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# UTAH DEPARTMENT OF COMMERCE

## Division of Public Utilities

MARGARET W. BUSSE  
*Executive Director*

CHRIS PARKER  
*Division Director*

## 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  
Marialie Wright, Manager  
Cynthia Dumas, Office Specialist  
Mark Long, Utility Technical Consultant

**Date:** April 19, 2023

**Re:** **Docket No. 23-001-02**, Formal Complaint of Chris, and Erin Jepsen 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 an updated every other month 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

On March 28, 2023, Mr. & Mrs. Jepsen (Complainants) filed a formal complaint with the Commission stating they were without running water in February 2022, and in March of 2023, therefore making the home uninhabitable during those times.

Division of Public Utilities

Heber M. Wells Building • 160 East 300 South • P.O. Box 146751 Salt Lake City, UT 84114-6741  
[www.dpu.utah.gov](http://www.dpu.utah.gov) • telephone (801) 530-7622 • toll-free in Utah (877) 874-0904 • fax (801) 530-6512

The formal complaint details the ongoing issue of freezing pipes. In February 2022, when the water pipes froze, Mr. Jepsen contacted Bridgerland and was told that “all we can do is to wait for it to warm up enough to thaw.” Mr. Jepsen states water was unavailable for approximately six weeks in 2022, therefore making his home unusable for that time. Mr. Jepsen stated in the summer of 2022, Mr. Rob Wilson, with Bridgerland, stated Bridgerland would install a circulation line in the system that year to help prevent freezing. Mr. Jepsen reported in September he received a letter from Bridgerland stating “they were no longer going to install a circulation line that year and asked all residents to run water for the winter to avoid freezing pipes.” Mr. Jepsen isn’t a full-time resident and does not feel comfortable leaving his water running to avoid freezing pipes.

On Friday March 10, 2023, Mr. Jepsen reports the water pressure at the Jepsen’s residence was low. On March 11, 2023, Mrs. Jepsen filed an informal complaint with the Division regarding being left without water. On Sunday March 12, 2023, Mr. Rob Wilson informed customers the water main line was frozen. Mr. Jepsen states, “we’re once again expecting to not have the use of our home for close to two months or longer.”

Mr. and Mrs. Jepsen are seeking the following relief:

- 1. I would like Bridgerland Water to Credit my water bill \$3,200 or send me a reimbursement check for the two months that I will be without water making my home ‘not-inhabitable.’*
- 2. I would like Bridgerland Water to be required to install the circulation pumps as promised last year.*
- 3. Bury the main line deeper in the section that it consistently freezes.*

## **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. Tana Heninger, with Bridgerland 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.<sup>1</sup>*

## **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 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

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<sup>1</sup> 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-8.  
<https://pscdocs.utah.gov/water/21docs/2100101/322034DPUAttBRvsdBridgerlandTrfClean1-25-2022.pdf>

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.<sup>2</sup>

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.*<sup>3</sup>

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."<sup>4</sup> Travelers Insurance advises, "For pipes that are at risk of freezing ... let water drip from faucets."<sup>5</sup> Ms. Heninger stated other water companies in the area also had similar freezing problems and issued warnings.

## **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 made sooner, likely helping to alleviate or resolve the issue of frozen pipes. The

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

<sup>3</sup> 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>

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

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

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: Chris and Erin Jepsen, [ejep1@outlook.com](mailto:ejep1@outlook.com)  
Tana Heninger, [taheninger@wsd.net](mailto:taheninger@wsd.net), Bridgerland Water Company