COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF WEST OLDHAM UTILITIES, INC. FOR A RATE ADJUSTMENT PURSUANT TO THE ALTERNATIVE RATE FILING PROCEDURE FOR SMALL UTILITIES

CASE NO. 92-277

ORDER

On July 15, 1992, West Oldham Utilities, Inc. ("West Oldham") filed its application for Commission approval of a proposed increase in its rates for water service. Commission Staff, having performed a limited financial review of West Oldham's operations, has prepared the attached Staff Report containing Staff's findings and recommendations regarding West Oldham's proposed rates. All parties should review the report carefully and provide any written comments or requests for a hearing or informal conference no later than 15 days from the date of this Order.

IT IS THEREFORE ORDERED that all parties shall have 15 days from the date of this Order to provide written comments regarding the attached Staff Report or requests for a hearing or informal conference. If no request for a hearing or informal conference is received, then this case will be submitted to the Commission for a decision.

Done at Frankfort, Kentucky this 29th day of October, 1992.

PUBLIC SERVICE COMMISSION

For the Commission

ATTEST:

Executive Director

FILED

OCT 29 1992

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CASE NO. 92-277

STAFF REPORT

Prepared By: Mark C. Frost Public Utility Financial Analyst, Chief Water and Sewer Revenue Requirements Branch Rates and Tariffs Division

Prepared By: Nicky Moore Public Utility Rate Analyst Communications, Water and Sewer Rate Design Branch Research Division

STAFF REPORT

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WEST OLDHAN UTILITIES, INC.

CASE NO. 92-277

A. Preface

On July 2, 1992, West Oldham Utilities, Inc. ("West Oldham") submitted its application seeking to increase its rates pursuant to the Alternative Rate Filing Procedure for Small Utilities. However, the application was not considered filed until July 15, 1992. West Oldham's proposed rates would produce an increase in its annual revenues of \$43,570, an increase of 30.09 percent over test-period normalized revenues from rates of \$144,805.

In order to evaluate the requested increase, the Commission Staff ("Staff") chose to perform a limited financial review of West Oldham's operations for the test-period, the calendar year ending December 31, 1991. Mark C. Frost of the Commission's Division of Rates and Tariffs performed the limited review on August 5 and 12, 1992.

Mr. Frost is responsible for the preparation of this Staff Report except for Section B, Operating Revenues; Section D, Rate Design; and Appendix A, which were prepared by Nicky Moore of the Commission's Research Division. Based on the findings contained in this report, Staff recommends that West Oldham be allowed to increase its annual revenues from rates by \$34,421.

Scope

The scope of the review was limited to obtaining information as to whether the test-period operating revenue and expenses were

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representative of normal operations. Insignificant or immaterial discrepancies were not pursued and are not addressed herein.

B. Analysis of Operating Revenues and Expenses

Operating Revenue

Normalized Revenue: In its application, West Oldham reported test-year revenue of \$145,141 and water sales of 53,370,000 gallons. The annual report for the same period showed water sales of 54,415,000 gallons, a difference of 1,045,000 gallons. This difference in gallons of water sold would produce \$2,518 in additional revenue. Staff is of the opinion that West Oldham's annual report more accurately reflects its actual test period water sales. Therefore, this additional revenue has been added to the reported revenues for a total normalized revenue from water sales of \$147,659 at current rates.

At the time of its filing, West Oldham had 502 customers.

Late Fees: During the test year, West Oldham collected late fees in the amount of \$3,728, the majority of which was paid by one commercial customer. Due to corrective action taken by the customer, West Oldham will no longer be collecting this fee. Therefore, Staff has eliminated the amount from test-year operations.

Operating Expenses

West Oldham reported actual and pro forma test-period operating expenses of \$166,578 and \$152,928, respectively. The

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following are Staff's recommended adjustments to West Oldham's actual test-period operations:

Purchased Water: West Oldham proposed a pro forma level of purchased water expense of \$76,525, an increase of \$2,382 above its test-period level. Effective January 1, 1992, West Oldham's supplier, the Louisville Water Company, ("Louisville Water") increased its water rates to \$1.29 per 1,000 gallons and its monthly surcharge to \$262.86. This adjustment reflects Louisville Water's increased rates and test-period water purchases of 56,877,000 gallons.

