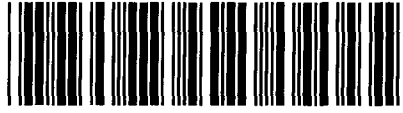




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SOAH DOCKET NO. 473-16-2873.WS

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APPLICATION OF MONARCH  
UTILITIES I, L.P. TO CHANGE RATES  
FOR WATER AND SEWER SERVICE

§  
§  
§

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

PUBLIC UTILITY COMMISSION  
FILING CLERK

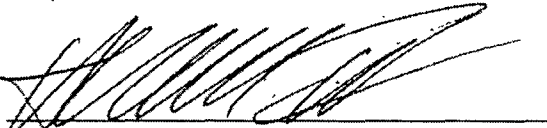
**MONARCH UTILITIES I, L.P.'S RESPONSES TO OFFICE OF  
PUBLIC UTILITY COUNSEL'S SEVENTH REQUEST FOR INFORMATION**

To: Office of Public Utility Counsel, by and through its attorney of record, Christiaan Siano, Assistant Public Counsel, 1701 North Congress Avenue, Suite 9-180, P. O. Box 12397, Austin, Texas 78711-2397.

Monarch Utilities I, L.P. ("Monarch") files its Responses to the Office of Public Utility Counsel's ("OPUC") Seventh Requests for Information received September 2, 2016. This response is timely filed. This response may be treated by all parties as if it were filed under oath.

Respectfully submitted,

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ATTORNEYS FOR MONARCH UTILITIES I, LP

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of September, 2016, a true and correct copy of the foregoing document has been hand-delivered., sent via facsimile, e-mail, or first class mail to all parties of record.



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WILLIAM A. FAULK, III

PUC DOCKET NO. 45570  
SOAH DOCKET NO. 473-16-2873.WS

MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION

OPUC RFI 7-1: Referencing the Rebuttal Testimony of George Freitag, Page 6, Lines 2-4, please Admit or Deny that the Commission's Instructions for a Rate/Tariff Change for Class A Water/Sewer Utilities provides different definitions for "Normalization" and "Annualization." If denied, please explain.

RESPONSE: Admitted.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.

**PUC DOCKET NO. 45570**  
**SOAH DOCKET NO. 473-16-2873.WS**

**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-2:** Referencing the Rebuttal Testimony of George Freitag, Page 5, Lines 17-19, please Admit or Deny that during the Test Year, at least 98% of all of Monarch's active water connections were 5/8" and 3/4" meter connections.

**RESPONSE:** Admitted.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.

PUC DOCKET NO. 45570  
SOAH DOCKET NO. 473-16-2873.WS

**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-3:** Referencing the Rebuttal Testimony of George Freitag, Page 8, Lines 6-8, please Admit or Deny that during the Test Year, at least 98% of all of Monarch's active sewer connections were 5/8" and 3/4" meter connections

**RESPONSE:** Admitted.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.

**PUC DOCKET NO. 45570  
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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-4:** Referencing the Rebuttal Testimony of George Freitag, Page 10, Lines 3-5, please Admit or Deny that the Public Utility Commission of Texas has the authority to review and revise Monarch's proposed water rate design structure regardless of past agreements between the parties or action by the Texas Commission on Environmental Quality.

**RESPONSE:** Admitted.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.

PUC DOCKET NO. 45570  
SOAH DOCKET NO. 473-16-2873.WS

**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-5:** Referencing the Rebuttal Testimony of George Freitag, Page 12, Lines 11-13, please Admit or Deny that the Public Utility Commission of Texas has the authority to review and revise Monarch's proposed sewer rate design structure regardless of past agreements between the parties or action by the Texas Commission on Environmental Quality.

**RESPONSE:** Admitted.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.



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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-6:** Referencing the Rebuttal Testimony of George Freitag and Mr. Robert Kelly, please Admit or Deny that Mr. Freitag agrees with Mr. Kelly's statement in Mr. Kelley's rebuttal testimony on Page 7, Lines 4-5 wherein he states "settlements are never binding or precedential in future proceedings." If denied, please explain why Mr. Freitag disagrees with Mr. Kelly's statement.

**RESPONSE:** Denied. Mr. Freitag has made no assertions in his testimony as to the precedential value of orders approving settlements in rate making proceedings.

Prepared by: George Freitag, P.E.  
Sponsored by: George Freitag, P.E.

PUC DOCKET NO. 45570  
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MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION

OPUC RFI 7-7: Referencing the Rebuttal Testimony of Chuck Profilet, Page 13, Lines 4-8, based on Mr. Profilet's industry experience, please provide the following:

- a. A listing of all the design-build contracts with which Mr. Profilet has been involved reflective of his industry experience, other than the ECO Resources contract with Monarch. Within this listing, please include the name of the project and the state in which it was located.
- b. For each project listed, please document the margin for overhead and profit that was allowed for the design-build contract.

