



A P P E A R A N C E S

Presiding Officer:

John E. Delaney, Esq.

For the Public Service Commission:

John S. Harvey, Ph.D.

For the Division of Public Utilities:

Brenda Salter

Mark Long

For the Menloves:

Ronda Menlove

Martell Menlove

For Bridgerland Water Company:

Tana Heninger

Rob Wilson

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E X H I B I T S

(No exhibits proffered)

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2 MR. DELANEY: First of all, let me say good  
3 morning, everyone. My name is John Delaney and I am  
4 the Commission's designated presiding officer for  
5 this hearing. Today is September 27th, 2023, and it  
6 is approximately 10:34 a.m. This is the time and the  
7 date that is scheduled for the evidentiary hearing on  
8 the formal complaint of Ronda and Martell Menlove  
9 against Bridgerland Water Company, Docket  
10 Number 23-001-03. Everybody in the correct place?

11 MR. MENLOVE: Yes, thank you.

12 MR. DELANEY: I am going to ask everybody to  
13 mute themselves until they are intending to speak.  
14 There are a couple of reasons for that and I'll get  
15 into it some more later, but for now, just so we  
16 don't have background noise unnecessarily, please  
17 mute yourself unless you are ready to talk.

18 To the Menloves, I am able to see who I have  
19 identified as Rob Wilson and Tana Heninger, as well  
20 as Christina, the court reporter. I'm not able to  
21 see you all via video. Do you have your video off?

22 MR. MENLOVE: We're trying to get the video  
23 to work and it doesn't work. We are connected  
24 audibly, but the video is not working at this time.

25 MRS. MENLOVE: We don't use Web Ex regularly.

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1 We use other platforms and this -- we were not  
2 prepared for this. We've tried to log into the  
3 meeting for the last half hour and were unable to  
4 check technology, so I apologize about that.

5 MR. DELANEY: Well, that's fine. Do you want  
6 to continue to try to make sure that you can appear  
7 by way of video? That is, would you like to take a  
8 break for a few minutes and allow you to perhaps log  
9 off and log back on through the link that was sent  
10 via the email and see if that can restore your  
11 settings or would you like to just proceed without  
12 video?

13 MR. MENLOVE: I think we're okay proceeding  
14 without video.

15 MRS. MENLOVE: Yeah, it's going to take --  
16 we're going to have to figure out why we're not  
17 getting it and it's some setting on our laptop, so  
18 we'll just proceed.

19 MR. DELANEY: Okay. Let me ask  
20 Bridgerland Water Company. Is that acceptable to you  
21 that they don't appear via video and you all do?

22 MS. HENINGER: Sure, that's not a problem.

23 MR. DELANEY: Okay, thank you. It looks like  
24 we just had one other person join us from the  
25 Division of Public Utilities.

1 All right. With all that being said, let me  
2 start with appearances and then I will address some  
3 preliminary matters. But if we can have appearances,  
4 please. So at this point, I'd like to know who is  
5 here on behalf of the Menloves.

6 MR. MENLOVE: This is Martell Menlove.

7 MRS. MENLOVE: And Ronda Menlove.

8 MR. MENLOVE: And we are the only ones.

9 MR. DELANEY: I'm sorry, you got cut off.

10 MR. MENLOVE: We are the only ones that are  
11 here on our behalf.

12 MR. DELANEY: Okay, thank you very much. And  
13 then present on behalf of Bridgerland Water Company,  
14 please.

15 MS. HENINGER: Yes. So Tana Heninger and  
16 Rob Wilson. My mother just texted me, saying she was  
17 having difficulty connecting, but she just was going  
18 to watch the proceeding, so it's okay if she's not  
19 on. So just Rob and I representing Bridgerland Water  
20 Company.

21 MR. DELANEY: Okay, thank you. Does the  
22 Division of Public Utilities wish to make an  
23 appearance at this time?

24 MS. SALTER: No, we are not going to  
25 participate in the hearing. We are just observing.

1 MR. DELANEY: Okay, thank you very much.

2 MS. SALTER: Thank you.

3 MR. DELANEY: Well, there are a few more  
4 preliminary matters that hopefully will make life  
5 easier for everybody, including the most critical  
6 person here which is Christina, our court reporter.  
7 First of all, before we get going, have the parties  
8 resolved this dispute or is it still ongoing?

9 MS. HENINGER: It's not resolved. Sorry.

10 MR. DELANEY: Let me hear from the Menloves  
11 first.

12 MR. MENLOVE: It is not resolved, no.

13 MR. DELANEY: Okay, thank you. And,  
14 Ms. Heninger, you concur with that?

15 MS. HENINGER: Yes, I concur.

16 MR. DELANEY: Thank you very much. So we  
17 have a court reporter with us this morning and she is  
18 going to be transcribing everything that is being  
19 said while it's being said. So this is realtime.  
20 She's very good at her job, but it's a difficult job,  
21 so I want to put down a few ground rules to make sure  
22 that we get a clean record and that Christina has an  
23 opportunity to do the best job she can. So very  
24 important is, first of all, please do not answer yes  
25 or no with a head nod or a head shake. Menloves, we

1 couldn't see you do that anyway, so you will have to  
2 make sure you verbalize a yes or a no, if a yes or a  
3 no is required. Same with Mr. Wilson and

4 Ms. Heninger, no head shakes or nods. Yeses or nos.

5 Second thing is, please speak as clearly as  
6 you can. Again, the court reporter is transcribing  
7 this in realtime. There may be an occasional audio  
8 blip since we're doing this remotely, so the clearer  
9 you can speak, the better. If we do experience an  
10 audio blip, I may say I need you to repeat it, I  
11 didn't hear you; however, also the court reporter may  
12 interrupt us and say that she too could not hear, so  
13 please repeat.

14 Another rule here, please don't speak too  
15 fast or quickly. Speak at a normal pace so that the  
16 transcription can occur as appropriate.

17 The last one is please do not interrupt  
18 anybody who is speaking. I know that's a little more  
19 difficult on a remote situation because we don't have  
20 a lot of body language cues that are usually  
21 available when we are in person; but at the end of  
22 the day, the court reporter cannot take down two  
23 conversations at once and so we must not interrupt  
24 each other or speak over each other as best as we  
25 can. And if we make mistakes, we'll try to reset and



1 start again. That's going to become particularly  
2 important when I ask questions that I may have. I  
3 don't know that I will have any, but when I have  
4 them, please, I will try to do my best to direct the  
5 question to a specific individual to then articulate  
6 slowly and clearly that question and then stop and  
7 allow the person I posed the question to to answer.  
8 That may also happen if there's any questioning by  
9 the parties of each other. So let's just slow down  
10 and try to take it easy and make sure we don't  
11 interrupt anybody. Is all that relatively clear?  
12 Do you have any questions about that?

13 MR. WILSON: It's clear.

14 MR. MENLOVE: No questions from us.

15 MR. DELANEY: Thank you very much. Well, we  
16 are at the jumping off point. Since this is the  
17 Menloves' complaint, I would like to hear from one of  
18 you first and then we'll hear from one person from  
19 Bridgerland and then there may be some questions. So  
20 we will begin with the Menloves, and if you will tell  
21 me who it is that will speak on behalf of Menloves,  
22 testify on behalf of Menloves at this point.

23 MR. MENLOVE: So this is Martell. I will  
24 begin with our testimony. First of all, we  
25 appreciate the opportunity to meet with you. We

1 appreciate --

2 MR. DELANEY: Mr. Menlove, I'm sorry, I just  
3 wanted to know who it is that's speaking. So it's  
4 going to be you, not Ronda at this point, correct?

5 MR. MENLOVE: It is, yes.

6 MR. DELANEY: Okay. Would you like to be  
7 sworn in?

8 MR. MENLOVE: Would that be helpful?

9 MR. DELANEY: Sworn testimony is better  
10 because it's taken as -- you're under oath and so  
11 it's got to be true.

12 MR. MENLOVE: Sure, I'd be glad to.

13 MARTELL MENLOVE,  
14 was thereupon duly sworn to tell the truth, the whole  
15 truth, and nothing but the truth, and testified as  
16 follows:

17 MR. DELANEY: Okay. You are sworn in, so now  
18 please proceed.

19 MR. MENLOVE: First of all, let me apologize.  
20 We made a mistake in some of the communication that  
21 we submitted in a conversation recently with  
22 Steve Watterson. I mentioned the line freezing  
23 previously in 2021 and he noted to me that that was  
24 actually 2019 when the line froze previously. So I  
25 sent an email, I think, on the 15th of September

1 apologizing for that and stating that. So some of  
2 what I have submitted previously will need to be --  
3 anyway, just note that that date is wrong.

