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October 6, 2016

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

***Re: City of Newport, Utilities Department, Water Division  
Docket 4595***

Dear Ms. Massaro:

Enclosed please find an original and nine (9) copies of the following documents:

1. City of Newport, Utilities Department, Water Division's Motion to Reopen.

Please note that an electronic copy of these documents have been provided to the service list. Furthermore, Counsel for Newport Water has consulted with Counsel for the Division of Public Utilities and Carriers, the United States Navy and the Portsmouth Water and Fire District, and none of these parties has any objection to the relief sought by Newport Water in this Motion.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf  
Enclosure  
cc: Docket 4595 Service List (*via electronic mail*)

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

**IN RE: CITY OF NEWPORT, UTILITIES DIVISION, WATER DEPARTMENT:     DOCKET No. 4595**

**CITY OF NEWPORT, UTILITIES DIVISION, WATER DEPARTMENT’S  
MOTION TO REOPEN**

**I. INTRODUCTION**

Now comes the City of Newport, Utilities Department, Water Division (“Newport” or “Newport Water”) and files this Motion to Reopen pursuant to Rule 1.26 of the Rules of Practice and Procedure for the Rhode Island Public Utilities Commission (“Commission”). Newport Water seeks reconsideration of an issue decided by the Commission at its September 20, 2016 Open Meeting related to revenue offsets.

**II. PROCEDURAL HISTORY**

On December 23, 2015, Newport Water filed an application to increase rates pursuant to Rhode Island General Laws § 39-3-11 and Part II of the Commission’s Rules of Practice and Procedure. The Commission subsequently suspended Newport’s proposed rates. In the interim, the Division of Public Utilities and Carriers, the United States Navy and the Portsmouth Water and Fire District filed testimony and data requests. Hearings were held on July 19, 20 and August 2, 2016. The parties submitted post-hearing briefs on September 12, 2016, and the Commission issued its decision on September 20, 2016.

As part of its decision, the Commission ordered that Newport withdraw \$100,000 from its restricted Electricity Account, and \$132,751<sup>1</sup> from its restricted Salary Increase Account, and transfer this money to the general operating fund to reduce Newport's request for revenue from rates. On September 22, 2016, Newport submitted a Compliance Filing as required by Commission Rule 2.11.<sup>2</sup> This filing showed the \$232,751 transfer from the restricted Electric and Salary Increase Accounts as a revenue offset, which lowered the amount of revenue Newport required from water sales to meet the expenses approved by the Commission in Fiscal Year 2017. However, the Commission only ordered a one-time transfer of funds from the Electric and Salary Increase Accounts.<sup>3</sup> Thus, Newport will begin Fiscal Year 2018 with a built-in \$232,751 deficit to meet Commission approved expenses.

Newport could file a new rate case immediately to seek the restoration of \$232,751 in time for Fiscal Year 2018. To do so, Newport would have to incur considerable expense, which its ratepayers would bear. Newport does not wish to incur this cost because it is not certain the Commission intended to build in a deficit after Fiscal Year 2017. Furthermore, while Newport used Fiscal Year 2017 as the rate year in the filing, it is not restricted from collecting funds necessary to meet Commission approved expenses after the expiration of the rate year. There is no requirement that a utility file rate cases each and every year.

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<sup>1</sup> The balance of this account as of 8/31/16 was \$206,151.72. The Commission approved Newport's Miscellaneous Petition to withdraw \$74,400.79 to cover salary increases in Fiscal Year 2016, leaving a balance of \$131,750.93.

<sup>2</sup> In its filing Newport requested an extension of the suspension period because it wished to address the issue raised in this Petition.

<sup>3</sup> In fact, no funds will remain in the Salary Increase Account after Newport withdraws the \$131,750.93 ordered by the Commission.

Newport could also ask that the Commission rescind its order, and direct Newport to transfer the \$232,751 into another restricted account (e.g. Debt or Capital) to offset future rate increases. This would result in an increase to the rates presented in Newport's September 22, 2016 Compliance Filing. It would also frustrate the perceived goal of the Commission's Order – to begin reducing Newport's restricted accounts balances – because a transfer of this type would simply move funds from one restricted account to another.

