## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Seven Springs System in Pasco County by Aloha Utilities, Inc.

DOCKET NO. 991643-SU
ORDER NO. PSC-00-1065-PCO-SU
ISSUED: June 5, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman J. TERRY DEASON SUSAN F. CLARK E. LEON JACOBS, JR. LILA A. JABER

ORDER SUSPENDING PROPOSED FINAL RATES AND DENYING INTERIM RATES

BY THE COMMISSION:

#### **BACKGROUND**

Aloha Utilities, Inc. (Aloha or utility), is a Class A water and wastewater utility in Pasco County. The utility consists of two distinct service areas, Aloha Gardens and Seven Springs. These service areas are physically divided by U.S. Highway 19, the major north/south highway through Pinellas and Pasco Counties. The utility's service area is located within the Northern Tampa Bay Water Use Caution Area as designated by the Southwest Florida Water Management District (SWFWMD). Critical water supply concerns have been identified by SWFWMD within this area.

In its 1998 annual report, Aloha reported operating revenues of \$2,046,925 and \$3,340,293 for water and wastewater, respectively. In 1998, the utility served 11,732 water and 11,193 wastewater customers. Rate base was last established for Aloha's Seven Springs wastewater system by Order No. PSC-99-1917-PAA-WS, issued September 28, 1999, in Dockets Nos. 970536-WS and 980245-WS. This Order was consummated by Order No. PSC-99-2083-CO-WS, issued October 21, 1999.

On February 9, 2000, Aloha filed an application for an increase in rates for its Seven Springs wastewater system. The

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utility was notified of several deficiencies in the minimum filing requirements (MFRs). Those deficiencies were corrected and the official filing date was established as April 4, 2000, pursuant to Section 367.083, Florida Statutes.

Aloha's requested test year for interim purposes is the historical year ended September 30, 1999. The utility's requested test year for the setting of final rates is the projected year ended September 30, 2001. Also, the utility requested that this application be directly set for hearing. The case has been set for hearing in Pasco County on September 25 and 26, 2000.

In its MFRs, the utility has requested annual interim revenues of \$2,568,801. This represents a revenue increase of \$48,532 (or 1.92%). For final consideration, the utility has requested total revenues of \$4,374,495. This represents a revenue increase of \$1,593,501 (or 57.29%). The final revenues are based on the utility's request for an overall rate of return of 9.24%.

The sixty-day statutory deadline to suspend the utility's requested rates is June 3, 2000.

#### SUSPENSION OF FINAL RATES

Section 367.081(6), Florida Statutes, provides that the rates proposed by the utility shall become effective within sixty days after filing unless we vote to withhold consent to implementation of the requested rates. Further, the above referenced statute permits the proposed final rates to go into effect, under bond, escrow or corporate undertaking, eight months after filing unless final action has been taken.

We have reviewed the filing and have considered the proposed rates, the revenues thereby generated, and the information filed in support of the rate application. We find that it is reasonable and necessary to require further amplification and explanation regarding this data, and to require production of additional and/or corroborative data. This further examination will include on-site investigations by our staff accountants and engineers. Based on the foregoing, we suspend the utility's proposed final rate increase.

#### INTERIM RATES

Aloha requested interim rates for its Seven Springs wastewater system to generate annual revenues of \$2,568,801. This amount represents an increase of \$48,532 (or 1.92%). The test year for interim rates is the historical year ended September 30, 1999. The utility filed rate base, cost of capital, and operating statements to support its requested increase. In its application, the utility has used a thirteen-month average to calculate its requested rate base and cost of capital. The utility is a Class A utility and filed its MFRs consistent with the averaging requirement of Rule 25-30.433, Florida Administrative Code.

We have reviewed the utility's interim request, as well as the prior rate proceeding order, and have made adjustments as discussed below. The attached accounting schedules illustrate rate base, capital structure, and test year operating income amounts. The rate base schedule is numbered 1-A, and the adjustments to rate base are shown on Schedule No. 1-B. The capital structure schedule is Schedule No. 2. The operating statement is Schedule No. 3-A, and the schedule of adjustments to operating statement is Schedule No. 3-B.

