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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

MARGARET W. BUSSE
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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Mark Long, Utility Technical Consultant
Cynthia Dumas, Office Specialist

Date: April 3, 2023

Re: **Docket No. 23-001-01**, Formal Complaint of Steven Watterson against Bridgerland Water Company.

Recommendation (Acknowledge with Recommendation)

The Utah Division of Public Utilities (Division) recommends the Utah Public Service Commission (Commission) require Bridgerland Water Company (Company or Bridgerland) to provide a bi-monthly update to its customers and the Division regarding its progress on its connecting to Garden City, Utah's water system. Once completed, this connection will add water circulation to the system, which should help prevent future occurrences.

The Division also recommends Bridgerland credit the accounts of its customers that were without water due to the frozen water main. The Division recommends a full month's credit be provided if water is unavailable due to a frozen main for any day of the month.

Issue

Mr. Steven Watterson (Complainant) is seeking relief from frozen water pipes to his residence and compensation for days left without running water.

Division of Public Utilities

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In addition to this formal complaint, the Division received a total of two informal complaints and one other formal complaint regarding a frozen water main at Bridgerland, resulting in the lack of running water at select residences.

On February 27, 2023, Mr. Watterson filed an informal against Bridgerland with the Division. The Complainant initially alleges Bridgerland never responded to his informal complaint. Tana Heninger, responding for Bridgerland, states she responded to the Division on or about February 28, 2023, but did not send a response to the Complainant because she did not have his email address. On March 17, 2023, Ms. Heninger provided a copy of her February 28, 2023, response to the informal complaint for this proceeding. A copy was sent to the Complainant at that time.

On February 22, 2023, the Company said it notified the Complainant's household via telephone and spoke to Ms. Watterson about the frozen water main.

The Company states that on February 23, 2023, Mr. Watterson called via phone to inquire about the frozen water main. The Company says it replied via phone within the hour to inform the Complainant that it had no new information. The Company stated, "on February 24, [2023], Mr. Watterson, Rob Wilson, and Steve Randal participated in a three-way call to discuss the frozen water main." The Company concluded the meeting by stating it would give updates if new information became available.

During the Informal Complaint process, Mr. Watterson reported to the Division that on February 25, 2023, he contacted Bridgerland regarding the status of the frozen pipes and was told Bridgerland would call him with an update. The Complainant states he has not heard back from the Company since February 25, 2023.

The Company indicated it notified all homeowners that if they wanted to use their cabin during winter, to leave a trickle of water running to help prevent the water lines from freezing. The Company states Mr. Watterson said he did not do this.

Background

In Bridgerland's virtual hearing on February 9, 2022, in Docket No. 21-001-01, some customers mentioned frozen pipes resulted in some households not having water available

during some winter months. Part of the rate increase in the Commission's Order Approving Stipulation and Associated Tariff Changes on February 28, 2022, effective date of April 1, 2022, provided funding for Bridgerland to connect to Garden City's water system to provide a redundant water source to satisfy the Utah Department of Environmental Quality, Division of Drinking Water's corrective action plan. It was also noted that connecting to Garden City would create additional circulation within the water system so pipes wouldn't be as susceptible to freezing in future winters. Ms. Heninger stated the loan and necessary engineering studies delayed the construction of the system connection to Garden City until this spring. Ms. Heninger indicated the engineer reaffirmed the connection to Garden City would create additional circulation within the water system so pipes wouldn't be as susceptible to freezing.

The rate increase did not provide funding for additional measures, above and beyond connecting to Garden City to prevent pipes freezing during some winter months. Additional mitigating measures or excessive punitive payments other than refunding the months affected by the freeze to its customers, would require additional funding, perhaps as a special assessment. Item 20, Special Assessments, in Bridgerland's tariff states

The Company reserves the right to levy special assessments as necessary to pay for or reimburse the Company for expenses attributed to emergency or necessary waterworks system improvements, maintenance, or repairs, subject to all necessary approvals of such special assessments by the Public Service Commission.¹

Discussion

On March 13, 2023, Mark Long and Cynthia Dumas with the Division contacted Ms. Heninger at Bridgerland to inquire about three other customers' informal complaints regarding frozen pipes. Ms. Heninger stated Bridgerland reached out to each of their customers this winter, advising them of the necessity of leaving their water running a trickle to help avoid frozen pipes. Ms. Heninger stated that, to her knowledge, no customers leaving their water running a trickle had complained or notified the Company of frozen

¹In the matter of Bridgerland Water Company, Rates and Fees Schedule and Rules and Regulations, Docket No. 21-001-01, Tariff No. 3, Effective date on April 1, 2022, page T-8.
<https://pscdocs.utah.gov/water/21docs/2100101/322034DPUAttBRvsdBridgerlandTrfClean1-25-2022.pdf>

pipes. The Division inquired if Ms. Heninger knew of other nearby water companies who notified their customers to leave their water running to avoid freezing pipes. Ms. Heninger stated the adjacent municipal water company, Garden City, UT, advised customers to leave the water on. In Facebook entries on December 21, 2022, February 21, 2023, and February 24, 2023, the Division verified Garden City reminded its customers to leave their water on a trickle.²

Item 9, Disruption Liability, in Bridgerland's tariff states

*The Company shall use reasonable diligence to provide continuous water service to its customers and shall make a reasonable effort to furnish all customers with a clean, pure supply of water that meets applicable State and Federal water guidelines. The Company shall not be held liable for damages to any customer or water user by reason of any stoppage or interruption of water service caused by a scarcity of water, accidents to works, water main alterations, additions, or repairs, acts of God, acts of third persons, government interference, or other unavoidable causes beyond the Company's control.*³

Bridgerland made a reasonable request for its customers to leave their water running at a trickle to avoid frozen pipes. This remedy appears to be universally accepted to help prevent frozen pipes. For example, the American Red Cross, which is in the business of emergency preparedness, advises, "Running water through the pipe – even at a trickle – helps prevent pipes from freezing."⁴ Travelers Insurance advises, "For pipes that are at risk of freezing ... let water drip from faucets."⁵ Ms. Heninger stated other water companies in the area also had similar freezing problems and issued warnings.

² <https://www.facebook.com/GardenCityUT/>

³ In the matter of Bridgerland Water Company, Rates and Fees Schedule and Rules and Regulations, Docket No. 21-001-01, Tariff No. 3, Effective date on April 1, 2022, page T-5.

<https://pscdocs.utah.gov/water/21docs/2100101/322034DPUAttBRvsdBridgerlandTrfClean1-25-2022.pdf>

⁴ <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm/frozen-pipes.html>

⁵ <https://www.travelers.com/resources/home/maintenance/how-to-prevent-frozen-pipes>

Conclusion

The Division acknowledges and recognizes the frustration and disappointment experienced by those Bridgerland customers and Complainant suffering from frozen pipes and not having access to running water year-round. Ideally, the connection to Garden City would have been done sooner, likely helping to alleviate or resolve the issue of frozen pipes. The Division does not recommend a special assessment to mitigate future freeze ups at this time. The Division also acknowledges Bridgerland notified its customers to leave their water running a trickle to avoid freezing pipes.

However, the Division does recommend the Commission require Bridgerland to provide a bi-monthly update to its customers and the Division regarding its progress on its connecting to Garden City, Utah's water system.

The Division also recommends that Bridgerland credit the accounts of its customers that were without water due to the frozen water main. The Division recommends a full month's credit be provided if water is unavailable due to a frozen main for any day of the month.

cc: Steven Watterson, wattersongrading@msn.com
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