

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a ) DOCKET NO. 920369-SU  
certificate to provide ) ORDER NO. PSC-92-1138-FOF-SU  
wastewater service in Lee ) ISSUED: 10/07/92  
County by HUNTER'S RIDGE )  
UTILITY COMPANY OF LEE COUNTY )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER SETTING RATES AND CHARGES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On August 25, 1992, this Commission issued Order No. PSC-92-0867-FOF-SU, granting Hunter's Ridge Utility Company of Lee County (Hunter's Ridge or Utility) Certificate No. 472-S to provide wastewater service to customers in Lee County. The Docket remained opened for determination of appropriate rates, charges, fees and allowance for funds used during construction (AFUDC).

Normally, in original certificate applications, rates are established which allow a utility to earn a fair rate of return on investment when the treatment plant reaches 80 percent of capacity. The capacity of the existing wastewater treatment facility is 100,000 gallons per day and is designed to serve the South Parcel of Hunter's Ridge development which will consist of approximately 408 Equivalent Residential Connections (ERCs). It is estimated that the system will reach 80 percent buildout in 1993.

The treatment method utilized for the existing facility consists of a 100,000 gallons per day (gpd) contact stabilization process with a 40,000 gallon capacity surge tank provided for flow equalization. The utility currently disposes of its treated

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FOF RECORDS / DEPARTMENT

effluent by spray irrigation on the golf course area inside the Hunter's Ridge Development. To accommodate spray irrigation, the wastewater treatment plant is designed for Class 1 reliability, which includes backup components for much of the plant facilities. To operate this type of plant requires additional operational and maintenance expenses and higher capital costs. Thus, these costs are reflected in the approved rates for this utility.

The utility system was first constructed in 1987, consisting of a 25,000 gpd plant. In 1989, the treatment system was upgraded to the current 100,000 gpd plant. Since the utility will be disposing of its treated effluent by means of spray irrigation on the development's golf course, the treatment plant is designed to meet the more stringent treatment requirements, including two 200,000 gallon storage tanks, providing 400,000 gallon capacity for treated effluent storage. These storage tanks were constructed to meet the Department of Environmental Regulation (DER) requirement for reuse storage, which is three times the average daily flow. Since the treatment plant capacity is 100,000 gpd, the storage capacity requirement will be 300,000 gallons. In our approved rates, we have included the DER required storage capacity. However, since the utility has excess storage capacity over that required by DER, we reduced the plant associated with the storage tanks to the DER required level.

With its application, Hunter's Ridge submitted information to be used to calculate proforma schedules of rate base, operating income, and capital structure. We reviewed and analyzed the information and found it to be sufficient for the purpose of establishing rates and charges.

#### Determination of Rates and Charges

Our calculation of rate base is shown on Schedule No. 1 attached to this Order. Adjustments are shown on Schedule No. 1A. Since ownership has changed hands, the utility is unable to provide copies of contracts indicating the actual cost of the installed plant. In addition, much of the construction was completed by an affiliated developer. After comparing the utility's plant costs to historical data on file at the Commission, we have adjusted utility plant-in-service by reducing the cost of the collection lines, services, and pumping equipment for purposes of calculating initial rates and charges. Further adjustments have been made to Organizational Costs to reflect comparable costs. Accumulated depreciation and contributions-in-aid-of-construction (CIAC) were also adjusted to reflect the adjustments made to plant-in-service.

We did not perform a plant inspection or original cost study since we are not establishing rate base. However, the utility should be put on notice that since records are apparently not available to establish the actual cost of the existing plant-in-service, it will need to complete an original cost study prior to a rate case proceeding in which rate base will be established.

The utility submitted information indicating that all existing plant, including the collection system, was installed as utility investment. However, as previously noted, the utility has changed ownership since the initial collection lines were installed. No support was provided to establish the amount of utility investment or CIAC. Rule 25-30.570, Florida Administrative Code, provides "that absent any substantial evidence to the contrary, the amount of CIAC shall be imputed to be the amount of the plant charged to cost of land sales for tax purposes, if available, or the proportion of the cost of the facilities and plant attributable to the collection system." Accordingly, for purposes of establishing initial rates and charges, we imputed CIAC on the existing plant to correspond to the amount of the existing collection system. Therefore, we find it appropriate to adjust the utility's proposed level of CIAC in its calculation of rate base to a level consistent with the charges herein.

