STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

December 3, 2018 - 10:05 a.m.
Concord, New Hampshire

RE: DW 18-161
AQUARION WATER COMPANY OF
NEW HAMPSHIRE, INC.:
Petition for Approval of 2019 WICA.
(Prehearing conference)

PRESENT: Chairman Martin P. Honigberg, Presiding
Commissioner Kathryn M. Bailey
Commissioner Michael S. Giaimo
Sandy Deno, Clerk

APPEARANCES: Reptg. Aquarion Water Co. of N.H.:
Marcia A. Brown, Esq. (NH Brown Law)

Reptg. the Town of Hampton:
Mark Gearreald, Esq.
Selectman Regina Barnes

Reptg. PUC Staff:
Christopher Tuomala, Esq.
Jayson Laflamme, Asst. Dir./Gas&Water
Anthony Leone, Gas & Water Division
Joseph Vercellotti, Safety Division

Court Reporter: Steven E. Patnaude, LCR No. 52
INDEX

STATEMENTS RE: PETITION TO INTERVENE BY:

Ms. Brown                   4
Mr. Tuomala                 5

QUESTIONS BY:

Chairman Honigberg          5

STATEMENTS OF PRELIMINARY POSITION BY:

Ms. Brown           6, 26, 30
Mr. Gearreald          15, 31
Mr. Tuomala                23

QUESTIONS BY:

Chairman Honigberg 13, 24, 28
CHAIRMAN HONIGBERG: We are here this morning in Docket DW 18-161, which is Aquarion Water Company's 2019 WICA filing. We're here for a prehearing conference. Although, I know from the filing that there's a lot of things that have already happened. Following the prehearing conference, there will be a technical session. 

Before we do anything else, let's take appearances.

MS. BROWN: Good morning, Commissioners. My name is Marcia Brown, with NH Brown Law, representing Aquarion Water Company. And with me today is Debra Szabo, who is Director of Rates & Regulation; and to her right is Carl McMorran, who is the Manager of -- our Operations Manager for the Company; and in the table behind me is Dan Lawrence, who is Director of Engineering & Planning; to his right is Josh Unger, who is a Senior Regulatory Compliance Specialist; and to his right is Huijing Shi, who is also a Senior Regulatory Compliance Specialist.
Thank you.

MR. GEARREALD: Good morning, Mr. Chairman. My name is Mark Gearreald. I'm the Town Attorney for the Town of Hampton. We have pending a Petition to Intervene. And with me is Selectman Regina Barnes.

MR. TUOMALA: Good morning, Commissioners. Christopher Tuomala, representing the Staff of the Public Utilities Commission. With me, to my left, I have the Assistant Director of the Water & Gas Division, Jayson Laflamme; to his left, Utility Analyst Anthony Leone; and behind is Jim Vercellotti from the Safety Division.

CHAIRMAN HONIGBERG: Taking the intervention first, does the Company or does Staff have any position on Hampton's intervention?

MS. BROWN: The Company does not oppose the intervention. However, it notes that, in discovery, the Town was discovering outside of issues noticed for this docket, and would just object to delving issues that are not directly in the Order of Notice.
CHAIRMAN HONIGBERG: All right. The key phrase was the first one, "no objection" to their intervention status. You just want to make sure that the scope doesn't creep, right?

MS. BROWN: Right. Thank you.

CHAIRMAN HONIGBERG: Staff?

MR. TUOMALA: Staff has no objection.

CHAIRMAN HONIGBERG: The motion is granted.

MR. GEARREALD: Thank you.

CHAIRMAN HONIGBERG: All right. Any preliminary matters we need to deal with before we hear from the parties on their summary positions?

MS. BROWN: The Company would just like to note that it did file the affidavit of publication, and also notified the towns and the North Hampton Water Commission of the Order of Notice. Just wanted to state that for the record.

CHAIRMAN HONIGBERG: Anything else?