Pursuant to Section 367.082(5)(b)(1), Florida Statutes, the achieved rate of return for interim purposes shall be calculated by applying appropriate adjustments consistent with those used in the utility's most recent rate proceeding. The utility's most recent rate proceeding order was Order No. PSC-99-1917-PAA-WS, September 28, 1999, in Dockets Nos. 970536-WS and 980245-WS. PAA Order was consummated by Order No. PSC-99-2083-CO-WS, issued October 21, 1999. As addressed in this Order, the utility disagreed with three of our adjustments in that case. adjustments included the disallowance of capitalized invoices previously expensed, the removal of an interest bearing cash operating account from working capital, and the reduction of officers' salaries and associated benefits and payroll taxes. utility requested and we agreed that the utility should be allowed to fully litigate its objections to those adjustments in its next rate case. However, we specifically stated that those adjustments shall be used for the calculation of interim rates and any earnings investigation pending the conclusion of any rate case.

#### RATE BASE

### Capitalized Invoices Previously Expensed

As discussed earlier, we disallowed the capitalization of invoices previously expensed. Specifically, this adjustment reduced plant by \$127,231. In its MFRs, the utility stated that it included the \$127,231 amount and the associated \$59,861 of accumulated depreciation in its rate base. It also included the related depreciation expense of \$6,675 in its application. In accordance with the interim statute, the plant, accumulated depreciation, and depreciation expense shall be reduced by \$127,231, \$59,861, and \$6,675, respectively.

## Non-Used and Useful

Based on our review of the MFRs, the utility's treatment facilities are at 100% of their permitted capacity. This is supported by flow data which shows that average daily flows are near or exceeding permitted capacity. Further, all reuse facilities are 100% used and useful which is consistent with the treatment approved in the utility's most recent reuse proceeding. See Order No. PSC-97-0280-FOF-WS, issued March 12, 1997, in Docket No. 950615-SU. The utility's collection system is only built to serve existing customers. Accordingly, no used and useful adjustment is appropriate for interim purposes.

## Working Capital Allowance

In its MFRs, Aloha calculated a working capital allowance of \$637,066 for the total company. The utility allocated its working capital allowance based on the ratio of operation and maintenance (O&M) expenses of each of its four divisions. The Seven Springs wastewater system accounts for 40.34% of Aloha's total interim test year O&M expenses, which resulted in a \$256,992 working capital allocation for this system.

The utility included the thirteen-month average balance of its interest bearing cash operating account (\$555,738) to calculate its total company working capital. Aloha also included \$9,572 of interest income from its cash operating account in Seven Springs' above-the-line wastewater revenues. As previously stated, in the utility's last rate proceeding, the cash operating account was excluded from working capital and the interest income from the cash operating account was recorded below-the-line.

To comply with the interim statute, the cash operating account shall be excluded from working capital and the interest income from its cash operating account shall be recorded below-the-line. Based on the above, the utility's requested working capital for its Seven Springs wastewater system shall be reduced by \$224,184. This results in a working capital allowance of \$32,808 for interim purposes.

#### COST OF CAPITAL

In its MFRs, the utility used a thirteen-month average capital structure and made pro rata adjustments to all accounts except for customer deposits to reconcile the capital structure to rate base. The utility also used the minimum range of its last authorized rate of return on equity. Aloha calculated an overall rate of return of 9.19%.

Pursuant to Section 367.082(5)(b), Florida Statutes, the required rate of return shall be calculated using the last authorized rate of return on equity and the interim test year cost rates of other sources of capital. Further, the return on equity for an interim increase shall be calculated using the lower end of the range of the utility's last authorized return on equity. We have reviewed the utility's capital structure and two adjustments are necessary for interim purposes. In its last rate proceeding, we made pro rata adjustments to all components of capital, including customer deposits. As such, all sources shall be reconciled to comply with the interim statute.

Secondly, in its MFRs, the utility used cost rates of 10.82% and 10.75% for variable cost long-term debt issued by Linda L. Speer, a related party. In its application, Aloha used the prime interest rate as of February 2000 (when the MFRs were prepared) plus 2% for this related party debt. Aloha's 10.82% cost rate included the amortization of issuing expense associated with this debt.

