# KEOUGH + SWEENEY, LTD. <br> ATTORNEYS AND COUNSELORS AT LAW <br> 41 MENDON AVENUE <br> PAWTUCKET, RHODE ISLAND 02861 <br> TELEPHONE (401) 724-3600 <br> FACSIMILE (401) 724-9909 <br> www.keoughsweeney.com <br> JOSEPH A. KEOUGH JR.* <br> JEROME V. SWEENEY III* <br> SEAN P. KEOUGH* <br> JEROME V. SWEENEY II OF COUNSEL <br> BOSTON OFFICE: 171 MILK STREET SUITE 30 BOSTON, MA 02109 TEL. (617) 574-0054 FAX (617) 451-1914 

May 24, 2023
Ms. Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888
Re: Docket No. 22-47-WW-The Narragansett Bay Commission General Rate Filing

Dear Ms. Massaro:
Enclosed please find an original and nine copies of the following:

1. The Narragansett Bay Commission’s Supplemental Response to the Rhode Island Division of Public Utilities and Carrier's Data Requests (Set 8).

Please note that an electronic copy of this document has been provided to the service list. Thank you for your attention to this matter.

Sincerely,


Joseph A. Keough, Jr.
cc: Docket 22-47-WW Service List (via electronic mail)

## Supplemental

Response: At the request of the Division, NBC performed a similar analysis of the Union salaries, which also accounts for NBC's elimination of some electrician positions, and accounts for NBC's cost for outside electrical contractors in lieu of these fulltime positions. Based on the analysis in the original (revised) response and this new analysis, NBC has also developed a revised rate year request for Union and Non-Union Salaries as is shown in the attached Schedules.

## UNION AND ELECTRICIANS ANALYSIS

Test Year average number of Union FTEs: The average number of filled Union positions in the test year was 113.75 (See Schedule 8E Supp. $\mathbf{- 4 . 1 4 5 \%}$ Union).

Interim year average number of filled Union FTEs: The interim year average number of filled Union FTEs through April 2023 is 111.90 (please note that the April 2023 FTEs includes the 5 electrician positions as they weren't eliminated until this month) (See Schedule 8E Supp. - 4.145\%).

Rate year average number of filled Union FTEs: While there has been year-overyear growth in the average number of filled Non-Union FTEs for the past five years (See Schedule 8C Supp. - Non-Union FTEs), the average number of filled Union FTEs has changed from year to year. Therefore the attached Schedule 8E Supp. uses a five-year average of filled Union FTE's for the rate year as follows:

| UNION FILLED FTES FIVE-YEAR AVERAGE |  |
| :--- | ---: |
| Fiscal Year | Average FTE |
| FY 2019 | 118.50 |
| FY 2020 | 112.67 |
| FY 2021 | 114.08 |
| FY 2022 | 113.75 |
| FY 2023 | 111.90 |
| Average |  |

As set forth in Schedule 8E Supp., NBC recalculated its rate year request based on 114.18 FTEs, which results in projected rate year Union salaries of $\$ 6,815,492$, which is $\$ 83,902$ less than NBC's rate year amount as filed.

Adjustment for Elimination of Electrician positions: Please refer to Schedule 8F Supp. - Union Electricians. The test year Union salaries and fringe benefits are calculated for 4.54 electrician positions (one FTE was hired mid-year). These positions were eliminated in April 2023 of the interim year. One of the positions was reallocated to a Facilities Maintenance Specialist at Bucklin Point. The net reduction in Union salaries and fringe benefits in the rate year related to these positions is $\$ 414,600$.