West Oldham's purchased water adjustment meets the rate-making criteria of known and measurable. However, upon review of the Louisville Water invoices, Staff determined that in the test period, West Oldham purchased 57,312,000 gallons of water. Based on this and Louisville Water's increased rates, Staff has calculated a pro forma purchased water expense of \$77,086.1 Accordingly, purchased water expense has been increased by \$2,943.

<u>Salaries and Wages</u>: West Oldham reported test-period salaries and wages expense of \$32,000. At the field review, Wayne Wells, West Oldham's president and sole employee, informed Staff that this amount represented his \$30,000 annual salary and \$2,000 dividend.

Water Cost: 57,312.000 Gal x \$1.29 = \$73,932
Monthly Service Fee: \$262.86 x 12 Months = + 3,154
Pro Forma Purchased Water \$77,086

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In Case No.'s 89-136² the Commission determined a reasonable level of compensation for Mr. Wells that included the reimbursement for shared office expenses to be \$28,364. In its next rate case,³ West Oldham adjusted Mr. Wells' compensation to the level found reasonable in Case No. 89-136. In this proceeding, West Oldham has included the actual amount paid in the test period.

Mr. Wells' responsibilities include but are not limited to the following: (1) all administrative and office duties; (2) customer billing; (3) field maintenance; and (4) responding to customer emergencies. In addition to his duties, Mr. Wells' salary includes reimbursement for office overheads that are provided by Mr. Wells through an office-sharing arrangement.

Two years have lapsed since the test-period used in Case No. 89-136 and Mr. Wells compensation has increased by \$1,626, an approximate increase of 3 percent⁴ per year. Based on its review of the Staff Reports in Case No.'s 89-136 and 90-210, the services

Case No. 89-136, The Application of West Oldham Utilities, Inc. for a Rate Adjustment Pursuant to the Alternative Rate Filing Procedure for Small Utilities, Order dated February 16, 1990.

Case No. 90-210, the Application of West Oldham Utilities, Inc. for a Rate Adjustment Pursuant to the Alternative Rate Filing Procedure for Small Utilities, Order dated January 24, 1991.

^{\$1,626 + 2} years = \$813. \$813 + \$28,364 = 3%.

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provided by Mr. Wells, and the annual percentage increase, Staff is of the opinion that Mr. Wells' test-period salary is reasonable.

However, the dividend paid to Mr. Wells of \$2,000 is not an operating expense but rather a distribution of the utility's profit or retained earnings. The dividend should be reported as a reduction on West Oldham's Statement of Retained Earnings, not as an expense on the Income Statement. Accordingly, wages and salaries expense has been decreased by \$2,000 to reflect the elimination of the dividend from test-period operating expenses.

Materials and Supplies: West Oldham's test-period materials and supplies expense of \$7,084 included \$3,070 of payments to Louisville Water for customer billing and collection services. Staff has calculated a pro forma level of customer billing and collection of \$3,1625 based on the number of bills reported in West Oldham's billing analysis, the actual number of test-period customer renotifications, and Louisville Water's current rate for customer billing. Accordingly, materials and supplies expense has been increased by \$92.

New Office: During the test period, West Oldham moved to a new office. A review of the test-period invoices revealed that

Regular Bills - Billing Analysis 3,001 x 0.25 = 750Customer Renotification 67 x 0.29 = 19Handling Charge 3,068 x $0.78 = \frac{2,393}{5,162}$

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West Oldham decorated its new office at a cost of \$1,3166. Of this amount \$927 was reported in materials and supplies expense and the remaining \$389 in miscellaneous expense.

The cost to decorate the new office is a nonrecurring expenditure that should be amortized rather than expensed. Staff has determined that a 5-year amortization period is appropriate. Therefore, materials and supplies expense and miscellaneous expense have been decreased by \$927 and \$389, respectively and amortization expense increased by \$263.7

Office Rent: West Oldham proposed a pro forma level of office rent expense of \$3,180, an increase of \$455 above its test-period level. West Oldham's current office rent of \$265 per month is the basis for its proposed adjustment.

Staff is of the opinion that an adjustment based on West Oldham's increased office rent would meet the rate-making criteria of known and measurable. Therefore, office rent expense has been increased by \$455 to reflect West Oldham's adjustment.

