

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

PAWTUCKET WATER SUPPLY BOARD

TARIFF ADVICE FILING

DOCKET NO.

DECEMBER 1, 2010

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: PAWTUCKET WATER SUPPLY BOARD
TARIFF ADVICE FILING
DECEMBER 1, 2011**

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EXHIBIT 1

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*ADMITTED TO PRACTICE IN
RHODE ISLAND & MASSACHUSETTS

December 1, 2011

Ms. Luly Massaro, Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Pawtucket Water Supply Board – Tariff Advice Filing

Dear Ms. Massaro:

Enclosed herewith please find an original and 9 copies of the Pawtucket Water Supply Board's Tariff Advice Filing pursuant to Rule 1.9(c) of the Rhode Island Public Utilities Commission's Rules of Practice and Procedure. This filing proposes to change Schedules B and D of the Pawtucket Water Supply Board's current tariffs and it pertains to public fire protection fees charged to the City of Pawtucket. The Pawtucket City Council recently passed an ordinance that prevents the Pawtucket Water Supply Board from charging public fire protection fees to the City of Pawtucket. The City Council passed this ordinance as allowed by authorizing legislation passed by the Rhode Island General Assembly.

This filing includes pre-filed testimony, existing and proposed tariffs and a proposed public notice. Please review the notice as soon as possible so I can arrange for its publication. Please note that an electronic copy of this filing has been provided to the service list from the Pawtucket Water Supply Board's most recent rate filing, Docket 4171, and a hard copy has also been mailed to the Rhode Island Attorney General's Office.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf
Enclosures

EXHIBIT 2

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: PAWTUCKET WATER SUPPLY BOARD

DOCKET NO.

NOTICE OF PROPOSED TARIFF CHANGE

The Pawtucket Water Supply Board ("PWSB") hereby gives notice that on December 1, 2011, it submitted a Tariff Advice Filing to the Rhode Island Public Utilities Commission ("Commission") pursuant to Rule 1.9(c) of the Commission's Rules of Practice and Procedure.

In this filing, the PWSB requests a change in water rates for customers in the City of Pawtucket. If the change is allowed, a Fire Protection Service Charge of \$2.57 per month, per meter, will be added to all ratepayers' bills in the City of Pawtucket. This additional charge is required due to a change in law that prohibits the Pawtucket Water Supply Board from charging public fire protection fees to the City of Pawtucket. Therefore, the funds needed to provide service to fire hydrants in the City of Pawtucket will be collected from ratepayers who reside in the City of Pawtucket. The proposed tariff is requested to be effective thirty (30) days from the date of publication of this Notice.

A copy of the Tariff Filing is on file for examination at the PWSB's office at 85 Branch Street, Pawtucket, Rhode Island and at the offices of the Public Utilities Commission, 89 Jefferson Boulevard, Warwick, Rhode Island.

Pawtucket Water Supply Board
85 Branch Street, Pawtucket, RI 02860
<http://www.pwsb.org>

EXHIBIT 3

PREFILED DIRECT TESTIMONY

OF

**JAMES L. DeCELLES, P.E.
CHIEF ENGINEER
PAWTUCKET WATER SUPPLY BOARD**

FOR

PAWTUCKET WATER SUPPLY BOARD

**STATE OF RHODE
PUBLIC UTILITIES COMMISSION**

TARIFF FILING

DOCKET NO.

DECEMBER 1, 2010

1 **Q. Please provide your full name, title and business address for the record.**

2 A. James L. DeCelles, P.E., Chief Engineer, Pawtucket Water Board ("PWSB"), 85 Branch
3 Street, Pawtucket, RI 02860

4

5 **Q. How long have you been employed the Pawtucket Water Supply Board?**

6 A. I was hired as Assistant Chief Engineer on March 14, 2005. I assumed the duties of
7 Acting Chief Engineer in February 2006, and I became Chief Engineer as of June 20,
8 2007.

9

10 **Q. What are your responsibilities at the PWSB?**

11 A. I serve as the general manager of the PWSB, which includes water supply,
12 treatment, and distribution systems. The PWSB serves a population of approximately
13 99,167 in the City of Pawtucket, the City of Central Falls, and the Valley Falls section of
14 the Town of Cumberland.

