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TO:

THE COMMISSION

2013 MAY -1 A 9: 44

FROM:

Utilities Division

LEP COMMISSION

DATE:

May 1, 2013

RE:

STAFF REPORT FOR THE PETITION TO AMEND DECISION NO. 73573 PURSUANT TO ARS § 40-252 REGARDING THE MATTER OF THE APPLICATION OF PIMA UTILITY COMPANY, FOR AN INCREASE IN ITS WATER AND WASTEWATER RATES FOR CUSTOMERS WITHIN MARICOPA COUNTY, ARIZONA (DOCKET NOS. W-02199A-11-0329 AND SW-02199A-11-

0330)

Attached is the Staff Report for Pima Utility Company's application for a Petition to Amend Decision No. 73573 pursuant to Arizona Revised Statutes § 40-252 regarding the matter of the application of Pima Utility Company, for an increase in its water and wastewater rates for customers within Maricopa County, Arizona. Staff recommends approval of the increase and associated rate design. Staff further recommends additional conditions in this Report.

Steven M. Olea Director Utilities Division

SMO:DWC:lhm\RRM

Originator: Darron W. Carlson

Arizona Corporation Commission

DOCKETED

MAY 1 2013

BOCKETERNY

Service List for: Pima Utility Company Docket No. W-02199A-11-0329 and SW-02199A-11-0330

Mr. Jay L. Shapiro, Esq. Fennemore Craig, P.C. 2394 East Camelback Road, Suite 600 Phoenix, Arizona 85016

Mr. Daniel Pozefsky, Esq. RUCO 1110 West Washington Street, Suite 220 Phoenix, Arizona 85007

STAFF REPORT

UTILITIES DIVISION ARIZONA CORPORATION COMMISSION

PIMA UTILITY COMPANY

DOCKET NOS. W-02199A-11-0329 AND SW-02199A-11-0330

APPLICATION FOR A PETITION TO AMEND DECISION NO. 73573 PURSUANT TO A.R.S. § 40-252 REGARDING THE MATTER OF THE APPLICATION OF PIMA UTILITY COMPANY, FOR AN INCREASE IN ITS WATER AND WASTEWATER RATES FOR CUSTOMERS WITHIN MARICOPA COUNTY, ARIZONA

STAFF ACKNOWLEDGMENT

The Staff Report for Pima Utility Company ("Company"), Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330 was the responsibility of the Staff member listed below. Darron Carlson was responsible for the review and analysis of the Company's application.

Darron W. Carlson

Public Utilities Analyst Manager

EXECUTIVE SUMMARY

Pima Utility Company ("Pima" or "Company") is a Class B water and wastewater public service corporation. The Company is headquartered in Sun Lakes, Arizona and its service area encompasses that area of Maricopa County, Arizona. In the test year, ending December 31, 2010, the Company served an average of 10,167 water customers and 10,081 wastewater customers.

The Company's petition and application requests an increase in its revenue requirement for its water division in the amount of \$152,666 and for its wastewater division in the amount of \$168,722.

This increase reflects the income tax obligation created by the Company's distribution of profits to its shareholders.

Staff Recommendations

Staff recommends approval of the rate increases requested by the Company in the amounts of \$152,666 for its water division and \$168,722 for its wastewater division.

Staff further recommends approval of the associated rate design proposed by the Company in its application.

Staff further recommends that the Company be ordered to file a full rate case application for both its water and wastewater divisions by no later than June 30, 2015, using a 2014 calendar year test year.

Staff further recommends that the Company provide the notice attached as Attachment 1 in a special direct mailing to all of its customers and to all parties to the case by May 8, 2013.

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Pima Utility Company Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330 Page 1

Introduction

Pima Utility Company ("Pima" or "Company") is a Class B water and wastewater public service corporation. The Company is headquartered in Sun Lakes, Arizona and its service area encompasses that area of Maricopa County, Arizona. In the test year, ending December 31, 2010, the Company served an average of 10,167 water customers and 10,081 wastewater customers.

The Company has filed a petition as described below arising from the Arizona Corporation Commission's ("Commission") recent policy change regarding income taxes.

