 Gallons

Commodity Rate Rebate (applied if consumption is below the CRT):

45%

Non-Potable Water – All Meter Sizes and Classes

All Gallons (Per Acre Foot)	<u>Volumetric Charge</u>
All Gallons (Per 1,000 Gallons)	\$ 185.74
	.57

SERVICE LINE AND METER INSTALLATION CHARGES:

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

<u>Meter Size</u>	<u>Service Line Charges</u>	<u>Meter Charges</u>	<u>Total Charges</u>
5/8" x 3/4" Meter	\$ 445.00	\$ 155.00	\$ 600.00
3/4" Meter	445.00	255.00	700.00
1" Meter	495.00	315.00	810.00
1-1/2" Meter	550.00	525.00	1,075.00
2" Turbine	830.00	1,045.00	1,875.00
2" Compound	830.00	1,890.00	2,720.00
3" Turbine	1,045.00	1,670.00	2,715.00
3" Compound	1,165.00	2,545.00	3,710.00
4" Turbine	1,490.00	2,670.00	4,160.00
4" Compound	1,670.00	3,645.00	5,315.00
6" Turbine	2,210.00	5,025.00	7,235.00
6" Compound	2,330.00	6,920.00	9,250.00
8" and Larger	At Cost	At Cost	At Cost

SERVICE CHARGES:

Establishment	\$ 35.00
Establishment (After Hours)	50.00
Re-establishment of Service (Within 12 Months)	(a)
Reconnection of Service (Delinquent)	35.00
Reconnection of Service-After Hours (Delinquent)	50.00
Meter Move at Customer Request	(b)
After Hours Service Charge, Per Hour *	50.00
Deposit	(c)
Meter Re-Read (If Correct)	30.00
Meter Test Fee (If Correct)	30.00
NSF Check	30.00
Late Payment Charge (Per Month)	1.5%
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-403(D).

(b) Cost to include parts, labor, overhead and all applicable taxes per A.A.C. R14-2-405(B)(5)

(c) Per A.A.C. R14-2-403(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.

EXHIBIT "E"

VALENCIA WATER COMPANY TOWN DIVISION

MONTHLY USAGE CHARGE:Meter Size (All Classes)

5/8" x 3/4" Meter	\$ 30.88
3/4" Meter	30.88
1" Meter	77.20
1-1/2" Meter	154.40
2" Meter	247.04
3" Meter	494.08
4" Meter	772.00
6" Meter	1,544.00
8" Meter	3,088.00

COMMODITY RATE CHARGES (Per 1,000 Gallons):

<u>Potable Water – All Meter Sizes and Classes</u>	<u>Rate Block</u>	<u>Volumetric Charge</u>
Tier One Breakover	1,000 Gallons	\$ 1.10
Tier Two Breakover	5,000 Gallons	1.98
Tier Three Breakover	10,000 Gallons	2.85
Tier Four Breakover	18,000 Gallons	3.83
Tier Five Breakover	25,000 Gallons	4.90
Tier Six Breakover	999,999,999	6.02

Conservation Rebate Threshold ("CRT")

6,701 Gallons

Commodity Rate Rebate (applied if consumption is below the CRT):

59%

Non-Potable Water – All Meter Sizes and Classes

	<u>Volumetric Charge</u>
All Gallons (Per Acre Foot)	\$ 185.74
All Gallons (Per 1,000 Gallons)	.57

SERVICE LINE AND METER INSTALLATION CHARGES:

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

<u>Meter Size</u>	<u>Service Line Charges</u>	<u>Meter Charges</u>	<u>Total Charges</u>
5/8" x 3/4" Meter	\$ 445.00	\$ 155.00	\$ 600.00
3/4" Meter	445.00	255.00	700.00
1" Meter	495.00	315.00	810.00
1-1/2" Meter	550.00	525.00	1,075.00
2" Turbine	830.00	1,045.00	1,875.00
2" Compound	830.00	1,890.00	2,720.00
3" Turbine	1,045.00	1,670.00	2,715.00
3" Compound	1,165.00	2,545.00	3,710.00
4" Turbine	1,490.00	2,670.00	4,160.00
4" Compound	1,670.00	3,645.00	5,315.00
6" Turbine	2,210.00	5,025.00	7,235.00
6" Compound	2,330.00	6,920.00	9,250.00
8" and Larger	At Cost	At Cost	At Cost

SERVICE CHARGES:

Establishment	
Establishment (After Hours)	\$ 35.00
Re-establishment of Service (Within 12 Months)	50.00
Reconnection of Service (Delinquent)	(a)
Reconnection of Service-After Hours (Delinquent)	35.00
Meter Move at Customer Request	50.00
After Hours Service Charge, Per Hour *	(b)
Deposit	50.00
Meter Re-Read (If Correct)	(c)
Meter Test Fee (If Correct)	30.00
NSF Check	30.00
Late Payment Charge (Per Month)	30.00
Deferred Payment (Per Month)	1.5%

(a) Number of Months off System times the Monthly Minimum per A.A.C. R14-2-403(D).

(b) Cost to include parts, labor, overhead and all applicable taxes per A.A.C. R14-2-403(B)(5)

(c) Per A.A.C. R14-2-403(B)

* For After Hours Service Calls for work performed on the customer's property; not to be charged in addition to an establishment or a reconnection after hours charge.