Rather, Newport proposes to keep the \$232,751 revenue offset in place after Fiscal Year 2017, but fund it from the restricted Operating Revenue Reserve. The Commission ordered Newport to transfer \$300,000 from the restricted Accrued Benefits Account to the Operating Revenue Reserve. The Commission also ordered that Newport stop funding the restricted portion of the Operating Revenue Reserve.<sup>4</sup> Following the transfer, Newport will have approximately \$1,088,660 in the restricted Operating Revenue Reserve. Thus, Newport proposes to use this account to continue funding the \$232,751 revenue offset until its next general rate filing. This will allow Newport to effectuate the rates in its September 22, 2016 Compliance Filing while drawing down funds from a restricted account.

As part of the requested relief, Newport would agree to a compliance mechanism, which would consist of the following:

- Beginning in Fiscal Year 2018, Newport Water would be authorized to withdraw \$232,751 from the restricted Operating Revenue Reserve account.
- At the conclusion of the fiscal year, Newport Water will submit a reconciliation filing similar to that provided in the attached response to the Portsmouth Water and Fire

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<sup>4</sup> The Operating Revenue Reserve was previously calculated at 3% of Newport's operations and maintenance expenses. 1.5% of these funds were unrestricted, and 1.5% was restricted. At the September 20, 2016 Open Meeting, the Commission ordered that Newport continue funding the unrestricted portion, but discontinue funding the restricted portion.

District's First Set of Data Requests in Docket 4243 (Miscellaneous Petition For Relief), which shows the fiscal year expenses and revenues. (See Exhibit 1)

- If the reconciliation shows that Newport Water did not need some, or all, of the \$232,751 withdrawn from the Operating Revenue Reserve to cover a deficit, it will reimburse the Operating Revenue Reserve in the amount that was not needed.

### **III. CONCLUSION**

WHEREFORE, for the reasons set forth hereinabove the City of Newport, Utilities Department, Water Division, prays that the Rhode Island Public Utilities Commission grant the relief sought herein.

City of Newport, Utilities Department,  
Water Division  
By its attorney,



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(401) 724-9909 (fax)  
jkeoughjr@keoughsweeney.com

Dated: October 6, 2016

***EXHIBIT 1***

# KEOUGH & SWEENEY, LTD.

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August 18, 2016

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

**Re:    *Newport Water - Docket 4243***  
***Miscellaneous Petition For Relief***

Dear Ms. Massaro:

Enclosed please find an original and nine (9) copies of the following documents:

1. City of Newport, Utilities Department, Water Division's Response to the Portsmouth Water and Fire District's First Set of Data Requests (Supplemental).

Please note that an electronic copy of these documents has been sent to the service list for Docket 4595, which is Newport Water's current rate filing with the Rhode Island Public Utilities Commission.

Thank you for your attention to these matters.

Sincerely,



Joseph A. Keough Jr.

JAK/kf  
Enclosures  
cc:    Service List (via electronic mail)

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4243  
MISCELLANEOUS PETITION  
FOR RELIEF  
Response Of The City Of Newport,  
Utilities Division, Water Department  
To The Portsmouth Water And  
Fire District's Data Requests  
Set 1

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**PWFD 1-1:** Please provide a breakdown of all actual expenses for FY 2016 in the same format as the revenues requirements filed in Docket 4595 (Mr. Smith's Schedule A-1).

**Response:** As FY 2016 ended June 30, 2016, Newport does not yet have final actual expenses for FY16. Further, Newport Water notes that the caption of the data requests indicate they were issued in "Docket No. 4243 – Phase III – Multi-Year Rate Plan Compliance Filing." Newport does not have a multi-year rate plan compliance filing presently before the Commission. Newport's only filing currently before the Commission related to Docket 4243 is a Miscellaneous Petition For Relief seeking to withdraw funds from the restricted Salary Increase Account.

**Supplemental**

**Response:** As set forth in Newport's original response, Newport does not yet have final actual expenses for FY16 as it only ended June 30, 2016. However, Newport has produced unaudited numbers that have only been reviewed for the purpose of responding to this data request. The attached expenses are not Newport's final actual expenses for FY 2016. The attached information should not be used for any purpose other than to provide a general snapshot of Newport's FY 2016 expenses as of this date. Further, these numbers are not evidence in Newport's pending companion proceeding before the Commission (Docket 4925).

