

PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 21-001-01

PUBLIC WITNESS HEARING

February 09, 2022

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Public Witness Hearing
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1 - BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Bridgerland Water Company's) DOCKET NO. 21-001-01
Application for Culinary)
Water Rate Increase)
)
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Public Witness Hearing

Held virtually on,
Wednesday, February 9, 2022
At 3:01 p.m.

Reported by: Christina Essi, RPR, CSR

1 MS. HOGLE: Good afternoon everyone. It is
2 approximately 3 o'clock on February 9th, 2022. This
3 is the time and date for members of the public to
4 comment on the settlement stipulation that is under
5 consideration by the Public Service Commission in
6 Docket Number 21-001-01 in the matter of Bridgerland
7 Water Company's request for a rate increase. I'm
8 Yvonne Hogle, the Public Service Commission's
9 designated presiding officer for this hearing.

10 As you may know, this morning we held an
11 evidentiary hearing in this proceeding to hear from
12 interveners regarding the settlement stipulation that
13 was reached between the Division of Public Utilities
14 and Bridgerland Water Company. I don't believe anyone
15 intervened in that case and so those were the two
16 parties who participated and reached agreement in the
17 case regarding Bridgerland's proposed rate increases.

18 And so now it's time for members of the
19 public to call in and, like I said, comment on the
20 settlement stipulation, for you to get on the record
21 regarding your opinion. And so I see a couple of
22 people who I don't -- let me see. Okay.

23 So just to make sure that the folks on the
24 line know, if you're not muted, we can hear everything
25 you're saying. So if you're not speaking, I would ask

1 you to please mute your line. There was a problem
2 earlier, we could hear a participating member. And so
3 it would be a good idea for you to do that right now
4 before we begin.

5 Now, from what I can tell, I have the
6 following people on the line right now, who I'm
7 assuming called in to comment. Okay. So here they
8 are according to what I have. I have a David Wittner,
9 Paul Murray, tony Hutson, Lance Bourne and Christopher
10 Olpin. Is there anybody else on the line that I did
11 not call?

12 MR. KUHLMAN: Tom Kuhlman.

13 MR. KUREK: Dan Kurek.

14 MR. MENLOVE: Martell Menlove.

15 MS. HOGLE: Okay. Before we proceed, can I
16 have Tom, spell your last name, please?

17 MR. KUHLMAN: K-U-H-L-M-A-N.

18 MS. HOGLE: Can I have Dan spell your last
19 name, please?

20 MR. KUREK: K-U-R-E-K.

21 MS. HOGLE: And there was somebody else at
22 the end who also spoke and I don't have your name.
23 Can you restate it, please?

24 MR. MENLOVE: Yes, Martell Menlove,
25 M-E-N-L-O-V-E.

1 MS. HOGLE: Okay. So here is what I would
2 like to do. There is many people -- first of all, is
3 there anybody else other than the people that have
4 just spoken, other than the ones that I just called?

5 No? Is that correct?

6 Okay. Here is the order that I would like
7 to go by, because I think this is the order that you
8 all --

9 MR. KUREK: Can I interrupt? This is Dan
10 Kurek. Mike Leonhardt, the Mayor of Garden City, he
11 was calling in. I don't know if he's been able to get
12 through. He's texting me, saying he's having an issue
13 getting through.

14 MS. HOGLE: Okay. Well, he can continue to
15 try to get through. I think we have plenty of people
16 on the line, so that probably means that he can get
17 through and he just needs to continue to try to get
18 through.

19 Anyway, so I'd like everybody to please
20 write this down if you have a paper and pencil or a
21 pen and paper, I'd like David Wittner first, Tony
22 Hutson, Lance Bourne, Christopher Olpin, Paul Murray,
23 Tom Kuhlman, Dan Kurek, and Mayor Menlove [sic], in
24 that order to testify. So I am -- and just so you
25 understand, you can either provide sworn testimony or

1 unsworn testimony. If you provide sworn testimony,
2 then I will swear you in and so you will be under oath
3 and what that means is that you will be subject to
4 cross-examination by the counsel for the Division of
5 Public Utilities, Ms. Trisha Schmid, who is on the
6 line, as well as cross-examination from the Company,
7 in addition to, likely, questions from myself. If you
8 provide non-sworn testimony, then your testimony will
9 be provided on the record, of course, and we will
10 consider it and you will not be subject to
11 cross-examination by anyone.

12 And so let's take Mr. Wittner first and you
13 tell me if you would like to be sworn.

14 MR. WITTNER: Before I make that
15 determination, is this comments only or is this also a
16 good time for questions?

17 MS. HOGLE: This is comments, but I think
18 that if you have a question, I don't see why
19 Ms. Heninger would not be able to provide responses.

20 MR. WITTNER: Thank you.

21 MS. HOGLE: Okay. Mr. Wittner, do you want
22 give sworn or unsworn testimony?

23 MR. WITTNER: Sworn is fine.

24 MS. HOGLE: Okay. Do you swear to tell the
25 truth?

1 MR. WITTNER: I do.

2 MS. HOGLE: Okay, go ahead, Mr. Wittner.

3 MR. WITTNER: My first comment or question
4 is, the original request from Bridgerland Water
5 Company was a proposed increase to \$75 a month and
6 somewhere in the process that got increased to \$94 a
7 month, and I'm trying to understand what the
8 justification is for the additional amount.

9 MS. HOGLE: Okay. Well, I don't know if
10 Ms. Heninger wants to respond to that or if Mr. Mark
11 Long from the Division of Public Utilities, who worked
12 closely with Ms. Heninger, would like to respond or
13 has any comment regarding that. Ms. Heninger?

14 MS. HENINGER: Sure. My comment is, I
15 didn't even know what the rates were going to be until
16 recently. I mean, we had some idea, but I didn't know
17 there was a printed \$74 rate somewhere, so I'm not
18 aware of that.

19 MR. WITTNER: All right, thank you. I found
20 that actually on the documentation that was online
21 from the original application, suggesting a \$75 rate,
22 and I'm just trying to understand if you asked for \$75
23 per month, why or who suggested it go to \$94 instead
24 and why? Mark Long, do you have a comment?

25 MR. LONG: If I may respond?

1 MR. WITTNER: Please.

2 MS. HOGLE: Go ahead, Mr. Long.

3 MR. LONG: Often times when people submit a
4 rate case, they put the expenses that they know of at
5 the time, and in going through all the expenses, a lot
6 of times it's quite a bit higher or even occasionally
7 lower than what the requested rate was. You know,
8 it's really a matter of taking all the expenses and
9 dividing them by the number of customers, and with a
10 few other alterations is what the rates end up being.

11 MR. WITTNER: Okay, thank you. Continuing
12 on from that, part of this rate increase is, according
13 to the documentation, for the establishment of the
14 capital reserve account and also to pay for connection
15 to the Garden City water system. Both of these
16 expenses are, although longer term --

17 UNIDENTIFIED SPEAKER: I'm in now, thank you
18 very much.

19 MS. HOGLE: I apologize, Mr. Wittner. Just
20 hold on a second. Whoever just spoke, can you please
21 mute yourself because we can hear you. And this is
22 going to be a long day if I can hear people who are
23 not testifying on the line. So if you're coming in,
24 interested in participating, thank you, however please
25 mute yourself until you're called. I have another

1 participant, it looks like, by the name of Roger Cook.
2 Was that Mr. Cook?

3 MR. COOK: Yes, I'm on and I am muted now.

4 MS. HOGLE: Okay, thank you Mr. Cook. You
5 will be number 9 on the list. So when I call you --

6 MR. COOK: Thank you.

7 MS. HOGLE: Okay. Mr. Wittner, go ahead.

8 MR. WITTNER: So both the establishment of
9 the capital reserve account and payment for buying
10 into the Garden City Water System, while they are long
11 term, they are somewhat temporary in nature, yet rate
12 increases tend to be indefinite. Is there any
13 consideration being made to bringing rates back down
14 once the capital reserve account has reached its
15 intended amount and once the payment for Garden City
16 -- attaching to Garden City Water System is completed?