The utility's proposed Operation and Maintenance expenses were adjusted to reflect reasonable accounting and engineering costs based on the annual reports of similar utilities. Depreciation expense was adjusted to reflect our adjustments to utility plant-in-service. Income taxes and taxes other than income were adjusted to reflect the tax effect of adjustments made to revenues and expenses. The Schedule of Operations is shown on Schedule No. 2, with adjustments appearing on Schedule No. 2A.

Hunter's Ridge's proforma capital structure has been adjusted to reconcile with rate base. We calculated the return on common equity to be 12.44% using this Commission's current approved leverage formula. The adjusted proforma capital structure is shown on Schedule No. 3.

The schedules have been used only as tools to aid in the establishment of initial rates and are not intended to establish rate base. This is consistent with this Commission's policy in original certificate applications. We find it appropriate, however, to establish a return on equity of 12.44% to be used in future proceedings involving such things as the calculation of interim rates. Commission policy is to include a 100 basis point range on both sides of the target rate of return. Therefore, we

find the appropriate range for return on equity to be from 11.44% to 13.44%.

In its application, the utility requested approval of a flat rate per month regardless of size or type of customer. The utility asserts that a flat rate should be used because most of the costs are projected to be fixed and that the customer base is mostly seasonal. The utility proposes to collect the entire flat rate from the seasonal customers during the time they are not in residence.

It is Commission practice to utilize the base facility charge rate structure to establish rates for water and wastewater service. This type of rate structure includes a base charge which is designed to recover most of the fixed costs of providing service and a gallonage charge to recover the variable costs. We believe this type of rate structure should be implemented in the instant case, particularly if there will be a large number of seasonal customers. There are fixed costs which continue to be incurred regardless of whether customers are in residence and utilizing the service. The utility should be allowed to recover these costs, and if the "seasonal" customers are not charged, the burden falls to the full-time customers.

The utility's requested rates are shown below along with the approved rates. The approved rates are calculated using the base facility charge rate structure based on a revenue requirement of \$196,399.

Hunter's Ridge receives its metered water service from Bonita Springs Water System, Inc., (Bonita Springs) a cooperative exempt from our regulation. In its application, the utility suggested a possible future sale of the wastewater system to Bonita Springs, whose wastewater rates are based on water consumption. If that sale is indeed consummated, the wastewater rates of the utility's customers would be based on water consumption at that time. The utility has also informed us that Bonita Springs will perform the billing for Hunter's Ridge. Since Bonita Springs bills on a bi-monthly basis, we have made the necessary revisions to the rates and charges as shown in the analysis below.

Hunter's Ridge Utility is located in what has been designated by the South Florida Water Management District as a critical use area. This Commission, in its water conservation efforts, is attempting to work with the water management districts to encourage spray irrigation as a means of effluent disposal. In doing so, the charge for spray irrigation should be set at a rate which will

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encourage golf courses and other end users to accept the spray irrigation, and at the same time recognize the benefit received by the end user and the added costs that must be incurred by the customers of the utility. In past cases, the charge for spray irrigation has varied anywhere from zero to \$ .60 per 1,000 gallons.

In the instant case, the golf course, which is owned by an affiliate of the utility currently has a consumptive use permit for irrigation wells. However, because this service area is in a critical use area, once the flows from the treatment plant are at a sufficient level, the golf course will be required to reduce or eliminate water usage from its wells and accept the spray irrigation. Therefore, we believe a charge for the spray irrigation is appropriate to recognize the fact that both the utility and golf course received a benefit from the arrangement. We find that the utility's requested charge of \$970.00 bi-monthly or \$.20 per thousand gallons of effluent used by the golf course is reasonable.

Hunter's Ridge Utility Company of Lee County

Wastewater

Bi-Monthly

Residential

<u>Meter Size</u>	<u>Base Facility Charge</u>	
	<u>Utility</u>	<u>Commission Approved</u>
All meter sizes	\$60.00	\$42.94
Gallonage Charge per 1,000 gallons  (20,000 gallon max.)	N/A	\$ 3.66

General Service and Multi-Residential Service

	<u>Utility</u>	<u>Commission Approved</u>
5/8" x 3/4"	\$60.00	\$ 42.94
3/4"	\$60.00	\$ 128.82
1"	\$60.00	\$ 214.70
1 - 1/2"	\$60.00	\$ 429.40
2"	\$60.00	\$ 687.04
3"	\$60.00	\$1,374.08
4"	\$60.00	\$2,147.00
6"	\$60.00	\$4,294.00
8"	\$60.00	\$6,870.40
Gallonage Charge per 1,000 gallons	N/A	\$ 4.39

Spray Irrigation - Effluent Disposal

Utility Requested and Commission Approved

\$970.00 bimonthly or \$.20 per thousand gallons of effluent used by the golf course, whichever is greater.

