

CALIFORNIA PUBLIC UTILITIES COMMISSION
Water Division
Advice Letter Cover Sheet

Utility Name: Rogina Water Company, Inc. **Date Mailed to Service List:** March 25, 2022
District: NA
CPUC Utility #: U-WTC 41 **Protest Deadline (20th Day):** April 14, 2022
Advice Letter #: 85-W **Review Deadline (30th Day):** April 24, 2022
Tier 1 2 3 Compliance **Requested Effective Date:** January 1, 2021
Authorization NA **Rate Impact:** \$0
Description: Update Tariff Rule 15 to comply with changes in the federal tax law relating to CIAC %

The protest or response deadline for this advice letter is 20 days from the date that this advice letter was mailed to the service list. Please see the "Response or Protest" section in the advice letter for more information.

Utility Contact: Wayne Rogina **Utility Contact 2:**
Phone: (707) 462-4056 **Phone 2:**
Email: drogina@pacific.net **Email 2:**

DWA Contact: Tariff Unit
Phone: (415) 703-1133
Email: Water.Division@cpuc.ca.gov

DWA USE ONLY

<u>DATE</u>	<u>STAFF</u>	<u>COMMENTS</u>

[] APPROVED [] WITHDRAWN [] REJECTED

Signature: _____ Comments: _____

Date: _____

Rogina Water Company

1850 Talmage Rd.
Ukiah, CA 95482
Telephone: (707) 462-4056

March 25, 2022

Advice Letter No. 85-W

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rogina Water Company (RWC) hereby transmits for filing one original and one copy of this advice letter and the following tariff sheets which are enclosed:

<u>NEW SHEET #</u>	<u>TITLE</u>	<u>CANCELLING SHEET #</u>
510-W	Rule 15, Main Extensions	149-W
511-W	Table of Contents	509-W

REQUEST

By Advice Letter (AL) No. 85-W, RWC requests approval to modify the income tax component for the “contribution” provisions in Tariff Rule 15 to reflect changes in H.R. 3684, the “Infrastructure Investment Jobs Act.” The changes to its Tariff Rule 15 bring the utility into compliance with Section 80601 of H.R. 3684.

BACKGROUND

The 117th United States Congress enacted the Infrastructure Investment and Jobs Act (H.R. 3684) that was signed into law by President Biden on November 15, 2021. With the passage of H.R. 3684, the federal taxation of all water infrastructure contributed to a water utility as Contributions in Aid of Construction (CIAC) was eliminated. Now only water and sewer services cost of connections are treated as taxable income. This effectively changes the applicability of the income tax component (“ITC”) in Tariff Rule 15, retroactive to January 1, 2021. H.R. 3684 also eliminated the taxability of grants received from government agencies, except for grants related to water services.

The State of California did not change its laws regarding the taxability of CIAC. Therefore, there are no changes to Rule 15 with respect to state taxation.

March 25, 2022
Page 1 of 5

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TIER DESIGNATION AND REQUESTED EFFECTIVE DATE

This AL and the enclosed tariff sheets are submitted pursuant to General Order (GO) 96-B. AL #85-W is designated as a Tier 1 filing and the enclosed tariff sheets will become effective upon filing.¹

NOTICE

As this Advice Letter is for compliance with H.R 3684, no additional notice to customers is required.

RESPONSE OR PROTEST²

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

1. The utility did not properly serve or give notice of the advice letter;
2. The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
3. The analysis, calculations, or data in the advice letter contain material error or omissions;
4. The relief requested in the advice letter is pending before the Commission in a formal proceeding; or
5. The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or

¹ GO. 96-B, Water Industry Rule 7.3.1

² GO. 96-B, General Rule 7.4.1

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6. The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided that such a protest may not be made where it would require relitigating a Prior order of the Commission).

A protest may not rely on policy objections to an AL where the relief requested in the AL follows rules or directions established by statute or Commission order applicable to the utility.