17 MS. HOGLE: Okay. So before we continue, I
18 think that, again, this process will go a lot more
19 smoothly if -- I am writing down your questions,
20 Mr. Wittner, and hopefully the Company and Mr. Long
21 are as well. Why don't we do this, why don't you
22 provide comments, I'm writing down your question, and
23 then at the end of the process where everybody has had
24 an opportunity to testify or comment, then we can
25 perhaps go back and take each question as they're

1 asked. So please -- I don't know if you're done with
2 your comment, but we would like to hear from the
3 public. You're welcome to provide your comments and
4 then we can call the next member of the public,
5 please.

6 MR. WITTNER: Very good. I've got one more
7 question and then a comment. The next question is,
8 the residents of Bridgerland Village pay properties
9 taxes which include Garden City taxes. From my
10 understanding, it's these taxes that go to subsidizing
11 public water systems. Has consideration been given to
12 having Garden City partially fund the connection to
13 Bridgerland Water System since the residents of the
14 community are paying taxes towards Garden City? And
15 then that's the end of that question.

16 And then my last is a comment. Part of this
17 rate increase includes a \$50,000 salary going to Tana,
18 Mike, and Rob, and I would think it'd be more prudent
19 to, rather than have a fixed salary, that it be a per
20 hour expended by each individual, that they get paid
21 on an hourly rate.

22 MS. HOGLE: Okay.

23 MR. WITTNER: That's my comment.

24 MS. HOGLE: Thank you, Mr. Wittner.

25 Ms. Schmid, do you have any questions for Mr. Wittner?

1 MS. SCHMID: I do not, thank you.

2 MS. HOGLE: Does the Company have any
3 questions or comments for Mr. Wittner?

4 MS. HENINGER: I do not, thank you.

5 MS. HOGLE: Okay. Thank you, Mr. Wittner,
6 for testifying or commenting this afternoon. Let's go
7 to Tony Hutson, please.

8 MR. HUTSON: I'm willing to testify, that'd
9 be fine.

10 MS. HOGLE: Do you want to be sworn?

11 MR. HUTSON: Yes. Yes, ma'am.

12 MS. HOGLE: Okay. Do you swear to tell the
13 truth?

14 MR. HUTSON: I do.

15 MS. HOGLE: Thank you. Again, remember what
16 the process is. Comment on the application, provide
17 your opinions, and then if you have any questions, we
18 can add them to a list and maybe they will be
19 answered. If we know what the answer is, great. And
20 if we don't, then, you know, maybe somebody can get in
21 touch with you after the conclusion of the hearing.
22 So please proceed. Go ahead.

23 MR. HUTSON: Mr. Wittner touched on a couple
24 of them, but I will make my statement and then be
25 happy to answer questions. I'm the Vice President of

1 the Bridgerland Village Homeowners Association. I am
2 also a full-time resident and have been involved with
3 property ownership and maintenance and service issues
4 on roads here since that time. And am full-time snow
5 removal and grading here now.

6 To begin with my comments, line 7 in the
7 application and testimony this morning, suggesting the
8 system has never had any quality or service issues,
9 are not completely accurate. There have been quality
10 and service issues over the years, according to US
11 EPA, SDWIS. There have been violations that there's
12 nitrate in 2015. Failure to address deficiency in
13 2014. E. coli in 2014. Coliform in 2014 and nitrate
14 in 2014. There have also been significant
15 interruptions in water service due to breaks and main
16 water lines freezing due to inadequate depth when
17 installed. The answer from Bridgerland Village Water
18 was to deliver buckets to owners so they can haul
19 their own water for months until the spring thaw. Why
20 were all the deficiencies removed waterleak.utah.gov
21 and, in fact, I checked the EPA today and the e. coli
22 and coliform have been removed there. And I have
23 printouts from January 24th that do have the e. coli
24 and coliform violation on them. But they are not
25 currently on the EPA website. Utah Code 54-4A-64 A

1 through C include requirements for DPU, Department of
2 Public Utilities, to maintain financial integrity of
3 utilities, promote efficient operation and management,
4 and protect the long range interest of the consumers
5 for quality and adequate levels of service at the
6 lowest cost. The best way to meet all these statutory
7 requirements does not appear to have been adequately
8 addressed in the proceedings so far and that is for
9 the sale and transfer of Bridgerland Village Water
10 Company to Garden City, especially since Bridgerland
11 Village to going to be hooking onto Garden City Water
12 anyway. This would eliminate the numerous
13 duplications of service and cost that Bridgerland
14 Village owners are going to be paying twice for. Even
15 if the rumors are true that Garden City and
16 Bridgerland Village water were unable to come to terms
17 of a sale in the past, the State should have explored
18 arbitrating and brokering a fair deal, given all the
19 issues coming to light in this rate increase request.
20 Bridgerland Village owners/users pay property taxes to
21 Garden City and essentially get nothing for it, since
22 we have private roads and water. This very likely
23 subsidizes, at least in part, the Garden City Water
24 System and helps to keep those rates reasonable.
25 Garden City already has in place trained and certified

1 personnel as water managers and handlers, equipment
2 and equipment operators, a billing system and
3 personnel and water system policies and procedures.
4 We at Bridgerland Village are helping to pay for that
5 with property taxes and we are going to be asked to
6 pay that again through these very high rates so that
7 Bridgerland Village Water Company can establish all
8 these things in duplicate for a system that is going
9 to be linked anyway. And after we have paid for
10 water, we are going to have to pay Garden City for any
11 water we use from their system. It's pretty clear
12 that Bridgerland Village users need to pay more for
13 water, even more than Garden City rates for some time
14 until the infrastructure is up-to-date. However, if
15 it was all under one system and much of these
16 duplications were mitigated, it should be
17 significantly less than the proposed rates by
18 Bridgerland Village Water and it would be more
19 efficient and cost effective. It would also increase
20 the level of timely service for repairs, system
21 issues, or administrative issues like billing, to have
22 it under a locally-operated and managed set of people.
23 None of the Wilsons, including Ted and Dixie live
24 here, or even have a second homes in Bridgerland
25 village. Even though the Wilsons are good and caring

1 people, they'll have a hard time convincing people
2 that they have as much of a stake in the utility as
3 those that actually depend on it. They are also less
4 involved in the day-to-day functioning of Bridgerland
5 village as a whole, and the next generation of Wilsons
6 is even less involved. The contractors they hire to
7 do repairs on an emergency basis cannot possibly be as
8 responsive and cost effective as Garden City would be
9 if it was part of their system. What are the
10 incentives for the Wilsons to maintain control of what
11 they themselves characterize as being a problematic
12 endeavor for them? They must seek financial reward so
13 that we, as Bridgerland Village users, will be funding
14 when governments like Garden City have budgets and
15 salaries that are regulated and are not allowed to
16 make a profit. In any case, we as Bridgerland Village
17 owners and users, will be funding two entities for the
18 same or duplicated services. And that concludes my
19 comments.

20 MS. HOGLE: Thank you, Mr. Hutson. Does the
21 Company have any questions or any cross-examination?

22 MS. HENINGER: No, I do not.

23 MS. HOGLE: Does the Division have any
24 cross-examination?

25 MS. SCHMID: No questions, thank you.

1 MS. HOGLE: Okay, thank you. Mr. Hutson,
2 thank you for your testimony.

3 MR. HUTSON: Thank you.

4 MS. HOGLE: You said a couple of things that
5 I would like to clarify at the end, with the Company,
6 so thank you for your comments.

7 Let's go to Mr. Lance Bourne, please. Is
8 Lance Bourne on?

9 MR. BOURNE: Yes.

10 MS. HOGLE: Good afternoon, Mr. Bourne.
11 Would you like to give sworn testimony or comment and
12 not be subject to cross-examination?

13 MR. BOURNE: Sworn is fine okay.

14 MS. HOGLE: Do you swear to tell the truth?

15 MR. BOURNE: Yes.

16 MS. HOGLE: Okay, please go on.

17 MR. BOURNE: I've been in contact with
18 Garden City Water and going over their rates and they
19 also have to pay \$5.5 million for a water treatment
20 plant that we would not be part of and not have to pay
21 for. I just don't understand how our rates could be
22 \$95, way above any other water company in this area.
23 I don't understand the need for all of that. And I
24 have all their rates right here. I'm sure they're
25 available to everyone. But Garden City rates are \$49

1 a month and they're asking us to go up to over \$90 a
2 month, and I just don't see a need for that when we
3 don't have to pay \$5.5 million for a water treatment
4 plant. And that's probably all I have. I do realize
5 that they need more money and I'm not -- I think it's
6 okay that they charge more and I think they need more.
7 And I really have a lot of respect for the Wilson
8 family. This one, just kind of hit me hard and I
9 don't understand. We were given some of the highest
10 rates, I think, in the entire county, and I just don't
11 see a need for that. And that's all I have.