15

16 **Q. Can you provide a brief description of your previous work experience?**

17 A. From May 1988 to February 1990, I worked for the RIDEM Division of Water
18 Resources as a Junior Sanitary Engineer responsible for design review and construction
19 management. From 1990 to 2000, I held the position of Water and Sewer
20 Superintendent for the Town of North Smithfield. As the Superintendent, I was
21 responsible for the complete operation and maintenance of the water and wastewater
22 systems for the Town of North Smithfield. From 2000 to 2005 I was the Utilities
23 Manager for the Town of North Attleboro, MA and was responsible for the management
24 of the water and wastewater systems for the Town.

25

1 **Q. What is your educational background?**

2 A. I hold a Masters Degree in Civil Engineering from Worcester Polytechnic Institute and
3 a BS in Environmental Engineering Technology from Norwich University.

4

5 **Q. Do you have any professional affiliations?**

6 A. I am a registered professional engineer in the State of Rhode Island and a member of
7 the Rhode Island Water Works Association, American Water Works Association, the
8 New England Water Works Association and American Public Works Association. For the
9 New England Water Works Association, I am a member of the Financial Management
10 Committee and a member of the Program and Legislative Committees, as well as the
11 Executive Board for the Rhode Island Water Works Association. I am also a member of
12 the American Society of Civil Engineers.

13

14 **Q. What is the purpose of your testimony?**

15 A. To request that the Rhode Island Public Utilities Commission ("Commission")
16 approve changes to Schedules B and D of the PWSB's tariffs pursuant to Rule 1.9(c) of
17 the Commission's Rules of Practice and Procedure.

18

19 **Q. Why is the PWSB requesting this tariff change?**

20 A. The Rhode Island General Assembly recently enacted legislation that affects the City
21 of Pawtucket's obligation to pay public fire protection charges (also referred to as
22 "hydrant fees"). R.I.G.L. § 39-3-11.1 now provides that:

23 "In setting rates for publicly owned water authorities, the commission shall not
24 require the payment of rental fees for fire hydrants from any municipality that
25 has prohibited such fees by ordinance as provided in section 45-39-4 and has
26 given notice to the commission of said ordinance." (See Exhibit A)

27

28

R.I.G.L. § 45-39-4 states:

“Payment for hydrant rentals. – Notwithstanding any general or special law relating to publicly owned water authorities, a municipality may provide by enactment of an ordinance and complying with the notice requirements of section 39-3-11.1, that the rental usage or fees for any fire hydrant within the municipality shall be the responsibility of the water ratepayers within the municipality which enacted the enabling ordinance, provided that this provision shall apply only where the municipality owns the water supplier and is the exclusive supplier of public water within the municipality.” (See Exhibit B)

The City of Pawtucket enacted such an ordinance, which provides:

Section 1. Pursuant to the Rhode Island General Laws, the rental usage or fees for any fire hydrant with the City of Pawtucket shall not be the responsibility of the City of Pawtucket but, rather, shall be the responsibility of the Pawtucket water ratepayers to the Pawtucket Water Supply Board.

Section 2. The responsibility for the Pawtucket water ratepayers to pay said rental usage or fees shall commence with fees coming due beginning on January 1, 2012 and upon notice the Rhode Island Public Utilities Commission of this ordinance’s passage.

Section 3. This ordinance shall take place on upon final passage. (See Exhibit C)

On November 9, 2011 the ordinance received final passage, and the Mayor approved it on November 10, 2011. The City of Pawtucket notified the Commission of the ordinance’s approval November 14, 2011. (See Exhibit C)

Q. How much public fire protection revenue does the PWSB need to recover from Pawtucket ratepayers?

A. The PWSB currently charges \$354.11 per hydrant pursuant to the tariffs approved in Docket 4171. The revenue generated by public fire protection charges is \$678,120.65:

City of Pawtucket (\$354.11 x 1513 hydrants)	\$535,768.43
City of Central Falls (\$354.11 x 202 hydrants)	\$ 71,530.22
Town of Cumberland (\$354.11 x 198 hydrants)	\$ 70,113.78

1	<u>City of Attleboro (\$354.11 x 2 hydrants)</u>	<u>\$ 708.22</u>
2	Total	\$678,120.65

3

4 Thus, the PWSB needs to recover \$535,768.43 annually from ratepayers in the City of
5 Pawtucket to make up for lost revenue from the City of Pawtucket. The PWSB will
6 recover this revenue by re-allocating the former City of Pawtucket hydrant charges to all
7 water ratepayers within the City of Pawtucket as required by the applicable legislation.