## Outside electrician expense in the rate year (Account 53615 - Repairs Process

 Equipment): NBC increased the services of an outside contractor for electrical services on as needed basis in April 2023. Because this is a recent change, NBC does not have much experience upon which to base rate year expense for these services. The vendor is providing the invoices by facility (Field's Point and Bucklin Point) and the invoices are grouped for payment. NBC has already spent \$20,096.85 and there are 34 work orders outstanding (See Schedules 8G and 8H Supp.). Based on the limited information available (one month), NBC projects annual expenditures for outside electrical contractors of 301,452.75 in Account 53615 - Repairs Process Equipment (S/L one month of \$20,096 plus 25\%). NBC also backed out the FY 2022 expense of $\$ 64,128$ for the outside electrical contractor. When this is applied against the reduction in salary and benefits for the 4.54 electrician positions, this is an overall net reduction in the rate year of \$177,276.
## NBC REVISED REBUTTAL POSITION

NBC prepared a revised Rebuttal Position for salaries and wages based on NBC's analysis in its original (revised) response to Div. 8-1 and this supplemental response. Under this revised position, NBC would limit the Non-Union increase to $2.5 \%$ and use the revised rate year FTEs. NBC would also keep the same contracted and step increases for Union employees, and incorporate the analysis related to the eliminated electrician positions and outside electrical contractor work, NBC revised position results in a rebuttal rate year increase of $\$ 412,103$. (See Schedule 8B - Revised Rebuttal)

Prepared by: James McCaughey, Cassandra Bennett and Leah Foster

| Non-Union |  | Rate Year |
| :--- | :---: | :---: |
|  | $2.5 \%$ <br> Salary | FY23 \& FY24(RY)-Vacancy Adj |
|  | $2.5 \%$ | 551,498 |
| Overtime | for FY 2024(RY) | $(7,088)$ |
| Pension | $10.00 \%$ | 55,150 |
| FICA | $7.65 \%$ | 41,647 |
| Salary Reimbursement | $2.5 \%$ | 43,714 |
| Fringe Reimbursement | $2.5 \%$ | 23,715 |
|  |  |  |
| Union | Vacancy Adjustment | $(83,902)$ |
| Salary | $29.97 \%$ | $(25,145)$ |
| Pension | $4.52 \%$ | $(3,792)$ |
| Retirement Health | $7.65 \%$ | $(6,418)$ |

Electricians/ Electrical Contract
Straightline Projection plus 25\% 237,324
Reduction in Union Salaries
$(414,600)$
Increase in Rebuttal Rate Year
\$ 412,103

| Overtime |  |  |  |
| ---: | ---: | ---: | ---: |
| Non-Union | Limited | Total |  |
| 252,694 |  | 30,825 |  |
| 0.025 | 0.025 |  |  |
| 6,317 | 771 | 7,088 |  |


| Salary and Fringe Benefit |  |  |
| :---: | :---: | ---: | ---: |
| Salary | Fringe |  |
| $1,748,559$ |  | 948,615 |
| 0.025 | 0.025 |  |
| $43,713.98$ | $23,715.38$ |  |

Electrical Invoices 1st Month ..... 20,097
S/L Projection plus 25\% ..... 301,453
Test Year Actual (Electrical Cont) ..... $(64,128)$$(414,600)$

Narragansett Bay Commission
Test Year FY 2022, Rate Year FY 2024 and Rebuttal Rate Year FY 2024
Schedule 8B Supp REVISED for FTE