MR. TUOMALA: No, Mr. Chairman.

CHAIRMAN HONIGBERG: All right. Ms. Brown, why don't you start us off.

{DW 18-161} [Prehearing conference] {12-03-18}
MS. BROWN: Thank you, Commissioners.

My remarks are going to be a little bit more
detailed, because we've had an opportunity to
conduct discovery, and it has changed the
filing a little bit and I would like to inform
you all of those changes.

This is Aquarion's tenth WICA filing.

And to recap, there are three critical
approvals that the Commission -- that the
Company needs from the Commission.

First is Commission approval of the
prudent, used and useful 2018 construction
costs and assets.

Second is the Commission approval of
the planned 2019 projects and budget.

And then, lastly, preliminary
approval of projects planned and budgets
estimated for 2020 projects.

With respect to the 2018 project, it
was one project. It was the Mill Road
replacement project in North Hampton. It
involved 4,000 feet of 8-inch asbestos cement
main, which was replaced with a 12-inch high
density polyethylene main. The project cost
over a million dollars.

The project was originally scheduled for 2019. But, as explained in the May 2018 update letter that the Company filed, the project was moved up and expanded, because the New Hampshire Department of Transportation changed its paving schedule. And that change in paving schedule and the synergy of doing a combined project saved the Company between 200 and $300,000 in paving and road reconstruction costs.

Importantly, New Hampshire DOT has a five-year moratorium on opening up the road after it is paved. And the Company did not want to postpone this project for five years.

With respect to the 2019 planned projects, they were estimated in Attachment CM-1 to Carl McMorran's testimony. However, they have been updated in the Company's response in Staff 2-1, which you do not have yet. But, to summarize, the main project for 2019 will be a project along Route 101. This is being done in conjunction with the Town of Hampton's sewer project. And this project will
allow the Company to abandon a main that goes through 4,000 feet of salt marsh. The salt marsh main already has a small leak. And if it fails, Hampton Beach will lose about two-thirds of its water source. So, it is a high priority for the Company.

In addition, by combining the project with the Town of Hampton's sewer project, the Company can also save on paving and road reconstruction costs.

In addition to that project, the Company is also chipping away at smaller projects. And so, it is including main replacements on 7th, Ninth, and Tenth Streets, in Hampton.

With respect to the 2020 projects, the Company is planning on replacing a main on Route 1, Lafayette Road, in North Hampton. And in this section, it crosses the old B&M rail line in the intersection of North Road. New Hampshire DOT is replacing this bridge. It is on its red list, and work may start in 2020.

Plans are still being finalized, but the Company is aware that Lafayette Road may be
regraded in this area. And if so, the road will be lowered, and it will require replacing many hundreds of feet of the Company's main on either side of this bridge.

This main is also a priority, because this area of Lafayette Road is now heavily developed, and the main that feeds all the services off of Lafayette Road north of the bridge, there is no redundancy of mains. There is only that one main, which makes the project a priority.

With respect to the surcharge, as noted in the testimony and attachments of Debra Szabo, the present WICA is at 7.08 percent, and that surcharge recovers for projects installed in 2013, '14, '15, '16, and '17. With the addition of the 2018 project, which was over a million dollars, that will increase the surcharge from 7.08 to the cap of 7.5.

Now, as you are aware, the Company has also proposed to address the Tax Cuts and Jobs Act in this WICA filing, and that was in response to the Commission's order in Docket IR 18-001.
In Aquarion's case, the tax savings resulting from the Tax Act will be -- in 2018, the savings will be about $262,000. And the Company recommends the Commission -- the Company recommends the Commission allow the savings to be passed on to customers through this WICA. This is not the first time a change in the tax treatment at the federal level has produced a temporary windfall among the utilities. And just to remind the Commission, in 2013, federal tax changes resulted in a $905,000 tax windfall to the Company. And in 2014, in Docket DW 14-075, Staff recommended that the Commission authorize Aquarion to use the WICA to pass the savings on to customers. And at the time, the OCA, the Town of Hampton, and North Hampton Water Commission concurred with that recommendation.