Transportation: West Oldham reported test-period transportation expense of \$1,974, which represents the milage reimbursement paid to Mr. Wells. At the field review, West Oldham informed Staff that it will lease a vehicle from Mr. Wells. The

Laminate Cabinets \$ 486
Reframe Picture 441
Chair Upholstery + 389
Office Decoration Cost \$ 1,316

⁷ \$1,316 + 5 Years = \$263.

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monthly lease payment and insurance for the vehicle will be \$495 and \$129, respectively, which results in a combined annual cost of \$7,488.

To document its projected lease and insurance cost, West Oldham provided Staff with copies of price quotes from Cross Motors and HBH Insurance Group. West Oldham informed Staff that the vehicle would be used 80 percent for business purposes and 20 percent for personal. Based on this allocation West Oldham's transportation expense would increase by \$5,990.9

Staff is of the opinion that the price quotes provided by West Oldham are reasonable estimates of the cost that will be incurred to lease a vehicle. However, since the vehicle was not placed into service at the time of the field review, West Oldham was unable to document its projected allocation between personal and business use. In the absence of documentation, Staff is of the opinion that the lease cost should be allocated on a 50/50 basis, until West Oldham is able to provide actual usage data.

Based on a 50 percent allocation, Staff has determined that West Oldham's portion of the vehicle cost would be \$3,74410 and has increased transportation expense by this amount.

Lease Payment \$495 x 12 Months = \$5,940Insurance \$129 x 12 Months = \$+1,548Annual Vehicle Cost \$67,488

^{9 \$7,488} x 80% = \$5,990.

 $^{$7,488 \}times 50\% = $3,744.$

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Maintenance of Meters: West Oldham reported maintenance of meters expense of \$1,062 for the test period. During the test-period West Oldham expensed the purchase of 3 one-inch trident meters at a cost of \$201.

The purchase of a meter is a capital expenditure that will benefit more than one period and therefore, should be depreciated rather than expensed. Upon review of West Oldham's depreciation schedule, Staff determined that West Oldham depreciates its meters over a 7-year period, which would result in a depreciation expense of \$29.11

Staff recommends that maintenance of meters expense be decreased by \$201 and depreciation expense increased by \$29.

Maintenance of Mains: West Oldham reported a maintenance of mains expense of \$1,697 for the test-period. Based on its analysis of the general ledger, Staff noted that West Oldham had incorrectly increased maintenance of mains expense by the cost to install new services and decreased it by the collection of tap-on fees.

The cost to install a new service is not an operating expense but rather it would be recorded on the balance sheet as an increase to utility plant. Likewise, the collection of tap-on fees would be reported on the balance sheet as a Contribution In Aid Of Construction ("CIAC") and not as a credit to an operating expense.

^{11 \$201 + 7} Years = \$29.

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To correct West Oldham's reporting error, new services of \$4,473 and tap-on fees of \$5,540 have been removed from maintenance of mains expense, for a net increase of \$1,067.12

Upon review of the invoices, Staff noted that West Oldham had failed to report \$449 of maintenance services performed in the test period. Maintenance of mains expense has been increased by an additional \$449 to reflect the inclusion of this expenditure in test-period operations.

Legal Fees: West Oldham proposed a pro forma level of legal fee expense of \$4,016, a decrease of \$14,000 from its test-period level. West Oldham's adjustment is based on removing legal fees related to researching, negotiating, and structuring a system expansion through a CIAC, which included obtaining the Commission's approval in Case No. 91-099.13

Upon review of the test-period invoices from Greenebaum, Boone, Trietz, Maggiolo, Resiz, and Brown, Staff noted that the entire \$19,016 represented legal fees incurred in Case No. 91-099. Therefore, Staff recommends that operating expenses be reduced by \$19,016, to reflect the removal of the nonrecurring legal fees. The amortization of this expense is addressed in a subsequent section.

Tap-On Fees - CIAC

New Services - Utility Plant

Net Cost

7 5,540

- 4,473

1,067

Case No. 91-099, the Application of West Oldham Utilities, Inc. for a Deviation pursuant to 807 KAR 5:066, Section 12(4), regarding Extensions of Service, Order dated June 19, 1991.