**RESPONSE:**

a. Mr. Profilet's experience with design-build projects started in about 1997 when his employer MWH decided to provide these services. Mr. Profilet's first design-build project was the Bexar Metropolitan Water District International Business Park Water Treatment Plant in Bexar County, Texas. On this new 9 mgd surface water treatment plant design-build project, which was the first design-build project for a public water utility in Texas, he served as the Project Manager for Engineering. After this project, Mr. Profilet served in the role of Operations Director for MWH for municipal services in the eastern half of the United States. In this role, Mr. Profilet reviewed the pricing of all projects, including all MWH design-build projects. Starting in 2004, Mr. Profilet served as the Executive in Charge for a new 80 mgd surface water treatment plant for the Houston Area Water Corporation Northeast Water Purification Plant design-build-operate contract. At the time, this was the largest design-build project for a public water utility in Texas.

b. When Mr. Profilet left MWH, he did not retain documents responsive to this request. However, during his tenure overhead on engineering labor cost was 180 percent, overhead on construction labor cost was 30 percent, and overhead on all other construction costs was 9.5 percent. On design-build projects, engineering labor ranged from 10 to 15 percent of the project, construction labor ranged from 10 to 20 percent, and material, equipment, and subcontractors made up the remaining cost. Profit margins were 8 to 12 percent of revenues. Using these ranges, MWH overhead and profit margin was usually 30 to 40 percent of revenue, see the table below for a calculated example.

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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

Cost Type	Rate	Share of Project Cost	Overhead of Project (% of Cost)	Overhead of Project (% of Revenue)
Example 1				
Engineering Labor Overhead	180%	10%	18.0%	15.3%
Construction Labor Overhead	30%	10%	3.0%	2.9%
All other costs	10%	80%	7.6%	7.1%
Total Overhead		100%	28.6%	22.2%
Profit				8.0%
Total Overhead and Profit				30.2%

Example 2				
Engineering Labor Overhead	180%	15%	27.0%	21.3%
Construction Labor Overhead	30%	20%	6.0%	5.7%
All other costs	10%	65%	6.2%	5.8%
Total Overhead		100%	39.2%	28.1%
Profit				12.0%
Total Overhead and Profit				40.1%

Prepared by: Charles Profilet  
Sponsored by: Charles Profilet

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**SOAH DOCKET NO. 473-16-2873.WS**

**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-8:** Referencing Mr. Profilet's explanations provided on page 14 of his rebuttal testimony, please provide similar explanations for each asset contained in Attachment A as to why the integrated margin exceeds the plant in service.

**RESPONSE:** See Attachment OPUC 7-8.

Prepared by: Charles Profilet  
Sponsored by: Charles Profilet





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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-9:** Referencing Mr. Profilet's explanations provided on page 14 of his rebuttal testimony, please provide similar explanations for each asset contained in Attachment B as to why the integrated margin equals the plant in service.

**RESPONSE:** See Attachment OPUC 7-8.

Prepared by: Charles Profilet  
Sponsored by: Charles Profilet

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MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION

**OPUC RFI 7-10:** Referencing the Rebuttal Testimony of Robert Kelly, Page 5, Lines 4-6, please Admit or Deny that Monarch is proposing to utilize past revenues held in abeyance as a determining factor for the "principle of equity" in the allocation of the gain on sale of the Blue Mound or Midway systems? If denied, please explain.

**RESPONSE:** Denied. The referenced text from Robert Kelly's testimony merely points out Monarch's historic extensive efforts to avoid customer rate shock as one of several variables in the equity equation that weighs heavily in favor of the gain on sale being attributed entirely to Monarch's shareholders.

Prepared by: Robert Kelly  
Sponsored by: Robert Kelly



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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-11:** Referencing the Rebuttal Testimony of Robert Kelley, page 4, Lines 20, please Admit or Deny that the "enormous financial burden" claimed to have been borne by Monarch has not been proven in a regulatory proceeding?

**RESPONSE:** Admitted.

Prepared by: Robert Kelly  
Sponsored by: Robert Kelly

**PUC DOCKET NO. 45570  
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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-12:** Please provide the underlying numerical data, in Excel format, which was used to derive the numbers in Attachment RLK-1R to Robert Kelly's rebuttal testimony.