In the utility's last rate proceeding, we approved a cost rate of prime plus 2 percent and did not address the recovery of any issuing expense related to this related party debt. Further, prime interest rates are reported on the first day of each month. Since the interim test year is the year ended September 30, 1999, the prime rate of 7.90% shall be used. This is a weighted cost of the prime rate during the interim test year. As such, a cost rate of 9.90% is appropriate for this related party debt. Thus, we

calculated a weighted average cost of long-term debt of 9.86% which is 90 basis points lower than the utility's requested rate of 10.76%.

Based on our adjustments, Aloha's minimum overall rate of return shall be 8.79%. This is a slight reduction from the utility's requested return of 9.19%.

#### NET OPERATING INCOME

#### Test Year Revenues

In its MFRs, the utility made a \$29,384 adjustment to correct test year revenues. This included \$19,426 associated with a price index which was implemented after the test year and \$9,958 to correct measured service revenues. We agree with the utility that the measured revenue adjustment is appropriate.

Section 367.082(5)(b)(1), Florida Statutes, states that any rate changes which occurred during the interim test year must be annualized in order to calculate the achieved rate of return. We have reviewed the index adjustment and in accordance with Section 367.082(5)(b)(1), Florida Statutes, the revenues from that increase cannot be considered in calculating the appropriate interim rate increase. Because the price index was implemented after the end of the interim test year, \$19,426 of annualized revenues associated with this price index shall be removed from the test year revenues.

#### Operation & Maintenance Expense

In Aloha's last rate proceeding, we limited the vice president's salary to 20 percent of the president's salary and set the secretary/treasurer's salary at \$42,000. We also reduced benefits and payroll taxes related to these salary reductions. In its MFRs, the utility stated that it did not make any of these adjustments for interim. To comply with the interim statute, officers' salaries, benefits, and payroll taxes shall be reduced by \$20,783, \$7,128, and \$1,865, respectively.

#### Taxes Other Than Income

In the utility's last rate proceeding, we reduced Aloha's tangible personal property and real estate taxes because the utility paid its taxes in December and did not take available discounts by paying its 1998 taxes in November. Specifically, we reduced tangible personal property taxes by \$1,911 and real estate taxes by \$550. The interim statute requires that these adjustments be consistently applied to the interim test year period. Because the utility's 1998 taxes encompass three months of the interim test year and its 1999 taxes were paid a month after the interim test year, the exact dollar adjustments in the utility's last rate proceeding shall be made for interim, as well. Therefore, the utility's tangible personal property and real estate taxes shall be reduced by \$1,911 and \$550, respectively.

## REVENUE REQUIREMENT

We have calculated the interim revenue requirement using the actual operating expenses for the year ended September 30, 1999, as adjusted, and a minimum 8.79% rate of return on a thirteen-month average rate base. Based on the above, the appropriate interim revenue requirement is \$2,500,310, which represents an annual increase of \$9,039 (0.36%).

### INTERIM RATES

The utility's current rates are a result of a recent price index we approved for Aloha's Seven Springs wastewater system. The current rates became effective on January 18, 2000. To generate the required \$9,039 interim increase and calculate the appropriate interim rates, we multiplied the 0.36% increase times the rates in effect during the test year. Based on these calculations, the interim rates are less than the utility's currently authorized rates (as increased by the price index), i.e.; by implementing a price index the utility increased its rates greater than the indicated 0.36%. Therefore, the utility is already charging rates greater than would be the authorized interim increase, and no further increase is warranted at this time. The utility's test year rates, current rates, requested interim rates, and our calculated interim rates are shown on Schedule No. 4.

The docket shall remain open pending our final action on the utility's requested rate increase.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the final rates and schedules proposed by Aloha Utilities, Inc. are hereby suspended. It is further

ORDERED that the request for an interim rate increase for water and wastewater rates by Aloha Utilities, Inc. is hereby denied. It is further

ORDERED that each of the findings made in the body of this Order is hereby approved in every respect. It is further

ORDERED that all matters contained in the schedules attached hereto are incorporated herein by reference. It is further

ORDERED that this docket shall remain open pending our final action on the utility's requested rate increase.