Now, in the 2014 docket, the Commission split that 905,000 over three years, and authorized the Company to spread the savings through the WICA through 2015, '16, and '17. And the 2017 Tax Act windfall is a little bit less than those incremental one-year
credits, and it's about $260,000, as I said.

Applying that tax savings to the WICA surcharge would lower the surcharge down from the cap to 4.43 percent. And to put this cap in perspective, if the cap were not in place, and all of the projects from 2018 were included in the WICA, it would be -- the surcharge would be at an 8.2 percent. The difference between the 7.5 cap and the 8.2 is about $48,000 worth of project costs.

Aquarion believes it is beneficial to incorporate the Tax Act savings into the WICA, because of the relatively small size of the tax savings and credits to the customers, the ready availability of the WICA mechanism, and that using the WICA is a simpler way and least cost way of passing the savings on to customers than using a full rate case.

As noted earlier, with respect to the intervention of Hampton, the Company does have a concern that, in discovery, issues were attempted to be discovered on, such as adoption of inclining block rates, cost of service studies, below-the-line consulting costs, and

{DW 18-161} [Prehearing conference] {12-03-18}
return on equity, and the Company's position that those are not appropriate for discussion or are not noticed in this proceeding.

The reason why the Company raises this is because, in the last two dockets, the Commission has been express in informing intervenors of the proper scope of the docket, and has ruled that those issues are not properly vetted in this particular proceeding. So, we express the concern because the scope seems to still be expanding, and not by Staff, but by intervenors.

One last thing. Since the filing, the audit has been conducted. And the Audit Staff discovered that the tariff was incorrectly filed, and the Company is aware of that. In 2012, in the rate case, there was a settlement. And the first $50,000 of emergency/reactive valves, services, and hydrants were excluded from WICA. The Company has been making its filings consistent with that, but the exact language did not -- was not added correctly to the tariff. We are aware of that and we'll fix that tariff page in the
compliance filing.

And with that, thank you very much for your time.

CHAIRMAN HONIGBERG: Was the Company's last rate case the 2012 rate case?

MS. BROWN: Yes, DW 12-085.

CHAIRMAN HONIGBERG: When was the last time the Company did a cost of service study?

MS. BROWN: I'm not sure if it was in that one. I know that it needs to file a cost of service study in its next rate case.

CHAIRMAN HONIGBERG: When do you anticipate the next rate case taking place?

MS. BROWN: I don't believe the Company has a decision yet. I'll just check.

(Atty. Brown conferring with Company representatives.)

MS. BROWN: The Company has not decided yet.

Even though the cap is reached, the WICA Program is to help recover costs. But, if the Company seeks to not place or recover assets in the WICA Program, the cap will just
stay at 7.5 until the next rate case comes in. And at that point, the rate case will see the addition of the plant that has been added.

CHAIRMAN HONIGBERG: When the WICA was established, did it contemplate that it would be used for other things, like the tax recoveries?

I guess my concern, I'm not able to articulate it well, is that, by using it the way I think you're proposing, you're getting more assets in to the WICA Program, that would exceed the cap, and using the tax "windfall", is the word you used, to bring yourself back down. And that seems like just a -- it seems luck that the WICA exists then.

MS. BROWN: Correct. But, if you take a look at other cost trackers, the water utilities don't have the cost trackers that gas and the electrics do; they only have this WICA. And the goal of the WICA was to mitigate rate shock and postpone costly general rate cases, which, given that the WICA has been in place, well, this present surcharge has covered 2013 to 2018 projects, it's achieved that goal.

{DW 18-161} [Prehearing conference] {12-03-18}
Was it, to answer your question, was it originally known that it would be used for other issues? No. But lacking any other mechanism akin to electrics and gas, it seems like the most appropriate vehicle, because it's an annual vehicle. And it's as much as you can get away from single-issue ratemaking as you can with a one-time tax benefit passthrough.

