

August 3, 2023

We appreciate the opportunity to respond to the Bridgerland Water Company response date July 17, 2023 and apparently written by Tana Heninger. This response will address items addressed by Ms. Heninger and also provide a basic summary of our frustrations, concerns, and some recommendations that we would like to have implemented.

### **Response to July 17, 2023 response from Tana Heninger**

- We do not have the itemized records to dispute Bridgerland Water Company (BWC) accounting for 2021 and although our records are no consistent with their stated records we will accept their accounting as accurate.
- We continue to ask that a certified water engineer make the recommendation as to how to solve the problem of this line continually freezing. We have also spoken with Garden City and Lutz construction and both of them agree that the solution to this problem should be recommended by a certified water engineer. We also ask that the work be inspected by a certified engineer. If the noted BWC suggested solution is agreed to by an engineer, we will accept that as the solution.
- As per their ongoing statements about running a trickle of water:
  - In 2021 we not only ran water 24/7 for multiple weeks at the suggestion of Ted Wilson, we also monitored our water temperature and reported that information to Ted regularly. When the temperature reached a certain point, Ted would flush the line, or have Brandon Weatherston (a BWC employee), flush the line to bring warmer water into the line. Despite our ongoing efforts and the efforts of Ted Wilson, the BWC line froze in 2021. We are not convinced that our running, or not running, a trickle of water would have stopped the BWC line from freezing this year.
  - The July 17, 2023 response from Tana Heninger, as well as the message sent by BWC in the fall, both acknowledge that running the trickle of water is to prevent personal lines from freezing and not the BWC lines from freezing.
  - It should be noted that Rob Wilson asked multiple people, including Dennis Randall who lives on our cul-de-sac to run water. Although we are the only full-time residence in our cul-de-sac, we were not asked to run water.
- We do not intend to be critical of the way BWC is managed. However, as a rate payer we believe that some transparency would be reasonable. We will address this further below.
- It is accurate that Martell Menlove has been on the Garden City Council since January 2021 and on the HOA Board since June 2022. Martell asserts that not once during his tenure on the Council or the HOA Board has BWC been on any formal agenda or been formally discussed at any meeting during this time period. Additionally, Martell would

welcome the opportunity to meet with BWC and discuss how he may be helpful to BWC in his roles with the HOA and Garden City.

## **Items not Addressed in Tana Heninger's July 17, 2023 Response**

### **Culpability of the Line Freezing**

- We are somewhat frustrated by assertions by BWC, including the assertion in the July 17<sup>th</sup> response (WITHOUT exception, those who ran water had water the last season) and Rob Wilson's statement that it is our fault because we did not follow their recommendation and just run a trickle of water. As noted above, we ran water 24/7 in 2021 and the BWC line still froze.
- There may be some additional reasons why this line froze 2 of the last 3 years.
  - It is possible that the original engineering for the line was not appropriate.
  - It is possible that the original work in laying the line was not completed as engineered. We have been told that this original line was laid by Ted Wilson's high school aged son using "Ted's old backhoe." We would like to see evidence that the line was laid according to the engineer's specifications.
  - Following the line freezing in 2021 we were assured by Ted Wilson that additional work would be done to assure that this line would not freeze again. We were temporarily out of our home when this work was completed but there is evidence that the road covering the line was raised by up to 12 inches in some places. It appears that the road was raised to the greatest extent between where we believe our line connects with the main line and our neighbor, Steve Waterson's line connects to the main line. The problem that we see is that the Waterson home and our home were both without water in 2021 and again this year. There is considerable distance between where we believe the Waterson line connects with the main line and the nearest upstream hydrant that continued to have water both years. We believe that the line froze both years where the road was raised minimally if at all. Although we accept that BWC was sincere in their attempted solution in the summer of 2021 by raising the road, obviously that did not work. This is the main reason why we are asking that a qualified engineer recommend a solution to this ongoing problem and that the work be completed and inspected according to the engineer's recommendations.
  - When we met with Rob Wilson on January 24, 2023, he told us that he anticipated problems with this line and that they should have been flushing the line but "could not find anyone to do it." In a telephone conversation with Steve Waterson and Steve Randall, two of the other owners of homes affected by the line freezing, on January 27, 2023, they both acknowledged that Rob Wilson told them the same thing. We live here full-time and have not observed any evidence that these lines were flushed between December 1, 2022 and February 21, 2023 when the line froze. Due to the heavy snow during this same

time period, it would have been obvious if someone had uncovered the hydrants and flushed the lines.

- We assume that due to concerns that their lines might freeze, Rob Wilson asked multiple people, including Steve Randall who lives on our cul-de-sac, to let water run at their residences. We were not asked by anyone associated with BWC to do this.
- Rob Wilson has also told us that because we did not follow the recommendations from BWC in an email dated September 10, 2022 they (BWC) had no obligation to provide us water. It should be noted that the email sent in September as well as Tana Heninger's July 17, 2023 response both referenced only personal water lines freezing and contained nothing about BWC lines freezing.
- We assert that there is a level of negligence on the part of BWC and that their action, or lack of action and /or inappropriate action, is the main reason this line froze in 2021 and again in 2023.

