



PublicService Commission <psc@utah.gov>

Re: Docket No. 23-001-03, Notice of Virtual Hearing and to Parties to be Prepared to Address Specific Issues at Hearing

1 message

John Delaney <jdelaney@utah.gov>

Mon, Sep 18, 2023 at 10:43 AM

To: Martell Menlove <martellmenlove@gmail.com>

Cc: Ronda.Menlove@gmail.com, taheninger@wsd.net, wilson@cbgkr.com, zzgravar@aol.com, pschmid@agutah.gov, pgregu@agutah.gov, Madison Galt <mgalt@utah.gov>, PublicService Commission <psc@utah.gov>

Martell and Ronda Menlove,

Thank you for your email. In general, the customer complaint process with the PSC is designed to address discrete issues that are specific to individual customer situations. In contrast, the customer complaint process is not designed to address issues that have much broader impacts, such as issues potentially impacting many or all customers of a particular utility's services. Our understanding of your complaint, filed with the PSC on June 14, 2023, is that you seek your "water bill from [BWC] be waived for the 82 days [you were] without water from February 21, 2023, until May 13, 2023, and for the remainder of the 2023 calendar year." This understanding is based on the statements and facts as alleged in your formal complaint.

Since that filing, however, the scope of what you seek in this individual complaint process appears to have broadened, as you have asserted new and different purposes of your complaint. It appears you now seek, in addition to the compensation demanded in your complaint, the PSC to order BWC to (1) ensure that the water system is upgraded so that line freezing will not happen again and (2) authorize your involvement in various construction and/or business decisions relating to BWC's efforts to address the water line freezing issue. These new requests are beyond the scope of issues the PSC can properly resolve in this customer complaint proceeding because, among other things, they have the potential to impose costs on other customers. They may, however, be raised in a different type of proceeding generally referred to as a rate case.

Rate case proceedings are generally formal adjudications involving, among other things, notice to all who are potentially affected by the outcome so that all interested stakeholders may participate. Such proceedings generally include as parties the Division of Public Utilities and any customers or customer organizations that desire to participate, as well as the utility whose service quality, rates, or practices are being questioned.

I hope the foregoing is helpful for purposes of your preparation for the September 27, 2023, hearing. While the main purpose of this hearing will be to address your complaint, you are welcome to also address whatever else you'd like as you think it relates to the complaint. We will consider all evidence and testimony that we find relevant in deciding the matter before us within our statutory authority.

Thank you,

John Delaney

On Mon, Aug 28, 2023 at 9:01 AM Martell Menlove <martellmenlove@gmail.com> wrote:

John Delaney,

We appreciate your email of August 23, 2023 at 3:21 pm and the additional clarifications contained in that email.

However, your email also contains some information and clarification that is both surprising and troubling to us. Whereas the main concern with our complaint filed with the PSC is that the repairs to our waterline promised by Bridgerland Water Company (BWC) resolve the ongoing issue of supplying water to our home year round, we are disappointed with your advisement that "repairs, improvements, and the like are not presently before the PSC in this docket." Our complaint was filed with the PSC when BWC refused our request to notify us of the engineering firm that would advise them on any work being completed to resolve our ongoing (two of last three winters) problem with their line freezing.

in 2021 when this line also froze, we allowed BWC to implement the solution they proposed and believed them when they guaranteed us that this would resolve the problem. Obviously, it did not!

We believe that it is appropriate and prudent that a certified water engineer be involved at this time. BWC has refused our request to share with us who the engineering firm is or even if an engineer has been consulted. Is this not something that the PSC can help us with? Do we need to file an additional formal complaint to have this addressed? If the PSC is not going to address this simple complaint, and what we believe to be an appropriate solution, are there other options?

If our primary concern with an appropriate repair of this line is not presently before the PSC in this Docket, can you help us understand what exactly is in this Docket so that we can appropriately prepare for the virtual hearing that is to be scheduled in September?

Thanks again for your assistance in this matter.

Martell and Ronda Menlove

On Fri, Aug 25, 2023 at 3:21 PM John Delaney <jdelaney@utah.gov> wrote:

Martell and Ronda Menlove,

Thank you for your response regarding available dates for the hearing. The Public Service Commission (PSC) will send out an updated notice.