4 I would like to begin by starting with what  
5 happened in 2019, if I might. We are the only  
6 full-time residents on the cul-de-sac that we live  
7 on. In 2019, Mr. Ted Wilson approached us and asked  
8 us if we would run water for him to help with the  
9 line not freezing. We indicated we'd be glad to do  
10 that and sometime in late December, early January of  
11 2019, we ran what Mr. Wilson at that time requested,  
12 basically a straw-full of water, okay? We ran that  
13 water 24/7. We not only ran the water, we also  
14 monitored the temperature of the water. We reported  
15 that frequently to Mr. Wilson. When the water  
16 temperature got low, Mr. Wilson would have someone  
17 come and flush the lines, open the fire hydrants.  
18 There are two fire hydrants near our home. One of  
19 them, about 200 feet from our home, back towards the  
20 source of the water. The other one, about 200 feet  
21 away from our home, away from the sources of water.  
22 They frequently flush water on both of those, most  
23 frequently the one that was further down the line, to  
24 make sure the warm water was coming through.  
25 However, in spite of our efforts in running water

1 24/7 at that time, sometime in February of 2019, the  
2 line in front of our house froze. It froze while we  
3 were running a trickle of water, a small stream of  
4 water, whatever. Mr. Wilson was very apologetic. He  
5 came to our home. The first time he came to our  
6 home, he brought some five-gallon jugs of water with  
7 him so we would have water to do some of those  
8 necessities. He also brought bottled water that he  
9 had purchased and gave that to us. Mr. Wilson, and  
10 frequently accompanied by his wife Dixie, came to our  
11 home, I think, every week and checked on us,  
12 frequently bringing water to us. Mr. Wilson tried to  
13 connect the two fire hydrants, the one which was  
14 still live and the one which was dead, with our home  
15 sitting between them. He tried to connect those with  
16 an extended piece of PEX line. And I don't remember  
17 exactly why they didn't work, but that didn't work.  
18 The line -- the hydrant behind our home he left open  
19 during the whole time so that we would know when the  
20 line became unfrozen. I don't remember the date that  
21 it came on, that the frost left the line. It was a  
22 Sunday, I know. We returned home from church and you  
23 could see water coming out of the line, out of the  
24 hydrant, down the line from our home. We came into  
25 our home; the water worked fine. And I'd also note

1 that we've had this home since 20 -- no, since  
2 1990-something. We haven't lived here full-time. It  
3 was a second home. We've lived here full-time since  
4 20 -- it's been our primary residence since 2015. We  
5 were not here for two years, in 2015 to 2017 and  
6 we've been out of our home a few times since then,  
7 but this is our primary residence. We've lived here  
8 and never have had our personal line frozen, okay?

9 As it's been noted, Mr. Wilson told us that  
10 he would put some additional gravel on the road. We  
11 did leave our home in late June or early July, that  
12 year in 2019, to do some humanitarian service in  
13 Cairo, Egypt. We were not here when the road was  
14 raised. We didn't see that happen. What I can tell  
15 you is that the gravel -- it's my opinion that the  
16 gravel that has been added to the road is not  
17 16 inches. There may be a foot right at the base of  
18 our driveway, which is basically the low spot of the  
19 road, and then it feathers from there probably, I  
20 don't know, 30 or 40 feet away from our driveway, to  
21 where it feathers, where there is no gravel, no  
22 additional road base that has been added to the road.  
23 I might also note with that, that the freeze point in  
24 this is somewhere between our neigh -- between us and  
25 the hydrant, the line that services our house and the

1 hydrant. It is not between us and the neighbor  
2 because every time the line has frozen, he has been  
3 without water also. And so although the road was  
4 raised, it's my opinion that the significant amount  
5 of raise that should've occurred there, didn't occur  
6 where we anticipate the freeze might be.

7 And, honestly, I don't know where that freeze  
8 is. It is approximately 150 feet from the hydrant  
9 that has not frozen to the neighbor. It is another  
10 70 feet from the neighbors to where I believe ours is  
11 hooked on. And I don't know exactly where those are.  
12 As I'm looking at those measurements, I'm looking  
13 perpendicular to where the water boxes are and  
14 assuming that the connection is somewhere near there.  
15 So although the road was raised -- and, again,  
16 obviously from the fact that the water froze again  
17 this year, the solution, although we believe  
18 Mr. Wilson and had no reason not to believe him, the  
19 solution has obviously not occurred this year.

20 On the 21st of February of this year, we  
21 drove to Logan for something that's about a 35-mile  
22 drive. Between the first of January and that day, we  
23 ran water some days in our home. Mostly, we ran a  
24 trickle of water at night when it was extremely cold.  
25 I was probably more concerned with the water freezing

1 where the connection comes through our garage and  
2 into our home than I was any place else.

3 I can tell you that we received a letter from  
4 Bridgerland Water Company that fall. We read the  
5 letter. We -- it's our contention that the letter is  
6 meant as a precaution about our individual lines  
7 freezing, not about their lines freezing. I can tell  
8 you the letter which Ms. Heninger has shared with all  
9 of you, I think even yesterday, says nothing in that  
10 letter about their lines freezing or us running a  
11 trickle of water to help their lines from freezing.  
12 It does talk about 200 cabins freezing. It talks  
13 about most cabins in the winter are just fine with  
14 running a little water. It does talk about  
15 insulating your own box so your line doesn't freeze,  
16 but it says nothing about running water to help their  
17 lines not freeze. And so I had no intention, in  
18 January and February this year, of running water as  
19 an asset or as a help to Bridgerland Water Company.  
20 I'll also note that even in Ms. Heninger's response,  
21 she indicated that -- she says, we will still -- we  
22 will still recommend that homeowners leave a trickle  
23 of water at their own residence in order to keep  
24 their personal lines open. And, again, so we did  
25 not -- we saw the letter, we read the letter, but we

1 did not assume that letter meant that we were to help  
2 them.

3 On the 21st of February, when it froze, I  
4 sent an email at 8:52 that night to Ms. Heninger. I  
5 made a phone call to the company number. There was  
6 no answer, but there was a voice message left. At  
7 9:38 that night, Mr. Rob Wilson called back. I  
8 appreciate his quick response. His first response to  
9 me was, Martell, it's probably your line that is  
10 frozen, not our line that is frozen because we have  
11 Steve Randall running water at the end of the line to  
12 keep the line from freezing. I said, well, Rob, I  
13 don't know whose line it is, but I said what I can  
14 tell you is we don't have water.

15 Within a few days, within a day or two, it  
16 was determined that it was a Bridgerland Water line  
17 that was frozen, not our line that was frozen. The  
18 next day, I got phone call back from Rob Wilson. He  
19 said they are looking at various options to restore  
20 the water immediately. We went through some options.  
21 He talked about coming and trying to change some  
22 pressure in the line to see if they can move that.  
23 He talked about some hot water process whereby they  
24 could shoot hot water into the line to thaw it out.  
25 Anyway, we talked about multiple things that might



1       happen.

2                   On the 24th of February, Mr. Wilson came to  
3       our home. He tried to open the lines to see if some  
4       pressure change would free them up. That did not  
5       happen. He came to our home. I can tell you there  
6       was some water jugs sitting at the bottom of our  
7       steps. We had our home through the basement level.  
8       There were some water jugs sitting there. He  
9       volunteered to carry those up the steps. I allowed  
10      him to do that because I had back surgery just on the  
11      6th of January. We talked further about what would  
12      happen, about what we might be able to do. And I  
13      should note that at that point in time, Mr. Wilson  
14      said to us, and my wife is here and can testify to  
15      this also, we probably should've been flushing those  
16      lines, but we couldn't find anyone to do it. Okay?

17                   From there, we talked about some other  
18      options. Rob Wilson volunteered to hire a clean  
19      water truck and park it in our yard. We asked him to  
20      follow up on that. He contacted us a few days later  
21      and said I can't find one. We had several  
22      conversations about other options. I asked if  
23      Bridgerland Water would be willing to buy a large --  
24      not a large, 100 gallon, 200 gallon to put in our  
25      garage. We were told, no, they would not be willing

1 to do that. If we could find one that we could rent,  
2 they would consider renting that for us. We said we  
3 talked about hooking a pump to that exterior tank and  
4 pumping water into our home so we'd have water in our  
5 system again. Again, the response was, if you could  
6 rent a pump to do that, we'll consider renting a  
7 pump, but we will not buy a pump for you to do that.  
8 Upon further conversation with other people, we  
9 decided we did not want external water into our home.  
10 We were told that the possibility existed that if we  
11 took external water and pumped it into our home, it  
12 could contaminate our water, our pipes, and create  
13 significant problems for us in the future. So we  
14 made the decision that we would not do that; that we  
15 would continue to simply haul water to flush the  
16 toilets; that we would buy water to drink; we'd buy  
17 water to wash vegetables and to do all of those types  
18 of things, okay?

19 On the 27th of February, we had a phone call  
20 with Steve Watterson who is the neighbor. He called,  
21 inquiring about the situation. He told us that he'd  
22 been on a three-way call with he and Steve Randall  
23 and that during that call, Rob also acknowledged that  
24 they should've been flushing the hydrants to keep the  
25 water temperature up, but they couldn't do it because

1 they couldn't find anyone to do that. We then, that  
2 same day, called Mr. Randall to confirm that.

3 Mr. Randall confirmed the same thing that  
4 Mr. Watterson had said to us. That was on the 27th.

5 Basically from then until into March, we had  
6 no conversation with Rob Wilson. Again, we tried  
7 looking at some other things, but there was just  
8 nothing there that seemed to work.

9 Finally, on the 5th of May, I sent a message  
10 to Mr. Wilson, to Rob Wilson, saying to him, hey,  
11 I've been out scraping the road to try to clear the  
12 ice and snow off the road, hoping that bare ground  
13 would thaw faster. I said, you know, the road is  
14 clear, there's no snow where we think the freeze is,  
15 and he said, okay, let's come up and dig.

