

BEFORE THE
ILLINOIS COMMERCE COMMISSION

Illinois-American Water Company	:	
	:	
Application for Approval of its Annual	:	Docket No. 08-0218
Reconciliation of Purchased Water and	:	
Purchased Sewage Treatment Surcharges	:	
Pursuant to 83 Ill. Adm. Code 655	:	

Rebuttal Testimony of
Scott J. Rubin

on behalf of

The People of the State of Illinois

February 3, 2009

Introduction

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Q. Please state your name and business address.

A. My name is Scott J. Rubin. My business address is 333 Oak Lane, Bloomsburg, Pennsylvania 17815.

Q. Have you previously prepared testimony in this case?

A. Yes, my direct testimony on behalf of the Office of Attorney General (AG) was filed on November 5, 2008.

Q. What issues did you raise in your direct testimony?

A. I addressed three issues. First, I questioned the variable Purchased Water rate in the DuPage service area. Second, I pointed out, based on advice of counsel, that the Public Utilities Act requires a consumption-based sewer rate for IAWC's residential customers, and that there appeared to be a conflict between the statute and the Commission's rules. Third, I testified that contrary to IAWC's prior practice, in this docket IAWC increased the unaccounted-for-water factor to include authorized but unbilled usage.

Q. Did IAWC witness Rich Kerckhove address the DuPage service area calculation?

A. Yes. Mr. Kerckhove agreed that IAWC inadvertently omitted the 2007 portion of the three-year amortization of the DuPage Water Commission refund, and that the amount of undercollection was \$13,161. IAWC Ex. 2.0 at 4. Mr. Kerckhove also referenced a change in the PW rate that was made effective August 1, 2008, but not mentioned in his Direct Testimony filed on July 14, 2008. *Id.*

21 **Q. Does Mr. Kerckhove's testimony and reference to the August 1, 2008 tariff change**
22 **resolve the issue you raised in your Direct Testimony?**

23 A. It is clear from Mr. Kerckhove's testimony that the amount of the undercollection is not
24 in dispute. However, I cannot assess whether the changes to the DuPage purchased water
25 charge that occurred in August, 2008, November, 2008, and January, 2009 properly
26 account for the undercollection. I note that IAWC changed the DuPage PW rate from
27 \$1.44 per 1,000 gallons, when this docket was filed, to \$1.20 in IAWC's Direct
28 testimony, to \$1.01 in August, to \$1.30 in November, and it was again revised effective
29 January 1, 2009 to \$1.58 per 1,000 gallons. I cannot determine whether the changed rates
30 correctly incorporate the undercollection, and note that the next reconciliation docket
31 should contain the data to address that question.

32 **Q. Did Mr. Kerckhove address other issues you raised in your Direct Testimony.**

33 A. Yes. Mr. Kerckhove addressed both whether the purchased sewage treatment charge
34 should be consumption-based and the unaccounted-for-water calculation. It is apparent
35 that these issues raise legal questions that should be resolved in briefs.

36 **Q. Does this conclude your rebuttal testimony?**

37 A. Yes.