By ORDER of the Florida Public Service Commission this <u>5th</u> day of <u>June</u>, <u>2000</u>.

BLANCA S. BAYÓ, Director

Division of Records and Reporting

(SEAL)

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#### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative

hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is intermediate in nature, may request judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. Citizens of the State of Florida v. Mayo, 316 So.2d 262 (Fla. 1975), states that an order on interim rates is not final nor reviewable until a final order is issued. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

## ALOHA UTILITIES, INC., SEVEN SPRINGS SYSTEM SCHEDULE OF WASTEWATER RATE BASE INTERIM TEST YEAR ENDED 09/30/99

SCHEDULE NO. 1-A DOCKET 991643-SU

DESCRIPTION	TEST YEAR PER UTILITY	UTILITY ADJUST- MENTS	ADJUSTED TEST YEAR PER UTILITY	COMMISSION ADJUST- MENTS	COMMISSION ADJUSTED TEST YEAR
1 UTILITY PLANT IN SERVICE	\$13,726,891	\$0	\$13,726,891	(\$127,231)	\$13,599,660
2 LAND	\$548,944	\$0	\$548,944	\$0	\$548,944
3 NON-USED & USEFUL COMPONENTS	\$0	\$0	\$0	\$0	\$0
4 ACCUMULATED DEPRECIATION	(\$3,416,846)	\$0	(\$3,416,846)	\$59,861	(\$3,356,985)
5 CIAC	(\$9,423,903)	\$0	(\$9,423,903)	\$0	(\$9,423,903)
6 AMORTIZATION OF CIAC	\$2,535,276	\$0	\$2,535,276	\$0	\$2,535,276
7 ACQUISITION ADJUSTMENTS - NET	\$0	\$0	\$0	\$0	\$0
8 ADVANCES FOR CONSTRUCTION	\$0	\$0	\$0	\$0	\$0
9 UNFUNDED POST-RETIRE, BENEFITS	\$0	\$0	\$0	\$0	\$0
10 DEFERRED INCOME TAXES	\$0	\$0	\$0	\$0	\$0
11 WORKING CAPITAL ALLOWANCE	\$0	\$256,992	\$256,992	(\$224,184)	\$32,808
12 OTHER	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
RATE BASE	<u>\$3,970,362</u>	\$256,992	<u>\$4,227,354</u>	<u>(\$291,554)</u>	<u>\$3,935,800</u>

ALOHA UTILITIES, INC., SEVEN SPRINGS SYSTEM ADJUSTMENTS TO RATE BASE INTERIM TEST YEAR ENDED 09/30/99

SCHED. NO. 1-B DOCKET 991643-SU

EXPLANATION	WASTEWATER
PLANT IN SERVICE Reduce plant per Order No. PSC-99-1967-PAA-WS.	<u>(\$127,231)</u>
<u>LAND</u> None	<u>\$0</u>
NON-USED AND USEFUL None	<u>\$0</u>
ACCUMULATED DEPRECIATION Reduce accum. depr. per Order No. PSC-99-1967-PAA-WS.	<u>\$59,861</u>
CIAC None	<u>\$0</u>
ACCUM. AMORT. OF CIAC None	<u>\$0</u>
WORKING CAPITAL Reduce working capital per Order # PSC-99-1967-PAA-WS.	<u>(\$224,184)</u>