8

9 **Q. How does the PWSB propose to distribute the Public Fire Protection Service Charge**
10 **among rate payers in the City of Pawtucket?**

11 A. The PWSB suggests that a separate Public Fire Protection Service Charge be added to
12 all the City of Pawtucket customers' bills. The proposed surcharge is \$2.57 per month
13 and will be billed to each of the PWSB's customers in the City of Pawtucket.

14

15 **Q. How did the PWSB develop this surcharge?**

16 A. When we began the process, we envisioned distributing the Fire Protection Service
17 Charge based on the size of customers' meters. Thus, we analyzed all accounts in the
18 City of Pawtucket based on meter size. This analysis showed that the vast majority
19 (approximately 97%) of the meters in the City of Pawtucket were either 1" or less in size,
20 which are the typical meter sizes found in residential customers. Based on this analysis,
21 the PWSB decided that it would be best to calculate a flat surcharge for all customers
22 since the number of non residential meters was so small. The actual surcharge amount
23 was then calculated by dividing the lost revenue resulting from the City of Pawtucket
24 ordinance by the total number of meters located in Pawtucket.

25

26

27

1 **Q. Will this recommended approach recover the full amount of lost hydrant revenue?**

2 A. Yes. There are 17,418 meters in the City of Pawtucket. To collect the \$535,768.43 of
3 lost revenue, the actual charge would be \$2.56333333.¹ Due to rounding, the proposed
4 charge is \$2.57, which provides an excess of \$1,402.69.² If the PWSB rounded down to
5 \$2.56, we would under-collect by \$687.47.³ The PWSB would prefer to round up to
6 account for any collection issues, and if we collect this excess, we propose to deposit it
7 into the restricted IFR account.

8
9 **Q. Did you prepare revised Tariff schedules?**

10 A. Yes, I attached the existing and proposed Schedules B and D from the PWSB's existing
11 tariffs to my testimony as Exhibits D and E.

12
13 **Q. Will the additional Fire Protection Service Charge be shown separately on the water**
14 **bills?**

15 A. Yes. We intend to show this charge separately on bills for customers in the City of
16 Pawtucket. It is my understanding the Commission recently ordered the Providence
17 Water Supply Board to amend its bills as the City of Providence enacted a similar
18 hydrant fee ordinance. The PWSB is amenable to using similar language to that ordered
19 by the Commission in Providence's tariff filing as follows:

20 "Due to a change in law, as of January 2012, your water bill now includes a
21 separate Fire Protection Service Charge. Before January 2012, the Pawtucket
22 Water Supply Board ("PWSB") charged the City of Pawtucket a fee for the cost of
23 providing water service for public fire protection. The City of Pawtucket paid the
24 public fire protection charge, or hydrant fee, with property tax revenues. The
25 Pawtucket City Council voted to pass the public fire protection charge to water

¹ $\$535,768.43 \div 17,418 = \30.7594689 (rounded to) $\$30.76 \div 12 = \2.56333333

² $\$2.57 \times 17,418 = \$44,764.26 \times 12 = \$537,171.12 - \$535,768.43 = \$1,402.69$.

³ $\$2.56 \times 17,418 = \$44,590.08 \times 12 = \$535,080.96 - \$535,768.43 = \$(-687.47)$.