CHAIRMAN HONIGBERG: Okay. Thank you.

Mr. Gearreald.

MR. GEARREALD: Thank you, Mr. Chairman. Would you like me to stand or shall I sit?

CHAIRMAN HONIGBERG: Just make sure you're using the microphone.

MR. GEARREALD: Thank you. Is that good?

CHAIRMAN HONIGBERG: Yes.

MR. GEARREALD: Okay. Thank you so much. May it please the Commission, last year's WICA case, DW 17-154, for the 2018 surcharge, approved at 7.08 percent, by Order Number 26,094, December 29, 2017. As you know,
whenever these WICA cases come up, not only is
the current year's worth of projects calculated
and proposed to be included in the WICA charge,
but also there is a presentation of future
projects, and also a projection as to what
those will do in the WICA cap. And the revised
attachment last year, TD-3, in DW 17-154,
showed what would happen by the additional then
proposed $883,500 in projects that were to have
been completed by September 30, 2018. And it
was presented last year that there would be an
8.69 percent WICA, which would, of course,
exceed the 7.5 percent cap.

The Town of Hampton raised this to
the Commission, and indicated in its
recommendations filed in December last year,
that Aquarion had indicated that this 2019 WICA
proposed charge for this year was for
illustrative purposes only, and that was in the
testimony of the then rate person at Aquarion,
Troy Dixon, at Page 7 of 9, Line 15.

In the Town of Hampton's
recommendation, the Town noted that, at the
December 2017 technical session, Aquarion
indicated that it might not -- it might simply not seek a general rate case to try and reset the WICA clock, as it did in DW 12-085, which is the last rate case as we've noted. Alternatively, it said it could seek a WICA surcharge for 2019 only to the extent of the 7.5 percent.

This year's WICA petition, in DW 18-161, now answers the question in a new way. Aquarion seeks to lower its WICA cap to 4.43 percent by applying $262,000 of an unrelated tax benefit. And as noted, as admitted by Attorney Brown, this is a new use for the WICA Program. She has pointed in their Petition to the Order Number 25,750, January 12, 2015. In that order, the Commission allowed the imposition of a WICA surcharge, but allowed the -- over a three-year period an amortization of the then $906,000 federal tax benefit to avoid customers having to pay the WICA charge at all, this WICA surcharge at all. It did not lower the cap. It was not used as a vehicle to lower the cap. That is brand new.

The Town of Hampton would prefer a
rate case now, in order to have the Commission
deal with a number of matters of concern that
Aquarion seeks to avoid by taking -- by talking
about in its data requests, the requests that
the Town of Hampton has propounded in this
case.

The first is the exceedance by
3.57 percent in allowed return on equity that
was set in the 2012 case in the year ended
December 31, 2016. We believe that amount of
exceedance of earnings to have been $540,540.
The extra percentage over the 9.6 percent
allowed return on equity that the Town fought
for back in the 2012 case that this Commission
imposed.

Again, there was an exceedance by
0.69 percent in allowed return on equity in the
year ended December 31, 2017. And this is
according to the annual returns filed by
Aquarion with the Commission. We believe that
amount translates to $106,260.

So, there's been, we believe,
although we've asked Aquarion to quantify this,
"what are the excess earnings that had been
earned?" And we believe that will amount to about $646,800.

Aquarion seeks to now apply an unrelated return, a "windfall" as it has said, of 262,000 to the -- to the WICA charge, to lower it for its benefit to the 4.43 percent new WICA, rather than exceeding the cap as it would otherwise do. We submit that, if Aquarion is allowed to apply an unrelated to WICA tax credit of 262,000 in this case, to lower the WICA cap below 7.5 percent without a rate case, it is only fair and reasonable to apply $646,800 in overearnings on an allowed return on equity to similarly reduce the WICA cap. We don't believe Aquarion should have it both ways. But, first of all, we would prefer a rate case now, in order to have the Commission deal with issues like this.