| Account Number | Account Description |  | Test Year <br> FY 2022 |  | Test Year Adjustments | Adjusted Test Year FY 2022 |  | Rate Year djustments |  | Rate Year as <br> filed <br> FY 2024* | Rebuttal <br> Adjustme nts | Rebuttal Rate Year FY 2024 | COLA and Vacancy Adjustment | Electrician <br> Adjustment |  | BC Revised Position |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Operation \& Maintenance Expenses |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Personnel |  |  |  |  |  |  |  |  |  |  |  | - |  |  |  |  |
| 52100 | Union - Regular | \$ | 6,356,106 | \$ | - | \$ 6,356,106 | \$ | 543,288 | \$ | 6,899,394 | \$ | \$ 6,899,394 | \$ (83,902) | \$ $(239,033)$ | \$ | 6,576,459 |
| 52150 | Union Overtime |  | 674,868 |  | - | 674,868 |  | 57,684 |  | 732,552 | - | 732,552 |  |  |  | 732,552 |
| 52300 | Non-Union Regular |  | 11,711,353 |  | - | 11,711,353 |  | 892,991 |  | 12,604,344 | - | 12,604,344 | 551,498 |  |  | 13,155,842 |
| 52350 | Non-Union Overtime |  | 246,531 |  | - | 246,531 |  | 18,798 |  | 265,329 | - | 265,329 | $(6,317)$ |  |  | 259,012 |
| 52400 | Non-Union Limited |  | 30,073 |  | - | 30,073 |  | 2,293 |  | 32,366 | - | 32,366 | (771) |  |  | 31,595 |
| 52800 | Union Pension |  | 886,877 |  | 906,175 | 1,793,052 |  | 486,561 |  | 2,279,613 | - | 2,279,613 | $(25,145)$ | $(71,638)$ |  | 2,182,830 |
| 52810 | FICA/Medicare |  | 1,376,801 |  | - | 1,376,801 |  | 182,310 |  | 1,559,111 | - | 1,559,111 | 35,229 | $(18,286)$ |  | 1,576,054 |
| 52820 | Unemployment |  | 60,259 |  | - | 60,259 |  | - |  | 60,259 | - | 60,259 |  |  |  | 60,259 |
| 52920 | Non Union Pension |  | 630,661 |  | 676,727 | 1,307,388 |  | $(47,903)$ |  | 1,259,485 | - | 1,259,485 | 55,150 |  |  | 1,314,635 |
| 52940 | Union Retirement Health |  | $(49,901)$ |  | 376,188 | 326,287 |  | 17,518 |  | 343,805 | - | 343,805 | $(3,792)$ | $(10,804)$ |  | 329,209 |
| 52950 | Health Insurance |  | 4,307,986 |  | - | 4,307,986 |  | 36,719 |  | 4,344,705 | - | 4,344,705 |  | $(69,686)$ |  | 4,275,019 |
| 52970 | Dental Insurance |  | 292,574 |  | - | 292,574 |  | - |  | 292,574 | - | 292,574 |  | $(4,502)$ |  | 288,072 |
| 52980 | Vision Insurance |  | 47,928 |  | - | 47,928 |  | - |  | 47,928 | - | 47,928 |  | (651) |  | 47,277 |
| 52990 | Disability Insurance |  | 48,235 |  | - | 48,235 |  | - |  | 48,235 | - | 48,235 |  |  |  | 48,235 |
| Total: Personnel |  |  | 26,620,351 |  | 1,959,090 | 28,579,441 |  | 2,190,259 |  | 30,769,700 | - | 30,769,700 | 521,950 | $(414,600)$ |  | 30,877,050 |
| 59000 | Salary Reimbursement |  | $(1,705,910)$ |  | - | $(1,705,911)$ |  | $(130,076)$ |  | $(1,835,987)$ | - | $(1,835,987)$ | 43,714 | - |  | $(1,792,273)$ |
| 59001 | Fringe Reimbursement |  | $(925,478)$ |  | - | $(925,478)$ |  | $(70,568)$ |  | $(972,331)$ | $(23,715)$ | $(996,046)$ | 23,715 | - |  | $(972,331)$ |
| Net: Personnel |  |  | 23,988,963 |  | 1,959,090 | 25,948,052 |  | 1,989,615 |  | 27,961,383 | $(23,715)$ | 27,937,668 | 589,379 | $(414,600)$ |  | 28,112,447 |
| 53615 Electrical Contractor |  |  |  |  |  |  |  |  |  |  |  |  |  | 237,324 |  | 237,324 |
|  |  |  |  |  |  |  |  |  | Adjusted Personnel |  |  |  | 589,379 | $(177,276)$ |  | 28,349,771 |
|  |  |  |  |  |  |  |  |  | Net increase in Rebuttal Rate Year |  |  |  |  |  | \$ | 412,103 |

Schedule 8C Supp.

| NON-UNION FILLED FTEs FIVE -YEAR AVERAGE |  |
| :---: | :---: |
| Fiscal Year | Average FTE |
| FY 2019 | 135.17 |
| FY 2020 | 144.33 |
| FY 2021 | 151.92 |
| FY 2022* | 150.33 |
| FY 2023 | 155.60 |