Miscellaneous Service Charges

	<u>Utility</u>	<u>Commission Approved</u>
Initial Connection Fee	\$15.00	\$15.00
Normal Reconnection Fee	\$15.00	\$15.00
Violation Reconnection Fee	Actual Cost	Actual Cost
Premises Visit (in lieu of disconnection)	\$10.00	\$10.00

The utility filed a sample tariff as part of its application for certificates. However, because the approved rates are different than those proposed by the utility, the utility is directed to file tariff sheets reflecting the approved rates and charges within 30 days of the effective date of this Order. The rates shall be effective for meter readings on or after 30 days from the stamped approval date on the tariff sheets.

Service Availability Charges

The utility proposes to charge for plant capacity and the pro rata share of the collection system. The utility's proposed charges would result in over-contribution because it failed to recognize the effect of forgoing service availability charges from the existing 175 ERCs. Since the utility began serving before the approval of these charges, the utility cannot charge these customers. Under the method the utility used to design service availability charges, the amount not collected from the existing customers would be passed on to future customers. We believe future customers should pay only their pro rata share and not be overburdened by a prior managerial decision. Therefore, for equitable treatment of all customers, we find it appropriate to impute these charges as having been collected. Service availability charges are approved as follows with an ERC equal to 240 GPD.

<u>Type</u>	<u>Utility</u>	<u>Commission Approved</u>
Inspection Fee	Actual Cost	Actual Cost
Main Ext. Charge-per ERC(240 GPD)	\$1,925.00	\$ 780.00
All others-per gallon	\$ 8.02	\$ 3.25
Plan Review Charge	Actual Cost	Actual Cost
Plant Cap. Charge-per ERC(240 GPD)	\$ 875.00	\$1,120.00
All others-per gallon	\$ 3.65	\$ 4.67

As shown on Schedule No. 5, the approved charges will result in a contribution level of approximately 70% when the system reaches build out; whereas the utility proposed charges will result in a contribution level of approximately 104%. Rule 25-30.580, Florida Administrative Code, sets guidelines for establishing service availability charges. Pursuant to this rule, the minimum of CIAC should be the percentage of plant represented by the collection system. The maximum amount of CIAC should not exceed 75% of net CIAC when the facilities are at design capacity. We find that the approved charges are consistent with this rule.

As demonstrated in the above charges, the Main Extension Charge approved herein is less than the utility's requested charge, while the Plant Capacity Charge approved herein is greater than the utility's requested charge. We designed the main extension charges based on cost based rates, that is the actual cost of the extension of mains and services per ERC. The approved plant capacity charges were greater due to the fact the utility had substantially higher plant investments due to spray irrigation requirements. As discussed previously, the use of spray irrigation for treated effluent disposal requires additional plant investments and higher capital costs to comply with DER requirements. The wastewater treatment plant is designed for Class 1 reliability, which means there are backup components that automatically become operational should something fail.

These charges shall be recovered using the future ERCs as a basis. Based on the foregoing we find that these charges are appropriate. Our analysis of the charges is shown on Schedule No. 5.

### Guaranteed Revenue

In its application, Hunter's Ridge requested a guaranteed revenue charge which would be paid by property owners in the North Parcel. According to the utility, most of its expenses will be fixed due to the nature of the treatment, and the implementation of reuse as a means of effluent disposal will not change as customers are added. Therefore, it asserts this charge is necessary to recover these fixed expenses that will not increase with the growth in number of ERCs. These projected expenses relate to the maintenance, repairs, accounting, legal, and testing requirements.

Guaranteed revenue charges have been implemented by this Commission in the past to recover fixed costs associated with plant reserved to serve future customers. In original certificate cases, rates are designed to be compensatory only when the utility reaches 80% of capacity. Therefore, the utility will not be recovering all of the fixed costs associated with the existing plant until growth approaches capacity. We believe that a guaranteed revenue charge is appropriate to recover the fixed costs associated with this plant. However, the charge should be collected from all future customers who reserve capacity, not just property owners in the North Parcel as requested by the applicant.

The amount of the charge should approximate the base facility charge, which is designed to approximate fixed costs associated with providing service. Our approved base facility charge is \$42.94 per ERC. The utility requested a monthly guaranteed revenue charge of \$15.00, which equates to \$30.00 bi-monthly. We believe the utility's request of \$30.00 bi-monthly is reasonable and Hunter's Ridge is hereby authorized to collect guarantee revenue charges of \$30.00 bi-monthly.