**Prepared by:** Julia Forgue



City of Newport  
 Utilities Department  
 Water Division  
 Actual Expenses FY 2016  
 Revenue Requirements  
 Unreviewed / Unaudited

**O&M COSTS****Administration**

50001	Salaries & Wages	\$ 364,223
	AFSCME retro	-
	NEA retro	-
	AFSCME benefits on retro pay	-
	NEA benefits on retro pay	-
50044	Standby Salaries	13,721
50100	Employee Benefits	117,251
50103	Retiree Insurance Coverage	352,096
50105	Workers Compensation	59,790
50175	Annual Leave Buyback	1,708
50207	Advertisement	4,658
50210	Membership Dues & Subscriptions	4,008
50212	Conferences & Training	3,449
50214	Tuition Reimbursement	-
50220	Consultant Fees	156,014
50238	Postage	642
50239	Fire & Liability Insurance	63,980
50251	Telephone & Communication	5,123
50305	Water	1,341
50306	Electricity	8,912
50307	Natural Gas	4,107
50308	Property Taxes	593,284
50266	Legal & Administrative	309,699
50267	Data Processing	143,888
50268	Mileage Allowance	596
50271	Gasoline & Vehicle Allowance	5,835
50275	Repairs & Maintenance	-
50280	Regulatory Expense	243
50281	Regulatory Assessment	94,055
50361	Office Supplies	13,338
50505	Self Insurance	-
50515	Unemployment Claims	581
	<b>Subtotal:</b>	<b>\$ 2,322,542</b>

City of Newport  
Utilities Department  
Water Division  
Actual Expenses FY 2016  
Revenue Requirements  
Unreviewed / Unaudited

			<b>Actual Costs Fiscal Year 2016 PRELIMINARY</b>	
<b>Customer Service</b>				
50001	Salaries & Wages	\$	280,697	
50002	Overtime		2,238	
	Collections		-	
50004	Temp Salaries		22,175	
50056	Injury Pay		-	
50100	Employee Benefits		143,220	
50120	Bank Fees (lock box)		15,432	
50175	Annual Leave Buyback		4,531	
50205	Copying & binding		378	
50212	Conferences & Training		-	
50225	Support Services		21,743	
50238	Postage		71,968	
50271	Gasoline & Vehicle Allowance		34,662	
50275	Repairs & Maintenance		59,463	
50299	Meter Maintenance		9,882	
50311	Operating Supplies		4,578	
50320	Uniforms & protective Gear		366	
50380	Customer Service Supplies		655	
<b>Subtotal:</b>			<b>\$</b>	<b>671,988</b>
<b>Source of Supply - Island</b>				
50001	Salaries & Wages	\$	296,469	
50002	Overtime		11,742	
50004	Temp Salaries		480	
50056	Injury Pay		-	
50100	Employee Benefits		155,836	
50175	Annual Leave Buyback		2,265	
50306	Electricity		19,002	
50271	Gas/Vehicle Maintenance		62,784	
50275	Repairs & Maintenance		3,308	
50277	Reservoir Maintenance		14,651	
50311	Operating Supplies		3,981	
50320	Uniforms & protective Gear		1,189	
50335	Chemicals		66,800	
<b>Subtotal:</b>			<b>\$</b>	<b>638,507</b>
<b>Source of Supply - Mainland</b>				
50002	Overtime	\$	2,304	
50004	Temp Salaries		9,796	
50005	Permanent Part time		10,750	
50100	Employee Benefits		1,748	
50306	Electricity		103,422	
50275	Repairs & Maintenance		13,503	
50277	Reservoir Maintenance		4,500	
50311	Operating Supplies		86	
<b>Subtotal:</b>			<b>\$</b>	<b>146,109</b>

City of Newport  
Utilities Department  
Water Division  
Actual Expenses FY 2016  
Revenue Requirements  
Unreviewed / Unaudited