*Covid Year

## Narragansett Bay Commission

Personnel Adjustment
Non-Union Regular Account 52300 Schedulde 8D Supp.

|  | FTE |  |  |
| :---: | :---: | :---: | :---: |
|  | Original RY Request | Projected RY | Projected RY |
| Projected FTE |  | 155.6 | 160.9 |
| Test year (FY 2022) FTE | 150.3 | 150.3 | 150.3 |
| Additional FTEs |  | 5.3 | 10.6 |
| Non-Union COLA/Merit 7/1/22 (FY 2023) | 2.500\% | 2.500\% | 2.500\% |
| Non-Union Merit/COLA 7/1/23 RY (FY 2024) | 5.000\% | 2.500\% | 2.500\% |


|  | Original RY Request | Projected RY | Projected RY |  |
| :--- | :---: | :---: | :---: | :---: | :---: |
| Adjusted Test Year FY 2022 (FTE 150.3) | $\$$ | $11,711,353$ | $\$ 11,711,353$ | $\$ 11,711,353$ |

Vacancy Rate Adjustment
Interim Year

$$
\begin{array}{ccc}
- & 410,287 & 410,287 \\
\hline- & 410,287 & 410,287
\end{array}
$$

Base Salary
7/1/22 COLA/Merit Percent 7/1/22 COLA/Merit \$ 7/1/22 Total Salaries (FY 2023) (FTE 155

| $2.5 \%$ | $2.5 \%$ | $2.5 \%$ |
| ---: | ---: | ---: |
| 292,784 | 303,041 | 303,041 |
| $12,004,137$ | $12,424,681$ | $12,424,681$ | Vacancy Rate Adjustment Rate Year


|  |  | 410,287 |  |
| ---: | ---: | ---: | ---: |
| $12,004,137$ | $12,424,681$ | $12,834,968$ |  |
|  | $5.0 \%$ | $2.500 \%$ | $2.500 \%$ |
|  | 600,207 | 310,617 | 320,874 |
| $12,604,344$ | $12,735,298$ | $13,155,842$ |  |
|  |  |  |  |
|  | 892,991 | $\$$ | $1,023,945$ |$\$$| $1,444,489$ |
| :--- |

\$ 11,711,353 \$ 11,711,353
77,903
77,903
Average Non Union Salary FY 2022
Interim decrease in vacancy rate (155.6-150.3)
Rate Year decrease in vacancy rate (160.9-155.6)
Total Salary Vacancy rate reduction

Rate Year Adjustment
$\$$

| 892,991 | $\$$ | $1,023,945$ | $\$$ |
| ---: | ---: | ---: | ---: |
|  | $130,953.89$ | $551,494,489$ |  |

$5.3 \quad 5.3$
$\begin{array}{llr} & & 5.3\end{array}$

| FY 2022 |  |  |
| :---: | :---: | :---: |
| Non Union  <br> Budget FTE Test Year Filled FTE | Unfilled Positions |  |
| 169 | 150 | 19 |
| 169 | 151 | 18 |
| 169 | 151 | 18 |
| 169 | 150 | 19 |
| 169 | 151 | 18 |
| 169 | 151 | 18 |
| 169 | 149 | 20 |
| 169 | 147 | 22 |
| 169 | 149 | 20 |
| 169 | 151 | 18 |
| 169 | 151 | 18 |
| 169 | 153 | 16 |
| Average | 150.3 |  |


| FY 2023 |  |  |
| :---: | ---: | ---: |
| Non Union  <br> Budget FTE Test Year Filled FTE | Unfilled Positions |  |
| 176 | 154 | 22 |
| 176 | 154 | 22 |
| 176 | 156 | 20 |
| 176 | 156 | 20 |
| 176 | 155 | 21 |
| 176 | 155 | 21 |
| 176 | 154 | 22 |
| 176 | 155 | 21 |
| 176 | 157 | 19 |
| 176 | 160 | 16 |
| Average | 155.6 |  |