### **Request for Compensation**

As noted in previous communications our main reason for filing this complaint is to assure that the problem of the line freezing is addressed appropriately moving forward and not to seek unreasonable compensation for our additional expenses and the inconvenience of have this line freeze for the second time. To this extent we offer the following:

- During his initial visit to us on January 24, 2023 Rob Wilson offered to rent a "clean tank truck" that we could fill and park in our driveway so that we could have water on the our property. He later told us that he had checked multiple equipment rental companies and that he could not find one to rent. Our inquires with equipment rental companies reveals that the rental of a clean water truck is in excess of \$1,000 weekly. The option of parking a water truck on our property with temperatures consistently below zero was never an option for us but the offer was made by Rob Wilson.
- The next option that was considered was to purchase a 300-500 gallon tank to place in our garage, connect a pump to this tank and have temporary pressurized water in our home. Rob offer to rent such a tank but refused to purchase a tank for us and never offered to find a tank for rent. After discussing this option with several people, we decided to not create a situation where we were pumping possibly contaminated water into our home and create the possibility of contaminating our home's water lines.
- At this point we decided that we would haul water in 5-gallon jugs to flush toilets, buy bottled water for drinking and for washing fruits and vegetable to be eaten. Whereas there are no public showers available in Garden City during the winter, we also chose to drive to Logan to shower and wash clothes at the home of our daughter who lives in Logan.
- Except for the initial visit of Rob Wilson on January 24, 2023 when he carried 3-4 5-gallon jugs from our basement to our main floor (Martell had back surgery on January 6, 2023 and was under strict lifting restriction), there was never any offer to bring us water, purchase water for us, or assist us in any way.

- Although we did not keep track of exact expenses that we incurred, we note the following:
  - A round trip to Logan from our home is 72 miles. At the State reimbursement rate of \$0.38 per mile, each trip would be reimbursed at \$27.36. To shower and wash clothes every other day would result in 41 trips (82 days without water) and a travel reimbursement of \$1,121.76.
  - If we were to travel to the nearest public shower in Cokeville Wyoming, at 108 miles round trip plus \$12.00 a piece for a shower, the cost for just 2 trips a week would be \$1,430.88.
  - If we could have found a place to rent for even \$50.00 a night for 82 nights, the cost would have been \$4,100.
- Our request from BWC was to not be charged for the 82 days we were without water and to waive our \$94.00 a month water bill for the remainder of 2023, a request of less than \$850.00. BWC's response to us through Rob Wilson was that they would waive one more month's rate of \$94.00. His stated reason for not agreeing to our request was that it was our fault that the line froze because we did not run water and that another request for reimbursement was denied by the Public Service Commission so he was sure that our request would be denied also.

**Other issues contained in our complaint but not addressed by the response from BWC.**

In our original complaint we also addressed two additional concerns with BWC (see item #10). These concerns have not been addressed in any communication that we have received from BWC. If it is inappropriate to have these concerns addressed with this complaint, please notify us and we will be glad to file an additional complaint.

- In Docket No. 21-001-01 on page 11 of 19 of BWC's case for a rate increase under notes for Adjustment – Line 3, Purchase Water “Bridgerland asserts that once it is connected to Garden City it will have to pay for the water used.” Then, in this same Docket No on Page 17 Of 19 line 25 lists that amount as \$30,000.

It is our understanding that the connection to Garden City, which we totally support, is only to be used in a situation where BWC runs out of water. Currently Garden City shares a source of water with BWC where the water is divided by an existing agreement. This existing shared source could allow BWC more than its agreed portion of the water if its portion of the water did not meet its needs. Apparently this has never happened because our checking with Garden City they told us that they have no record of BWC ever purchasing water from Garden City. We find it disconcerting that BWC is allowed to collect \$30,000 annually from their rate payers for a service that they have never needed and for which there is no evidence of need in the future.

We do not have a problem with BWC establishing a dedicated reserve account in case there is ever a need to purchase water from Garden City. However, we believe that it is inappropriate for BWC to annually collect these funds when no need exists. We would

request the establishment of a Garden City Reserve Account within the BWC budget that beginning in January 2024 when the Garden City Reserve Account reaches \$60,000 (two years at \$30,000 each year) that the monthly BWC rate be decreased by \$5.76 (\$30,000/434 customers) and that such a rate adjustment be maintained until the Garden City Water Reserve Account reach a level of less than \$30,000 when this adjustment may then be reapplied for a year bringing the reserve account again to \$60,000. We believe that this action presents minimal or no risk for BWC and would demonstrate a good faith effort by BWC to be sensitive to the needs of their customers.

- In the same Docket No. 20-001-01 on page 11 of 19 Line 2, Salaries and Wages – Officers and Directors it states that “Officers have never taken a salary and have subsidized the company for many years. The Division proposes that the officers share a total annual amount of \$50,000. Each officer has several duties and responsibilities related to running the water company.” We support the officers in receiving compensation for duties performed and even support an annual COLA for the \$50,000. However, we have some concerns when we are made aware that the officer who has performed the billing for the past several months will no longer be performing these duties and that someone else has now been hired to perform these duties. Does this officer continue to receive a salary even though someone else is performing he duties that justified this salary in the rate increase granted in 2021?

Whereas these salaries significantly impacted the large rate increase that was granted, we would recommend that annually BWC report to their customers the amount of their budget that is paid in compensation, what each person is compensated (not by name), what contracted services are being paid, and the amount for each of those contracted services. Although possibly not legally required, such transparency may help minimize many customers negative feeling towards BWC and the 4-fold rate increase that was granted in 2021.

We express our appreciation to those serve on and with the Public Service Commission and the Division of Public Utilities. We are confident that you will consider this issue and make an appropriate and complete ruling. As noted previously, we are willing to provide any additional information that may be needed or respond to any of your questions. We are also happy to meet with you personally in SLC if that would be beneficial.

With Regards,  
Ronda and Martell Menlove