Summary of Filing

On November 12, 2012, the Commission issued Decision No. 73573 which established the current rates for Pima. Decision No. 73573 also provided that Pima could seek an allowance for income taxes generated as a result of its operations if the Commission changed its policy regarding the treatment of income taxes for subchapter S corporations. On February 21, 2013, in Decision No. 73739, the Commission adopted a policy allowing every utility entity, other than subchapter C corporations and tax-exempt entities, to seek to include in its cost of service an income tax allowance based on the lower of comparable subchapter C corporate income tax expense, or the combined personal income tax obligation created by the distribution of the utility's profits.

On March 29, 2013, the Company filed a petition to amend Decision No. 73573 pursuant to Arizona Revised Statutes ("A.R.S.") § 40-252. The Company has included full schedules that appropriately fulfill the new income tax policy requirements and the resulting recognition of an income tax allowance. The increase to the revenue requirement for water customers is \$152,666, or an increase of 7.72 percent, and the increase to the revenue requirement for wastewater customers is \$168,722, or an increase of 5.45 percent. Staff concurs with these amounts because they comply with the Commission's new policy and will therefore result in just and reasonable rates. Staff has confirmed that the amount the Company is seeking to collect for income taxes is less than it would be had the Company elected to be taxed as a stand-alone C corporation.

In its filing, the Company is not proposing any changes to its fair value rate base, which is \$9,122,677 for its water division and \$9,895,103 for its wastewater division. Adopting the increases proposed by the Company would increase the Company's revenue requirements to \$2,550,282 and \$3,400,935 for its water and wastewater divisions, respectively.

For the water division, the fair value rate of return ("FVROR") remains at 7.63 percent or may become 9.30 percent, depending on the ratemaking classification for the income tax issue, as discussed below. For the wastewater division, the FVROR remains at 7.63 percent or may

¹ Decision No. 73573 classified Pima as a Class B utility. Should Pima's request be granted, Pima would be classified as a Class A utility.

Pima Utility Company Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330 Page 2

become 9.34 percent, again depending on the ratemaking classification for the income tax issue, as discussed below.

Company Background

The Company's current rates, based on a 2010 test year, were approved in Decision No. 73573. In that case, the Company requested recognition of income tax expense in its application, but it was disallowed as the Commission's policy at that time did not recognize income tax for pass-through entities that had no income tax liability. However, also at that time, the Commission was in the process of evaluating changes to this policy, which ultimately resulted in Decision No. 73739.

Follow-Up Rate Case

Staff recommends that the Company be ordered to file a full rate case application for its water and wastewater divisions by no later than June 30, 2015, using a 2014 calendar year test year. That will put a four-year span between the Company's prior rate case test year and its next test year.

Notice

Staff recommends that the Company provide the notice attached as Attachment 1 in a special direct mailing to all of its customers by May 8, 2013. Staff also recommends that the Company provide the attached notice to all parties to this case by May 8, 2013.

Terminology

The Commission's new policy on the income tax issue for pass-through entities refers in the body of the policy to an "imputed income tax expense"; however, in items 5, 6 and 7 listed on page 3 of the policy statement, it refers to an "income tax allowance." Although this terminology may appear insignificant, the classification of this adjustment may impact the calculation of the FVROR. If the income taxes were classified as an imputed expense, the FVROR for this case will not be impacted (will remain 7.63 percent) for Pima. If the income taxes were classified as an allowance, the resulting FVROR could be 9.30 percent and 9.34 percent respectively for its water and wastewater divisions. Staff notes, however, that within the context of this case, the actual rate impact to customers is the same under either classification. Staff believes that, for the purposes of accounting, auditing, bookkeeping, and other associated activities, the Commission was correct on page 3 of its policy statement in classifying the income taxes for pass-through entities as an "allowance." This classification is also consistent with that used in Texas (referred to on page 2 of the Commission's policy statement) and with that used by the Federal Energy Regulatory Commission. However, for ratemaking purposes, the Commission could elect to classify this 'adjustment as an imputed expense, which would also be consistent with the intent of the Commission's policy.

Pima Utility Company Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330 Page 3

Rate Design

The Company has proposed a rate design that includes both an increase to the monthly minimum charge and an increase to the commodity charge for its water division, and an increase to its monthly minimum charge for its wastewater division as there is no commodity charge (except for the purchase of effluent) for wastewater service.