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Health Insurance: West Oldham proposed a pro forma level of health insurance expense of \$3,660, a decrease of \$3,987 from the amount it reported. In the test-period West Oldham provided health insurance for Mr. Wells and his family. However, in Case No. 90-210, the Commission determined that only the cost of providing Mr. Wells single health insurance coverage should be allowed for ratemaking purposes. West Oldham's adjustment reflects this decision and its current cost to provide single coverage.

To document the cost of single insurance coverage, West Oldham provided Staff with a copy of the August 15, 1992 insurance statement. Based on its review of this statement, Staff is of the opinion that the cost is reasonable and that West Oldham's proposed adjustment is correct. Therefore, Staff recommends that insurance expense be decreased by \$3,987.

Accounting: West Oldham reported test-period accounting expense of \$4,000. Upon review of the invoices, Staff noted that West Oldham's accountant increased its annual fee from \$4,000 in the test period to \$4,250 in 1992. Staff is of the opinion that the increased fee meets the rate-making criteria of known and measurable and should be included in test-period operations. Accordingly, accounting expense has been increased by \$250.

Miscellaneous Expense: West Oldham reported miscellaneous expense of \$1,726 for the test period, which included Christmas presents in the amount of \$495. West Oldham's customers receive no direct benefit from these expenditures with regard to the utility

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service provided by West Oldham. Therefore, Staff recommends that miscellaneous expense be decreased by \$495 to reflect the elimination of these expenditures from test-period operations.

Depreciation: West Oldham reported test-period depreciation expense of \$6,633. During the test-period, West Oldham purchased a cellular phone and several meters. West Oldham only included 2 months of the associated depreciation expense in its test-period operations. Staff has determined that depreciation expense should be increased by \$185 to reflect the annualization of this expense. Accordingly, depreciation expense has been increased by this amount.

Amortization: West Oldham proposed a pro forma level of amortization expense of \$1,500, which is based on amortizing the cost it incurred in filing this rate case over a 3-year period.

West Oldham's projected rate case cost of \$4,500 is based on the legal fees West Oldham incurred in filing its previous two rate cases. Based on its review of the Staff Reports from those cases, Staff is of the opinion that the estimated rate case cost is reasonable and therefore, recommends that West Oldham's adjustment of \$1,500 be accepted.

Upon review of the Staff Report in Case No. 90-210, Staff noted that West Oldham was allowed to recover amortization expense of \$5,005 which reflected the amortization of the cost of Case No. 89-136 and Case No. 90-210. West Oldham failed to include the

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amortization expense associated with these prior cases in its testperiod operations.

Given that the cost of Case No. 89-136 will be fully amortized at the close of 1992, Staff is of the opinion that it does not reflect an on-going expenditure and should not be included in test-period operations. However, the cost of Case No. 90-210 has approximately 2 years of amortization left and this cost should be reflected in West Oldham's test-period operations. Accordingly, amortization expense has been increased by an additional \$1,054.

As previously mentioned, West Oldham incurred test-period legal fees of \$19,016 that were associated with Case No. 91-099. Case No. 91-099 was West Oldham's requested deviation from the provisions of 807 KAR 5:066, Section 12(2), in order to obtain Commission approval of a proposed water-line extension.

The Commission in the past has determined that the cost to file nonrecurring cases such as administrative proceedings should be amortized over a 3-year period. Staff is of the opinion that Case No. 91-099 represents a nonrecurring case similar to an Administrative proceeding and as such the cost should be amortized in a similar fashion.

Upon review of the invoices, Staff noted that West Oldham incurred accounting fees of \$2,275 in connection with Case No. 91-099. These accounting fees were not paid until 1992 and thus, not included in test-period operations. Staff has calculated amortization expense for Case No. 91-099 of \$7,097 based on

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amortizing legal fees of \$19,017 and accounting fees of \$2,275 over a 3-year period. Accordingly, amortization expense has been increased by an additional \$7,097.

Recovery of Prior Loss: West Oldham has proposed a pro forma level of recovery of prior year loss expense of \$18,400. In 1990 and 1991, West Oldham experienced large losses that it attributed to the following:

- a) Failure of the Commission to provide West Oldham with an adequate return in its last rate case, Case No. 90-210.
- b) The actual expenditures incurred by West Oldham were larger than the amounts determined reasonable in Case No. 90-210.
- c) The losses incurred were not the result of poor operation but arose from an inadequate rate structure and unusual expenses that West Oldham could not have anticipated.