A protest shall provide citations or proofs where available to allow staff to properly consider the protest. DWA must receive a response or protest via email (or postal mail) within 20 days of the date the AL is filed. The addresses for submitting a response or protest are:

Mailing Address:

California Public Utilities
Commission
Water Division, 3rd Floor
505 Van Ness Avenue
San Francisco, CA 94102

Email Address:

Water.Division@cpuc.ca.gov

On the same day the response or protest is submitted to DWA, the respondent or protestant shall send a copy of the protest to RWC at:

Mailing Address:

Rogina Water Company
Attn: Wayne Rogina
1850 Talmage Rd
Ukiah, CA 95482

Email Address:

drogina@pacific.net

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform DWA, within the 20 day protest period, so that a late filed protest can

Rogina Water Company

1850 Talmage Rd.

Ukiah, CA 95482

Telephone: (707) 462-4056

be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

REPLIES

The utility shall reply to each protest and may reply to any response. Each reply must be received by DWA within five business days after the end of the protest period, and shall be served on the same day to the person who filed the protest or response.³

³GO. 96-B, General Rule 7.4.3

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CERTIFICATE OF SERVICE

I hereby certify that the service list from Advice Letter #85-W has been served a copy of this AL on March 25, 2022.

Executed in Talmage, California on March 25, 2022.

Rogina Water Company

By: /S/ WAYNE ROGINA
Wayne Rogina
Assistant Vice President

Enclosures

Rule No.15

Main Extension (continued)

E. INCOME TAX COMPONENT OF CONTRIBUTIONS AND ADVANCES PROVISION

1. Contributions in Aid of Construction and Advances for Construction shall include, but not limited to, cash, services, facilities, labor, property, grants received from government agencies, and income taxes thereon provided by applicant to the utility. The value of all contributions shall be based on the utility's estimates. Contributions shall consist of two components for the purpose of recording transactions as follows:

- (a) Income Tax Component (ITC), and
- (b) The balance of the contributions and advances.

2. The ITC shall be calculated by multiplying the balance of the contribution by the ITC factor of:

<u>Type of Contribution</u>	<u>ITC Factors</u>	(C)
Contributed water and sewer infrastructure (Federal tax exempt; only State taxes are applicable)	9.7%	
Costs for service connections (Federal and State taxes are applicable)	42.5%	(C)

3. The tax factor is established using Method 2 as set forth in D.87-09-026 in I.86-11-019.

(D)
(D)

4. This tariff is effective as of January 1, 2021.

(C)

SPECIAL CONDITIONS

The ITC factor has been derived from Federal corporate tax rate of 21% and State corporate tax rate of 8.84% and will be in effect until the utility's taxable income changes drastically. When and if that occurs, the utility will file an advice letter showing the new rates and cancel out this sheet. Federal tax gross-ups are not required for contributions and advances used for facilities after January 1, 2021.

(C)
(C)
(N)
(N)

(To be inserted by utility)

Issued By

(To be inserted by P.U.C.)

Advice Letter No. 85-W

Wayne Rogina

Date Filed _____

Decision No. _____

President

Effective _____

Resolution No. _____

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and services of the utility, together with other pertinent information.