12 MS. HOGLE: Thank you, Mr. Bourne. Any
13 questions for Mr. Bourne by the Company?

14 MS. HENINGER: No questions.

15 MS. HOGLE: Any cross-examination by the
16 DPU?

17 MS. SCHMID: No questions.

18 MS. HOGLE: Okay, thank you. Thank you,
19 Mr. Bourne. We will consider your comments.

20 Next let's have Mr. Christopher Olpin,
21 please. Mr. Olpin, do you care to give sworn or
22 unsworn testimony? Can you hear me, Mr. Olpin?

23 MR. OLPIN: Can you hear me?

24 MS. HOGLE: Yes.

25 MR. OLPIN: Very good. Sworn testimony is

1 fine. Thank, Ms. Hogle.

2 MS. HOGLE: Do you swear to tell the truth?

3 MR. OLPIN: I swear to tell the truth.

4 MS. HOGLE: Okay. Please go on.

5 MR. OLPIN: Thank you. You know, I feel
6 kind of silly because all these other folks have done
7 so much research. Most of the people know me as Kit,
8 so I want to thank Mr. Hutson, Mr. Wittner, Mr. Kurek,
9 and yourself and all those involved, for looking out
10 for Bridgerland Village. I've been an owner since
11 1999 and for many different reasons I have not built
12 upon that land, mostly because of issues with my
13 family. We pay a standby fee which at the time is
14 really, really small. It was only \$10. \$10 monthly.
15 Well, I bought in '99 and so I've been paying \$10 a
16 month, which is \$120 a year. That doesn't seem like
17 much, but for 23 years, that's \$2,760. So now we're
18 going up to \$29 a month, at 12 months, is \$348 a year.
19 That doesn't sound like much, but where I am in my
20 life, I won't be building until I retire in 10 years.
21 That's another \$3,480. So now we're up to \$6,240,
22 just to standby. Okay, I get it. You know, we have
23 to build, we have building costs and so forth. But I
24 wanted the board to know, and I wanted it to be on
25 record, that that seems a little steep. Ted Wilson

1 hasn't hiked that up since '99. Now there's a hike,
2 but there's got to be another way to make that money
3 up, because I just keep shelling out money and it
4 seems a little unfair. So I just wanted that to be on
5 record and let the Board of Bridgerland know that and
6 let the Commission know that that's a little steep
7 standby fee for nothing. I could use that \$6,240 to
8 plug in when I build. But I'm only 54. I won't
9 retire for at least another 10 years. That's when I
10 plan on building. So I was a little upset with not
11 only the fees going up, but just standby at \$29. It
12 seems a little steep to me. So I wanted to make that
13 be on record so in the future I was somebody who
14 raised my hand. But thank you for your time,
15 Ms. Hogle, and those are my comments. I agree with
16 everything else that's been said though from the Board
17 of Bridgerland. Thank you.

18 MS. HOGLE: Thank you, Mr. Olpin for your
19 comments.

20 Does the company have any questions for
21 Mr. Olpin?

22 MS. HENINGER: No questions.

23 MS. HOGLE: Any question from the DPU?

24 MS. SCHMID: No questions.

25 MS. HOGLE: Thank you. Thank you,

1 Mr. Olpin.

2 MR. OLPIN: Thank you.

3 MS. HOGLE: Let's go to Mr. Murray, please.

4 Mr. Murray, I can see that you're on, but I
5 don't know if you can hear us. If you're speaking, we
6 cannot hear you. Mr. Murray, are you there?

7 We cannot hear you. Okay, I think let's
8 come back to Mr. Murray and let's go to Mr. Kuhlman,
9 please. Is Mr. Kuhlman there?

10 Okay, Mr. Dan Kurek. Is Mr. Dan Kurek
11 there?

12 MR. KUREK: Yes, I'm here. This is Dan
13 Kurek and I'm the President of the Bridgerland
14 Homeowners Association. First of all, the items that
15 Tony Hutson mentioned, I have to agree 100 percent
16 with those. He's right in the line of all those
17 things. As far as the EPA citations or the EPA issues
18 on that, I was talking with other people involved in
19 this, they said, do you have a letter that shows that?
20 No. What we did is we got a phone call from the
21 Bridgerland Water Company and they asked us to boil
22 water. In this morning's testimony, they said there's
23 never been a boil water order, but we received a phone
24 call on that boil order. There's also been, like he
25 said, numerous times, frozen water lines. And their

1 answer to that is buckets, which I do not agree with.
2 We should be providing 24-hour, 365-day service to all
3 the residents of Bridgerland. The last hydrant --
4 well, I mentioned to Bridgerland Water Company last
5 spring about a water leak and it finally got fixed and
6 I think it was right before winter set in. I don't
7 know if we lost 100,000 gallons or what we lost on
8 that, but it seemed ridiculous in a time of doubt like
9 this to let that kind of water just flow. Last time
10 they had an issue with a pump, Bridgerland Water
11 Company asked me if I could plow open a road to their
12 pump house and I did. Never compensated for it, but I
13 did open a road for them on that one. As far as the
14 City taking over, I was disturbed from testimony this
15 morning that they had offered to the City and the City
16 said they weren't interested. Well, I'm in touch with
17 the mayor many times on this and he said he is
18 interested, but it's got to be a fair price. And he
19 was told by the Wilsons that it would be a -- that
20 Garden City could not afford to take over the
21 Bridgerland Water Company. And so like Tony said,
22 we're already paying the taxes, we already have --
23 right across the fence from us, we have a good water
24 system with Garden City. It's treated water. It's
25 not tap. Doesn't have boil orders. And we already

1 have employees with Garden City that maintain that and
2 why should we not be hooking on with Garden City and
3 going that route? It seems like a much more
4 economical way to go. That's my comments, thank you.

5 MS. HOGLE: Okay, Mr. Kurek, thank you very
6 much. Does the Company have any questions for
7 Mr. Kurek?

8 MS. HENINGER: No questions.

9 MS. HOGLE: Does the Division have any
10 questions for Mr. Kurek?

11 MS. SCHMID: No questions.

12 MS. HOGLE: Okay, thank you. Let's see if
13 Mayor Menlove [sic] is on. Was he able to make it on?

14 MR. MENLOVE: Sure. This is Martell
15 Menlove. I am not the Mayor of Garden City, sorry. I
16 do sit on the city council, but I am not mayor.

17 MS. HOGLE: Oh, okay. I don't know why I
18 thought I had heard that before. Can you --

19 MR. MENLOVE: The first name is Martell.
20 That may have been the confusion, I apologize.

21 MS. HOGLE: Oh, okay, Mark Tell?

22 MR. MENLOVE: Martell, M-A-R-T-E-L-L.

23 MS. HOGLE: Oh, I see. Martell Menlove.
24 You are on the city council of Garden City?

25 MR. MENLOVE: Yes, newly elected. Just took

1 office in January.

2 So let me share with you an experience that
3 we had in February of 2019. The main line in front of
4 our home froze. We are on a line that there are three
5 houses behind us on the line and one house before us
6 on the line, but all five of those homes were without
7 water for about six weeks. Again, we used buckets.
8 We used good neighbors down the line further who had
9 water. And we have a daughter who lives in Logan. So
10 although there was some inconvenience, we continued to
11 live in our home for six weeks without water. Again,
12 our experience. Again, Ted tried to help us out, but
13 there was simply nothing that could be done to get us
14 water for those six weeks, and we simply had to wait
15 until the line unthawed in the spring. We have owned
16 a property here for about 25 years. We have been
17 full-time residents since 2014. I agree with what's
18 been said previously. Some rate increase is probably
19 necessary, but it just seems a little steep to go from
20 \$24 to \$94 or whatever that is. I also appreciate the
21 comments that have been made. I sit on the town
22 council in Garden City. I have not been involved with
23 any discussions as far as the City being part of the
24 water system here, but would be interested in having
25 those discussions if given the opportunity to do that.

