

Service Date: June 7, 1982

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

IN THE MATTER Of The Application)
Of WESTERN WATER COMPANY For Au-)
thority To Increase Rates And) UTILITY DIVISION
Charges For Water Service To Its) DOCKET NO. 82.4.24
Missoula, Montana customers.) ORDER NO 4911

INTERIM RATE ORDER

FINDINGS OF FACT

1. On April 13, 1982, Western Water Company (Applicant or WWC) filed an application with this Commission for authority to increase the water rates for its Missoula, Montana customers-on a permanent basis by approximately 58.6%, which constitutes a revenue increase of approximately \$47,421.
2. On April 27, 1982, WWC filed an application for an interim increase in rates of 29.32% equaling a revenue increase of approximately \$23,710.50 or 50% of the proposed permanent increase.
3. The interim rate request includes adjustments that have not been accepted in total or in part in previous Commission orders relating to this utility such as: Determination of a Rate Base, Determination of an acceptable Rate of Return, Amortization of Rate Case Expense, Projected Automobile Expense and a Projected Revenue Reduction.
4. Interim rules and guidelines call for "a clear showing

that the petitioning utility is suffering an obvious income deficiency." Without prejudging the issues in finding of Fact #3, the Commission cannot make the determination that the utility is suffering an obvious income deficiency. Therefore, the Commission finds that the Applicant's request for interim rate relief should be denied.

CONCLUSIONS OF LAW

1. The Western Water Company is a public utility furnishing water service to customers in the Missoula area. As such it is subject to the supervision, regulation and control of this Commission pursuant to Section 69-3-102, MCA.
2. Section 69-3-304, MCA, provides in part, "The Commission may in its discretion, temporarily approve increases pending a hearing or final decision."
3. The Commission concludes that the denial of an interim increase for the reasons set forth herein is just, reasonable and within the discretion granted by Section 69-3-304, MCA.

ORDER

THEREFORE THE MONTANA PUBLIC SERVICE COMMISSION ORDERS THAT:

1. The Western Water Company is hereby denied authority to implement on an interim basis increased rates for its Missoula, Montana customers.

2. 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.

DONE IN OPEN SESSION this 1st day of June, 1982, by a 4-0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

Gordon E. Bollinger, Chairman

John B. Driscoll, Commissioner

Howard L. Ellis, 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 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. 38.2.4806 ARM.