Staff concurs with the Company on its proposed rate design. For informational purposes, the typical bill impact analysis for a 5/8-inch meter residential customer using the average of 6,395 gallons per month is as follows:

Water:

current bill is \$11.96

proposed bill would be \$12.65 increase would be \$0.70 or 5.82%.

Wastewater: current bill is \$23.97

proposed bill would be \$25.17 increase would be \$1.20 or 5.00%.

Staff Recommendations

Staff recommends approval of the rate increases requested by the Company in the amounts of \$152,666 for its water division and \$168,722 for its wastewater division.

Staff further recommends approval of the associated rate design proposed by the Company in its application.

Staff further recommends that the Company be ordered to file a full rate case application for both its water and wastewater divisions by no later than June 30, 2015, using a 2014 calendar year test year.

Staff further recommends that the Company provide the notice attached as Attachment 1 in a special direct mailing to all of its customers and to all parties to this case by May 8, 2013.

NOTICE PUBLIC NOTICE OF PUBLIC COMMENT MEETING AND OPEN MEETING

Regarding

Pima Utility Company Petition to Amend Decision No. 73573 pursuant to A.R.S. § 40-252 (Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330)

Summary

On November 12, 2012, the Arizona Corporation Commission issued Decision No. 73573, which established the current rates for Pima Utility Company ("Pima" or "Company"). Decision No. 73573 also provided that Pima could seek an allowance for income taxes generated as a result of its operations. On February 21, 2013, in Decision No. 73739, the Commission adopted a policy that allows all utility entities, other than subchapter C corporations and tax-exempt entities, to include in its cost of service an income tax allowance based on the lower of comparable subchapter C corporate income tax expense, or the combined personal income tax obligation created by the distribution of the utility's profits. Pima then filed a petition pursuant to A.R.S. § 40-252 seeking recovery of an allowance for income taxes.

Public Comment Meeting and Open Meeting

The Commission will hold an Open Meeting to consider the Petition on June 11 and 12, 2013, at 10:00 a.m. at the Commission's offices located at 1200 West Washington Street, Phoenix, Arizona 85007. Written public comments may be submitted by mailing a letter referencing Docket Nos. W-02199A-11-0329 and SW-02199A-11-0330 to the Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007, or by e-mail. For a form to use and/or instructions on e-mail comments the Commission. how to to http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm1.pdf or email comments mailmaster@azcc.gov. If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

Water Division

Under the rates approved in Decision No. 72579, a residential customer with a 5/8-inch meter and average usage of 6,395 gallons per month, currently pays \$11.96 per month. Under the Company's request that amount would increase by \$.70 or 5.82 percent to \$12.65. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

Wastewater Division

Under rates approved in Decision No. 72579, a residential wastewater customer with a 5/8-inch water meter currently pays \$23.97 per month. Under the Company's request, that amount would increase by \$1.20 or 5.00 percent to \$25.17. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

The proposed rate changes are summarized in the following table:

Water Monthly Minimum Charge	Current Rates	New Rates
5/8" Meter	7.00	7.39
3/4" Meter	10.50	11.09
1" Meter	20.00	21.12

35.00	36.96
56.00	59.14
130.00	137.28
175.00	184.80
350.00	369.60
880.00	901.30
180.00	180.00
0.67	0.71
0.95	1.01
1.36	1.45
<u>'</u>	
0.95	1.01
1.36	1.45
	56.00 130.00 175.00 350.00 880.00 180.00 0.67 0.95 1.36

Wastewater Monthly Minimum Charge	Current Rates	New Rates
5/8" Meter	23.97	25.17
3/4" Meter	37.26	39.12
1" Meter	62.56	65.69
1 1/2" Meter	123.72	129.91
2" Meter	197.54	207.42
3" Meter	383.50	402.68
4" Meter	599.22	629.18
6" Meter	1,198.44	1,198.44
Effluent (all meter sizes)	180.00	180.00
Commodity Charge for Effluent	Current Rates	New Rates
Per 1,000 Gallons	0.46	0.48

The Commission is not bound by the proposals made by the Company in its Petition; therefore, the final rates approved by the Commission may be higher or lower than the rates requested by Pima.