<u>SUBJECT MATTER OF SHEET</u>	<u>P.U.C. SHEET NO.</u>	
Title Page	391-W	
Table of Contents	511-W , 475-W	(T)
Preliminary Statements	36-W, 393-W - 395-W, 505-W, 431-W - 434-W	
Service Area Map	107-W	
Rate Schedules:		
Schedule No. 1 – General Metered Service	462-W, 455-W	
Schedule No. 3M – Irrigation Service	463-W, 456-W	
Schedule No. 4 – Private Fire Protection Service	464-W	
Schedule 9TS, Tank Service, Water from Hydrants on Main Lines	325-W	
Schedule F - Facilities Fees	465-W	
Schedule LC - Late Payment Charge	360-W	
Schedule UF - Surcharge to Fund PUC Reimbursement Fee	503-W	
Rules:		
No. 1 – Definitions	482-W, 483-W	
No. 2 – Description of Service	99-W	
No. 3 – Application for Service	41-W, 262-W	
No. 4 – Contracts	42-W	
No. 5 – Special Information Required on Forms	484-W - 486-W	
No. 6 – Establishment and Re-establishment of Credit	45-W	
No. 7 – Deposits	365-W, 366-W	
No. 8 – Notices	487-W - 489-W	
No. 9 – Rendering and Payment of Bills	506-W - 508-W	
No. 10 – Disputed Bills	221-W, 222-W	
No. 11 – Discontinuance and Restoration of Service	492-W - 501-W	
No. 12 – Information Available to Public	56-W, 57-W	
No. 13 – Temporary Service	58-W, 59-W	
No. 14 – Continuity of Service	60-W	
No. 14.1 – Mandatory Water Conservation Restriction & Rationing Program	424-W – 429-W	
No. 15 – Main Extensions	221-W – 223-W, 510-W	(C,D,N)
No. 16 – Service Connections, Meters, & Customer’s Facilities	224-W – 230-W	
No. 17 – Standards for Measurements of Service	177-W	
No. 18 – Meter Tests & Adjustment of Bills for Meter Error	80-W - 82-W	
No. 19 – Service to Separate Premises & Multiple Units and Resale of Water	178-W, 179-W	
No. 20 – Water Conservation	240-W	
No. 21 – Fire Protection	241-W	

(continued)

(To be inserted by utility)

Advice Letter No. 85-W

Decision No. _____

Issued By

Wayne Rogina

President

(To be inserted by P.U.C.)

Date Filed _____

Effective _____

Resolution No. _____

ROGINA WATER COMPANY
 ADVICE LETTER NO. 85-W
 METHOD 2: FULL TAX GROSS-UP, COST ON CONTRIBUTOR

CONTRIBUTIONS/ADVANCES (SUBJECT EFFECTIVE JAN. 1, 2021)

Calculation Gross-up Percentage:

Contribution/Advance		\$ 100.00
State Tax @8.84%		\$ 8.84
Net Tax Paid		\$ 8.84
Contribution/Advance - Net of Tax		\$ 91.16
Gross-up Factor For State Tax:	2021 - (100.00/91.16)	1.0970

Proof of Calculation:

Contribution/Advance Required By Utility		\$ 100.00
Gross-up Factor		1.0970
Contribution/Advance To Be Paid By Developer		109.70
State Tax @ 8.84%		9.70
Net Tax Paid		9.70
Contribution/Advance - Net of Tax		\$ 100.00

Contributed Water and Sewer Connections Subject to Federal and State Taxes

Calculation Gross-up Percentage:

Contribution/Advance		\$ 100.00
State Tax @8.84%; Fed Tax @21% combined tax rate		29.84%
Net Tax Paid		\$ 29.84
Contribution/Advance - Net of Tax		\$ 70.16
Gross-up Factor For State Tax and Fed Tax:	2021 - (100.00/70.16)	1.4253

Proof of Calculation:

Contribution/Advance Required By Utility		\$ 100.00
Gross-up Factor		1.4253
Contribution/Advance To Be Paid By Developer		142.53
State Tax @ 8.84%		12.60
State tax credit of Fed tax@ 21%		2.65
Fed Tax @ 21%		27.29
Net Tax Paid		42.53
Contribution/Advance - Net of Tax		\$ 100.00

Rogina Water Company, Inc
P.O. Box 310
Talmage, CA 95481

ADVICE LETTER #85-W
SERVICE LIST
(PER SECTION 4.3 OF GENERAL ORDER No. 96-B)

Millview County Water District
151 Laws Avenue
Ukiah, CA 95482

Willow County Water District
151 Laws Avenue
Ukiah, CA. 95482

City of Ukiah
300 Seminary Avenue
Ukiah, CA. 95482

Ed Viray
eviray88@gmail.com