			<b>Actual Costs Fiscal Year 2016 PRELIMINARY</b>	
<b>Station One</b>				
50001	Salaries & Wages	\$	530,526	
50002	Overtime		79,140	
50003	Holiday Pay		19,127	
50045	Lead Plant Operator Stipend		7,939	
50100	Employee Benefits	\$	264,098	
50175	Annual Leave Buyback		10,986	
50212	Conferences & Training		1,070	
50239	Fire & Liability Insurance		33,236	
50306	Electricity	\$	230,686	
50307	Natural Gas		26,990	
50260	Rental of Equipment		788	
50305	Sewer Charge		102,536	
50271	Gas/Vehicle Maintenance		11,550	
50275	Repairs & Maintenance	\$	16,415	
50311	Operating Supplies	\$	28,205	
50320	Uniforms & protective Gear		30	
50335	Chemicals		347,841	
<b>Subtotal:</b>		<b>\$</b>	<b>1,711,163</b>	
<b>Lawton Valley</b>				
50001	Salaries & Wages	\$	490,046	
50002	Overtime		102,650	
50003	Holiday Pay		17,119	
50045	Lead Plant Operator Stipend		4,122	
50100	Employee Benefits	\$	276,756	
50175	Annual Leave Buyback		7,279	
50212	Conferences & Training		3,709	
50239	Fire & Liability Insurance		51,516	
50306	Electricity	\$	292,049	
50307	Natural Gas		26,765	
50260	Rental of Equipment		683	
50305	Sewer Charge		269,824	
50271	Gas/Vehicle Maintenance		6,298	
50275	Repairs & Maintenance	\$	7,493	
50311	Operating Supplies	\$	18,123	
50320	Uniforms & protective Gear		-	
50335	Chemicals		276,476	
<b>Subtotal:</b>		<b>\$</b>	<b>1,850,908</b>	
<b>Laboratory</b>				
50001	Salaries & Wages	\$	114,444	
50100	Employee Benefits		53,598	
50175	Annual Leave Buyback		3,155	
50275	Repairs & Maintenance		1,679	
50281	Regulatory Assessment		32,933	
50339	Laboratory Supplies		23,166	
<b>Subtotal:</b>		<b>\$</b>	<b>228,975</b>	

City of Newport  
 Utilities Department  
 Water Division  
 Actual Expenses FY 2016  
 Revenue Requirements  
 Unreviewed / Unaudited

		Actual Costs Fiscal Year 2016 PRELIMINARY
<b>Transmission &amp; Distribution</b>		
50001	Salaries & Wages	\$ 524,602
50002	Overtime	31,880
50003	Holiday Pay	1,284
50004	Temp Salaries	15,220
50056	Injury Pay	-
50100	Employee Benefits	272,377
50175	Annual Leave Buyback	10,950
50212	Conferences & Training	4,590
50225	Contract Services	10,194
50239	Fire & Liability Insurance	11,051
50306	Electricity	26,151
50260	Heavy Equipment Rental	5,183
50271	Gas/Vehicle Maintenance	85,116
50275	Repairs & Maintenance	20,579
50276	Main Maintenance	80,348
50296	Service Maintenance	33,101
50311	Operating Supplies	6,300
50320	Uniforms & protective Gear	1,611
<b>Subtotal:</b>		<b>\$ 1,140,537</b>
<b>Fire Protection</b>		
50275	Repair & Maintenance - Equipment	\$ 16,498
<b>Subtotal:</b>		<b>\$ 16,498</b>
<b>Total O&amp;M Costs</b>		<b>\$ 8,727,227</b>

City of Newport  
 Utilities Department  
 Water Division  
 Actual Expenses FY 2016  
 Revenue Requirements  
 Unreviewed / Unaudited

**CAPITAL COSTS**

Contribution to Capital Spending Acct.  
 Contribution to Debt Service Acct.  
**Total Capital Costs**

**Operating Revenue Allowance****Total Costs before Offsets****OFFSETS****Nonrate Revenues**

Sundry charges  
 WPC cost share on customer service  
 Middletown cost share on customer service  
 Rental of Property  
 Water Penalty  
 Miscellaneous  
 Investment Interest Income  
 Water Quality Protection Fees

**Total Nonrate Revenues****Net Costs to Be Recovered through Rates**

<b>Actual Costs Fiscal Year 2016 PRELIMINARY</b>	
\$	2,500,000
\$	6,810,178
<b>\$</b>	<b>9,310,178</b>
\$	261,817
<b>\$</b>	<b>18,299,221</b>
\$	120,239
	291,792
	147,785
	89,533
	55,922
	20,847
	964
	20,964
<b>\$</b>	<b>748,046</b>
<b>\$</b>	<b>17,551,175</b>

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4243  
MISCELLANEOUS PETITION  
FOR RELIEF  
Response Of The City Of Newport,  
Utilities Division, Water Department  
To The Portsmouth Water And  
Fire District's Data Requests  
Set 1

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**PWFD 1-2:** Please provide a breakdown of actual revenues for FY 2016 in the same format as Mr. Smith's Schedule A-4 in Docket 4595, including:

- a. All miscellaneous revenues in the same format as the current filing
- b. Base charge revenues
- c. Metered sales revenues by class (residential, commercial, Navy, Portsmouth)
- d. Public Fire Protection
- e. Private Fire Protection

**Response:** As FY 2016 ended June 30, 2016,, Newport does not yet have final actual expenses for FY16. Further, Newport Water notes that the caption of the data requests indicate they were issued in "Docket No. 4243 – Phase III – Multi-Year Rate Plan Compliance Filing." Newport does not have a multi-year rate plan compliance filing presently before the Commission. Newport's only filing currently before the Commission related to Docket 4243 is a Miscellaneous Petition For Relief seeking to withdraw funds from the restricted Salary Increase Account.