Addressing the issue in your email concerning the design and completion “under the direction of a licensed water engineer,” the specific engineering, construction, and other technical and/or business-related aspects of Bridgerland Water Company’s (“BWC”) repairs, improvements, and the like, are not presently before the PSC in this docket. Instead, and although the PSC does not offer an opinion one way or another on this specific issue, such aspects appear most likely to be business and/or technical decisions for BWC to consider and make as appropriate, including involving whomever it would like in that process.

Finally, the answer to your question concerning the “70 additional” email recipients, which I’m assuming refers to the August 24, 2023, email sent at 4:58 PM and contained a hyperlink, is rooted in public access. Please recall that this specific docket (along with all PSC dockets) is generally and presumably open to the public. Therefore, any PSC-issued Notice, Order, or Acknowledgement Letter will be sent to not only the parties in the docket, but also to all other people who have previously made a standing request to be notified in any water docket before the PSC. The 4:58 PM email concerned a PSC-issued Notice, which is why there were approximately 70 recipients of that specific email. In addition, please also recall that anything submitted to the PSC in this (or any) docket is generally publicly available because those submissions are generally all posted to the PSC website.

Thank you,

John Delaney

On Fri, Aug 25, 2023 at 9:44 AM Martell Menlove <martellmenlove@gmail.com> wrote:

Either of these dates will work for us and we do not have a preference as to the times.

Whereas Rob Wilson is the only person from Bridgerland Water Company who has communicated with us in person during this most recent ordeal, we believe it is important for him to be present for the hearing.

That said, we do have concerns that this delay in the hearing may impact an appropriate resolution to our water issues. We continue our request that the resolution to our water issues be designed and completed under the direction of a licensed water engineer. Additionally we have been informed that this work will be commenced the week following Labor Day this year. It appears that either our request for the involvement of a water engineer or the completion in a timely manner of the work to appropriately resolve BWC issues with providing us water are possibly jeopardized by this delay. Is this a concern for the PSC?

One additional question, can someone help us understand why t August 24 email from the PSC was copied to 70 additional individuals and organizations?

Sincerely,
Martell and Ronda Menlove

Sent from my iPhone

On Aug 25, 2023, at 8:59 AM, John Delaney <jdelaney@utah.gov> wrote:

Ronda and Martell Menlove,

Following up on Tana Heninger's below email, the PSC is available for a rescheduled virtual hearing on Wednesday September 27, 2023, anytime between 10:30 am and 3:00 pm, or on Friday, September 29, 2023, between 9:00 am and 1:00 pm. Since Ms. Heninger indicates no limitations on availability throughout the week of September 25, 2023, please respond to this email and advise which day -- 9/27/23 or 9/29/23 -- works best for your respective schedules and please also indicate your preferred times.

Thank you,

John Delaney

----- Forwarded message -----

From: **Tana Heninger** <taheninger@wsd.net>

Date: Thu, Aug 24, 2023 at 6:29 PM

Subject: Re: Docket No. 23-001-03, Notice of Virtual Hearing and to Parties to be Prepared to Address Specific Issues at Hearing