16 On the 12th of April, Mr. Wilson came up  
17 here. We met with Mr. Darren Lutz. We agreed that  
18 Bridgerland would begin --

19 MRS. MENLOVE: 12th of May.

20 MR. MENLOVE: On the 12th of May, excuse me.  
21 That they would start the next week to dig that up.  
22 We put an X out in the road. We said that they would  
23 go up to 200 feet on both sides of that. Within the  
24 next day or two, the blue stakes, red stakes, black,  
25 those people all came and marked the road so they

1 could proceed with digging.

2 But on the 15th of May, the water came back  
3 on, okay? We conversed with Rob again at that point  
4 in time. He said they still would come up and start  
5 working on it. Nothing happened. We didn't hear  
6 back from them. Again, we had some phone calls, but  
7 there was not much happening between that time.

8 Around the 12th of June, I received a text.  
9 And, again, this is documented in text messages that  
10 I still have. I received a text from Rob Wilson that  
11 said two things in it, basically. It said, you  
12 didn't run the water when we told you to, therefore,  
13 it's your fault the pipe froze; and we've already had  
14 a complaint with the Public Service Commission. They  
15 denied Mr. Watterson's request for some  
16 reimbursement, therefore, we're sure that they are  
17 going to deny any request you might submit. So we're  
18 not going to reimburse you any further than simply  
19 not charging you for the water which you didn't have  
20 access to at that time. I said, well, I don't think  
21 that's hardly fair. We then heard back from  
22 Mr. Wilson. He said, okay, we decided not to charge  
23 you for the four months that -- the season when the  
24 water was only off for a part of those months.

25 The other thing that happened at that time is

1 I said to Mr. Wilson, we'd like to know who the  
2 engineers are for this project so we can talk with  
3 them and be assured that what you're going to dig up  
4 and fix here is really going to be a fix. Again, I  
5 sent a text message to Rob Wilson. His response to  
6 me was, please send me your email, Martell. I sent  
7 him my email. His response to me was some text that  
8 was intended for someone else and then another text  
9 that said, sorry, that text wasn't meant for you.  
10 And then that was the last of text messages that we  
11 received from Mr. Rob Wilson at that time.

12 So with the three situations with them  
13 saying, we're not going to reimburse you, it's your  
14 fault, the PSC isn't going to help you because we've  
15 already been to them and we know we're helping you  
16 more than they're even going to allow, and then the  
17 refusal of allowing them to -- allowing us to know  
18 who or what the engineering firm was doing, we  
19 decided to take some additional action. Up to that  
20 point in time, we had not done anything. I think we  
21 tried to be cooperative. We tried to be helpful. We  
22 tried to be patient. But when those three things  
23 happened, we said, hey, we need to take some  
24 additional steps.

25 We then contacted the governor's office.

1 Mike Mower and the governor's office. Told Mr. Mower  
2 what we were doing. The very next day, we received a  
3 notice from Thad LeVar, the commission chair. Right  
4 honestly, the email received from Mr. LeVar was not  
5 very encouraging. He indicated that Bridgerland was  
6 already taking some things to increase circulation,  
7 which really doesn't impact the dead-end line that we  
8 live on, and that he thought that the letter they'd  
9 sent out was sufficient. So at that point in time,  
10 I -- we drafted a letter to Mr. LeVar, outlining what  
11 we thought were our concerns. We sent that letter to  
12 Mr. LeVar. That letter is now on the docket as the  
13 formal complaint. It contains concerns about  
14 reimbursement. It contains concerns about the  
15 engineering and it contains some concerns that were  
16 also some additional frustrations that we have  
17 experienced and some concerns we had with  
18 Bridgerland Water. That is how the complaint came to  
19 be. The rest of what's happened is basically  
20 documented on the docket.

21 But, again, we would still, you know,  
22 maintain the position that the letter that was sent  
23 out on September 10th of 2022 really was not intended  
24 for us to help them. Mr. Steve Randall ran water for  
25 Bridgerland Water Company. He was running water the

1 day the line froze, okay? He told me, just last week  
2 when I spoke to him, that he ran water until the line  
3 froze. So I don't think that simply us running  
4 water -- it didn't make a difference in 2019. I  
5 don't think it would've made a difference in 2021.  
6 And, right honestly, I think there are multiple  
7 places where Bridgerland Water has some culpability  
8 here. We've asked, you know, was the line really  
9 laid deep enough when it was laid? Who was the  
10 contractor that laid the line? Was there any  
11 inspections that we can see when the line was laid?  
12 I think there's some real culpability here on the  
13 part of Bridgerland Water and yet they want to blame  
14 it on us because one afternoon when we ran to Logan,  
15 we didn't have water running in our home. So that  
16 would probably be our opening statement.

17 I can tell you that we are current on our  
18 bill with Bridgerland Water. We've paid all of the  
19 water that we've been billed for this year. Our  
20 biggest concern at this point in time is really not  
21 some reimbursement, although we believe that some  
22 reimbursement is appropriate. Our biggest concern is  
23 that the line be fixed and that it be fixed properly.  
24 I find interesting that in May, when Rob Wilson was  
25 up here, he said we're going to dig this up, we're

1 going to -- we are going to insulate the line. We're  
2 going to -- I think the word he used was shave the  
3 line, if that's the right terminology. We're going  
4 to make sure this doesn't happen again. And, again,  
5 in Ms. Heninger's response to the initial complaint,  
6 she said -- and this is dated June 22nd. She said,  
7 quote, because the cul-de-sac in which the Menloves  
8 live has had freezing issues before, we have  
9 discussed this issue at length as a board and are  
10 making plans to eradicate this issue, paren, we hope.  
11 We have hired a company to dig up that problem area  
12 and we are going to place a foam insulation on top of  
13 the line as well as the stub lines for the Menloves  
14 and other cabins attached at that point.

15 However, it's interesting that in her  
16 response to our formal complaint dated July 17th, now  
17 Ms. Heninger says that what they are going to do is  
18 put a bleeder at the end of the cul-de-sac as a way  
19 to circulate water. Although a bleeder may solve the  
20 problem, we would hope that the problem is solved the  
21 best way, not the easiest way, not the cheapest way.  
22 And we've been guaranteed by the Wilsons, by  
23 Bridgerland Water, that this would be fixed  
24 appropriately. Even to the point, I can tell you, on  
25 March 18th, I attended a homeowners' meeting with the



1 Bridgerland Homeowners' Association where  
2 Mr. Tony Hudson said that he'd been in conversation  
3 with Rob Wilson and was told that Bridgerland Water  
4 would make every correction necessary to assure that  
5 their pipes would never freeze in the future. So,  
6 anyway, that's our biggest concern right now. Again,  
7 some type of compensation, we think, might be owed to  
8 us, but the biggest concern is that the water be  
9 fixed.

10 Update on that, we were told that that  
11 process would start the week after Labor Day. We  
12 were patient the week after Labor Day. The week  
13 after that, I sent a message to Mr. Rob Wilson, is  
14 there any update on when you're going to fix this?  
15 His response was, waiting on Lutz. I assume Lutz is  
16 the company that they're going to have do it. And to  
17 this date, there has been nothing happened to fix  
18 this problem. It is still -- nothing is there.  
19 There has been no one here. No one has looked it.  
20 No one has given us any update. We have no idea  
21 what -- I mean, we can assume from their latest  
22 response that all they're planning to do is put a  
23 bleeder at the end of the line, but we honestly don't  
24 know what Bridgerland's intent is to fix this  
25 problem, although we've been told multiple times that

1 they would dig the line up, make sure it was fixed,  
2 and it would be taken care of. I think that ends at  
3 least my testimony and comments for this time.

4 MR. DELANEY: Okay, thank you very much,  
5 Mr. Menlove. Mrs. Menlove, do you have anything to  
6 add at this point?

7 MRS. MENLOVE: The only thing I would add is  
8 that --

9 MR. DELANEY: I'm sorry, ma'am. If so, I'd  
10 like to swear you in.

11 MRS. MENLOVE: Okay. Yes.

12 MR. DELANEY: So, I'm sorry, let me start  
13 again. Mrs. Menlove, do you have anything to add at  
14 this point?

15 MRS. MENLOVE: Yes.

16 MR. DELANEY: Okay, let me swear you in.

17 RONDA MENLOVE,  
18 was thereupon duly sworn to tell the truth, the whole  
19 truth, and nothing but the truth, and testified as  
20 follows:

21 MR. DELANEY: Thank you very much. You are  
22 now sworn in. Please go ahead.

23 MRS. MENLOVE: Thank you. The only thing I  
24 would add is, we have tried to work with the Wilsons  
25 on this. When we didn't have water, we took

1 initiative, found a place to go to to shower, to do  
2 laundry, do those kinds of things. And I think we've  
3 tried to be team players in this situation and would  
4 like to continue to be. Our biggest concern is this  
5 doesn't happen again. And it's happened twice. The  
6 first time, with their father leading the way, we  
7 were able to, you know, get through that situation  
8 with assurance that it would be taken care of. Now,  
9 the second time, it wasn't take care of. So my main  
10 concern is that this be taken care of in a way that  
11 will be fixed and that we have some assurance that  
12 this is truly a viable and reasonable kind of fix so  
13 that it's verified by someone or some practice has  
14 validated that our water will not continue to freeze.