West Oldham determined that its "Net Recoverable Rate-Making Losses" for 1990 and 1991, were \$25,077¹⁴ and \$29,540¹⁵, respectively. In its calculations, West Oldham included annual lost profits of \$15,000 and excluded the difference between family and single health insurance coverage of \$4,768. West Oldham

14	Actual Loss - 1991 Lost Profit	\$ 14,845
	Subtotal	+ 15,000
		\$ 29,845
	Health Insurance	- 4,768
	Net Recoverable Rate-Making Loss	\$ 25,077
15	Actual Loss - 1991	\$ 19,308
	Lost Profit	+ 15,000
	Subtotal	\$ 34,308
	Health Insurance	- 4,768
	Net Recoverable Rate-Making Loss	\$ 29,540
	•	

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proposed to amortize its "Net Recoverable Rate-Making Loss" of \$54,61716 over a 3-year period.

In Case No. 90-210, West Oldham requested that its revenue requirement be based on a 12 percent return on Net Investment Rate Base ("Rate Base"). In that proceeding, the Commission compared debt service and rate of return and in that instance it was decided that debt service was the more appropriate methodology for calculating West Oldham's revenue requirement. West Oldham was given the opportunity to request a rehearing if it disputed the Commission's decision, but it failed to make such a request.

West Oldham's request to recover lost profit based on a 12 percent return on investment is an attempt to revisit Case No. 90-210 to persuade the Commission to change its decision regarding the calculation of revenue requirement and also to allow recovery of prior period losses. Recovery of prior losses and lost profits are retroactive rate-making which has not traditionally been allowed by this Commission.

Furthermore, West Oldham was correct in that its losses were in part a result of unusual expenses and that West Oldham's actual expenditures were larger than those determined reasonable in Case No. 90-210. As previously mentioned, Staff reviews the test-period operating revenues and expenses to determine if they are representative of normal operations. In Case No. 90-210, it was determined that legal fees of \$15,000 were nonrecurring and thus

s25,077 + \$29,540 = \$54,617.

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did not represent West Oldham's normal or on-going operations. West Oldham was allowed to recover its legal fees over a 3-year amortization period. This rate-making practice of amortizing nonrecurring expenditures to arrive at a utility's normal operations results in the differences noted by West Oldham and is an accepted rate-making practice.

Therefore, Staff recommends that West Oldham's proposed adjustment to recoup prior losses and lost profits be denied.

Other Income

West Oldham reported test-period other income of \$7,644. The following is Staff's adjustment to West Oldham's reported other income:

Phone Lease: West Oldham proposed a pro forma level of phone lease income of \$480, a decrease of \$150 from the amount it reported. West Oldham shared its office with another business. Since West Oldham owned the phone system it collected a lease payment for its use from the other business. In 1992 the lease agreement was renegotiated and due to the age of the phone equipment, the fee was reduced to \$40 per month.

Staff is of the opinion that an adjustment based on the current lease payment meets the rate-making criteria of known and measurable. Accordingly, phone lease income has been decreased by \$150.

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Operations Summary

Based on the recommendations of Staff contained in this report, West Oldham's operating statement would appear as set forth in Appendix B to this report.

C. Revenue Requirements Determination

The Commission used a 1.2x debt service coverage in determining West Oldham's revenue requirements in its last rate case proceeding, Case no. 90-210. However, because of the low interest rates, (based on the October 14, 1992 Wall Street Journal Prime Rate, West Oldham's current interest rate is 6.5 percent) and high level of West Oldham's outstanding long-term debt as compared to plant in service, Staff is of the opinion that debt service would not adequately reflect West Oldham's current and on-going revenue requirements.

Another approach frequently used by this Commission to determine revenue requirements for small, privately-owned utilities is the operating ratio. In this instance, Staff is of the opinion that this approach would better reflect West Oldham's revenue requirement and therefore, recommends its use.

Staff's adjusted operations provide West Oldham with an operating ratio of 107.47 percent¹⁷. Combined with West Oldham's proposed increase of \$43,570, the result is an operating ratio of 82.98 percent.¹⁸

^{\$158,691 + \$147,659 = 107.47}**%**

^{\$158,691 + (\$147,659 + \$43,570) = 82.98}*.