### Allowance for Funds Used During Construction

Although not requested by the Utility, we find it appropriate for Hunter's Ridge to accrue an allowance for funds used during construction (AFUDC) for projects deemed eligible pursuant to Rule 25-30.116(1), Florida Administrative Code. The utility is currently under construction in the South Parcel with a projected 80% build out in 1993. Hunter's Ridge intends to continue development of the North Parcel which will ultimately serve 750 ERCs. To allow the utility the opportunity to accrue AFUDC for construction work in progress (CWIP) not included in rate base, we find it appropriate to set the utility's AFUDC rate.

The utility's proforma capital structure has been utilized to calculate its AFUDC rate. Using the approved return on equity of 12.44 percent results in an annual AFUDC rate of 11.23 percent, with the monthly discounted rate calculated to be .890860 percent.

According to Rule 25-30.116(5), Florida Administrative Code, the effective date for the new AFUDC rate shall be the month following the end of the 12-month period used to establish the rate. That would result in the new rates being effective for projects as of August 25, 1992.

Based on the foregoing, it is, therefore,

ORDERED that Hunter's Ridge Utility Company of Lee County shall charge the rates and charges approved in the body of this Order until authorized to change by this Commission. It is further

ORDERED by the Florida Public Service Commission that the return on equity for Hunter's Ridge Utility Company of Lee County is 12.44 percent, which shall be used in future proceedings such as the calculation of interim rates. It is further

ORDERED that Hunter's Ridge Utility Company of Lee County shall file tariff sheets reflecting the rates and charges approved herein within 30 days of the effective date of this Order. It is further

ORDERED that the rates shall be effective for meter readings on or after 30 days from the stamped approval date on the tariff sheets. It is further

ORDERED that the service availability charges shall be effective for connections made on or after the stamped approval date of the tariffs. It is further

ORDERED that Hunter's Ridge shall collect the guaranteed revenue charges as approved in the body of this Order from all future customers. It is further

ORDERED that the annual AFUDC rate for the wastewater system is 11.23 percent, with a monthly discount rate of .890860 percent. This rate shall be effective for projects as of August 25, 1992. It is further

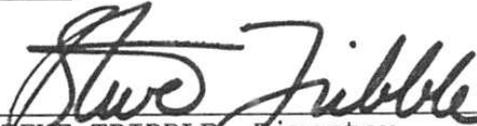
ORDERED that the provisions of this Order are issued as proposed agency action and shall become final and effective unless

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an appropriate petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event that this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 7th day of October, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 28, 1992.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Hunter's Ridge Utility Company of Lee County  
 Schedule of Wastewater Rate Base  
 At 80% of Design Capacity

DOCKET NO. 920369-SU  
 Schedule No. 1

Description	Balance Per Filing	Commission Adjust.	Commission Approved
Utility Plant in Service	990,110	(141,037) <sup>(1)</sup>	849,073
Land	32,329	0	32,329
Accumulated Depreciation	(128,085)	(28,508) <sup>(1,2)</sup>	(156,593)
Contributions-in-aid-of-Construction	(487,200)	16,394 <sup>(3)</sup>	(470,806)
Accumulated Amortization of C.I.A.C.	19,485	17,903 <sup>(3)</sup>	37,388
Working Capital Allowance	17,163	(1,413) <sup>(4)</sup>	15,750
TOTAL	443,802	(136,661)	307,141

Schedule No. 1A

Hunter's Ridge Company of Lee County  
Schedule of Commission Rate Base Adjustments  
Docket No. 920369-SU

1. The utility's costs were compared to historical costs that are on file at the Commission. Some costs were considered reasonable, and some costs were adjusted downward. We have also made an adjustment to reduce the cost of the storage tank.
2. Utility plant that was previously installed from 1987 through 1990 was included all in one year, 1991, by the applicant. We have included these amounts in the appropriate years to show the effect of increased accumulated depreciation.

Adjustments 1 & 2:

Utility Plant	(\$141,037)
Accumulated Depreciation	<u>( 28,508)</u>
Total	<u>( 169,545)</u>

3. Contributions in Aid of Construction (CIAC) have been adjusted to reflect the appropriate service availability charges and donated lines.

Adjustment 3:

CIAC	\$ 16,394
Accumulated Amort. of CIAC	<u>17,903</u>
Total	<u>34,297</u>

4. Working capital has been adjusted to reflect the changes in operating and maintenance expenses as discussed in Schedule No. 2A.