1 Thank you.

2 MS. HOGLE: Thank you, Mr. Menlove. Does
3 the Company have any questions for Mr. Menlove?

4 MS. HENINGER: No. But was he sworn in?

5 MS. HOGLE: Oh, he probably was not. So,
6 Mr. Menlove, do you want me to administer the oath
7 now? If you want to do that, then you are subject to
8 questions. If you don't want to do that, that is
9 actual typical. It's typically the way that we handle
10 public comments. Most people do not want to be sworn,
11 in and this is just for your information. So I'm okay
12 not administering the oath to you, unless you want to
13 be subject to questions.

14 MR. MENLOVE: That's fine, whichever.

15 MS. HOGLE: Okay. Since you've already
16 stated your comments, I think we're okay without
17 administering the oath. Thank you for your testimony,
18 for your comments.

19 Let's go back to Mr. Paul Murray, please.
20 Do I have Mr. Murray somewhere?

21 UNIDENTIFIED SPEAKER: I did have to mute
22 everybody, so I am going to unmute everybody to see if
23 we can get him on.

24 MS. HOGLE: Sounds good. Mr. Murray, are
25 you there? I see you're there, I just can't hear you.

1 Sounds like maybe there's a connection
2 problem. It looks like Mr. Murray is sharing
3 something with us. Mr. Murray you can also join from
4 your browser if you are not able to -- Mr. Murray?

5 UNIDENTIFIED SPEAKER: I wonder if he was
6 trying to join maybe a different WebEx meeting. I've
7 shared the link in the chat section as well.

8 COURT REPORTER: Ms. Hogle, do you want to
9 go off the record while we figure this out?

10 MS. HOGLE: Sure, let's do that.

11 (There was a brief recess taken.)

12 MS. HOGLE: Okay, Mr. Kuhlman, let's stream
13 again. Would you like to provide sworn testimony or
14 unsworn testimony?

15 MR. KUHLMAN: I can provide sworn testimony.

16 MS. HOGLE: Okay. Do you swear to tell the
17 truth?

18 MR. KUHLMAN: Yes, ma'am, I do.

19 MS. HOGLE: Okay, please go ahead then.

20 MR. KUHLMAN: Okay. I agree with Tony Hutson
21 and Dan Kurek and their comments. Also as far as
22 reliability is concerned, twice in the past I've had an
23 overpressure on my line, one of which exploded my hot
24 water heater and flooded my basement, which at
25 considerable cost I had to fix. So none of that was

1 mentioned. Of course, I didn't make a formal complaint.
2 I just talked to Ted about it personally and he
3 apologized for it and I just accepted that. But as far
4 as reliability, that's the two incidents that I've had.

5 MS. HOGLE: Okay. Mr. Kuhlman, do you have
6 any other comments?

7 MR. KUHLMAN: I do not.

8 MS. HOGLE: Okay, thank you so much for your
9 testimony, your comments.

10 Roger Cook, have we heard from you yet?

11 MR. COOK: You haven't, can you hear me now?

12 MS. HOGLE: We can hear you, yes. Thank you
13 very much. Do you swear to tell the truth or are you
14 just giving comments without being subject to
15 cross-examination or questions?

16 MR. COOK: Oh, I'll answer questions. I
17 swear to tell the truth

18 MS. HOGLE: Okay, thank you. Go ahead,
19 please.

20 MR. COOK: And I just have some comments and
21 these are going to be similar to the other comments you
22 had, except perhaps I have a little different view. A
23 lot of the people that I've heard on the line so far
24 sound like they're permanent residents up there. Our
25 place is a family cabin. It's used property on average

1 30 days out of the year, mostly during the summer. We
2 don't have any yards or watering or anything like that,
3 so it's just internal water use for our cabin. I think
4 we were one of the first cabins up there. My father
5 built that cabin in 1970, so I think we were one of the
6 handful of the very first ones up there. So we've been
7 there for over 50 years.

8 This rate increase seems excessive to me. I
9 looked at this number. It's almost a 400 percent
10 increase in one move, which in other states would be
11 illegal, but I don't believe there's any law preventing
12 that in Utah or if they've legislated this kind of rate
13 increase out of the system. I live in Layton. That's
14 where my full-time home is. My monthly bill to the City
15 of Layton is \$86 and that includes primary water,
16 secondary water, sewer, garbage, lights, free
17 maintenance, everything. And that's less than just the
18 water will be for my cabin up at Bear Lake. That seems
19 excessive. I believe the water bill for the City of
20 Layton is about \$23/\$24 a month for the primary water.
21 So, again, this just seems way out of line with what I'm
22 paying here which is my primary residence. And another
23 perspective to look at it is, again, we only use that
24 cabin probably about 30 days out of the year. Almost
25 \$1,200 a year water bill would put my water bill at about

1 \$40 a day, and that's excessive. And considering the
2 amount of water that we'd go through there, I imagine
3 it's somewhere around a dollar a gallon for water, maybe
4 a little bit less, maybe 50 cents. But seems very
5 excessive for the water, particularly for me being --
6 this being a secondary home that is not used continually,
7 the rate is very excessive for what I would be expected
8 to pay. And that's all I have to say.

9 MS. HOGLE: Thank you, Mr. Cook, for your
10 testimony. Does the Company have any questions for
11 Mr. Cook?

12 MS. HENINGER: No questions.

13 MS. HOGLE: Does the Division have any
14 questions?

15 MS. SCHMID: No questions, thank you.

16 MS. HOGLE: Thank you.

17 MR. COOK: Can you hear me? If you don't
18 mind, I have to get back to work, so I'll need to drop
19 off this call. I just wanted to make my thoughts
20 known, but thank you very much.

21 MS. HOGLE: Thank you. Thank you, Mr. Cook.

22 Do we have Mr. Murray on the line?

23 Mr. Murray? I see a Kevin Roberts.

24 Mr. Roberts, are you prepared to comment; is that
25 something you would like to do?

1 MR. ROBERTS: I just barely got onto the
2 meeting, so I don't know what I'm commenting about.

3 MS. HOGLE: Okay, Mr. Roberts, I assume you
4 are interested in providing comments as a resident or
5 a customer of Bridgerland Water Company, specifically
6 regarding their request for a rate increase before the
7 Public Service Commission. We are considering public
8 testimony so that we can factor in all of your
9 testimony when we sit down and look at the settlement
10 stipulation that was filed, to see if it's in the
11 public interest. And so that's what you would be
12 doing. And I don't know if that is what you intended
13 to do, but you're on for that.

14 Was that your intent, to come on to provide
15 public comment in this docket?

16 MR. ROBERTS: Yes.

17 MS. HOGLE: Okay. So here then at this
18 point, you can either provide public comments not
19 sworn or I can swear you in and then you would be
20 subject to questions or cross-examination from
21 parties, from the Division or the Company. What is
22 your preference?

23 MR. ROBERTS: Can I just make a comment?

24 MS. HOGLE: You can. Go ahead, Mr. Roberts.

25 MR. ROBERTS: Thank you. I guess I'm having

1 a hard time understanding why the water bill is like
2 tripling. In the city that I live, the base rate for
3 the water is \$15 a month and they're requesting a \$94
4 a month base rate?

5 MS. HOGLE: Can you tell us what city that
6 is that you live in?

7 MR. ROBERTS: I live in Hyrum, Utah.

8 MS. HOGLE: Okay, thank you. Do you have
9 anything else to add to your comments?

10 MR. ROBERTS: No. That's all I've got for
11 right now.

12 MS. HOGLE: Okay. Well, I appreciate your
13 comments.

14 Let's go back to see if Mr. Murray has been
15 able to access this proceeding. Is Mr. Murray on?

16 Okay, I don't see Mr. Murray, but this is
17 going to go until 5 o'clock. We might just take a
18 recess.

19 But in light of the comments that I've
20 heard, I don't know if everyone has had an opportunity
21 to review the direct testimony of Mr. Mark Long. If
22 you have not, I would encourage you to access that on
23 the Commission website under this docket number,
24 21-001-01. His Exhibit 2.1 to 2.11 I think is a
25 thorough preview or review of what makes up the

1 proposed rates in the settlement stipulation. And so
2 if you all go on there, I would encourage you to do
3 that. And for those of you who say, you know, I don't
4 understand how we arrived and the Company arrived at
5 the \$94 per month, I think if you read that, it's a
6 detailed accounting of how that was done. And so I
7 would encourage you to read that.