**RESPONSE:** See Attachment OPUC 7-12.

Prepared by: Robert Kelly  
Sponsored by: Robert Kelly

Monarch Cumulative Net Income 2005-15  
Attachment OPUC 7-12

\$ in 000s

Year	Mon I, LP (Loss)/Gain	Midway (Loss)/Gain	Mon, Inc. (Loss)/Gain	Source:
2005	\$ (2,316)	\$ (12)	\$ (2,328)	2008 Financials Support File for LP and Midway
2006	(1,774)	(16)	(1,790)	2008 Financials Support File for LP and Midway
2007	(1,245)	(14)	(1,259)	2008 Financials Support File for LP and Midway
* 2008	(14,098)	22	(14,076)	PWC Audited for Mon Inc and Financial File Midway
2009	(1,711)	15	(1,696)	PWC Audited for Mon Inc and SAP for Midway
2010	(2,845)	21	(2,824)	PWC Audited for Mon Inc and SAP for Midway
2011	(455)	(74)	(529)	PWC Audited for Mon LP and SAP Midway
2012	(4,719)	(118)	(4,837)	PWC Audited for Mon LP and SAP Midway
2013	(421)	29	(392)	PWC Audited for Mon LP and SAP Midway
2014	1,463	190	1,653	PWC Audited for Mon LP and SAP Midway
2015	8,116	229	8,345	Unaudited Financial Statements - SAP
(a)				
Net Income/(Loss) 2005-15	\$ (20,003)	\$ 272	\$ (19,731)	
Goodwill Write-Off	14,035		14,035	
Net Income/(Loss) less GW 2005-15	\$ (5,968)	\$ 272	\$ (5,696)	

Sources: Restated 2005-2007 financials consolidation engine,  
2008-2014 PWC Audited Financials, and unaudited SAP financials.  
Note (a): 2015 excludes gain on sale of Blue Mound

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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-13:** Please Admit or Deny that the numbers appearing Attachment RLK-1R to Robert Kelly's rebuttal testimony have been reviewed and approved in a regulatory proceeding.

**RESPONSE:** Denied. However, the numbers that are the basis for Attachment RLK-1R have been audited by a large Big-4 independent certified public accounting firm.

Prepared by: Robert Kelly  
Sponsored by: Robert Kelly

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MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION

OPUC RFI 7-14: Referencing Attachment RLK-2R, please provide all assumptions used to derive, and provide the calculations supportive of, the development of the annual revenue requirement factor of 0.12.

RESPONSE:

	MONARCH			
	<u>(a)</u>	<u>(b)</u>	<u>(c)</u>	<u>(a) x (b) x (c)</u>
Debt	46%	6.45%		0.02967
ROE	54%	10.75%		0.05805
				0.08772
Income Taxes	54%	10.75%	0.515152	0.029904545
				<b>0.117624545</b>

Prepared by: Kiki Carlson  
Sponsored by: Robert Kelly

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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-15:** Referencing Attachment RLK-2R, please provide the same annual impact on cost of service allocated between the Blue Mound water and sewer functions.

**RESPONSE:** Monarch is unable to provide the requested information as it is not available or derivable.

Prepared by: Robert Kelly  
Sponsored by: Robert Kelly

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MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION.

**OPUC RFI 7-16:** Referencing Ms. Bordelon-Taylor's Rebuttal Testimony, pages 5-6, please Admit or Deny that Ms. Bordelon-Taylor's testimony is that Monarch had difficulties in recruiting and retaining employees not only during the test year, but also subsequent to the test year. If denied, explain Ms. Bordelon-Taylor's statement on Page 6, Lines 8-11.

**RESPONSE:** Admitted.

Prepared by: Edward Taussig  
Sponsored by: Carmelitha Bordelon-Taylor

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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-17:** Referencing Ms. Bordelon-Taylor's Rebuttal Testimony, page 5, lines 16-17, please provide a listing of all investor owned utilities that offer to new employees a defined qualified pension plan other than a 401K-type plan in which employees contribute to the plan. Please include the name of the utility and its parent company, where applicable.

**RESPONSE:** We know the following Texas cities provide pensions: Austin, Arlington, Texas City and Grand Prairie. San Jose Water (investor owned utility) also offers a pension to employees and has operations in Texas.

Prepared by: Edward Taussig  
Sponsored by: Carmelitha Bordelon-Taylor



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MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION

**OPUC RFI 7-18:** Referencing Ms. Bordelon-Taylor's Rebuttal Testimony, page 7, lines 7-9, please provide a breakdown between the level of the actual merit increase awarded in April 2016 and the 2015 license certification increases that comprise the 3.2% increase over base salaries and wages. Include in your response the level of payroll on which this percentage is based.

**RESPONSE:** The \$166,954.32 increase of 2.63% for Merit is on a base of \$6,344,182.00, and the \$67,332.72 increase of 1.1% for promotions is on a base of \$6,177,379.78, resulting in a grand total increase of 3.7%.

Prepared by: Edward Taussig  
Sponsored by: Carmelitha Bordelon-Taylor

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**MONARCH'S RESPONSES TO OPUC'S SEVENTH REQUESTS FOR INFORMATION**

**OPUC RFI 7-19:** Referencing Ms. Bordelon-Taylor's Rebuttal Testimony, page 7, lines 11-14, please provide the actual average merit increases, exclusive of any other wage or salary increase, that were awarded in 2012, 2013, 2014, 2015 and 2016.

**RESPONSE:** Merit increases, exclusive of any other wage or salary increase and the year awarded:

Year	Merit Only
2012	2.9%
2013	3.0%
2014	2.6%
2015	2.4%
2016	2.6%
Average	2.7%

Prepared by: Edward Taussig  
Sponsored by: Carmelitha Bordelon-Taylor