## ALOHA UTILITIES, INC. - SEVEN SPRINGS CAPITAL STRUCTURE INTERIM TEST YEAR ENDED 09/30/99

SCHEDULE NO. 2 DOCKET 991643-SU

		TOTAL	SPECIFIC ADJUST- MENTS	PRO RATA ADJUST-	CAPITAL RECONCILED TO RATE		COST	WEIGHTED
	DESCRIPTION	CAPITAL	(EXPLAIN)	MENTS	BASE	RATIO	RATE	COST
PER		£0.045.470	<b>f</b> 0	(64 400 000)	fo 404 400	E4 C00/	40.700/	E EE0/
1	LONG TERM DEBT	\$3,645,178	\$0	(\$1,463,692)	\$2,181,486	51.60%	10.76%	
2	SHORT-TERM DEBT	\$61,538	\$0	(\$24,632)	\$36,906	0.87%	9.03%	
3	PREFERRED STOCK	\$600,000	\$0	(\$240,965)	\$359,035	8.49%	9.12%	
4	COMMON EQUITY	\$1,920,473	\$0	(\$770,760)	\$1,149,713	27.20%	9.12%	
5	CUSTOMER DEPOSITS	\$215,795	\$0	\$0	\$215,795	5.10%	6.00%	
6	DEFERRED INCOME TAXES	\$475,501	\$0	(\$191,082)	\$284,419	6.73%	0.00%	
7	DEFERRED ITC'S-ZERO	\$0	\$0	\$0	\$0	0.00%	0.00%	
8	DEFERRED ITC'S-WTD. COST	\$0	\$0	\$0	\$0	0.00%	0.00%	
9	OTHER	<u>\$0</u>	<u>\$0</u>	\$0	\$0	0.00%	0.00%	
10	TOTAL CAPITAL	<u>\$6,918,485</u>	<u>\$0</u>	<u>(\$2,691,131)</u>	<u>\$4,227,354</u>	<u>100.00%</u>		<u>9.19%</u>
PER								
11	LONG TERM DEBT	\$3,645,178	\$0	(\$1,571,502)	\$2,073,676	52.69%	9.86%	5.20%
12	SHORT-TERM DEBT	\$61,538	\$0	(\$26,530)	\$35,008	0.89%	9.03%	0.08%
13	PREFERRED STOCK	\$600,000	\$0	(\$258,671)	\$341,329	8.67%	9.12%	0.79%
14	COMMON EQUITY	\$1,920,473	\$0	(\$827,951)	\$1,092,522	27.76%	9.12%	2.53%
15	CUSTOMER DEPOSITS	\$215,795	\$0	(\$93,033)	\$122,762	3.12%	6.00%	0.19%
16	DEFERRED INCOME TAXES	\$475,501	\$0	(\$204,997)	\$270,504	6.87%	0.00%	0.00%
17	DEFERRED ITC'S-ZERO	\$0	\$0	\$0	\$0	0.00%	0.00%	0.00%
18	DEFERRED ITC'S-WTD. COST	\$0	\$0	\$0	\$0	0.00%	0.00%	0.00%
19	OTHER	\$0	<u>\$0</u>	\$0	\$0	0.00%	0.00%	0.00%
17	TOTAL CAPITAL	\$6,918,485	<u>\$0</u>	(\$2,982,685)	\$3,935,800	100.00%		8.79%
						LOW	HIGH	
				RETU	RN ON EQUITY	9.12%	11.12%	1
					TE OF RETURN	8.79%	9.34%	

ALOHA UTILITIES, INC. - SEVEN STATEMENT OF WASTEWATER OPERATIONS INTERIM TEST YEAR ENDED 09/30/99 SCHEDULE NO. 3-A DOCKET 991643-SU

	DESCRIPTION	TEST YEAR PER UTILITY	UTILITY ADJUST- MENTS	ADJUSTED TEST YEAR PER UTILITY	COMMISSION ADJUST- MENTS	COMMISSION ADJUSTED TEST YEAR	REVENUE INCREASE	REVENUE REQUIREMENT
1	OPERATING REVENUES	\$2,490,885	<u>\$77,916</u>	\$2,568,801	(\$77,530)	\$2,491,271	\$9,039 0.36%	\$2,500,310
2	OPERATING EXPENSES OPERATION & MAINTENANCE	\$1,677,897	(\$100,161)	\$1,577,736	(\$27,911)	\$1,549,825	\$0	\$1,549,82
3	DEPRECIATION	\$174,599	\$0	\$174,599	(\$6,675)	\$167,924	\$0	\$167,924
4	AMORTIZATION	(\$38,622)	\$0	(\$38,622)	\$0	(\$38,622)	\$0	(\$38,622
5	TAXES OTHER THAN INCOME	\$400,644	\$3,283	\$403,927	(\$7,815)	\$396,112	\$407	\$396,51
6	INCOME TAXES	\$62,667	<u>\$0</u>	<u>\$62,667</u>	<u>\$12,981</u>	<u>\$75,648</u>	\$3,248	\$78,89
7	TOTAL OPERATING EXPENSES	<u>\$2,277,185</u>	(\$96,878)	\$2,180,307	(\$29,420)	\$2,150,887	<u>\$3,655</u>	\$2,154,54
8	OPERATING INCOME	<u>\$213,700</u>	<u>\$174,794</u>	<u>\$388,494</u>	<u>(\$48,111)</u>	<u>\$340,383</u>	<u>\$5,384</u>	\$345,76
9	RATE BASE	\$3,970,362		<u>\$4,22</u> 7,354		\$3,935,800		<u>\$3,935,80</u>
10	RATE OF RETURN	<u>5.38%</u>		<u>9.19%</u>		<u>8.65%</u>		<u>8.79%</u>