How You Can View or Obtain a Copy of the Petition

Copies of the Petition are available from Pima Utility Company at 9532 East Riggs Road, Sun Lakes, Arizona 85248 and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, e-mail sbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

1 BEFORE THE ARIZONA CORPORATION COMMISSION **BOB STUMP** 2 Chairman **GARY PIERCE** 3 Commissioner **BRENDA BURNS** Commissioner **BOB BURNS** 5 Commissioner 6 SUSAN BITTER SMITH Commissioner 7 IN THE MATTER OF THE APPLICATION) DOCKET NO. W-02199A-11-0329 OF PIMA UTILITY COMPANY, AN 9 ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE 10 OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS WATER 11 RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON 12 13 IN THE MATTER OF THE APPLICATION DOCKET NO. SW-02199A-11-0330 OF PIMA UTILITY COMPANY, AN 14 DECISION NO. ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE 15 **ORDER** OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS 16 WASTERWATER RATES AND CHARGES 17 FOR UTILITY SERVICE BASED **THEREON** 18 19 20 Open Meeting June 11 and 12, 2013 21 Phoenix, Arizona 22 BY THE COMMISSION: 23 FINDINGS OF FACT 24 Pima Utility Company ("Pima" or "Company") is a Class B water and wastewater 1. 25 public service corporation. The Company is headquartered in Sun Lakes, Arizona and its service 26 area encompasses that area of Maricopa County, Arizona. In the test year, ending December 31, 27 2010, the Company served an average of 10,167 water customers and 10,081 wastewater

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customers.

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2. The Company has filed a petition as described below arising from the Arizona Corporation Commission's ("Commission") recent policy change regarding income taxes.

Background

- 3. On November 12, 2012, the Commission issued Decision No. 73573, which established the current rates for Pima. Decision No. 73573 also provided that Pima could seek an allowance for income taxes generated as a result of its operations if the Commission changed its policy regarding the treatment of income taxes for subchapter S corporations.
- On February 21, 2013, in Decision No. 73739, the Commission adopted a policy allowing every utility entity, other than subchapter C corporations and tax-exempt entities, to seek to include in its cost of service an income tax allowance based on the lower of comparable subchapter C corporate income tax expense, or the combined personal income tax obligation created by the distribution of the utility's profits.
- 5. On March 29, 2013, the Company filed a petition to amend Decision No. 73573 pursuant to Arizona Revised Statutes ("A.R.S.") § 40-252. The Company has included full schedules that appropriately fulfill the new income tax policy requirements and the resulting recognition of an income tax allowance. The increase to the revenue requirement for water customers is \$152,666, or an increase of 7.75 percent, and the increase to the revenue requirement for wastewater customers is \$168,722 or an increase of 5.45 percent. Staff concurs with these amounts because they comply with the Commission's new policy and will therefore result in just and reasonable rates. Staff has confirmed that the amount the Company is seeking to collect for income taxes is less than it would be had the Company elected to be taxed as a stand-alone C corporation.
- 6. In its filing, the Company is not proposing any changes to its fair value rate base, which is \$9,122,677 for its water division and \$9,895,103 for its wastewater division. Adopting the increases proposed by the Company would increase the Company's revenue requirements to \$2,550,282 and \$3,400,935 for its water and wastewater divisions, respectively.

- 7. For the water division, the fair value rate of return ("FVROR") remains at 7.63 percent, or may become 9.34 percent, depending on the ratemaking classification for the income tax issue, as discussed in Finding of Fact Nos. 12-14 below.
- 8. For the wastewater division, the FVROR remains at 7.63 percent, or may become 9.30 percent, depending on the ratemaking classification for the income tax issue, as discussed in Finding of Fact Nos. 12-14 below.
- 9. The Company's current rates, based on a 2010 test year, were approved in Decision No. 73573. In that case, the Company requested recognition of income tax expense in its application, but it was disallowed as the Commission's policy at that time did not recognize income tax for pass-through entities that had no income tax liability. However, also at that time, the Commission was in the process of evaluating changes to this policy, which ultimately resulted in Decision No. 73739.
- 10. Staff recommends that the Company be ordered to file a full rate case application for its water and wastewater divisions by no later than June 30, 2015, using a 2014 calendar year test year.

Notice

11. Staff recommends that the Company provide the notice which is attached as Exhibit 1 to the Staff Memorandum in a special direct mailing to all of its customers by May 8, 2013. Staff also asked the Company to provide the attached notice to all parties to this case by May 8, 2013.