**Supplemental**

**Response:** As set forth in Newport's original response, Newport does not yet have final actual revenues and expenses for FY16 as it only ended June 30, 2016. However, Newport has produced unaudited numbers that have only been reviewed for the purpose of responding to this data request. The attached revenues and expenses are not Newport's final actual revenues and expenses for FY 2016. The attached information should not be used for any purpose other than to provide a general snapshot of Newport's FY 2016 revenues and expenses as of this date. Further, these numbers are not evidence in Newport's pending companion proceeding before the Commission (Docket 4925).

**Prepared by:** Julia Forgue

City of Newport  
Utilities Department  
Water Division  
Actual Revenues FY 2016  
Revenue Requirements  
Unreviewed / Unaudited

		<b>Actual Revenues Fiscal Year 2016 PRELIMINARY</b>
<b>REVENUES</b>		
<b>Water Rates</b>		
Base Charge (Billing Charge)	\$	924,568
Volume Charge		
Residential		6,237,056
Commercial		4,935,790
Navy		1,259,362
Portsmouth Water & Fire District		2,098,411
Fire Protection		
Public		948,076
Private		405,164
Total Rate Revenues	\$	16,808,427
<b>Other Operating Revenues</b>		
Sundry charges		120,239
WPC cost share on customer service		291,792
Middletown cost share on customer service		147,785
Rental of Property		89,533
Total Other Operating Revenues		649,349
<b>Total Operating Revenues</b>	<b>\$</b>	<b>17,457,776</b>
Add: Non-Operating Revenues		
Water Penalty		55,922
Miscellaneous		20,847
Investment Interest Income		964
Water Quality Protection Fees		20,964
<b>Total Non Operating Revenues</b>	<b>\$</b>	<b>98,697</b>
<b>Total Revenues</b>	<b>\$</b>	<b>17,556,473</b>
<b>COSTS</b>		
<b>Departmental O&amp;M</b>		<b>(8,727,227)</b>
<b>Capital Costs</b>		
Contribution to Capital Spending Acct.		(2,500,000)
Contribution to Debt Service Acct.		(\$6,810,178)
<b>Total Capital Costs</b>		<b>(9,310,178)</b>
<b>Operating Revenue Allowance</b>		<b>(261,817)</b>
<b>Total Costs</b>	<b>\$</b>	<b>(18,299,221)</b>
<b>Revenue Surplus (Deficit)</b>	<b>\$</b>	<b>(742,748)</b>

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4243  
MISCELLANEOUS PETITION  
FOR RELIEF  
Response Of The City Of Newport,  
Utilities Division, Water Department  
To The Portsmouth Water And  
Fire District's Data Requests  
Set 1

**CERTIFICATION**

I hereby certify that on August 18, 2016, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

<b>Parties/Address</b>	<b>E-mail Distribution</b>	<b>Phone</b>
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STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4243  
MISCELLANEOUS PETITION  
FOR RELIEF  
Response Of The City Of Newport,  
Utilities Division, Water Department  
To The Portsmouth Water And  
Fire District's Data Requests  
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Christopher Woodcock Woodcock & Associates, Inc. 18 Increase Ward Drive Northborough, MA 01532	<a href="mailto:Woodcock@w-a.com">Woodcock@w-a.com</a> ;	508-393-3337
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STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4243  
MISCELLANEOUS PETITION  
FOR RELIEF  
Response Of The City Of Newport,  
Utilities Division, Water Department  
To The Portsmouth Water And  
Fire District's Data Requests  
Set 1

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<b>File an original and nine (9) copies w/:</b> Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:Luly.massaro@puc.ri.gov">Luly.massaro@puc.ri.gov</a> ;	401-780-2107
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### **CERTIFICATION**

I hereby certify that on October 6, 2016, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

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