8 I think I would also, for those of you who
9 don't know, this Company has not had a rate increase
10 since 2005, and so that is a very long time and I just
11 wanted you to know that. I heard a number of
12 residents say that you've had problems in the past
13 with the system and I think that is sort of an example
14 of how the system needs repairs and maintenance and
15 apparently has not been able to do that with the
16 currently, what is it, \$15 a month fee that they
17 charged. And I apologize, is it \$29?

18 MS. SCHMID: I think it's \$24.

19 MR. HENINGER: \$24 for hook-ons and \$10 for
20 standby.

21 MS. HOGLE: Right. And so I think that's
22 just sort of a reason for the rate increase, to make
23 sure that the system is maintained properly and
24 infrastructure is maintained properly.

25 I did hear something, Ms. Heninger, that I

1 just want to make sure, and Mr. Long, that I
2 understand correctly, while we wait for Mr. Murray and
3 maybe others, that I heard here, and that is that the
4 residents and the customers of Bridgerland Water
5 Company will also be paying separately for the same
6 water to Garden City. And I just wonder if you know
7 if that is true. You know, I'd like to know a little
8 bit more about that. Because my understanding is that
9 the connection to Garden City is for redundancy in
10 case there is a problem with the Bridgerland water
11 system.

12 But do you know -- let's go with
13 Ms. Heninger. Do you know if the customers of
14 Bridgerland Water Company will also be paying
15 separately a fee to Garden City for the same water?
16 Which is what I heard.

17 MR. HENINGER: No, it won't be separate. So
18 Garden City will charge us a base fee for a certain
19 amount, but that will be billed through us. But,
20 yeah, the main purpose is redundancy, but we do get a
21 certain numbers of gallons with that hook-on.
22 Depending on the pumping costs, we'll go with -- you
23 know, if we want to use their -- and I know I'm not
24 going to know the right number, but say they give us a
25 100,000 gallons for that month, if it's cheaper for us

1 to use that, we do have to pump it from below, then we
2 will use that. If it's not cheaper, then we will
3 continue to use our source. So we're going to look
4 at, we're going to do an analysis of what's going to
5 be more cost effective for the residents. But, no,
6 they won't be billed from Garden City for that.

7 MS. HOGLE: Okay, thank you very much. And
8 I don't know if you all heard the beginning. I think
9 the very first person who testified or who wrote a
10 comment was Mr. Wittner, maybe Mr. Hutson, I don't
11 know which one of you said this, but I think you
12 mentioned a \$75 potential increase. I believe that's
13 a hookup fee and I know this is not confidential, for
14 Garden City that you will be paying through the
15 Bridgerland Water Company is \$17. So part of the \$94
16 fee is \$17 for the hookup fee to Garden City, is my
17 understanding based on the evidentiary hearing this
18 morning.

19 Mr. Long, from the DPU, I believe you were
20 the one who testified on that this morning, so just
21 looking for a confirmation on that, if you don't mind.

22 MR. LONG: Yes, that's correct.

23 MS. HOGLE: Okay. So I just wanted
24 everybody to know that. That was sort of something
25 that -- I don't know if it was Mr. Wittner or

1 Mr. Hutson who had that question.

2 MR. WITTNER: Yvonne, that was my question.

3 MS. HOGLE: And who is this speaking, I'm
4 sorry? Mr. Wittner? Okay, okay.

5 MR. WITTNER: And my comment on that is if
6 the rate increase is an indefinite rate increase, but
7 yet it doesn't take an indefinite amount of time to
8 pay for that connection to Garden City. At some point
9 in time, it's going to go right back into some account
10 to pay for what?

11 MS. HOGLE: Okay. So, again, I would
12 encourage you to go to Exhibits 2.1 through 2.11 to
13 look at that specific accounting. But also I want you
14 to, if you don't mind, I'd like Mr. Long to respond to
15 that. Mr. Long, if you can respond to what
16 Mr. Wittner is saying, I would appreciate it, in terms
17 of, you know -- if it should be a one-time fee or
18 something akin to that, and why, Mr. Long, if you can
19 explain, why it can't be just a one-time fee but it
20 must be sort of a recurring fee, if you will.

21 MR. LONG: You bet. That's a really good
22 question. In order to hook up to Garden City, it's
23 going to cost \$1.13 million and that's to pay for a
24 loan, that's a 30-year loan. And so typically for
25 expenses like that, we may advertise it over five

1 years, but that would have made the water rate \$10,000
2 instead of \$94. So it's really to pay for that
3 30-year loan.

4 MS. HOGLE: So can you give us a little more
5 color or describe the loan that you're talking about
6 that Bridgerland Water Company owes?

7 MR. LONG: I can, but Tana may have more of
8 the details than I do on that right now, or maybe not.

9 MR. HENINGER: So, yeah, we've been working
10 with the rural water to secure a loan to do this
11 hookup to Garden City and it's going to require, you
12 know, among other things, lines and several pump
13 houses and connection and metering and all of that,
14 and it is just so expensive and so we're in the
15 process of getting a loan. We have been sort of
16 pre-approved. It's, like Mark said, it's a 30-year
17 loan, so that isn't going to decrease right away. But
18 just to answer, I believe it was David's first
19 comment, that, yeah, we get these rates in and they
20 never go away. Our intent is that in that five years,
21 or before five years even, that we will reevaluate and
22 if we can lower them, we will lower them. And I know
23 that's what everybody says will happen, but with
24 inflation, I don't know. I don't know. But, yeah,
25 our intent is not just to let this ride, but to review

1 it frequently and to not let it go the 16 years that
2 has happened, that there can be incremental changes
3 rather than big changes, because I get that this is a
4 big jump.

5 MS. HOGLE: Ms. Heninger, thank you very
6 much. Another sort of comment or response that I
7 would like to hear from you is, you know, this morning
8 I believe it was your testimony that Garden City was
9 not interested in purchasing Bridgerland Water
10 Company. So to the extent that you can, I don't want
11 you to get into confidential details about whatever
12 discussions you had or had with them already that
13 supports your testimony this morning, but just for the
14 benefit of these folks who have come on and are
15 concerned, rightfully so, it is a big jump, it struck
16 me as well, but I'd like you to please address that
17 notion and that testimony that it would be cheaper
18 with Garden City and that, you know, they would have
19 bought it and, you know, testimony to that effect. So
20 I'd like you to, please, if you can, to the extent
21 that you can, respond to that.

22 MR. HENINGER: Yeah. So a year and a half
23 ago, we started negotiations with Garden City. And
24 there were other issues involved, and I won't go into
25 that. I'll let them say that if they want. But part

1 of that was for them to take the water company. And
2 we made a preliminary offer for them to take it and
3 they -- they didn't respond. They just kind of said
4 no. And so then we said then, well, we'll give it to
5 you with these conditions. And then the letter we got
6 from the mayor, which we have a copy of, says they're
7 going to go a different way. And that wasn't the only
8 thing happening, but we were willing to just give it
9 to them because we could see that this was going to
10 need a substantial increase and we hated to do that.
11 And now that we are the next generation, we would be
12 happy that Garden City would take that. So maybe this
13 isn't the end of the story, but it is for now because
14 we had to move forward. We could not just not do
15 anything. So we had to be proactive on that.