| OUTSTANDING WORK ORDERS - Schedule 8H Supp. DESCRIPTION | PLANT | FACILTY | WO NUMBER | company | DATE COMPLETED | cost | INVOICE NUMBER | GRN for PO\#373948 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Disconnect wiring to old motor and connect wiring to new motor | BP | Screen \& Grit | 118756598 | audet |  |  |  |  |
| MONTHLY PM IINSPECTION ON EMERGENCY BACK-UP GENERTATOR \#1 ON 4-19-23 \& 4-20-23, | BP | emergency generator \#1 | 118755818 | Fall River Elec |  |  |  |  |
| MONTHLY PM INSPECTION ON EMERGENCY BACK-UP GENERTATOR \#1 ON 4-19-23 \& 4-20-23, | BP | emergency generator \#2 | 118756599 | Fall River Elec |  |  |  |  |
| CHECK UTLITY MAIN TRANSFORMER FOR PROPER OPERATION | BP | MAIN TRANSFORMER | 118757112 | audet |  |  |  |  |
| CHECK THREE LIGHT FIXURES IN Wet Weather dewatering pump station | BP | Wet weather dewatering ps | 118757113 | audet |  |  |  |  |
| PLEASE TROUBLESHOOT OVERLOAD ALARM ON WET WEATHER DEWATERING PUMP \#2 (BLDG \#18) | ${ }^{\text {BP }}$ | wW Dewatering Pump 2 | 118757721 | audet |  |  |  |  |
| CENTRATE PUMP \# 11 IS IN ALARM | ${ }^{\text {BP }}$ | Sidestream WW | 118757106 | audet |  |  |  |  |
| PLEASE SCHEDULE FOR MONDAY 5-8 WEATER PERMITTING). U.V. CLEANING ON UV BANK (1A | BP | UV bank 1a | 118755854 | audet |  |  |  |  |
| ASIIS ISTRUMENTATION TECH. JOHN CONTRINO ON O5-11-23, @ 2:00 AM, @ (HS-30-AA, B) S\&G BLDg | BP | Screen \& Grit | 118758145 | audet |  |  |  |  |
| Please Troubleshoot, Power Control Box (Lockout) at pump will not turn on. | ${ }^{\text {BP }}$ | ww Dewatering Pump 3 | 118758352 | audet |  |  |  |  |
| REPLACE CONDUIT \& CABLE, FROM 300 GATE TO S\&G BLDG | ${ }^{\text {BP }}$ | S\&G Building | 118758354 | audet |  |  |  |  |
| UPS RIOP-4A failed, troubleshoot for proper operation, and repair or replace UPS if needed | ${ }^{\text {BP }}$ | WET WEATHER DIIINFECTION BLDG | 118758531 | audet |  |  |  |  |
| ASSIST INSTRUMENTATION TECH., PUMP Ground water from al electrical manholes @ b.p | ${ }^{\text {BP }}$ | BP Manholes | 118758541 | audet |  |  |  |  |
| Fine Screens - purchase and install new sf-sa-1 unit for fine screens, pull motor off of existing unit to reuse | FP | Fine Screen | 118754013 | AUdEt |  |  |  |  |
| Repair for breakers, main A, tie breaker, plant water stand by feed breaker and MCC 3 B normal power. | FP | RAS 2 | 118756291 | audet |  |  |  |  |
| Assist with electrical work for ethernet upgrades. | EP | FP | 118755339 | audet |  |  |  |  |
| Repair lights in auto garage making shorting sound | EP | O\&M Garage | 118746296 | audet |  |  |  |  |
| Electrical manhole PM | ${ }_{\text {FP }}$ | FP | 118741412 | audet |  |  |  |  |
| unwire IFAS Tank 10 mixer 2 for maintenance to replace, and then rewire and check rotation | ${ }^{\text {fP }}$ | IfAS 10 | 118752950 | audet |  |  |  |  |
| Troubleshoot dewatering pump electrical bucket | FP | Primary Tank 1 | 118756986 | audet |  |  |  |  |
| Replace Lugs on the breaker for RAS 2 pumps 7 \& 8, There is no 480 volt | ${ }^{\text {FP }}$ | RAS 2 | 118756554 | audet |  |  |  |  |
| MCC room voltage fault | ${ }_{\text {FP }}$ | Wet Weather | 118756987 | audet |  |  |  |  |
| \#2 Pump is in fault, faulted out while running | FP | ESPS | 118757135 | audet |  |  |  |  |
| \#2 Primary Pump keeps faulting out at VFD | ${ }^{\text {FP }}$ | PSPS | 118757136 | audet |  |  |  |  |
| Test Seal Water Pump Motor to confirm working properly | ${ }^{\text {fP }}$ | Grit | 118756558 | audet |  |  |  |  |
| Inspect/Repair all Emergency Lights throughout FP (PM) | FP | EPWWTF | Group-98436 | audet |  |  |  |  |
| Inspect exterior and interior lights throughout buildings | FP | EPWWTF | Group-98439 | audet |  |  |  |  |
| PM VRD Filters on IMLR Pumps | FP | EPWWTF | Group-98438 | audet |  |  |  |  |
| Annual Inspection of Lightning Protection System | FP | FPWWTF | Group | AUDET |  |  |  |  |
| Assist Atlas Copco Troubleshoot Blowers 5 and 6 | FP | SLBB | 118757688 | audet |  |  |  |  |
| Pump 4 VFD faulted last night and needs to be reset | FP | PSPS | 118757344 | audet |  |  |  |  |
| Please adjust generator output voltage at Reservoir Avenue Pump Station | FP | RAPS | 118758150 | audet |  |  |  |  |
| Troubleshoot/fix fire lane gate control | FP | TPS | 118758532 | audet |  |  |  |  |
| Troubleshoot the \#2 air compressor at the Tunnel Pump Station is not working. | FP | TPS | 118758364 | audet |  |  |  |  |

