



Control Number: 48697



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SOAH DOCKET NO. 473-20-1117.WS
PUC DOCKET NO. 48697

RECEIVED

APPLICATION OF ANDERSON	§	PUBLIC UTILITY COMMISSION
WATER COMPANY, INC. FOR	§	
AUTHORITY TO CHANGE RATES	§	OF TEXAS

COMMISSION STAFF'S PROPOSED LIST OF ISSUES

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Proposed List of Issues. In support thereof, Staff would show the following:

I. BACKGROUND

On September 18, 2018, Anderson Water Company, Inc. (the Utility) filed an application for a rate change pursuant to Tex. Water Code (TWC) § 13.1871. The effective date of the proposed increase is April 26, 2019. On August 16, 2019, Staff requested referral of this matter to the State Office of Administrative Hearings (SOAH). On November 13, 2019, an Order of Referral was filed, requesting that parties file a list of issues by November 21, 2019. This pleading, therefore, is timely filed.

II. ISSUES TO BE ADDRESSED

Staff have identified the following issues in this proceeding:

1. Did the Utility provide proper notice of the proposed rate change to each customer or other interested party? TWC § 13.1871(b), (c); 16 TAC § 24.27.
2. What is the appropriate methodology to determine just and reasonable rates in this proceeding?
3. What are the just and reasonable rates for the Utility that are sufficient, equitable, and consistent in application to each customer class and that are not unreasonably preferential, prejudicial, or discriminatory? TWC §§ 13.182, 13.1871.
4. What revenue requirement will give the Utility a reasonable opportunity to earn a reasonable return on its invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses while preserving the Utility's financial integrity? TWC § 13.183(a)(1) and (2); 16 TAC § 24.43(a).

5. Are the Utility's proposed revisions to its tariffs and rate schedules appropriate?
6. What is the reasonable and necessary cost of providing service? 16 TAC § 24.41.
7. What adjustments, if any, should be made to the Utility's proposed test-year data? TWC § 13.185(d)(1); 16 TAC § 24.41(b), (c)(5).
8. What is the appropriate debt-to-equity capital structure of the Utility?
9. What is the appropriate weighted cost of capital (also called the overall rate of return), including return on equity and cost of debt for the Utility? 16 TAC § 24.41(c)(1).
10. What are the reasonable and necessary components of the Utility's invested capital? 16 TAC § 24.41(c)(2).
 - a. Is the invested capital allocated from the Utility's affiliates, if any, used and useful in providing service to the Utility's customers?
11. What is the amount for an allowance for funds used during construction, if any, that is being transferred to invested capital in this proceeding? If such amounts are being transferred, for what facilities and at what rate did the allowance for funds used during construction accrue?
12. What is the original cost of the property used and useful in providing water service to the public at the time the property was dedicated to public use? TWC § 13.185(b); 16 TAC § 24.41(c)(2)(A) and (B). What is the amount, if any, of accumulated depreciation on such property?
13. Is the Utility seeking inclusion of construction work in progress? If so, what is the amount sought, and for what facilities is it being sought? Additionally, has the Utility proven that the inclusion is necessary to the financial integrity of the Utility and that major projects under construction have been efficiently and prudently planned and managed? TWC § 13.185(b); 16 TAC § 24.41(c)(4).
14. Does the Utility have any debt? If so, what is the cost of that debt?
15. What is the reasonable and necessary working capital allowance for the Utility? 16 TAC § 24.41(c)(2)(C).
16. Does the Utility have any water- or sewer-Utility property that was acquired from an affiliate or a developer before September 1, 1976? If so, has such property been included by the Utility in its rate base, and has it been included in all ratemaking formulas at the

actual cost of the property rather than the price set between the entities? TWC § 13.185(i).

17. Has the Utility acquired any water Utility property from an affiliate? If so, do the payments, including any interest, for that property meet the requirements of TWC § 13.185(e)?
18. Has the Utility financed any of its plant with developer contributions? TWC § 13.185(j), 16 TAC § 24.41(b)(1)(B). What is the amount, if any, of accumulated depreciation on that property?
19. Has the Utility included any customer contributions or donations in invested capital? TWC § 13.185(j), 16 TAC § 24.41(c)(2)(B)(v). If so, what is the amount of those customer contributions or donations?
20. What are the Utility's reasonable and necessary operations and maintenance expenses? 16 TAC § 24.41(b)(1)(A).
21. What are the Utility's reasonable and necessary administrative and general expenses?
22. What is the reasonable and necessary amount for the Utility's advertising expense, contributions, and donations? 16 TAC § 24.41(b)(1)(F).
23. Are any expenses, including but not limited to, executive salaries, advertising expenses, rate-case expenses, legal expenses, penalties and interest on overdue taxes, criminal penalties or fines, and civil penalties or fines, unreasonable, unnecessary, or not in the public interest? TWC § 13.185(h)(3), 16 TAC § 24.41(b)(2)(I).
24. If the Utility has a self-insurance plan approved by the Commission or other regulatory authority, what is the approved target amount for the reserve account, and is it appropriate to change that amount? What is the amount of any shortage or surplus for the reserve account, and what actions, if any, should be taken to return the reserve account to the approved target amount?
25. What are the Utility's reasonable and necessary expenses, if any, for pension and other postemployment benefits?
26. Has the Utility made any payments to affiliates?
 - a. For affiliate transactions that affect the cost of service, are these transactions reasonable and necessary? TWC § 13.185(e).