16 MS. HOGLE: I appreciate that. Thank you
17 for your response and adding color to that.

18 MR. KUREK: This is Dan Kurek. I've got the
19 mayor on the phone. He would like the comment.

20 MS. HOGLE: Okay, sure. Can you please
21 state your name, Mr. Mayor?

22 MAYOR LEONHARDT: Can you hear me?

23 MS. HOGLE: Yes, we can.

24 MAYOR LEONHARDT: Mike Leonhardt, Mayor of
25 Garden City. I'm just listening in and I just have a

1 response to the last comment from the water company.
2 That letter had nothing to do with buying, purchasing
3 a water company. That letter was, we were negotiating
4 drilling wells up by Payne Springs, which is where the
5 water source is for the water company, for the
6 Wilsons. And there were some negotiations on where we
7 drill at, where we drill that well, and that was the
8 response of the letter that I believe she's talking
9 about. We couldn't come to an agreement on drilling
10 that well next to the Payne Springs. And so the
11 letter is referring to that we will go a different
12 direction where we drill our well. We have never had
13 a real sit-down conversation as far as purchasing the
14 water company. There has been some talk back and
15 forth. In the meetings I've been in, basically I was
16 told it would cost you millions of dollars to buy us
17 out, but those are random comments. Nothing has
18 really been discussed about how that would work, what
19 a price would be. So there's been no specifics or no
20 negotiations on the Garden City purchasing the water
21 company. So I just want to make that comment, that
22 the letter she's referring to has nothing to do with
23 Garden City purchasing the water company. It was
24 strictly to do with drilling a well next to Payne
25 Springs. Which, again, that's where the water source

1 comes from for Bridgerland Water Company. And the
2 City owns 70 percent of that Spring and the water
3 company owns 30 percent of that spring.

4 MS. HOGLE: Okay. Do you have any other
5 testimony that you would like to give?

6 MAYOR LEONHARDT: No. I'm just going to
7 listen in for a little bit. I just wanted to make
8 that correction, that the letter had nothing to do
9 with the purchase of Bridgerland Water Company.

10 MS. HOGLE: Okay. Well, I appreciate your
11 comment. That specific issue is not before the Public
12 Service Commission and we really don't have any
13 jurisdiction over that, but it sounds like there could
14 be and probably will be future discussions about the
15 purchase or potential purchase of Bridgerland Water
16 Company.

17 MAYOR LEONHARDT: Sure. We would be open to
18 sit down and visit with them, if that's something that
19 they're willing to do.

20 MS. HOGLE: Okay, I see Ms. Heninger and
21 she's listening to this, so you might continue with
22 those discussions and I appreciate you bringing your
23 comments to this public hearing.

24 Let's see if Mr. Murray is on finally.
25 Mr. Murray?

1 Okay, I don't see anybody else that's logged
2 onto our meeting here, but we are scheduled to go
3 until 5 o'clock. So I propose that we -- it's about
4 five minutes after 4 o'clock. Why don't we, and
5 whoever is still interested, and if we have any
6 newcomers, why don't we come back at 4:30 to see if
7 there's anybody else who would like to testify or to
8 see if Mr. Murray is finally able to connect and
9 provide comments as well. Does that sound good?

10 MR. WITTNER: Yvonne?

11 MS. HOGLE: Yes, who is this?

12 MR. WITTNER: This is Mr. Wittner, David
13 Wittner.

14 MS. HOGLE: Yes?

15 MR. WITTNER: Even though we've all made
16 comments already, is it possible for us to add
17 additional comments with some of the new information
18 that has come to light?

19 MS. HOGLE: Why don't you go ahead and if
20 you have any new information now before we break, I
21 would like to hear it.

22 MR. WITTNER: I just wanted to add to my
23 comment from earlier, based on the mayor's statement a
24 moment ago, that I think it should be revisited, the
25 possibility of transferring ownership of Bridgerland

1 Water to Garden City. Those negotiations should take
2 place before decisions are made on our rate increase.

3 MS. HOGLE: Okay, well, I appreciate that,
4 however, statutorily that's probably not possible. We
5 have a requirement, the Public Service Commission
6 does, to answer after there is a filing. There's a
7 certain amount of time that -- or, maximum time under
8 which we must rule or else the request is granted
9 automatically. And so we probably cannot do that. I
10 imagine that if the discussions prove fruitful and
11 there is an agreement, that we would have some kind of
12 withdrawal of the application before that statutory
13 deadline and then that's the way we would avoid having
14 to issue an order in this case. But just so you know,
15 we do have a statutory obligation to rule on a case
16 like this once it has been filed, otherwise it will go
17 into effect.

18 MR. WITTNER: Thank you.

19 MS. HOGLE: Uh-huh. Okay, anybody else?
20 Any newcomers before we leave and then come back?

21 Okay. Let's reconvene at 4:30, this same
22 number, okay?

23 (There was a brief recess taken.)

24 MS. HOGLE: I think we need to know if
25 there's anybody new on the call. I think I see a

1 call-in, User 4, who would that be? Is there somebody
2 new on the call that would like to provide comments?

3 I think then at this point, I'm going to
4 wait one more minute and then come back at 4:45.

5 Is there somebody on the line who has not
6 provided comments and who would like to?

7 MS. SIMONSON: Hi, yeah, we have a question.

8 MS. HOGLE: Okay. Can you identify
9 yourself, please?

10 MS. SIMONSON: I'm Tracy Simonson.

11 MS. HOGLE: Okay, so you have a question.
12 Do you have any comments?

13 MS. SIMONSON: No, just a question to start
14 with. My question is, what part of this increase is
15 for a water manager and what would the water manager
16 be responsible for? What would they be doing?

17 MS. HOGLE: Okay. I believe, based on the
18 testimony this morning, that the Company will be
19 looking and is seeking, I think, currently a couple of
20 positions. One of them is the water manager and the
21 other one is a part-time accounting person. So I know
22 Ms. Heninger testified to that this morning and, of
23 course, the position would be recurring. You need a
24 water manager to manage the system, not just for a
25 designated period of time, but I suspect is needed

1 indefinitely to help Bridgerland Water Company
2 operate, if you will. I don't know that there's
3 specific line item that is targeted for a water
4 manager position, however, that's, I believe, part of
5 the operation and expenses that the Company will be
6 incurring as a result of needing a water manager. And
7 so that's based on what was testified to this morning.
8 But I don't know if the Company has anything else that
9 it would like to add to that, in response to that
10 question. Mr. Heninger?

11 MS. HENINGER: No, I don't have anything to
12 add to that.

13 MR. WITTNER: Ms. Hogle?

14 MS. SIMONSON: If that's a line item and
15 it's part of the increase, but we don't get to know
16 what they're responsible for and how much of the
17 increase is paying their salary?

18 MS. HOGLE: No, I apologize. Let me just
19 clarify. I said I'm not sure there's a line item
20 targeted for that, and I think that's correct. But I
21 suspect that it is part of operating and maintenance
22 expenses.

23 MR. LONG: I'm going to interject here, and
24 Tana can correct me if I'm wrong, but I believe
25 they're talking about the management fee that's

1 scheduled for \$18,000 a year, that's about \$6 per each
2 month payment that that's costing, each property
3 connection.

4 MS. HOGLE: Is that your understanding,
5 Ms. Heninger?

6 MR. HENINGER: Yeah. I guess I didn't think
7 of it in terms of exactly each bill, but, yeah, that
8 sounds about right.

9 MR. LONG: I broke it down because it
10 sounded like the person wanted to know how much they
11 were paying.

12 MS. HOGLE: Okay. I'm sorry, excuse me,
13 Ms. Simonson, do you have any other comments or
14 questions or anything that you would like to add to
15 your comments today?

16 MS. SIMONSON: Yes, just that we think that
17 the increase is excessive and it's a duplication of
18 service. I would rather see us go with Garden City.
19 And that's all.

20 MS. HOGLE: Thank you.

21 Just a minute, Mr. Hutson. Is there anybody
22 else on the line who would like to comment and has not
23 had the opportunity to do so?

24 MR. KUHLMAN: Tom Kuhlman has a comment. I
25 commented already once, but I do have something else

1 to say.

2 MS. HOGLE: And who is this, I'm sorry?

3 MR. KUHLMAN: This is Tom Kuhlman.

4 MS. HOGLE: Before you go on, I believe that
5 I heard from Mr. Hutson first. Mr. Hutson, do you
6 have any other comments that you would like to make
7 today?