1 ratepayers in the City of Pawtucket rather than paying the charge from property
2 tax revenues. Therefore, the PWSB is now prohibited from charging the City of
3 Pawtucket for fire protection service, and ratepayers in the City of Pawtucket
4 must now pay for this service. The Rhode Island Public Utilities Commission
5 approved the new charge in December 2011.
6

7 **Q. Will customers in the City of Pawtucket be notified?**

8 A. Yes, the PWSB will place a notice in the Providence Journal. A draft of the notice is
9 included in this filing for the Commission's review and approval.
10

11 **Q. Does this conclude your testimony?**

12 A. Yes.

EXHIBIT A

C

West's General Laws of Rhode Island Annotated [Currentness](#)

Title 39. Public Utilities and Carriers

 [Chapter 3](#). Regulatory Powers of Administration

→ → **§ 39-3-11.1. Changes in rates of publicly owned water authorities**

(a) Notwithstanding any other provisions of this chapter, the commission shall not have the power to suspend the taking effect of any change or changes in the rates, tolls, and charges filed and published in compliance with the requirements of [§§ 39-3-10](#) and [39-3-11](#) by any public waterworks or water service owned or furnished by a city, town, or any other municipal corporation defined as a public utility in [§ 39-1-2](#), when the change or changes are proposed to be made solely for the purpose of making payments or compensation to any city or town for reimbursement of any loans or advances of money previously issued to any public waterworks or water service by any city or town under existing contracts or arrangements; provided, however, that the change or changes shall take effect subject to refund or credit pending further investigation, hearing, and order by the commission within eight (8) months after the effective date. The public waterworks or water service shall file with the commission the new rate schedule along with the documentary evidence of the indebtedness supporting the new rates. Further, the rate schedule shall be published in a newspaper of general circulation in the service area by the waterworks or water service at least ten (10) days prior to the effective date thereof.

(b) The provisions of this section shall not be construed to bar recovery of loans or advances of money not otherwise reflected in existing rates, tolls, and charges issued to May 19, 1982.

(c) In setting rates for publicly owned water authorities, the commission shall not require the payment of rental fees for fire hydrants from any municipality that has prohibited such fees by ordinance as provided in [§ 45-39-4](#) and has given notice to the commission of said ordinance.

CREDIT(S)

P.L. 1982, ch. 428, § 1; [P.L. 2011, ch. 189, § 1](#), eff. July 1, 2011; [P.L. 2011, ch. 278, § 1](#), eff. July 12, 2011.

LIBRARY REFERENCES

Waters and Water Courses  183.5, 203(11).


Westlaw Key Number Searches: 405k183.5; 405k203(11).

[C.J.S. Waters §§ 483, 543 to 581, 666, 674 to 675](#).

EXHIBIT B

West's General Laws of Rhode Island Annotated [Currentness](#)

Title 45. Towns and Cities

 [Chapter 39](#). Sale of Water

→ → **§ 45-39-4. Payment for hydrant rentals**

Notwithstanding any general or special law relating to publicly owned water authorities, a municipality may provide by enactment of an ordinance and complying with the notice requirements of [§ 39-3-11.1](#), that the rental usage or fees for any fire hydrant within the municipality shall be the responsibility of the water ratepayers within the municipality which enacted the enabling ordinance, provided that this provision shall apply only where the municipality owns the water supplier and is the exclusive supplier of public water within the municipality.

CREDIT(S)

[P.L. 2011, ch. 189, § 2](#), eff. July 1, 2011; [P.L. 2011, ch. 278, § 2](#), eff. July 12, 2011.

Gen. Laws, 1956, § 45-39-4, RI ST § 45-39-4

Current through chapter 407 of the January 2011 session

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END OF DOCUMENT

EXHIBIT C



CITY OF PAWTUCKET

PAWTUCKET CITY HALL
137 ROOSEVELT AVENUE
PAWTUCKET, RHODE ISLAND 02860

DONALD R. GREBIEN
Mayor

RICHARD J. GOLDSTEIN
City Clerk

November 14, 2011

The RI Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

RECEIVED
2011 NOV 14 PM 2:38
PUBLIC UTILITIES COMMISSION

Dear Honorable Members of the RIPUC:

Pursuant to Sections 39-3-11.1 and 45-39-4 of the RI General Laws (RIGL), as passed this year by the RI General Assembly, the city of Pawtucket passed an ordinance providing for the ratepayers of the Pawtucket water system to be responsible for any fees for any fire hydrant within the city of Pawtucket, rather than it being the responsibility of the municipality (see attached). Also, pursuant to RIGL Section 39-3-11.1, this letter shall serve as notice to the RIPUC of said ordinance.