15 I have significant concerns about fire safety  
16 in the winter. And I'm -- I will tell you it was, on  
17 a personal note, very stressful to me not to be able  
18 to have my children and grandchildren in our home for  
19 the winter months. They come here traditionally on a  
20 regular basis. So there's a personal aspect of it  
21 and that concern and anxiety about fire. And then --  
22 so this is just a broad life issue for us that we  
23 would like to have resolved. This is our home. So  
24 thank you.

25 MR. DELANEY: Thank you, Mrs. Menlove.

1           Let me now ask Bridgerland Water company.  
2           It's now your opportunity, one at a time, to what's  
3           called cross-examination or cross-examine the  
4           witnesses that have now testified on behalf of the  
5           Menloves. So if you would like to, you may ask  
6           questions of Mr. or Mrs. Menlove; and if you would  
7           like to, please tell me who will be asking at least  
8           the initial questions. So, Mr. Wilson, would you  
9           like to ask any questions of Mr. Menlove?

10           MR. WILSON: No. I do have some comments,  
11           but I don't have any questions.

12           MR. DELANEY: Okay. And you will have an  
13           opportunity, along with Ms. Heninger, when you all  
14           can make your presentation. So at this point,  
15           cross-examination is designed to question what was  
16           just talked about or testified about by either  
17           Mr. Menlove or Mrs. Menlove. So, Mr. Wilson, I've  
18           asked you if you wanted to ask Mr. Menlove any  
19           questions. Would you like to ask Mrs. Menlove any  
20           questions?

21           MR. WILSON: No. Not at this time, no.

22           MR. DELANEY: Okay, thank you. Ms. Heninger,  
23           would you like to ask any questions of Mr. Menlove?

24           MS. HENINGER: No, not at this time.

25           MR. DELANEY: Okay. And same question as to

1 Mrs. Menlove. Would you like to ask Mrs. Menlove any  
2 questions, Ms. Heninger?

3 MS. HENINGER: No.

4 MR. DELANEY: Okay. I have some questions  
5 for either one of Mr. or Mrs. Menlove. Be patient  
6 with me for a second because your presentation was  
7 very thorough, from both of you, and I believe that  
8 you likely answered some of the questions I had in  
9 advance of this hearing. I may ask a question that  
10 sounds like you've already addressed it. Be patient  
11 with me and just answer the question. It's not my  
12 intention to duplicate it, but I may, at times,  
13 duplicate.

14 One question I want to ask, you acknowledged  
15 the receipt of the September 10th letter, and let me  
16 ask you this, Mr. Menlove. When you received that  
17 letter, but before what I call the freezing event  
18 which I believe, based on Mr. Menlove's testimony, is  
19 established as February 22nd, 2023, so between the  
20 time of receipt of the September letter and the  
21 freezing event of February 2023, did you respond in  
22 any way to Bridgerland Water Company regarding what  
23 the letter said, requested, or otherwise represented  
24 to you?

25 MR. MENLOVE: No, I did not.

1 MR. DELANEY: Okay. Mrs. Menlove, I'd like  
2 to ask you the same question. I'm happy to repeat it  
3 or you can just answer it based on what I've already  
4 asked Mr. Menlove.

5 MRS. MENLOVE: Yes. No, we did not send any  
6 response.

7 MR. DELANEY: Okay, thank you.

8 MR. MENLOVE: Mr. Delaney, I believe the  
9 freeze date was the 21st of February, not the 22nd,  
10 if that makes a difference.

11 MR. DELANEY: Well, thank you for the  
12 clarification. I had meant to say the 21st. I  
13 thought I said the 21st. If I said the 22nd, I  
14 misspoke. Thank you very much. That's the good  
15 thing about the court reporter, she'll get the wrong  
16 date and the right date. Thank you though.

17 As I was looking at the letter -- by the way,  
18 Mr. Menlove, your testimony was accurate. We  
19 received that letter, the September 10th letter, a  
20 copy of that, last night via email. What I noticed  
21 in that letter was an additional suggestion and it  
22 was with respect to putting a garbage bag with  
23 insulation in your meter hole, I think was the exact  
24 articulation.

25 So my question, Mr. Menlove, is, did you act

1 on that recommendation or something similar to?

2 MR. MENLOVE: Approximately 20 years ago, I  
3 did ask for recommendation at that time of  
4 Mr. Ted Wilson. Put some insulation in a garbage bag  
5 and put it in my meter hole. I have not had that  
6 meter hole open since then. I don't know if the bag  
7 is still there or not. But I did not do anything as  
8 a result of this message this year.

9 MR. DELANEY: Okay. So your answer to my  
10 question is no?

11 MR. MENLOVE: Yes, no.

12 MR. DELANEY: And, Mrs. Menlove, did you put  
13 a garbage bag with insulation in your meter hole or  
14 anything similar to that as recommended in the letter  
15 this year -- I'm sorry, in 2022/2023?

16 MRS. MENLOVE: No, I did not do that.

17 MR. DELANEY: Okay, thank you. This is going  
18 to get -- this line of questioning is going to get a  
19 little technical, maybe. As you saw in the initial  
20 notice for this hearing, I had outlined some  
21 questions that I want some clarification on. And it  
22 has to do with the first set of distinctions, as I  
23 call them, that I'd like some clarification on, is  
24 the difference between personal lines, on one side,  
25 and then on the other side, either main lines or what

1 is also referred to as BWC's lines. So with that  
2 context, let me ask Mr. Menlove some questions, okay?

3 You've said in some filings, and you've  
4 testified today, that you assumed that the request to  
5 run some water was to protect your own line or your  
6 personal line from freezing; does that sound right?

7 MR. MENLOVE: That's accurate.

8 MR. DELANEY: Okay. Where did you get  
9 information that provided you the basis to make that  
10 assumption?

11 MR. MENLOVE: It is my understanding that  
12 there is a meter in our meter box. Anything from  
13 that meter to my home is my personal line. Anything  
14 on the other side of that meter belongs to  
15 Bridgerland Water Company and is their  
16 responsibility.

17 MR. DELANEY: Okay, thank you very much.  
18 That's a very helpful clarification. You really did  
19 split that very nicely and that's a question I'll ask  
20 you later. But my question here is, why, when you  
21 got the letter, did you think or assume that the  
22 purpose of running the water or the trickle was only  
23 as it related to your line from the meter to your  
24 house?

25 MR. MENLOVE: The letter does not say



1 anything about Bridgerland Water lines running water,  
2 other than it does say that they're working on some  
3 circulators to help their system, okay?

4 MR. DELANEY: Okay.

5 MR. MENLOVE: So when I got the letter and it  
6 talks about 200 cabins freezing, it talks about  
7 cabins in the winter are just fine if they leave a  
8 little water running. My assumption was that the  
9 concern addressed in the letter was for my personal  
10 lines, not for Bridgerland's lines.

11 MR. DELANEY: Okay, thank you very much.  
12 Mrs. Menlove, I'd like to ask you the same question,  
13 unless you can just say that your assumption was  
14 based on the same information that was just testified  
15 to.

16 MRS. MENLOVE: My assumption was the same as  
17 my husband's.

18 MR. DELANEY: Okay, thank you very much. And  
19 based on the same sort of --

20 MRS. MENLOVE: Yes, based upon the same  
21 letter.

22 MR. DELANEY: Okay, thank you very much.  
23 Mr. Menlove, you testified earlier, and I see this  
24 also in the filings. I'm trying to get a sense from  
25 your perspective, especially based on the distinction

1 that you just made momentarily ago, about the  
2 personal lines being from the meter to your house and  
3 BWC's lines being the main lines on the other side of  
4 that meter. Given that distinction, do you know --  
5 did your personal line freeze on February 21st, 2023?

6 MR. MENLOVE: I don't believe our personal  
7 line has ever frozen since it was installed in the  
8 early 1990s.

9 MR. DELANEY: Okay. Now, you said I don't  
10 believe. And I guess my question was, do you know  
11 whether your personal line froze in this February  
12 freezing event?

13 MR. MENLOVE: I do not know, okay?

14 MR. DELANEY: Thank you.

15 MR. MENLOVE: Because water not coming to my  
16 house can either be because my line froze or their  
17 line froze.

18 MR. DELANEY: Okay.

19 MR. MENLOVE: What I know is that all of my  
20 neighbors did not have water either and it doesn't  
21 seem likely that five different homes all have their  
22 personal lines freeze on the same day.

23 MR. DELANEY: Okay, thank you very much. You  
24 clarified some of your earlier testimony because you  
25 had testified that you weren't certain where the

1 freeze point was, I think the phrase you used.  
2 Freeze point. And I wanted to circle back and make  
3 sure I understood that testimony as it related to my  
4 specific question. So thank you.

5 And I'd like to ask the same question of  
6 Mrs. Menlove. Mrs. Menlove, do you have any  
7 knowledge of where this freeze occurred; was it in  
8 your personal line?

9 MRS. MENLOVE: I do not have that knowledge.  
10 And I confirm the testimony that my husband has given  
11 about that. I had helped communicate with neighbors  
12 at that very same time, so I was part of that process  
13 and heard the same information from our neighbors.