- b. For all affiliated transactions affecting the cost of service, what are the costs to the affiliate of each item or class of items in question, and is the price for each transaction no higher than prices charged by the supplying affiliate to its other affiliates or divisions for the same item or items, or to unaffiliated persons or corporations? TWC § 13.185(e).
- 27. Is the method used to allocate costs attributable to the Utility's affiliates appropriate and in accordance with the TWC?
 - a. Are all the allocated costs attributable to the Utility's affiliates reasonable and necessary to provide service to the Utility's customers?
- 28. What is the reasonable and necessary depreciation expense? For each class of property, what are the proper and adequate depreciation rates (including service lives and salvage values) and methods of depreciation? TWC § 13.185(j); 16 TAC § 24.41(b)(1)(B).
- 29. Are any tax savings derived from liberalized depreciation and amortization, investment tax credits, or similar methods? If so, are such tax savings apportioned equitably between customers and the Utility, and are the interests of present and future customers equitably balanced?
- 30. What is the reasonable and necessary amount, if any, for assessment and taxes other than federal income taxes? 16 TAC § 24.41(b)(1)(C).
- 31. What is the reasonable and necessary amount for the Utility's federal income tax expense? TWC § 13.185(f); 16 TAC § 24.41(b)(1)(D).
 - a. Is the Utility a member of an affiliated group that is eligible to file a consolidated income tax return? TWC § 13.185(f).
 - b. If so, have income taxes been computed as though a consolidated return had been filed and the Utility had realized its fair share of the savings resulting from the consolidated return? TWC § 13.185(f).
 - c. If not, has the Utility demonstrated that it was reasonable not to consolidate returns? TWC § 13.185(f).
- 32. What is the reasonable and necessary amount of the Utility's accumulated reserve for deferred federal income taxes, unamortized investment tax credits, contingency reserves, property insurance reserves, contributions in aid of construction, customer deposits, and

other sources of cost-free capital? What other items should be deducted from the Utility's rate base?

33. Did the Utility properly account for the effects of the Tax Cuts and Jobs Act of 2017? *Act to Provide for Reconciliation Pursuant to Titles II and V of the Concurrent Resolution on the Budget for Fiscal Year 2018*, Pub. L. No. 115-97, 131 Stat. 2054 (Dec. 22, 2017).
34. What is the reasonable and necessary amount for municipal franchise fees, if any, to be included in rates?
35. What regulatory assets, if any, are appropriately included in the Utility's rate base? If such assets are included in rate base, what is the appropriate treatment of such assets?
36. Is the Utility seeking rates for both water and sewer service? If so, is each component of cost of service (each allowable expense and all return on invested capital) properly allocated between water and sewer services?
37. What is the appropriate allocation of costs and revenues among the Utility's rate classes?
38. What is the appropriate rate design for each rate class? 16 TAC § 24.43.
39. Should the Utility use the current number of connections as of the date of the application as opposed to using the number of test-year-end connections in designing rates?
40. What are the Utility's expenses incurred in this rate proceeding that are just, reasonable, necessary, and in the public interest? 16 TAC § 24.44. Does that amount include any prospective rate-case expenses to be incurred after the Commission's final order? Should the Utility be able to recover its reasonable and necessary rate-case expenses from ratepayers? If so, how should such expenses, if any, be recovered by the Utility?
41. If a refund or surcharge results from this proceeding, how and over what period of time should that be made? TWC § 13.1871.
42. What is the appropriate effective date of the rates fixed by the Commission in this proceeding? TWC § 13.1871.

III. ISSUES NOT TO BE ADDRESSED

Staff has not identified any issues that should not be addressed in this docket.

IV. THRESHOLD LEGAL/POLICY ISSUES

Staff has not identified any legal or policy issues that should be briefed for the purposes of a preliminary order.

V. CONCLUSION

Staff respectfully requests an order consistent with the foregoing.

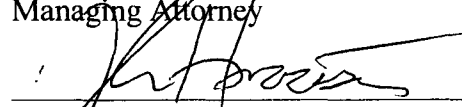
Dated: November 21, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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SOAH DOCKET NO. 473-20-1117.WS PUC DOCKET NO. 48697 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 19th of November 2019 in accordance with 16 TAC § 22.74.


John Harrison