

Service Date: September 21, 1982

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

IN THE MATTER of the Application) UTILITY DIVISION
of the Town of Troy to Increase) DOCKET NO. 81.12.113
Water Rates.) ORDER NO. 4912a

AMENDED FINAL ORDER

On June 24, 1982, Order No. 4912 was issued in this Docket granting the Town of Troy (Applicant) increased revenues and assigning class responsibilities for those revenues. Upon reviewing that Order and the record in this Docket, the Commission now concludes that certain parts of Order No. 4912 were not based upon the whole record. Therefore, the Commission, upon its own motion for reconsideration, makes the following amended Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Finding of Fact No. 10, in Order No. 4912, modified the typical impact peak factor utilized by the Applicant to determine the revenue responsibility of the various customer classifications. The Commission modified the peak factor for the school system and commercial consumers. This modification resulted in the school system receiving a reduced revenue responsibility and the commercial consumer receiving an increased revenue responsibility, compared with that proposed by the Applicant.

2. The Commission's review of the record in this Docket indicates that the Commission erred when it modified the peak factor for commercial consumers. Upon re-examination of the

record, the Commission determines that the Applicant, in its determination of "equivalent residential use", did include the effect peak consumption would have on revenue responsibility for the commercial consumers. The Applicant determined that the commercial consumer has five times the consumption of an average residential user. With this determination, the Applicant has included any effect peak demand would have on the revenue responsibility of the commercial consumer. Therefore, the Commission finds that the Applicant has properly applied a 1.0 peaking factor to the commercial consumer.

3. Order No. 4912 is correct in all other aspects as issued.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this Docket (MCA 69-3-101, 69-3-302).

2. The Commission afforded all interested persons proper notice of these proceedings (MCA 2-4-601).

3. The Commission has determined that all rates approved herein are reasonable and just (MCA 69-3-201).

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 20th day of September, 1982, There being present a quorum of Commissioners, there came regularly

before the Commission for final action the matters and things in Docket No. 81.12.113, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the Town of Troy file tariff schedules consistent with the Findings of Fact in Order No. 4912, as modified herein.

IT IS FURTHER ORDERED that a full, true and correct copy of this Order be sent forthwith by first-class United States mail to the Applicant and all other appearances herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission and incorporates Order No. 4912, IN OPEN SESSION at Helena, Montana, this 20th day of September, 1982, by a vote of 4 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

HOWARD L. ELLIS, Commissioner

CLYDE JARVIS, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill
Commission 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 Re consideration 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. 38.2.4806 ARM.