14 MR. DELANEY: Okay, thank you very much.

15 Another question. Mr. Menlove, do you have  
16 any knowledge or information that running a  
17 trickle or -- I guess I'm just going to call it  
18 trickle because that's kind of the vernacular that's  
19 been used -- running a trickle could, in fact, impact  
20 the lines beyond your personal line? And it's a  
21 technical question, so I'm happy to rephrase it,  
22 because I'm not a technical person and I want to make  
23 clear that you understand it.

24 MR. MENLOVE: So in my communications with  
25 Ted Wilson in 2019, he indicated that my running

1 water would impact Bridgerland Water Company lines.

2 MR. DELANEY: Okay. And he -- that happened  
3 in 2019?

4 MR. MENLOVE: Yes.

5 MR. DELANEY: And it was the first freezing  
6 event, the one that you have corrected your earlier  
7 submissions concerning the dates, the years, correct?

8 MR. MENLOVE: Yes.

9 MR. DELANEY: Okay. Did he explain how or do  
10 you recall whether he explained how you running water  
11 in your house affects the bigger system?

12 MR. MENLOVE: Okay. It is my understanding  
13 that moving water is less likely to freeze than not  
14 moving water and that if you move enough water, it  
15 won't freeze. I have been told by other people that  
16 to move enough water -- I believe what we have is a  
17 six-inch line in our road, okay? Which is another  
18 issue we can talk about. But I believe what we have  
19 is a six-inch line in our road. At least one person  
20 I spoke to said that to stop a six-inch line from  
21 freezing, you're probably going to need to run an  
22 outside hose at almost full capacity, a three-quarter  
23 inch hose at almost full capacity. So that's my --  
24 that's my understanding. I don't have the technical  
25 expertise to tell you how much water needs to be run

1 to stop a six-inch line from freezing, no.

2 MR. DELANEY: Okay. Well, I appreciate your  
3 attempts to jog your recollection about what you do  
4 know. Let me move on from that. Okay. Now --

5 MR. MENLOVE: May I add one thing?

6 MR. DELANEY: Sure.

7 MR. MENLOVE: I do know that running  
8 basically a straw-full of water into a bathroom sink  
9 in our house in 2019 did not stop the line from  
10 freezing -- the main line from freezing, I know that.

11 MR. DELANEY: Okay. And just to be clear, do  
12 you see the recommendation or direction in the  
13 September 10th letter to recommend that you run a  
14 straw-full of water in your bathroom sink?

15 MR. MENLOVE: I do not, no.

16 MR. DELANEY: Okay, thank you. A new  
17 distinction, if you will. And I guess before I move  
18 into this new distinction, let me ask, Mrs. Menlove  
19 just generally. Do you have anything to add to what  
20 Mr. Menlove has testified about, based on my  
21 questions that I just asked him on this personal  
22 line, main line questions?

23 MRS. MENLOVE: I will just add that we  
24 followed the recommendation in 2019 exactly as we  
25 were asked and our water froze .

1 MR. DELANEY: Okay, thank you very much.

2 MRS. MENLOVE: Thank you.

3 MR. DELANEY: So this new distinction is  
4 about flushing and I'm sorry if I'm being too precise  
5 about this, but there is language that is used that  
6 confuses me because it talks about line flushing and  
7 it talks about flushing hydrants. And what I heard  
8 in Mr. Menlove's presentation may have cleared it up  
9 a little bit in my head, but I want to confirm it.

10 So, Mr. Menlove, you have made or you or  
11 Mrs. Menlove have made an assertion that Bridgerland  
12 flushed our line on a regular basis during winter to  
13 bring warm water into the lines. Now, based on that  
14 language, what do you mean by the line?

15 MR. MENLOVE: So the line is the Bridgerland  
16 line.

17 MR. DELANEY: Okay, okay.

18 MR. MENLOVE: For a number of years, we  
19 observed an individual by the name of Brandon  
20 Weatherston, who was an employee of Bridgerland Water  
21 Company, come along our road weekly during the winter  
22 and open up fire hydrants and take the temperature of  
23 the water coming out of those fire hydrants and leave  
24 the water running in the fire hydrants, flushing the  
25 line, per se, until the temperature of the water

1 reached a certain point wherein he would close the  
2 hydrant but would come back the next week or several  
3 days or whatever. I don't know exactly the interval,  
4 but that process would happen multiple times every  
5 winter.

6 The other thing I can add to you that I don't  
7 know if I added in my initial testimony is that in  
8 the winter of 2022/2023, we were here full-time and I  
9 did not observe anyone engage in that activity that I  
10 just explained to you during that period of time. In  
11 other words, I don't believe -- I don't know that  
12 this line was flushed at any time in December,  
13 January -- December 2022, January 2023 or  
14 February 2023. And typically you can tell when that  
15 happens because when the water runs, it melts the  
16 snow. You can also see where someone has dug out the  
17 hydrants, someone has moved the hydrant. So it's  
18 something that's easy to observe that's happened and  
19 I did not observe that happening in, again,  
20 December 2022, January 2023 or February 2023.

21 MR. DELANEY: Okay, thank you very much. So  
22 I want to ask the question one other way and I'll  
23 pose it just to Mr. Menlove. When you, in your  
24 submissions, talk about flushing, you are never  
25 talking about your personal lines, as we have made

1 that distinction today, which is from the meter to  
2 your house, you have not intended that flushing to be  
3 applied to our personal line; is that correct?

4 MR. MENLOVE: That is correct.

5 MR. DELANEY: Okay, thank you. Mr. Menlove,  
6 what, in your mind, and this is technically speaking,  
7 what does flushing do to prevent potential line  
8 freezing?

9 MR. MENLOVE: We live a considerable distance  
10 from the source of the water that we receive. The  
11 temperature at the source of the water -- and, again,  
12 this was taught to me by Ted Wilson in 2019. The  
13 temperature at the source of the water is typically  
14 higher than the temperature in our line and so what  
15 flushing would do is bring warmer water into the  
16 line, expelling the colder water and therefore  
17 inhibit freezing.

18 MR. DELANEY: Okay, thank you. And the basis  
19 for that understanding was conversations you had with  
20 Mr. Will -- sorry, Mr. Ted Wilson --

21 MR. MENLOVE: Yes, Ted Wilson.

22 MR. DELANEY: -- back in 2019?

23 MR. MENLOVE: Yes.

24 MR. DELANEY: Okay, thank you. Excuse me for  
25 one sec. I'm just reviewing my notes.



1           At this point, I don't have any other  
2           questions for now, so thank you Mr. and Mrs. Menlove.  
3           We will now turn to Bridgerland Water and allow them  
4           to provide testimony as they see fit, after which  
5           you, Mr. and Mrs. Menlove, will similarly have a  
6           chance to ask questions of those witnesses, and then  
7           I too will have an opportunity to ask questions as  
8           well. So on the Bridgerland side, who is going to  
9           provide the testimony?

10           MS. HENINGER: I will, to start.

11           MR. DELANEY: Okay, wonderful.

12           THE REPORTER: Mr. Delaney, is this a good  
13           place to take a quick break?

14           MR. DELANEY: That's fine. Is five minutes  
15           enough?

16           THE REPORTER: Yes.

17           MR. DELANEY: Folks, it's 11:36, according to  
18           my computer. Please be back here by 11:41, okay?  
19           Thank you.

20           (There was a brief recess taken.)

21           MR. DELANEY: Everybody is back. It's now  
22           11:42. We will resume. As I was saying before the  
23           break, it's now Bridgerland Water Company's  
24           opportunity to testify. It has identified that  
25           Ms. Heninger, or ger, -- I'm sorry, I keep

1 mispronouncing that because of somebody I grew up  
2 with -- will be testifying to begin with on behalf of  
3 Bridgerland. I'm going to swear in the witness.

4 TANA HENINGER,

5 was thereupon duly sworn to tell the truth, the whole  
6 truth, and nothing but the truth, and testified as  
7 follows:

8 MR. DELANEY: You are sworn. Please proceed.

9 MS. HENINGER: So let me start back with  
10 2019. So -- well, actually before that. So my  
11 father established this company in 1974 and has been  
12 running it. In about 2019-ish to 2020, his health  
13 declined enough where we asked us three children, me,  
14 Mike and Rob Wilson, all to step in and help him.  
15 And so we were helping sort of for a while and then  
16 we realized that he just could not do it, not  
17 physically and not mentally. So his recollection of  
18 2019 is that it did freeze on that place and he,  
19 according to him, which he's not very reliable and  
20 therefore is not one of our witnesses, did say that  
21 he added some road base on that road and he felt that  
22 that did the trick, and for a few years I guess it  
23 did. We do not deny that it froze in 2023, this  
24 February. In fact, we are very pained by it. We  
25 also had another place freeze down in G and so we've

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1 been dealing with those homeowners as well down  
2 there. So we did have some freezing issues and have  
3 had in the past and we don't deny that.