8 MR. HUTSON: I was just going to give some
9 input to Ms. Simonson about what a manager may or may
10 not do, and Tana can correct me if I'm wrong. But
11 somebody has to monitor pressures, water tank levels,
12 check for leaks, you know, check on pumps. I think
13 they've had people assisting them with that and
14 reporting that to Ted on a daily basis almost, as far
15 as pressures. And somebody has to be certified to
16 take tests, flush the system. There's quite a bit to
17 do with the system that that would be paying for,
18 having a manager. So we need to have a manager. My
19 argument would be that the City already has those
20 kinds of positions already in place. But I just
21 thought I would add to her question about what that
22 person would do.

23 MS. SIMONSON: Thank you.

24 MS. HOGLE: I appreciate that, Mr. Hutson,
25 thank you. Thank you so much. Do we have anybody

1 else on the line who is new and would like to testify
2 or provide comment?

3 Okay, let's go back to Tom Kuhlman who
4 wanted to add --

5 MR. KUHLMAN: Yes.

6 MS. HOGLE: Okay, Mr. Kuhlman, go ahead.

7 MR. KUHLMAN: I talked to Mr. Ted Wilson
8 about a week ago about this situation and he mentioned
9 that there's people that are connected to this water
10 system that use excessive amounts of water. And he
11 talked to somebody that said that their water bill was
12 going to be over \$2,000 if they used it at their
13 current rate. And then there's the rest of us, like
14 the gentleman that said he's only here 30 days a year
15 and his water was essentially going to be about a
16 dollar a gallon at the rate that is proposed. And so
17 there's various uses of water. It would make more
18 sense to reward those that don't use much water and to
19 penalize those that use too much in a greater way so
20 that this hookup doesn't have to be made at this time
21 and there will be plenty of water for everybody in the
22 system as it stands if everybody would use water
23 responsibly and penalize severely those that overuse
24 their supply of water, or even if it's necessary, to
25 reduce the amount of water that are given, because

1 household use of the water, we never have to pay
2 extra. We're always short on that. We're always
3 short on the water because we're not full-time people
4 up there. So if a program could be set up that would
5 reward those that use less water and penalize those
6 that use too much, seems like that would be a more
7 equitable way to treat this rather than charging
8 everybody the same excessive amount of billing for the
9 water.

10 MS. HOGLE: Thank you, Mr. Kuhlman. I'd
11 like Mr. Long to provide any comment that he thinks is
12 necessary, any clarification regarding, for example, I
13 think there's a perception that the hookup is not
14 required, if you do this, and so I would like a little
15 bit of clarification there and what the alternatives
16 are, if that's okay.

17 MR. KUHLMAN: Sure. That would be my
18 proposal, is to monitor the usage a little better and
19 penalize those that are using too much and then we
20 don't need to be hooked up to Garden City, maybe not
21 even in the next 10 years.

22 MS. HOGLE: Sure, thank you. So if you can
23 just pause there for a minute. Like I said, I'd like
24 Mr. Long first to provide any comment regarding that
25 proposal, just so that people are clear about what can

1 and cannot be done legally. Mr. Long?

2 MS. SCHMID: Ms. Hogle, it seems to me that
3 this might -- and I'm not sure if it's is veering into
4 new sort of information or analysis that was not part
5 of the filed information. If it is, I'm wondering if
6 we could dial it back a bit. If it was part, then I
7 have no objection.

8 MS. HOGLE: Okay. So, Mr. Kuhlman --

9 MR. KUHLMAN: Yes?

10 MS. HOGLE: You provided testimony this
11 morning and I think you were sworn in, you provided
12 sworn testimony?

13 MR. KUHLMAN: Yes, I did. Yes.

14 MS. HOGLE: And so I believe that you, based
15 on your further comments, your belief is that the
16 company has a choice whether or not to hook up to
17 Bridgerland Water Company, and as I understand it, I'm
18 not sure that that is correct. And so that is the
19 reason why I was asking Mr. Long if he can opine on
20 that. If he doesn't have an opinion or if he doesn't
21 know, then I would welcome Ms. Heninger to address
22 that question.

23 MS. SCHMID: Thank you very much. That
24 makes it much more clear for me.

25 MS. HOGLE: Okay. So, Mr. Long, you first,

1 unless you don't know, and then Ms. Heninger. Based
2 on my understanding, I know what I think, but I may
3 not be clear on that. So any clarification that you
4 can give on that specific point would be great.

5 MR. LONG: I'm not sure if I understand the
6 question. I don't legally if they can or cannot be
7 required to hook up. I do know that we have standby
8 charges that is essentially an assessment that is
9 charged to unapproved properties to ensure adequate
10 water service to be available when they want to hook
11 up, and that's what they're paying in the standby
12 charges.

13 MS. HOGLE: Okay.

14 MR. LONG: I'm sorry.

15 MS. HOGLE: I apologize for interrupting
16 you. I wasn't sure if you were finished or not. I
17 thought you were, but maybe you weren't.

18 MR. LONG: No, you're fine. I'm finished.

19 MS. HOGLE: Okay. Ms. Heninger, I think you
20 raised your hand?

21 MR. HENINGER: Well, I think what
22 Mr. Kuhlman is addressing is that he feels that the
23 base rate should be lower and that maybe we should
24 charge the people who are abusing it more so that it's
25 more equitable. But the base rate is actually the

1 cost that we all share equally. And Mark can clarify
2 this. So I think this is what he's asking. But we
3 have to have a redundancy. This was addressed
4 earlier, but I'll just be brief. We have to have a
5 redundancy. The State of Utah is requiring it. So as
6 a family, we looked at all kinds of possibilities and
7 we felt like the least expensive but also the best
8 option was to hook onto Garden City. So what we use
9 or don't use is not -- that's not what's forcing this.
10 We actually have adequate water and if we could get
11 those over-users, we'd be fine for quite a long time.
12 But the State is requiring a redundancy, so that's why
13 we're hooking onto Garden City. We did have other
14 choices, but that's what we felt like was the best way
15 to do that. So there was kind of two parts to that.

16 But the other part, if I'm not mistaken, you
17 were asking about, well, why is the base rate so high,
18 because you don't use any water. But those are what
19 we call operating expenses. And maybe Mark now can
20 explain that or not.

21 MR. LONG: No, I think you did a pretty good
22 job explaining that. The base rate are all the fixed
23 costs that are going to happen whether a drop of water
24 is delivered or not. And those are pretty much shared
25 equally by all the connections and as part of the

1 standby rates as well. And you talked earlier about,
2 you know, why not have it cheaper for the people that
3 aren't using much water, and that's where the tiered
4 rates come in. Unfortunately in this case, the fixed
5 expenses are so much, that you have to pay that and
6 then when you pay the tiered rate, it goes up
7 incrementally.

8 You also mentioned that you thought
9 someone's water bill would be three or \$4,000 month,
10 one thing that we did is we took a -- we got the
11 average monthly usage of the highest water user at --

12 MR. KUHLMAN: I did not say three or \$4,000
13 a month. I said it could go up to \$2,000 for a year.

14 MR. LONG: Oh, I'm sorry. That'd be
15 correct.

16 MS. HOGLE: Did that -- did Ms. Heninger and
17 Mr. Long address your question, Mr. Kuhlman?

18 MR. KUHLMAN: Yes, they did.

19 MS. HOGLE: Okay, I thought they would.
20 That's why I asked them. But thank you all.

21 Do we have anybody else on the line who is
22 new, who would like to provide any comment?

23 Everybody had a chance to comment?

24 MR. MENLOVE: Yes, this is Martell Menlove,
25 and I testified earlier. I don't have a new comment,

1 but at the time we had a discussion about whether my
2 testimony was sworn or not, and I would like my
3 testimony to be sworn if it's not too late for me to
4 do that.

5 MS. HOGLE: You know, you've already given
6 it. I don't know what that would do, honestly.
7 Especially given that the Division -- neither the
8 Division nor Ms. Heninger have asked questions, even
9 though sworn testimony has been subject to that. So I
10 don't know that it's necessary. I can administer the
11 oath if you want, but I don't know, at this point,
12 that that would add anything.

13 MR. MENLOVE: If possible, I'd like that to
14 happen.

15 MS. HOGLE: Okay. State your name and spell
16 it and then we can administer the oath.

17 MR. MENLOVE: M-A-R-T-E-L-L, M-E-N-L-O-V-E.

18 MS. HOGLE: Okay, Mr. Menlove, earlier you
19 testified and it was testimony that was not sworn. Do
20 you swear now that the testimony you gave earlier was
21 the truth?