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Staff is of the opinion that an 88 percent operating ratio would allow West Oldham sufficient revenues to cover its operating expenses and to provide for equity growth. In this proceeding, an operating ratio of 88 percent results in a revenue requirement of \$189,574¹⁹. Therefore, Staff recommends that West Oldham be allowed to increase its annual operating revenue by \$34,421.²⁰ D. Rate Design

In its application, West Oldham has proposed to change its present rate structure. The present rate structure is based on the size of the meter of each customer. Each size has a minimum charge with a certain amount of water allowed in each minimum. All water used over the allowed minimum is charged at a rate per 1000 gallons used.

The proposed rate schedule has a customer charge for each size meter with no water allowed. All water used is to be charged at one rate per 1000 gallons used. The Staff agrees that the proposed rate structure is reasonable and should be approved. Therefore, the allowed revenue in this report has been applied to the proposed

19	Adjusted Operating Expenses Recommended Operating Ratio Subtotal	\$ 158,691 + 88% 180,331
	Interest Expense West Oldham's Revenue Requirement	+ 9,243 \$ 189,574
20	West Oldham's Revenue Requirement Less: Normalized Operating Revenue	\$ 189,574 147,659
	Other Income Recommended Revenue Increase	$\frac{-7,494}{$34,421}$

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rate structure. The rates in Appendix A will produce the recommended revenue requirements.

E. Signatures

Prepared By: Mark C.Frost Public Utility Financial Analyst, Chief Water and Sewer Revenue Requirements Branch Rates and Tariffs Division

Prepared By: Nicky Moore
Public Utility Rate Analyst
Communications, Water and
Sewer Rate Design Branch
Research Division

APPENDIX A To Staff Report Case No. 92-277

The Staff recommends the following rate be prescribed for customers of West Oldham Utilities, Inc.

Service Charge

All metered general water service customers shall pay a service charge based on the size of meter installed. The service charge will not entitle the customer to any water.

Size of Meter	Bi-Monthly			
5/8"	\$10.00			
1"	20.00			
1-1/2"	30.00			

Meter Rates

The following shall be the rate for consumption, in addition to the service charges provided for herein:

All water used

\$2.85 per 1,000 gallons

APPENDIX B TO STAFF REPORT CASE NO. 92-277

	Actual Test-Period Operations	Recommended Adjustments	Adjusted Operations
Operating Revenues: Water Sales Late Fees	\$ 145,141 3,728	\$ 2,518 (3,728)	\$ 147,659
Total Operating Revenues	\$ 148,869	\$ (1,210)	\$ 147,659
Operating Expenses: Salaries & Wages Purchased Water Materials & Supplies Contractual Services Office Rent Expense Transportation Expense Insurance Maintenance - Meters Maintenance - Hydrants Maintenance - Mains Telephone Expense Legal Expense Accounting Expense Health Insurance Miscellaneous Expense Depreciation Expense Amortization Expense Taxes Other Than Income	\$ 32,000 74,143 7,084 2,386 2,725 1,974 1,450 1,062 1,200 1,697 814 19,016 4,000 7,647 1,021 6,633	\$ (2,000) 2,943 (835) 0 455 3,744 0 (201) 0 1,516 0 (19,016) 250 (3,987) (884) 214 9,914	\$ 30,000 77,086 6.249 2,386 3,180 5,718 1,450 861 1,200 3,213 814 0 4,250 3,660 137 6,847 9,914 1,726
Total Operating Expenses	\$ 166,578	\$ (7,887)	\$ 158,691
Net Operating Income	\$ (17,709)	\$ 6.677	\$ (11,032)
Other Income: Interest Income Lease Income - Phone Nonutility Income	\$ 2,695 630 4,319	\$ 0 (150) 0	\$ 2,695 480 4,319
Total Other Income	\$ 7,644	\$ (150)	\$ 7,494
Other Deductions: Interest Long-Term Debt Prior Year Loss - 1991 Prior Year Loss - 1990	\$ 9,243 0 0	\$ 0 0 0	\$ 9,2 43 0 0
Total Other Deductions	\$ 9,243	\$ 0	\$ 9,243
Net Income/(Loss)	\$ (19,308)	\$ 6,527	\$ (12,781)