## CERTIFICATION

I hereby certify that on May 24, 2023, 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.

| Parties/Address | E-mail Distribution | Phone |
| :---: | :---: | :---: |
| Narragansett Bay Commission Joseph A. Keough, Jr., Esq. <br> Keough \& Sweeney <br> 41 Mendon Ave. <br> Pawtucket, RI 02861 | jkeoughjr@keoughsweeney.com; | 401-724-3600 |
| Karen L. Giebink, Director of A\&F <br> Narragansett Bay Commission <br> One Service Road <br> Providence, RI 02905 | Kgiebink@narrabay.com; gdegnan@narrabay.com; | 401-461-8848 |
| David Fox, Raftelis Financial Consultants | DFox@raftelis.com; |  |
| Division of Public Utilities and <br> Carriers <br> Mark Simpkins, Esq. <br> Division of Public Utilities and <br> Carriers <br> 89 Jefferson Blvd. <br> Warwick, RI 028888 | Mark.A.Simpkins@dpuc.ri.gov; <br> Margaret.L.Hogan@dpuc.ri.gov; <br> John.bell@dpuc.ri.gov; <br> Joel.munoz@dpuc.ri.gov; <br> Egolde@riag.ri.gov; <br> Christy.Hetherington@riag.ri.gov; | 401-222-2424 |
| Ralph Smith <br> Larkin \& Associates, PLLC 15728 Farmington Road Livonia, Michigan 48154 | rsmithla@aol.com; <br> dawn.bisdorf@gmail.com; <br> msdady@gmail.com; mcranston29@gmail.com; | 734-522-3420 |
| Original and nine (9) copies w/: <br> Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. <br> Warwick, RI 02888 | Luly.massaro@puc.ri.gov; <br> Alan.nault@puc.ri.gov; <br> John.Harrington@puc.ri.gov; <br> Todd.bianco@puc.ri.gov; <br> Christopher.Caramello@puc.ri.gov; | 401-780-2107 |

The Narragansett Bay Commission's Response
To the Division of Public Utilities and Carriers
Data Request
Set 8

Groushallyn of
Joseph A. Keough, Jr., Esquire \# 4925
KEOUGH \& SWEENEY, LTD.
41 Mendon Avenue
Pawtucket, RI 02861
(401) 724-3600 (phone)
(401) 724-9909 (fax)
jkeoughjr@keoughsweeney.com