Thank you for your attention to this matter.

Sincerely,

Richard J. Goldstein, MMC
City Clerk

Cc: Mayor Donald Grebien
Jim DeCelles, Chief Engineer, Pawtucket WSB

RECEIVED BY:

for Ruby Massaro
Signature

Cynthia Wilson-Frias
Name

Senior Legal Counsel
Title

11/14/11
Date

2:40 p.m.
Time

City of Pawtucket

CHAPTER

2982

APPROVED

11/10/2011

AN ORDINANCE REGARDING THE PAYMENT OF HYDRANTS RENTAL USAGE OR FEES AS AMENDED

Be it ordained by the city of Pawtucket as follows:

SECTION 1. Pursuant to the Rhode Island General Laws, the rental usage or fees for any fire hydrant within the City of Pawtucket shall not be the responsibility of the City of Pawtucket but, rather, shall be the responsibility of the Pawtucket water ratepayers to the Pawtucket Water Supply Board.

SECTION 2. The responsibility for the Pawtucket water ratepayers to pay said rental usage or fees shall commence with fees coming due beginning on January 1, 2012 and upon notice to the Rhode Island Public Utilities Commission of this ordinance's passage.

SECTION 3. This ordinance shall take effect upon final passage.

ORDINANCE OF THE
CITY OF PAWTUCKET

AN ORDINANCE REGARDING THE PAYMENT OF
HYDRANTS RENTAL USAGE OR FEES, AS AMENDED

CHAPTER # 2982

INTRODUCED AND
LAID ON THE TABLE

Richard G. Gold 9/13/2011
Clerk

LAID ON THE TABLE AND REFERRED TO THE
FINANCE COMMITTEE

Richard G. Gold 8/10/2011
Clerk

LAID ON THE TABLE IN FINANCE COMMITTEE
9/7/2011 & 9/12/2011

FINANCE COMMITTEE
RECOMMENDS RETURNS WITHOUT A RECOMMENDATION

10/13/2011

Richard G. Gold
Chair

READ AND GIVEN FIRST PASSAGE

AYES 6 NOES 2

Richard G. Gold 10/19/2011
Clerk

READ AND GIVEN SECOND PASSAGE

AYES 6 NOES 2

Richard G. Gold 11/9/2011
Clerk

APPROVED
11/10/2011

Richard G. Gold
MAYOR

Unrecorded - Finance
3 Dec 11/15 - 5:00 PM
File Clerk
TODAY
PUC

EXHIBIT D

PAWTUCKET WATER SUPPLY BOARD TARIFF SCHEDULES

Effective: [January 1, 2011](#)

PAWTUCKET WATER SUPPLY BOARD
85 BRANCH STREET
PAWTUCKET, RHODE ISLAND 02860

SCHEDULE B

PAWTUCKET WATER SUPPLY BOARD
Public Fire Protection

Rhode Island Public Utilities Commission
Public Utilities Docket No. 4171

Effective: January 1, 2011

Applicability

Applicable throughout the entire territory served by the Pawtucket Water Supply Board for service to public fire hydrants.

Rates

Per Annum

For each Hydrant

\$354.11

All public meters which are not 6 inch hydrants pay the private fire protection rates. See Schedule C of this tariff for the rates.

Terms of Payment

All bills for public fire protection service furnished under this schedule are rendered annually in advance and are due and payable in full when rendered.

SCHEDULE D**PAWTUCKET WATER SUPPLY BOARD****Customer Service Charge**

Rhode Island Public Utilities Commission

Public Utilities Docket No. 4171

Effective: January 1, 2011

Applicability

Applicable throughout the entire territory served by the Pawtucket Water Supply Board for residential, commercial and industrial users, exclusive of fire service connection.