4 We sent the letter in September as a  
5 precaution. So we have main lines and then we have  
6 personal lines and never did we intend that asking  
7 people to run personal lines so that we keep all the  
8 mains open. We would never just rely on that. And  
9 so the Menloves are correct, we do not expect people  
10 to run their personal lines just so that we don't  
11 have to do our job. Our job is to flush fire  
12 hydrants, keep your water flowing, try to do -- you  
13 know, keep the water from sitting and settling. And  
14 according to the information we've gotten not only  
15 from my father but from other people, by drawing that  
16 water through, that water that is running is less  
17 likely to freeze. And so we watch the temperature of  
18 the water. As we're flushing, we check the  
19 temperature to see if we can draw enough water to  
20 warm it up a little and we watch the flow. We do all  
21 those kind of things. We have had a guy, Brandon, to  
22 do that for us and then he informed us this last year  
23 he would not be doing it and so my brother Rob did  
24 it. And he did flush. He flushed in multiple  
25 places, on multiple weekends. And I will let him

1 testify to the specifics on that road. But according  
2 to him, he was up there flushing. How people feel  
3 like, you know, Rob said we have no one to do it, no  
4 one is doing it. No. We had no one to do it, so we  
5 were doing it and we were up there flushing. And so  
6 we were doing that.

7 Now, I recall that in 2019, the Menloves were  
8 running water and Ted was flushing and it still  
9 froze. So, you know, I wish I could say we have the  
10 perfect formula to keep this from happening, because  
11 we would absolutely do it. So given that it did  
12 freeze on Cedar Ridge and it did freeze down in  
13 Platt G, we initially did say, okay, we'll dig it up,  
14 we'll bury it, we'll put foam on it, we'll do all  
15 these things. But luckily we've had some time to do  
16 some research and we've had three different people,  
17 and I'm going to name them specifically. So Riley  
18 from Garden City, who's their water master, and Mike  
19 from the Utah Water Association, and then Darren Lutz  
20 have all said the better thing than digging up all  
21 the lines and burying them deeper is to put a  
22 continual bleeder at the end of these cul-de-sacs  
23 that are kind of -- tend to be longer. And so that's  
24 why we have changed our position to be, now we feel  
25 like putting a bleeder is the better solution. It's

1 not the easier, it's not the cheaper. We're not  
2 doing that. We're very interested in fixing it and  
3 hopefully getting a solution that is permanent. And  
4 as we struggle to learn this business, from it just  
5 kind of being handed to us, and we try to do our  
6 research and we try to talk to the experts, this is  
7 what we have concluded. And so I will admit that we  
8 have changed our stance, but we feel like this is the  
9 better stance.

10 As far as timing, Darren Lutz who is the only  
11 excavator over there and we try to be really nice to  
12 him, he has assured us that this will be done this  
13 season. I don't control him, but he has assured us  
14 and we are hoping that that is going to be the --  
15 that that's true, because we are very interested in  
16 getting this fixed. We feel terrible that the  
17 Menloves and anybody had to go through this. The  
18 Menloves are the only ones that live up there  
19 full-time that had this freezing and so, of course,  
20 we feel horrible.

21 Now, I will let Rob talk about more of the  
22 communication with them. But from what I understand,  
23 from what Rob told me and all the communications we  
24 were communicating back and forth, he said that they  
25 did talk about getting a water tank and -- but then

1 the Menloves said they were going to go a different  
2 direction and they explained why they wanted to do  
3 that. But when Rob checked on them several times,  
4 they said that they were okay and that they were  
5 dealing with it. And even though that's not a great  
6 solution, we just took them at their word, that they  
7 were muddling through. And we did not realize until  
8 their complaint how really stressful that all was.  
9 And I wish we had known better, you know, at the  
10 beginning, what we could have offered. We didn't  
11 know what to offer. We didn't have the knowledge. I  
12 know that's not an excuse. It's just the reality  
13 that, you know, we didn't know better or what to  
14 offer. The things we looked into, we were just  
15 finding were not possible.

16 You know, meanwhile, we're talking to  
17 Garden City. We're talking to Sweetwater. They are  
18 having main lines freezing too and they're putting  
19 heat blankets on and not getting any results from  
20 that. So we were very much trying to be in  
21 communication with other entities that were having  
22 this problem, looking for a solution. And we just  
23 didn't find anything that we thought would work and  
24 so we kind of waited it out, and I'm just so sorry  
25 that they went through that stress.

1           As far as -- so I assume this is going to be  
2 a question, so I'm going to go ahead and answer it.  
3 We assumed it was the main that froze and not  
4 simultaneously two other homes, and -- because the  
5 coincidence of having two homes on the same day be  
6 frozen at the same time is probably, you know, not  
7 very likely and so we did assume that was it the main  
8 line that froze, but I don't know that we have  
9 evidence of that. And so our assumption is what  
10 everybody else's assumption was, is that the main  
11 line was frozen and not those personal lines. Now,  
12 whether or not the personal lines then froze  
13 immediately, you know, we have no technology to know  
14 if that happened. But, regardless, they were out of  
15 water and that was definitely not a good situation.  
16 So that's all I have to say. I don't know if you  
17 want to let Rob add in his details at this point.

18           MR. DELANEY: Thank you, Ms. Heninger, if  
19 that's all you have. I think I would like Mr. Wilson  
20 to provide whatever testimony he would like to  
21 provide at this point and then I will let the  
22 Menloves cross-examine whomever they would like,  
23 specifying who the questions are directed to. I  
24 think that would be more efficient. So let's proceed  
25 that way. Mr. Wilson, can you hear me okay?

1 MR. WILSON: Yes, I can.

2 MR. DELANEY: Okay, good. Good morning --  
3 or, close to afternoon.

4 ROB WILSON,  
5 was thereupon duly sworn to tell the truth, the whole  
6 truth, and nothing but the truth, and testified as  
7 follows:

8 MR. DELANEY: Thank you very much. You are  
9 sworn. Please go ahead and testify however you'd  
10 like.

11 MR. WILSON: Okay. I'm going to address -- I  
12 think one of the things that saddens me the most is,  
13 I did say that we didn't have anyone to flush, but I  
14 never did say that we weren't going to flush. And as  
15 a matter of fact, I did the flushing. The  
16 association president helped me do flushing. That is  
17 Tony Hudson. I got him to help me because I couldn't  
18 come in the middle of the week because of my job.  
19 And the reason why I think the Menloves didn't see  
20 any evidence in their road of this is because it  
21 snowed every other day. Every time I went up there,  
22 I had to dig out the hydrants, all of them. The  
23 snowfall this year was crazy. I even had  
24 Tony Hudson, who does the snow removal, helping me  
25 keep those as cleared as possible, the ones that he



1 could get close to. In other words, he would take  
2 his equipment and get as close to the hydrant as  
3 physically possible without hitting one, which they  
4 did. They did hit one, in helping me keep them  
5 clear, but that wasn't enough. I still had to dig  
6 out each hydrant that I was flushing every time I  
7 came over there. And the days that I did it were  
8 Friday evenings or Saturday morning or Sunday  
9 morning. And on the weekends, most of the time that  
10 I did it was at daylight, just in time for me to have  
11 enough light so that I could get that done. And a  
12 lot of times, I had to get -- I did it so that I  
13 could get a water sample on that day to get our  
14 monthly water sample in. I would time it for that.  
15 But we did do the flushing. I had help doing it.

16 I think that just before their water froze,  
17 the water temperatures were coming down. And I know  
18 that Martell mentioned that you could tell the  
19 flushing had been done because of the snow melting.  
20 Well, on most years, that's true. It would be out on  
21 the road a little bit sometimes. You could see the  
22 hole the water goes down. But every time I came  
23 back, within a day or two, those holes were filled  
24 with snow, blowing snow.

25 And let's see. Just so that you know, John,

1 even after the main line froze there, I went up and  
2 was still opening the other hydrant that's uphill  
3 from them. In other words, as Martell put it,  
4 towards the source of the water. I was opening that  
5 and flushing, hoping that bringing the warm water to  
6 there would maybe hurry the process of thawing the  
7 rest of it out. And that line, just so the Menloves  
8 know, that line, that hydrant was never frozen and  
9 it's close enough to their home that they were safe  
10 from fire.

11 I talked to the City, Riley and the City, and  
12 he suggested that I put a black bag over the hydrant  
13 that wasn't working so that the fire department would  
14 know that. And I put a bag over it after it froze  
15 and it got buried. And one of the times that I tried  
16 to dig it up just to check it, the black bag was gone  
17 and I put another garbage sack over it. But that  
18 line down below them was always open. It never  
19 froze. I mean, the hydrant. So I think that's about  
20 all I've got. I can answer some questions for you if  
21 you want.

22 MR. DELANEY: Well, if that's all you have  
23 right now that you'd like to testify about, I will  
24 turn it over to both Mr. and Mrs. Menlove to  
25 cross-examine either one of you, Mr. Wilson or

1 Ms. Heninger. I will request Mr. and Mrs. Menlove,  
2 whomever it is, one at a time, one questioner at a  
3 time, please identify who the question is posed to,  
4 as between Mr. Wilson or Ms. Heninger. Why don't we  
5 start with Mr. Menlove. You are free to ask any  
6 questions of the two witnesses that have just  
7 testified.

8 MR. MENLOVE: Thank you. I'll direct my  
9 questions based on the testimony I've heard, but if  
10 either of them feel more qualified or better to  
11 answer those questions, I understand that also.  
12 First of all, I think I heard Ms. Heninger state that  
13 they don't ask people to run water for them. Is  
14 that -- did where hear that accurately?

15 MS. HENINGER: Yes, that's true. Even though  
16 we do benefit from it, that's not the reason we ask  
17 people to run it.