Terminology

- 12. The Commission's new policy on the income tax issue for pass-through entities refers in the body of the policy to an "imputed income tax expense"; however, in items 5, 6 and 7 listed on page 3 of the policy statement, it refers to an "income tax allowance." Although this terminology may appear insignificant, the classification of this adjustment impacts the calculation of the FVROR.
- 13. If the income taxes were classified as an imputed expense, the FVROR for this case will not be impacted (will remain 7.63 percent) for Pima. If the income taxes were classified as an

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allowance, the resulting FVROR could be 9.30 percent and 9.34 percent, respectively for its water and wastewater divisions. Staff notes that within the context of this case, the actual rate impact to customers is the same under either classification.

14. Staff believes that, for the purposes of accounting, auditing, bookkeeping, and other associated activities, the Commission was correct on page 3 of its policy statement in classifying the income taxes for pass-through entities as an "allowance." This classification is also consistent with that used in Texas (referred to on page 2 of the Commission's policy statement) and with that used by the Federal Energy Regulatory Commission. However, for ratemaking purposes, the Commission could elect to classify this adjustment as an imputed expense, which would be consistent with the intent of the Commission's policy.

Rate Design

- 15. The Company has proposed a rate design that includes both an increase to the monthly minimum charge and an increase to the commodity charge for its water division, and an increase to its monthly minimum charge for its wastewater division as there is no commodity charge (except for the purchase of effluent) for wastewater service.
- Staff concurs with the Company on its proposed rate design. For informational 16. purposes, the typical bill impact analysis for a 5/8-inch meter residential customer using the average of 6,935 gallons per month is as follows:

Water:

current bill is \$11.96

proposed bill would be \$12.65 increase would be \$0.70 or 5.82%.

Wastewater:

current bill is \$23.97

proposed bill would be \$25.17 increase would be \$1.20 or 5.00%.

Staff Recommendations

17. Staff recommends approval of the rate increases requested by the Company in the amounts of \$152,666 for its water division and \$168,722 for its wastewater division.

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18. Staff further recommends approval of the associated rate design proposed by the Company in its application.

- 19. Staff further recommends that the Company be ordered to file a full rate case application for both its water and wastewater divisions by no later than June 30, 2015, using a 2014 calendar year test year.
- 20. Staff has requested that the Company provide the notice, attached as Attachment 1 to the Staff Memorandum, in a special direct mailing to all of its customers and to all parties to this case by May 8, 2013.

CONCLUSIONS OF LAW

- 1. Pima Utility Company, is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§40-250 and -252.
- 2. The Commission has jurisdiction over the Company and over the subject matter of the application.
- 3. Notice of the proceeding and an opportunity to be heard have been afforded in the manner prescribed by law.
- 4. For the purposes of evaluating this application, the information set forth in Finding of Fact Nos. 6 8 serve as appropriate fair value information for the Commission's consideration.
- 5. The Commission may determine appropriate ratemaking classifications pursuant to Article XV, Section 3 of the Arizona Constitution and the rates proposed herein are just and reasonable.
- 6. Decision No. 73573 is hereby modified to allow the Company to include in its cost of service an income tax allowance based on the lower of comparable subchapter C corporate income tax expense, or the combined personal income tax obligation created by the distribution of the utility's profits.
 - 7. Staff's recommendations are reasonable and therefore should be adopted.

ORDER

IT IS THEREFORE ORDERED that Decision No. 73573 is hereby modified to permit Pima Utility Company to recover income taxes as requested in its March 29, 2013 petition.

Decision No.

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SERVICE LIST FOR: Pima Utility Company 1 DOCKET NO. W-02199A-11-0329 ET ÅL. Jay L. Shapiro, Esq. 3 Fennemore Craig 2384 East Camelback Road, Suite 600 Phoenix, Arizona 85016 4 5 Daniel Pozefsky, Esq. Residential Utility Consumer Office 6 1110 West Washington Street, Suite 220 Phoenix, Arizona 85007 7 8 Mr. Steven M. Olea 9 Director, Utilities Division Arizona Corporation Commission 10 1200 West Washington Street Phoenix, Arizona 85007 11 Ms. Janice M. Alward 12 Chief Counsel, Legal Division 13 Arizona Corporation Commission 1200 West Washington Street 14 Phoenix, Arizona 85007 15 16 17 18 19 20 21 22 23 24 25 26 27