To: PublicService Commission <psc@utah.gov>

Cc: Peterson, Jeff <jpeter@utahcooperatives.org>, Ryan Daigle <rdaigle@utah.gov>, Tamara Dayley <tdayley1@utah.gov>, Robert Moore <rmoore@agutah.gov>, Eric Martinson <ericmartinson@utah.gov>, Long, Mark <mlong@utah.gov>, DataRequest DPU <dpudatarequest@utah.gov>, Joelle Steward <joelle.steward@pacificcorp.com>, Patricia Elizabet Schmid <pschmid@agutah.gov>, Montin, Melissa <mpf@stateside.com>, Melinda Krahenbuhl <mkrahenbuhl@utah.gov>, Anissa Swenson <aswenson@utah.gov>, Matthew Pernicelle <mpernicelle@utah.gov>, Smith, Alan <alanakaed@aol.com>, Davis, Stacey <stacey.davis@pacificcorp.com>, Legge, Mike <mlegge@usmagnesium.com>, Jeff Parrott <jparrott@sltrib.com>, Cynthia Dumas <cvdumas@utah.gov>, Policy, Tariff <tariffpolicy@pacificcorp.com>, Deseret News <news@deseretnews.com>, Abdulle, Abdinasir <aabdulle@utah.gov>, Martin, Jennifer E. <jhmartin@stoel.com>, Benvegna-springer, Shauna <sbenvegn@utah.gov>, Paschal, Melissa Robyn <mpaschal@utah.gov>, Madison Galt <mgalt@utah.gov>, Richards, Mark <markrichards@imwindandsolar.com>, Beck, Michele <mbeck@utah.gov>, Joanna Matyjasik <jmatyjasik@utah.gov>, Stefanie Liebert <sliebert@utah.gov>, Tyler McIntosh <tmcintosh@utah.gov>, Mecham, Steve <sfmecham@gmail.com>, Orton, Eric <eorton@utah.gov>, Joseph Bigler <joebigler@outlook.com>, Data Request Response Center <datareq@pacificcorp.com>, David Williams <dcwilli@utah.gov>, francone, kelly <kfrancone@energystrat.com>, Michael Hammer <michaelhammer@utah.gov>, John Delaney <jdelaney@utah.gov>, Parker, Chris <chrisparker@utah.gov>, Fred Nass <fnass@utah.gov>, Justin Christensen <justinchristensen@utah.gov>, Salter, Brenda <bsalter@utah.gov>, Ian Ford <isford@utah.gov>, Grant Burningham <gburningham@sltrib.com>, Yvonne Hogle <yhogle@utah.gov>, Harvey, John <jsharvey@utah.gov>, Brian W. Burnett <bburnett@kmclaw.com>, Crabtree, David <crabtree@deseretgt.com>, Martinez, Marialie <marmartinez@utah.gov>, Patrick Grecu <pgrecu@agutah.gov>, Gary Smith <garysmith@utah.gov>, Jeff Einfeldt <jeffeinfeldt@utah.gov>, Reeder, F <frreeder@parsonsbehle.com>, Slusher, Ronald <rslusher@utah.gov>, Widerburg, Gary <gwiderburg@utah.gov>, Levar, Thad <TLevar@utah.gov>, Alex Ware <aware@utah.gov>, Gwen Flores <gflores@utah.gov>, Annette Orton <aorton1@utah.gov>, Michael Orton <michael.orton@dominionenergy.com>, Coleman, Casey <ccoleman@utah.gov>, Jonathan Lee <jonathanlee@utah.gov>, David Rex Clark <drexclark@utah.gov>, Alyson Anderson <akanderson@utah.gov>, Wheelwright, Douglas <dwheelwright@utah.gov>, Phillip Solomon <psolomon@deseretpower.com>, Reeder, Bob <bobreeder@parsonsbehle.com>, Trevor Jones <trevorjones@utah.gov>, tonyhall2004@hotmail.com <tonyhall2004@hotmail.com>, Bob Davis

<radavis@utah.gov>, Hicken, Paul <phicken@utah.gov>, Dixie Wilson <zzgravar@aol.com>, Martell Menlove <martell.menlove@gmail.com>, Ronda Menlove <ronda.menlove@gmail.com>, wilson@cbgkr.com <wilson@cbgkr.com>

Rob Wilson will be out of state the week of the 11 and 18 and therefore will not be able to attend the hearing on the 14th. He will be available the week of the 25th on any day that week. If it is not possible to switch the hearing to that week then Rob can submit a statement or I can speak on his behalf. How would you like to proceed?

Tana Heninger

On Thu, Aug 24, 2023 at 4:58 PM PublicService Commission <psc@utah.gov> wrote:

Formal Complaint of Ronda and Martell Menlove against Bridgerland Water Company

To view the Notice, please click on the link below, or see the attached:

<https://pscdocs.utah.gov/water/23docs/2300103/3293402300103novhatptbptasiah8-24-2023.pdf>

--

Public Service Commission of Utah
160 E 300 S, 4th Floor
Salt Lake City, UT 84111
801-530-6716
psc@utah.gov