There are other issues involved that we have asked about in our data requests. We believe Aquarion should be implementing inclining block rates, as its affiliate does in Massachusetts, which would charge customers who use more water a higher per gallon rate for use

{DW 18-161} [Prehearing conference] {12-03-18}
of that water as an incentive for conservation.

We believe that the rate case would bring about -- would bring to the fore another issue, that is Aquarion's reliance upon local firefighters, rather than using its own resources, to remove snow and ice from hydrants. This is a privilege of the availability of water that Hampton alone pays over $500,000 to this company for. And they are relying on Hampton firefighters, who are highly trained for other purposes, to shovel out their hydrants.

Another issue that we would bring to the fore in a rate case, which should occur at this point, is Aquarion spending unknown amounts of money on a public relations firm to deal with town officials, which is what they have done in the last year.

All of these are items that Aquarion seeks to avoid by saying they belong in a general rate case and are denying answering any discovery.

The Commission is correct in citing in its Order of Notice that Aquarion did not
articulate in its Petition a proposed surcharge prior to including the tax savings. It has only now done so in relation to some data requests from Staff.

In Staff 1-6, it admits that the WICA projects for 2018 that have been completed now amount to $1,045,877, and that a surcharge of 8.2 percent would result that would exceed the 7.5 percent.

In response to Staff 1-7, Attachment A shows that, for 2018, the WICA projects of 1,045,877, a surcharge of 7.5 percent, at the cap, could not be achieved without applying the credit of $48,748 from this tax windfall. So, without the tax windfall, the cap is going to be exceeded. Aquarion should not be allowed, again, to have it both ways.

We have propounded some discovery that would show the impacts of these other issues. And we would ask that the Commission, as part of its procedural orders under Puc Rule 203.15, order the compelling of this discovery that we have asked for, if the Commission is going to allow the WICA Program to be utilized
in the way that Aquarion is now proposing to use it.

So that -- that is the Town of Hampton's position. We oppose the WICA Program being used in this way. We believe that there should now be instead, because the cap is definitely going to be exceeded, by the way the Company is allowed to proceed in this fashion, there will not be another rate case until year 2022. You can see that by virtue of tracking in their Petition the effect of using this tax cap and showing, on a year-by-year basis, when would the 7.5 percent be exceeded? And it's in the year 2022.

And I would like to answer a question that, Mr. Chairman, you asked, which is regarding the cost of service study, which is necessary in order for the inclining block rates to be imposed. And the answer is, this has not been updated since the year 2005.

So, we oppose the use of the WICA Program in this fashion. We, of course, have our objections to the way this has been used, which we've articulated in the past. But I
wanted to answer the particular new aspect that's now involved.

Thank you.

CHAIRMAN HONIGBERG: Mr. Tuomala.

MR. TUOMALA: Thank you, Mr. Chairman. Staff's position regarding the WICA filing, the issue that we had, somewhat echoing what Mr. Gearreald said, is the tax implication and its use in the WICA, would be, as Counsel Brown had already pointed out, the Commission had previously approved a program where the WICA was calculated, and then the tax credit was applied. In this situation, the Staff's position is that the WICA is being calculated with that tax credit, which is a different procedure than has been applied in the past.

And that is -- the main issue is not only the tax credit, but also the calculation of that tax credit. And Staff is in the process now of trying to contract with an expert, Blue Ridge Tax Consultant, to help us examine that calculation itself.

Also, we wanted to use this opportunity to have the -- follow the proper
procedure for filing of interventions. And when the process had started, we realized that a number of towns had been involved in previous rate cases, and it was Staff's position that, in order to follow our own procedural rules, to have a prehearing conference today to allow for intervenors to file properly.

Thank you.

CHAIRMAN HONIGBERG: A couple of questions, Mr. Tuomala.