# ALOHA UTILITIES, INC. - SEVEN SPRINGS SYSTEM ADJUSTMENTS TO OPERATING INCOME INTERIM TEST YEAR ENDED 09/30/99

SCHED. NO. 3-B DOCKET 991643-SU

	EXPLANATION	WASTEWATER
<ul><li>1 Remove inte</li><li>2 Remove afte</li></ul>	REVENUES rest income on cash operating acct. r test year annualized index adjustment. ty requested revenue increase.	(\$9,572) (19,426) (48,532) (\$77,530)
1 Reduce office	& MAINTENANCE EXPENSE sers salaries. sions & benefits.	(\$20,783) ( <u>7,128)</u> ( <u>\$27,911)</u>
	ION EXPENSE-NET reciation expense.	<u>(\$6,675)</u>
1 RAFs on cor 2 Reduce payr 3 Reduce tang	ER THAN INCOME rected test year revenues. roll taxes. lible property taxes. estate property taxes.	(\$3,489) (1,865) (1,911) ( <u>550)</u> ( <u>\$7,815)</u>
INCOME TAX To adjust to	<u>(ES</u> test year income tax expense.	<u>\$75,648</u>

## ALOHA UTILITIES, INC. - SEVEN SPRINGS SYSTEM WASTEWATER MONTHLY SERVICE RATES INTERIM TEST YEAR ENDED 09/30/99

SCHEDULE NO. 4 DOCKET 991643-SU

	Rates As of 09/30/99	Rates As of 01/18/00	Utility Requested Interim	Commission Calculated Interim
Residential				
Base Facility Charge:				
Meter Size				
5/8"X3/4"	\$8.93	\$8.99	\$9.16	\$8.96
Gallonage Charge - Per 1,000				
gallons (10,000 gallon cap)	\$2.30	\$2.32	\$2.36	\$2.31
General Service				
Base Facility Charge:				
Meter Size				
5/8"X3/4"	\$8.93	\$8.99	\$9.16	
1"	\$22.33	\$22.48	\$22.91	\$22.41
1 1/2"	\$44.66	\$44.96	\$45.83	
2"	\$71.46	\$71.94	\$73.33	
3"	\$142.92	\$143.88	\$146.65	(i)
4"	\$223.25	\$224.75	\$229.08	
6"	\$446.63	\$449.62	\$458.28	(A) 100 MI MINORAL TO S
8"	\$714.60	\$719.39	\$733.24	\$717.17
Gallonage Charge, per 1,000 Gallons	\$2.76	\$2.78	2.83	\$2.77
Reclaimed Water				
Mitchell Property	\$0.00	\$0.00	\$0.00	\$0.00
All Others	\$0.25	\$0.25	\$0.25	\$0.25
		Typical Resi	dential Bills	
5/8" Meter Size				
3,000 Gallons	\$15.83	\$15.95	\$16.24	
5,000 Gallons	\$20.43	\$20.59	\$20.96	
10,000 Gallons	\$31.93	\$32.19	\$32.76	\$32.04
(Wastewater Gallonage Cap - 10,000 G	iallons)			