

Service Date: April 8, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Application)DOCKET NO. 6804
of the CITY OF LIVINGSTON to)
Increase Sewer Rates.)INTERIM ORDER NO. 4623a

FINDINGS OF FACT

1. On February 5, 1980, a public hearing was held in Livingston, Montana on the City's request to increase rates for sewer service in Docket No. 6772.
2. The applicant's computation of annual revenue requirement for Step 1 of the proposed secondary wastewater treatment plant did not include a sum of \$32.709 for a 25 percent coverage factor required for the bond issue due to an arithmetic error.
3. On March 7, 1980, the Applicant filled a Motion for Temporary Increase in the amount of \$32.709. for Step 1.
4. The Applicant filed a motion for reconsideration of Order No. 4623 to correct an error in the application. The Commission granted the motion for reconsideration. Order No. 4623 authorized an additional charge of \$.09 per 1,000 gallons of water used. The charge needed to generate revenues of \$32.709 is \$.13. The correct \$.13 charge in this order is a substitute for and not an addition to the \$.09 authorized in Order No. 4623.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over parties and the

subject matter in this proceeding.

2. The Commission may, in its discretion, temporarily approve increases pending a hearing or final action. If the final action is to disapprove the increase, the Commission shall order a rebate to all consumers for the amount collected retroactive to the date of the temporary approval, 69-3-304, MCA.

3. The application will be noticed for a hearing at a later date.

ORDER

1. IT IS HEREBY ORDERED that Applicant file tariff schedules reflecting an additional \$.13 per 1,000 gallons of water used, as ordered in Docket No. 6772, Order No.4622 for Step 2. The effective date shall be for sewer service rendered 30 days after the sale of the bonds as authorized in Order No. 4622.

3. The increase granted herein is subject to rebate should the final order in this docket determine that a lesser amount than authorized by this order is required.

4. In the event a rebate is directed by the final order in this docket, provision shall be made in that order to cause all uncollected rebates to be escheated to the State of Montana in the manner provided by law.

DONE IN OPEN SESSION the 7th day of April, 1980 by a vote - of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

Gordon E. Bollinger, Chairman

Clyde Jarvis, Commissioner

George Turman, Commissioner

James R. Shea, Commissioner

Thomas J. Schneider, Commissioner

ATTEST:

Madeline L. Cottrill
Secretary

(SEAL)

NOTE: You may be entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA, and Commission Rules of Practice and Procedure, esp. 38- 2.2(64)-P2750, ARM.