18 MR. MENLOVE: So did you ask some individuals  
19 to run water this past winter?

20 MS. HENINGER: I did not ask anyone, but Rob  
21 can tell me if this is incorrect. He did ask  
22 Steve Randall, who owns a cabin at the top of your  
23 lane, and he's not a permanent resident there, he  
24 asked him to run -- to be sure to run his water  
25 because he thought that would help us, and Steve

1 agreed to that.

2 MR. MENLOVE: Yes, I understand that and I  
3 appreciate you sharing that because that's the same  
4 information I have. Were there other people that  
5 were asked to run water?

6 MR. WILSON: Well, yeah, the letter states to  
7 everybody that we ask them -- anybody to run water  
8 that could and that they would be not charged for any  
9 overage.

10 MR. MENLOVE: Did you ask anyone besides  
11 Steve Randall to run water for you?

12 MS. HENINGER: I don't recall asking anyone  
13 else personally.

14 MR. MENLOVE: So Cody Lundgren reports to me  
15 that you asked him to run water --

16 MR. WILSON: Oh, oh.

17 MR. MENLOVE: -- and even if it got warmer,  
18 he asked if he could now turn it off and you told him  
19 no; is that accurate?

20 MR. WILSON: That is accurate. I thought we  
21 were still talking about on your street, I'm sorry.  
22 So Cody did because of the area down in A that he  
23 lives on does not have a circulator. It's not a part  
24 of the circulated water in A. And we've always had  
25 someone either run water or we've flushed the

1 hydrants. And Cody's concern about the hydrant was  
2 every time we flushed that hydrant, the water ran  
3 down into his driveway. So we decided that the  
4 solution was to have him run a good amount of water,  
5 and he ran a lot of water.

6 MR. MENLOVE: I'm aware of that.

7 MS. HENINGER: Yeah.

8 MR. MENLOVE: So just to clarify, did anyone  
9 ever ask us to run water for them, other than the  
10 letter?

11 MR. DELANEY: Please direct the question to  
12 one particular individual at a time.

13 MR. MENLOVE: All right. Ms. Heninger, did  
14 anyone ask us to run water to help with Bridgerland  
15 Water, other than the letter we received back in  
16 November?

17 MS. HENINGER: I'm not sure if I understand  
18 the question. You're asking if anyone asked you, the  
19 Menloves, to personally run water?

20 MR. MENLOVE: Yes.

21 MS. HENINGER: No, we did not contact you  
22 personally. We just sent the letters.

23 MR. MENLOVE: All right. And let me make  
24 sure, you indicated that Riley Argyle, Mike from the  
25 Utah Water Association I believe is what you said,

1 and Darren Lutz have all told you that a bleeder is a  
2 better solution than digging up the line and fixing  
3 the problem by digging up the line; is that accurate?

4 MR. DELANEY: Mr. Menlove, please pose the  
5 question to some identified individual.

6 MR. MENLOVE: Okay. Again, I'm questioning  
7 Ms. Heninger's testimony, so I guess I'm questioning  
8 her.

9 MR. DELANEY: Thank you.

10 MR. MENLOVE: You're welcome.

11 MS. HENINGER: So I'm going to give that to  
12 Rob and let him answer that. He's the one who spoke  
13 with them personally. So will you direct that  
14 question to Rob? Thank you.

15 MR. WILSON: And you don't need to repeat it,  
16 Martell. Yes, all three of those people have stated  
17 that for moving water in a cul-de-sac, it's better to  
18 have a circulator, what I call a circulator, or some  
19 way to run -- we can run water continuously, 24 hours  
20 a day instead of just flushing once a week or twice a  
21 week.

22 MR. MENLOVE: Okay. I just want to make  
23 sure, because that is inconsistent with the  
24 conversation that I've had with Darren Lutz, okay?

25 So next question. Again, this was part of

1 Ms. Heninger's testimony, so I guess I'll question it  
2 to her. I'm not sure I heard clearly. Did you give  
3 a date when Darren is supposed to be here to do this?

4 MS. HENINGER: No. We have no fixed date on  
5 that.

6 MR. MENLOVE: All right. One other -- I need  
7 to have some additional clarification, if I could,  
8 about the bleeder. Can you -- and, again, I guess,  
9 Rob, you may be the best one to answer this question,  
10 so I'm directing it to you. Can you help me  
11 understand how the bleeder -- where it will be  
12 placed, how much water will run through it, where the  
13 water will run that runs out of it, and those types  
14 of things?

15 MR. WILSON: Sure, I can. Do you want me to  
16 go ahead?

17 MR. MENLOVE: Sure.

18 MR. WILSON: We are going to go down to the  
19 end of your line and we are going to put -- we're not  
20 going to have a meter, but I'm going to call it a  
21 meter box. We're going to have a meter box where we  
22 can access the valve and they are going to put in a,  
23 I guess you'd call it a leach pit or a place for the  
24 water to go. And we will be able to control that  
25 valve to either run a little bit of water, depending

1 on the temperatures that we get, or we can open it  
2 all the way up to a one-inch line. And we've been  
3 told that that is sufficient. When you're running  
4 24 hours a day, that is more than sufficient to keep  
5 that line from freezing.

6 MR. MENLOVE: So, Mr. Delaney, may I continue  
7 with some questions?

8 MR. DELANEY: Yes, absolutely. Feel free.

9 MR. MENLOVE: Okay. So Rob, the leach pit  
10 will be located in the road in the property owners's  
11 property up there? Where will that be located?

12 MR. WILSON: That is yet to be determined,  
13 depending on the slope and after they get into the  
14 ground. But it's more -- it's more than likely,  
15 according to Darren, it's more than likely, you know,  
16 the best downhill slope that won't affect anybody.

17 MR. MENLOVE: Is there a downhill slope that  
18 won't affect anybody?

19 MR. WILSON: Yeah.

20 MR. MENLOVE: Where will that be?

21 MR. WILSON: That -- you know, these are  
22 questions that I think Darren is going to have to  
23 answer to me. We have not -- we haven't set an exact  
24 date. He's way behind on all of his other stuff, but  
25 all of that will be determined when they start to dig



1 and they really get a good look at what we're going  
2 to be doing.

3 MR. MENLOVE: Okay. Because what you're  
4 describing to me, I'm envisioning that happening on  
5 Steve Randall's property and I've asked Steve Randall  
6 about that, he doesn't know anything about that. Is  
7 that accurate?

8 MR. WILSON: It's not going to go on  
9 anybody's property but our own.

10 MR. MENLOVE: All right.

11 MR. WILSON: We own the property past  
12 Steve Randall's.

13 MR. MENLOVE: I understand you have a 10-foot  
14 buffer on that side right now?

15 MR. WILSON: It will not -- if we have to run  
16 that line 200 feet, that's what we'll do. It will be  
17 determined. The best route will be determined when  
18 we start to dig and see what the grades are and the  
19 slopes and all of that. We're not going to be going  
20 on anybody else's property.

21 MR. MENLOVE: Okay. Let me just ask one more  
22 clarification, Rob.

23 MR. WILSON: Yep.

24 MR. MENLOVE: You indicated that the line  
25 that would bleed would be a one-inch line because a

1 one-inch line would be sufficient no matter how cold  
2 it got; is that accurate?

3 MR. WILSON: Well, yeah, that -- if I said  
4 that, that's accurate, but it's actually going to  
5 be -- I'm sorry. It's going to be a two-inch line.  
6 It's a two-inch line that we're going to put in. I  
7 was thinking one-inch because that's the size of  
8 lines a lot of people like to run to their house.  
9 I'm sorry. It's going to be a two-inch line. A  
10 two-inch -- what they're going to do is put a saddle  
11 on the main line and run a two-inch line out to a  
12 cork stop valve that we can control.

13 MR. MENLOVE: Okay.

14 MR. WILSON: And it's going to be in meter  
15 box so we have full control of that valve.

16 MR. MENLOVE: All right. Again, Rob, I guess  
17 you are answering these questions. Riley Argyle,  
18 Mike with the water association, and Darren Lutz, are  
19 any of those individuals water engineers?

20 MR. WILSON: I don't know.

21 MR. MENLOVE: All right. Just maybe more a  
22 comment than a question, Mr. Delaney, is, I find it  
23 interesting that they are going to put in a two-inch  
24 line because that's what is needed to keep the water  
25 circulating and yet they're blaming me for not

1 running an eighth-of-an-inch water and causing their  
2 line to freeze. There seems to be some inconsistency  
3 there.

4 MR. WILSON: Can I comment on that, John?

5 MR. DELANEY: Sure.

6 MR. WILSON: Martell, I am so sorry this all  
7 happened. You have no idea how sorry I am. And I  
8 did not intend to blame you for anything, okay?  
9 While we were on our break, I looked at those -- our  
10 conversation on text and I don't believe that my  
11 intent was to blame you. I think my intent was  
12 probably out of frustration. I just want you to know  
13 personally that I did not mean to blame you. I don't  
14 blame you. We just want to resolve this. We just  
15 want to make it so that you and your wife can enjoy  
16 your home up there and not worry about this anymore.  
17 That's all we're trying to do. We've discussed this  
18 with many people and this is the -- this is the --  
19 the fix that most of them are telling us to do, so we  
20 are going to rely on those professionals that this is  
21 what we should do.