22 MR. MENLOVE: Yes.

23 MS. HOGLE: Okay, thank you.

24 MR. MENLOVE: Thank you. I appreciate that.

25 MS. HOGLE: Anybody else? Any new people on

1 the line? Any more comments?

2 Okay, we've got 10 minutes. I think we
3 break one more time and come back. Did I just hear
4 somebody new come in? Is there somebody new on the
5 line who has not spoken?

6 All right, let's come back at five minutes
7 to 5 o'clock and then I think we can adjourn. So
8 let's do that, everybody.

9 MR. WITTNER: Ms. Hogle?

10 MS. HOGLE: Who is that?

11 MR. WITTNER: This is David Wittner. I
12 started today and I had a few questions and I didn't
13 realize it was more of a comment session rather than a
14 question session. And you had mentioned that perhaps
15 we could get back to answering some of those questions
16 towards the end. Should I have an expectation that I
17 might see answers to some of my questions?

18 MS. HOGLE: Well, I wrote down your
19 questions and I thought that we had responded or they
20 had responded to them. I believe, for example,
21 Ms. Heninger addressed your question about what is the
22 expectation that rates will go down, and I believe I
23 heard her say, I think she testified, I just she
24 responded to that and said maybe, perhaps, in five
25 years. Is that correct, Ms. Heninger? You said

1 perhaps, we'll see. So I think that was addressed.

2 And then also I believe one of your
3 questions was, are these going to be recurring costs
4 and if not, why not, and I believe Mr. Long addressed
5 some of that as well regarding why it cannot be a
6 one-time fee but sort of a continuing, recurring fee.

7 And then another one was related to Garden
8 City subsidizing this, and I think the point of the
9 question, as far as I understood it, was, you know,
10 what was Garden City's involvement in this. And I
11 believe that we've heard -- everybody here has heard
12 today that there's a requirement by a state agency
13 that requires Bridgerland Water Company to have
14 redundancy. And Bridgerland looked at several
15 alternatives and the least expensive one was to hook
16 up to Garden City and that part of the fee of the \$94
17 a month was going to be a \$17 hook-up fee to make sure
18 that all have that redundancy for that standby
19 requirement. Does that answer your question? I
20 believe those were the questions that you asked.

21 MR. WITTNER: Only the last one, I think we
22 had a miscommunication or misunderstanding. My last
23 question was stating that because residents of
24 Bridgerland Village pay property taxes which include
25 Garden City taxes, yet we don't receive any benefits

1 from those taxes as far as a water system goes, has
2 any consideration been given that Garden City would
3 help pay for the water hook-up to Bridgerland Water,
4 since we're paying taxes into their system?

5 MS. HOGLE: And that is a good question.
6 Just, you know, based on what you just asked. First
7 of all, Garden City is not on the line, so we don't
8 know whether they would agree to give back some of
9 that hook-up fee, so they're not around --

10 MR. WITTNER: Actually, our mayor is on the
11 line as well as Mr. Kuhlman is on the city board.

12 MS. HOGLE: Okay. Well, I don't know that
13 they're prepared to respond to that and I don't know
14 that they would be able to answer for the City, but if
15 they are interested in addressing some of that, you
16 know, they can make that comment.

17 MAYOR LEONHARDT: I'll make one comment. So
18 property taxes have nothing to do with the water
19 system in Garden City. Garden City has a water
20 enterprise fund and those that are on that system,
21 they pay \$49 a month for their basic rates, up to
22 \$15,000 gallons. So property taxes have nothing to do
23 with the water system.

24 MS. HOGLE: I appreciate that, Mayor.

25 MR. KUHLMAN: I have another question for

1 the Mayor. What is Garden City's backup program? If
2 Bridgerland Village has to have a backup system, what
3 is Garden City's backup system?

4 MAYOR LEONHARDT: So we have a couple
5 different springs and one of the reasons why we were
6 in negotiations with Bridgerland Water Company was to
7 drill a secondary well on the south end of town, which
8 we've already got a location that we're doing that.
9 But we have several springs that run into our water
10 system. And, again, we hooked up to the Bridgerland
11 -- or, Bridgerland can hook up to the City's system,
12 based on an agreement that was made with them years
13 and years ago, that they could hook onto the City
14 system when they felt like they needed to. However,
15 as it's been stated before, they do have plenty of
16 water with what they have out of Payne Springs. We
17 also -- we also have an agreement with the Sweet Water
18 water company as well, where they're hooked onto our
19 system, we're hooked onto their system, so we can all
20 run together on water if need be. So it's just common
21 courtesy to work with each other with the water, with
22 the water companies. But we are drilling a second
23 well on the south end of Garden City.

24 MR. KUHLMAN: Okay.

25 MS. HOGLE: Okay. Do we have anybody new on

1 the line?

2 Doesn't look like it, but at this point, I
3 think we should just wait. We said until 5 o'clock
4 and that's what we will do. So if you're interested
5 in just waiting, that's fine, but you can log off if
6 you want. If you've already said everything you need
7 to say and you don't have anything else, I thank you
8 for logging on and providing comments. And I believe
9 the requested effective date was April 1st, 2022.

10 Do we have anybody new on the line?

11 No. And so that is the date that we're
12 targeting for issuing an order in this case. We
13 haven't made up our minds, but I hope that you have
14 gained a better understanding of the reasons for the
15 requested rate increase. And I would invite you,
16 again, to access the filing along with all of the data
17 that was provided by both Bridgerland Water Company
18 and the Division of Public Utilities so you can get an
19 even better understanding of the proposal and other
20 factors that went into the request. We consider
21 public comment. And so based on everything that we've
22 heard today and everything -- well, this morning and
23 this afternoon, as well as all the filings that were
24 made, in addition to the settlement stipulation, we
25 will issue an order. And, again, that will come out

1 before the proposed effective date.

2 Does anybody have any questions for me
3 regarding what I just said?

4 MR. OLPIN: Does that mean we get something
5 in the mail? How does it happen? Do we get a mail
6 when the decision is made, that this is it, it's done,
7 it's a done deal, we go forward? How are we notified?

8 MS. HOGLE: Well, the way that the Public
9 Service Commission is, we have a certificate of
10 service for all of these kinds of cases, that, you
11 know, if you sign up for notification with the Public
12 Service Commission on the Public Service Commission
13 website, I believe that you will get notification of
14 our decision. And if you just go on the website, on
15 the Public Service Commission website, between, you
16 know, now and April 1st, the decision will be posted
17 on that -- in that docket, docket number 21-001-01 and
18 you can access the decision and sort of the order with
19 the analysis and all the factors that went into our
20 decision.

21 MR. OLPIN: I see. All right, thank you.

22 MS. HOGLE: Thank you.

23 Okay, everybody, thank you again for your
24 participation today. We will be issuing that order
25 between now and April 1st. And the Commission will

1 consider all the evidence. So thank you again. This
2 has been helpful for me as well. We're adjourned,
3 thank you.

4 (Proceedings adjourned at 5:01 p.m.)
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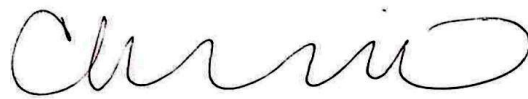
1 STATE OF UTAH)
2)
3 COUNTY OF SALT LAKE)

4 I, Christina Essi, RPR, a Certified Shorthand
5 Reporter and Registered Professional Reporter, hereby
6 certify:

7 That the foregoing proceedings were taken
8 before me at the time and place therein set forth, at
9 which time the witnesses were placed under oath to tell
10 the truth; that the proceedings were taken down by me in
11 shorthand and thereafter my notes were transcribed
12 through computer-aided transcription; and the foregoing
13 transcript constitutes a full, true, and accurate record
14 of such testimony adduced and oral proceedings had, and
15 of the whole thereof.

16 I further certify that I am not a relative or
17 employee of any attorney of the parties, nor do I have a
18 financial interest in the action.

19 I have subscribed my name on this 23rd day of
20 February, 2022.

21 

22 Christina Essi, RPR, CSR
23
24
25

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