Should we do a hearing at the end of this proceeding, rather than issue this as an order nisi? I know that, with the prehearing conference, we arguably could not do that or we could schedule a hearing, then it couldn't happen if everybody agreed that it wasn't necessary.

MR. TUOMALA: I think, Mr. Chairman, in an abundance of caution, we should schedule a hearing at this point. And as you said, if the parties, after advancing today, find that the hearing is not necessary, if we're all in agreement, we can cancel that scheduled hearing. But, at this point, we would prefer
to schedule a hearing.

CHAIRMAN HONIGBERG: Mr. Gearreald has been here on WICA cases, WICA dockets in previous years, been filing things for years. And one of the things I think we said in each of the last two orders is that "Staff should be looking at whether it's time for this Company to file a rate case."

Has Staff had an opportunity to look at the Company's returns from last spring and draw any conclusions about how the Company is doing and whether it's time for a rate case, separate and apart from the WICA?

MR. TUOMALA: Staff has engaged, and I believe you're referring pursuant to the order --

CHAIRMAN HONIGBERG: The order from last December that Mr. Gearreald cited?

MR. TUOMALA: Yes. Staff did examine that, and determined that there was an overearning by the Company. But it was not to the level of egregiousness that would require them to come in for a full rate case. That the overearning at that point would be offset by

{DW 18-161} [Prehearing conference] {12-03-18}
the costs associated with the rate case.

CHAIRMAN HONIGBERG: Okay. That's worth having a discussion with the Company and Mr. Gearreald about, I think, because the costs of the rate case are not insignificant. And the WICA was put in place to avoid them, but not forever. So, eventually, this Company is going to have to come in for a rate case. At some point, it's going to have to do a cost of service study. So, this stuff has got to happen. And putting it off, putting it off, and putting it off, eventually it's going to come due.

And you would agree with that, wouldn't you, Mr. Tuomala? It's not really a question.

MR. TUOMALA: I would.

CHAIRMAN HONIGBERG: Yes. Ms. Brown, you look like you want to say something?

MS. BROWN: Yes. With respect to the issue on overearnings, I'd like to point out that the tax credit of 2013, '14, and '15 impacted what the rate of return achieved was. It artificially inflated it.
And also, right now, the Company is waiting on two major projects to get into plant in the books, and so that is also skewing the cost of equity.

CHAIRMAN HONIGBERG: What do you mean "artificially"? I mean, that money -- that money doesn't get paid to one government or another, because the taxes are reduced. So, why is that "artificial"?

MS. BROWN: Oh. I was talking about the -- oh, okay. Understood. I first was responding to address the projects that are on the books, that that is skewing the cost of equity.

CHAIRMAN HONIGBERG: Yes. I was asking about the thing you said right before that. You said that the tax -- the tax changes from earlier, that were returned over a three-year period, that that's -- that's not "artificial". I think that was the word you used. That's real. The Company doesn't have to pay taxes to whatever government it is that's lowered the taxes.

MS. BROWN: Correct. Correct. I
guess I was -- I should have used a different word than "artificial". It just is an event outside of the norm of a general rate case that impacted how the returns were calculated. So. I just wanted to raise it.

CHAIRMAN HONIGBERG: Unless those rates go back up, that's -- that gets worked into the Company's revenue requirement. And if they are earning money above what they needed and it gets -- I mean, Staff has said it's over, but not so over that they feel it's essential at this time. But we're getting there, aren't we?

MS. BROWN: But the 2013, '14, and '15 -- or, the credits from the earlier tax were not a rate change, a formula change, it was just a one-time change from capitalization to expense. So, it was finite.

CHAIRMAN HONIGBERG: Okay. Understood. But the one we've just experienced, the one that passed a year ago --

MS. BROWN: Yes. Correct. That is a different tax change. But I was just speaking to the complaint, the criticism of the
Company's returns being "higher than normal", there were some perturbations to the regular calculation that, you know, the one-off of the calculation expense credit and the fact that we've got -- the Company has a couple of major projects that haven't made it to the books.