Rates

For each service connected to the Pawtucket Water Supply Board's mains, the following quarterly and monthly minimum customer service charges shall apply:

<u>Size of Meter</u>	<u>Quarterly Customer Charge</u>	<u>Monthly Customer Charge</u>
5/8 inch	\$ 25.37	\$ 10.00
3/4 inch	\$ 34.26	\$ 12.96
1 inch	\$ 48.42	\$ 17.68
1 1/2 inch	\$ 96.17	\$ 33.60
2 inch	\$ 124.16	\$ 42.93
3 inch	\$ 140.63	\$ 48.42
4 inch	\$ 325.04	\$ 109.89
6 inch	\$ 486.40	\$ 163.68
8 inch	\$ 693.86	\$ 232.83

Terms of Payment

All customer service charges billed under this schedule are rendered on a quarterly or monthly basis and in arrears and are due and payable in full when rendered.

EXHIBIT E

PAWTUCKET WATER SUPPLY BOARD TARIFF SCHEDULES

Effective: January 1, ~~2011~~ 2012

PAWTUCKET WATER SUPPLY BOARD
85 BRANCH STREET
PAWTUCKET, RHODE ISLAND 02860

PROPOSED TARIFFS

SCHEDULE B

PAWTUCKET WATER SUPPLY BOARD Public Fire Protection

Rhode Island Public Utilities Commission
Public Utilities Docket No. 4171

Effective: ~~January 1, 2011~~ 2012

Applicability

Applicable throughout the entire territory served by the Pawtucket Water Supply Board for service to public fire hydrants.

Rates

Per Annum

For each Hydrant

\$354.11

All public meters which are not 6 inch hydrants pay the private fire protection rates. See Schedule C of this tariff for the rates.

For each hydrant in the City of Pawtucket, as allowed by RIGL s. 39-3-11, \$00.00

Terms of Payment

All bills for public fire protection service furnished under this schedule are rendered annually in advance and are due and payable in full when rendered.

PROPOSED TARIFFS

SCHEDULE D

PAWTUCKET WATER SUPPLY BOARD Customer Service Charge

Rhode Island Public Utilities Commission
Public Utilities Docket No. 4171

Effective: January 1, ~~2011~~ 2012

Applicability

Applicable throughout the entire territory served by the Pawtucket Water Supply Board for residential, commercial and industrial users, exclusive of fire service connection.

Rates

For each service connected to the Pawtucket Water Supply Board's mains, the following quarterly and monthly minimum customer service charges shall apply:

<u>Size of Meter</u>	<u>Quarterly Customer Charge</u>	<u>Monthly Customer Charge</u>
5/8 inch	\$ 25.37	\$ 10.00
3/4 inch	\$ 34.26	\$ 12.96
1 inch	\$ 48.42	\$ 17.68
1 1/2 inch	\$ 96.17	\$ 33.60
2 inch	\$ 124.16	\$ 42.93
3 inch	\$ 140.63	\$ 48.42
4 inch	\$ 325.04	\$ 109.89
6 inch	\$ 486.40	\$ 163.68
8 inch	\$ 693.86	\$ 232.83

in addition, a Public Fire Protection Service Charge of \$2.57 per month, per meter, will be charged to customers in the City of Pawtucket.

Terms of Payment

All customer service charges billed under this schedule are rendered on a quarterly or monthly basis and in arrears and are due and payable in full when rendered.

EXHIBIT 4

CERTIFICATION

I hereby certify that on December 1, 2011, I sent a copy of the Pawtucket Water Supply Board's Tariff Filing to all parties on the Docket 4171 service list as set forth herein below by electronic mail and copies to John Hagopian, Esq. and Luly Massaro, Commission Clerk, by electronic mail and regular mail.

Parties/Address	E-mail Distribution	Phone/Fax
James L. DeCelles, P.E. Chief Engineer Pawtucket Water Supply Board 85 Branch St. Pawtucket, RI 02860	decelles@pwsb.org	401-729-5001
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	giassongm@pwsb.org	
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Andrea Crane The Columbia Group PO Box 810 Georgetown, CT 06829	Ctcolumbia@aol.com	203-438-2999 203-894-3274
Thomas S. Catlin Exeter Associates, Inc. 5565 Sterrett Place, Suite 310 Columbia, MD 21044	tcatlin@exeterassociates.com	410-992-7500 410-992-3445
File original and nine (9) copies w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Boulevard Warwick, RI 02888	lmassaro@puc.state.ri.us	401-780-2104 401-941-1691
	plucarelli@puc.state.ri.us	
	sccamara@puc.state.ri.us	



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