Adjustment 4:

Working Capital	(\$ 1,413)
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Total Adjustments to Rate Base (\$136,661)

Hunter's Ridge Utility Company of Lee County  
Schedule of Wastewater Operations  
At 80% of Design Capacity

DOCKET NO. 920369-SU  
Schedule No. 2

Description	Balance Per Utility	Commission Adjust.	Commission Approved
Operating Revenues	203,660	(7,261) (1)	196,399
Operating and Maintenance	137,300	(11,300) (2)	126,000
Depreciation Expense	30,502	(10,076) (3)	20,426
Taxes Other Than Income	12,365	(327) (4)	12,038
Income Taxes	0	3,452 (4)	3,452
Total Operating Expenses	180,167	(18,250)	161,916
Net Operating Income	23,493	10,989	34,483
Rate Base	443,802		307,141
Rate of Return	5.29%		11.23%

Schedule No. 2A

Hunter's Ridge Company of Lee County  
Schedule of Commission Operation Adjustments  
Docket No. 920369-SU

1. We have made an adjustment to revenues to recognize the impact of adjusted rate of return on equity and other minor adjustments upon the proforma plant investments and operating costs. The amount of revenues reflect the required revenues necessary to achieve the recommended return.

Revenues (\$ 7,261)

2. Contractual services - accounting were adjusted to reflect the reasonable costs to the utility. Contractual services - engineering costs were adjusted to reflect the reasonable costs based on similar utilities annual reports.

Operating and Maintenance Expenses (\$ 11,300)

3. Depreciation expense was adjusted to reflect our adjustments to utility plant-in-service.

Depreciation Expense (\$ 10,076)

4. Taxes were adjusted to reflect the effect of our adjustments to revenues and expenses.

Taxes Other Than Income (\$ 327)  
Income Taxes 3,452

Total Adjustments to NOI \$ 18,251

Hunter's Ridge Utility Company of Lee County  
 Schedule of Capital Structure  
 At 80% of Design Capacity

DOCKET NO. 920369-SU  
 Schedule No. 3

Description	Balance Per Filing	Commission Adjust.	Commission Approved	Recon. Adjust.	Recon. Balance	Weight	Cost Rate	Weighted Cost
Common Equity	0	0	0	122,856	122,856	40.00%	12.44%	4.98%
Long and Short-Term Debt	435,102	0	435,102	(256,839)	178,263	58.04%	10.50%	6.09%
Customer Deposits	8,700	0	8,700	(2,679)	6,021	1.96%	8.00%	0.16%
Advances from Associated Companies	0	0	0	0	0	0.00%	0.00%	0.00%
Other	0	0	0	0	0	0.00%	0.00%	0.00%
	443,802	0	443,802	(136,661)	307,141	100.00%		11.23%

Range of Reasonableness:

	High	Low
Common Equity	13.44%	11.44%
Overall Rate of Return	11.63%	10.8%

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Hunter's Ridge Utility Company of Lee County  
Base Facility Charge and Gallonage Component Cost  
At 80% of Design Capacity  
WASTEWATER SERVICE

DOCKET NO. 920369-SU  
Schedule No. 4

FACTORED BASE FACILITY CHARGE

5/8" X 3/4"	42.94
3/4"	128.82
1"	214.70
1 1/2"	429.40
2"	687.04
3"	1,374.08
4"	2,147.00
6"	4,294.00
8"	6,870.40

CHARGE PER 1000 GALLONS

Residential	3.66 *
General Service	4.39

\* Maximum of 20,000 gallons

RESIDENTIAL BILLS (Bi-Monthly)	5/8" X 3/4"
----- 3,000 gallons	\$ 53.92
5,000 gallons	\$ 61.24
10,000 gallons	\$ 79.54

Hunter's Ridge Utility Company of Lee County  
 Schedule of Net Plant to Net C.I.A.C.  
 At 100% of Design Capacity  
 DOCKET NO. 920369-SU

Schedule No. 5

Account Number	Account Description	Water	Wastewater	Total
101	Utility Plant in Service	0	939,808	939,808
104	Accumulated Depreciation	0	(192,756)	(192,756)
	Net Plant	0	747,052	747,052
271	C.I.A.C.	0	582,906	582,906
272	Accum. Amortization of C.I.A.C.	0	(57,226)	(57,226)
	Net C.I.A.C.	0	525,680	525,680
	Net C.I.A.C. / Net Plant	0.00%	70.37%	70.37%
	Gross to Gross Minimum Contribution Level	0.00%	33.77%	33.77%
	Commission Approved	0	1,900	1,900