But the Company is not opposed to looking at its returns and coming in for a rate case when it's appropriate. But just felt that the conversation and the issues that were raised today, I just wanted to elaborate a little bit more, because I thought they were a little on the one-sided nature.

CHAIRMAN HONIGBERG: That's always the way it is, Ms. Brown.

MS. BROWN: Yes.

CHAIRMAN HONIGBERG: You come in here for a request, and everybody else points out all the problems with your request. You know how that goes.

MS. BROWN: If I can also speak to the -- if there's an oral motion to compel --

CHAIRMAN HONIGBERG: No, we're not entertaining an oral motion. Mr. Gearreald is
going to have to cue that up as a motion.

I think, in general, if you were to look at the way we've processed WICA cases over the last few years, at least since I've been here, the scope is limited.

If Mr. Gearreald wants to expand the scope of the WICA, and he can't do that, he wants you to come in for a rate case. He wants us to order you to come in for a rate case, if you don't do it voluntarily. As long as we all can keep the issues and the cases separate in our minds, we will all be better off going forward.

But if there's discovery that Mr. Gearreald wants to take and it's outside the scope of this, he'll probably get an order he doesn't like. But, if he can bring it within the scope, may be a different story.

MS. BROWN: If I can also just state, too, the request about a hearing, if the WICA is including the tax, I think, under the statute, we have to have either a merits hearing or an order nisi.

CHAIRMAN HONIGBERG: That's all the
more reason to schedule a hearing. I think that's a good point.

MR. GEARREALD: Mr. Chairman?

CHAIRMAN HONIGBERG: Mr. Gearreald.

MR. GEARREALD: Thank you so much. Understandable that the PUC Staff might say that a 0.69 percent, in the year 2017 return, would not perhaps be enough to offset the amount of a rate case expense. I understand that.

But, in the year 2016, there was an exceedance by 3.57 percent over the return on equity, which amounts to over $500,000. I believe that's significant.

If there is not a rate case now, Mr. Chairman, what's going to happen is that, in the year 2022, under the current proposal, which would be the time for the next rate case, there would be a test year that would be only a couple of years before that, and the year 2016 would be totally lost.

CHAIRMAN HONIGBERG: Well, one thing I think the Company might take issue with, and I think Staff might as well, is the assumption...
that, just because they won't get to the cap under the current plans until 2022, is that even they wouldn't say "we need a rate case before then". So, just putting that issue aside.

I think it's perfectly appropriate for you to make your case to Staff and the Company that it's time now, that it's worth the expense of the rate case to do a lot of good things, to get all the work that they have done over the last five or six years into rate base and resets the WICA clock, or at least will argue, as I think I expect you would, that the WICA should be ended or replaced with something else going forward.

But you should, in the first instance, make that case to Staff and the Company. We are always the last to know about stuff like that.

MR. GEARREALD: Thank you, Mr. Chairman.

CHAIRMAN HONIGBERG: Anything else we need to do before we leave you to your technical session?
MR. GEARREALD: We do favor a --

[Court reporter interruption.]

MR. GEARREALD: We would be in favor of a hearing also.

CHAIRMAN HONIGBERG: Yes. I think Mr. Tuomala is going to work with the schedulers of the room and make sure that we can find you a hearing date that makes sense. But I think this -- I think in your papers, Ms. Brown, I think it's your papers, you wanted an order by the end of year. But failing that, you want one by March 1, I think, something like that. Whatever it is, we'll work it out. Mr. Tuomala may be on top of that, and we'll find you a hearing date to get it worked out.

All right. If there's nothing else, we will adjourn the prehearing conference and leave you to your technical session. Thank you all.

(Whereupon the prehearing conference was adjourned at 10:42 a.m., and a technical session was held thereafter.)