22 MR. MENLOVE: So --

23 MR. WILSON: And let me just add, A and part  
24 of B, you know, A, B and C sections, and, John, this  
25 is the different areas that have a circulator in it,

1 that actual circulator is a one-inch circulator. We  
2 turn it on in the fall. We rarely have any issues.  
3 And I can't even remember the last time we had an  
4 issue on that circulator. So we know it works.

5 MR. MENLOVE: Okay.

6 MR. WILSON: What we're -- what we're doing  
7 isn't exactly a circulator, but the main line out in  
8 the main road is going to have a circulator going  
9 past their cul-de-sac, plus we're going to have the  
10 ability to open up that bleeder, as a lot of people  
11 are calling it, the circulator valve, and get even  
12 warmer water to that area 24/7. And we feel and  
13 we're not the only ones who feel that this is going  
14 to be a great fix.

15 MR. MENLOVE: So, Rob, in your construction  
16 in connection with Garden City, I've noticed a couple  
17 of Sunrise Engineering trucks near that project. I  
18 assume they are providing engineering for that  
19 project; is that accurate?

20 MR. WILSON: Correct. They're the ones in  
21 charge of that project, but that's a total separate  
22 issue.

23 MR. MENLOVE: I understand that, but wouldn't  
24 it be easy to ask them what the correct fix would be,  
25 rather than Riley, Mike, and Darren, who really don't

1 have -- maybe don't have the expertise to answer that  
2 question?

3 MR. WILSON: Sure. I'd be willing to talk to  
4 them too. Sure.

5 MR. MENLOVE: And, Rob --

6 MR. WILSON: I'm not involved with that part  
7 of the project, but I can sure ask them, sure.

8 MR. MENLOVE: And, Rob, just so you know, I  
9 don't want to make this personal either, okay? But  
10 I've reviewed our text messages also and I think you  
11 can see how I took them as me being blamed for  
12 whatever.

13 MR. WILSON: I -- I did see that. That's why  
14 I'm apologizing to you. I did not intend, Martell --  
15 you know, you and I have always had a great  
16 relationship.

17 MR. MENLOVE: I thought so.

18 MR. WILSON: I've always kind of looked you  
19 were to you as far as your knowledge and all that,  
20 but, you know, we're trying to do the best we can.  
21 We tried to do the best we could for you. It just --  
22 it just saddens me that it's gotten to this point  
23 when we're really, really trying to fix this thing.  
24 We really are, okay?

25 MR. MENLOVE: I think that ends the questions

1 I have.

2 MR. DELANEY: Thank you very much,  
3 Mr. Menlove. Those were helpful. I appreciated  
4 those. Mrs. Menlove, do you have any questions that  
5 you would like to ask either witness?

6 MRS. MENLOVE: No. I appreciate the response  
7 that we've been given from Ms. Heninger and I  
8 appreciate Rob's response and the description of the  
9 plan and the fact that the construction will take  
10 place. I'm pleased that he's going to talk with an  
11 engineer from Sunrise Engineering. That's been a  
12 concern I've had. I have great respect for Riley.  
13 He's a great guy, a good technician, but his  
14 expertise is not engineering. And Darren is a great  
15 guy too. They're all -- and he's a competent  
16 professional in his profession. I just would feel  
17 more comfortable if an engineer said, yes, this is  
18 the correct route. That just is one more  
19 confirmation and it sounds like Rob is open to that  
20 and I appreciate that.

21 So we're just anxious to get this resolved.  
22 And through this hearing, I've learned that Rob and  
23 Ms. Heninger are anxious to get this resolved as  
24 well. So if that can be done, we will be very, very  
25 pleased. So thank you. I appreciate that.

1 MR. DELANEY: Thank you very much. I will  
2 have a few questions. Just my comment on basically  
3 what was kind of discussed is, you know, whatever you  
4 guys are talking about and agreeing to here during  
5 this hearing, I'm going to leave it up to you guys to  
6 follow through or not follow through. It's up to  
7 you. So just FYI. You guys continue to dialogue as  
8 appropriate and work towards a resolution, that's  
9 great.

10 I have a couple of questions for Bridgerland.  
11 And I think it probably makes -- well, it's going to  
12 be one for each. I'll start with Ms. Heninger and,  
13 please, Ms. Heninger, if you would like Rob to  
14 answer, please just say so. The first question is to  
15 Ms. Heninger. I believe you said, and I want to  
16 confirm this is accurate, that you have never  
17 identified exactly where this freeze occurred  
18 relative to what was distinguished earlier, the  
19 personal line versus a main line; is that accurate  
20 testimony?

21 MS. HENINGER: That's correct.

22 MR. DELANEY: Okay. And then, Mr. Wilson, I  
23 will ask you. Do you agree what Ms. Heninger said to  
24 my question?

25 MR. WILSON: Yes.

1 MR. DELANEY: Okay. This is a question  
2 directly to Mr. Wilson. Help me understand. What I  
3 heard Mr. Menlove testify about what he understood  
4 based on what he learned from Mr. Ted Wilson in 2019,  
5 is that running a trickle at one's house does, in  
6 fact, impact the bigger system. That's the testimony  
7 I heard. Do you agree that testimony? Is that  
8 accurate, Mr. Wilson?

9 MR. WILSON: Yes, I believe so, because  
10 there's no way it couldn't impact. Because it has to  
11 go through the main line to get to the personal  
12 lines. So it's just a matter of, really, of physics.  
13 It's going to impact, yes.

14 MR. DELANEY: Okay. So then the followup  
15 question would be, this is news to me, that you  
16 both -- sorry, Bridgerland and the Menloves brought  
17 to my attention that there was a third-party named  
18 Mr. Randall and Mr. Randall was asked to run water.  
19 That's what I heard. So I'm going to stop there and  
20 ask the question. Mr. Wilson, was that a request to  
21 run water different than what we have called the  
22 trickle?

23 MR. WILSON: Yes.

24 MR. DELANEY: Okay. So stop there. Explain  
25 to me the difference, please.



1           MR. WILSON: Well, my dad, Ted Wilson, has  
2 for a long time had Mr. Randall run water because he  
3 could do it outside of his house. And he lives on  
4 quite a hill and there was no chance of any damage to  
5 anyone else's property or any damage to his property.  
6 He would run more than a trickle out of a hose bib,  
7 into a hose and out away from his cabin, as soon as  
8 my dad said, hey, the temperatures are such and such.  
9 And it was to help keep the whole line system of that  
10 cul-de-sac open.

11           MR. DELANEY: Okay, thank you very much. You  
12 have answered actually another question that was  
13 baked into the first one, but you answered both  
14 questions, thank you. Give me one second to review  
15 my notes. A few more questions and these are a  
16 little more general. What I think I've learned  
17 specifically today and got an inkling about, based on  
18 the filings, is what I will call the bleeder  
19 Cedar Ridge project is different from the Garden City  
20 connection project; is that accurate, Ms. Heninger?

21           MS. HENINGER: That is accurate.

22           MR. DELANEY: Okay. So when on the  
23 Cedar Hill [sic] bleeder project, when is that the  
24 going to occur? And I'll ask Mr. Wilson that  
25 question based on his interactions with the

1 contractor and then I can also ask Ms. Heninger.

2 MR. WILSON: Okay. So I've been in touch  
3 with Darren Lutz, the contractor that's going to do  
4 the work, pretty much every week, if not every other  
5 week since June. And I'm sure that the Menloves know  
6 this, that they've been really busy in Sweetwater,  
7 fixing lines up there also. And I'll make a long  
8 story real short. I think it was two days ago, I  
9 contacted him and I said, look, I'm really starting  
10 to get concerned. We're getting towards the end of  
11 the season. You've got these projects for us we've  
12 got to do. I understand he's had some sickness, in  
13 his health. They've had some real issues and some  
14 emergencies that they've had to take care of. And if  
15 you need me to, I can show you the text. He said, do  
16 not stress, I will take care of this. No dates are  
17 set, but he said he would take care of it this  
18 season. So my best guess is they're going to get  
19 started on it here real quick. If they don't,  
20 they'll start hearing from me every day instead of  
21 every few days.

22 MR. DELANEY: Okay, thank you much. Followup  
23 question now, given this distinction between the two  
24 projects. I'll pose this to Ms. Heninger because  
25 this question comes directly from the submission that

1 was provided by Ms. Heninger on behalf of Bridgerland  
2 on July 16th about the status update with respect to  
3 Garden City and the connection. And so everybody  
4 recalls the context, as part of the last rate case on  
5 behalf of this entity, Bridgerland Water, rates were  
6 adjusted in part to be able to create the funding to  
7 pay for the connection to Garden City, which is a  
8 different issue than the Cedar Ridge issue, but  
9 nonetheless was represented in that hearing as yet  
10 another, I guess, tool that might help the freezing  
11 issue. So given that that's related to what we're  
12 here for today, I want to find out from Ms. Heninger,  
13 based on her July 16th, 2023 update, where we stand.

14 So the first question is, the representation  
15 was made that we are still trying to get all the  
16 final information the State needs to close on the  
17 loan. So the question is, have you given the State  
18 everything?

19 MS. HENINGER: Yes. So we did close on the  
20 loan on July 26th and we finally got money  
21 transferred to us last Friday. But the construction  
22 company, Next Construction, did begin in July, I want  
23 to say through the first of July through maybe the  
24 10th-ish. So they're full steam ahead. And they're  
25 supposed to be done this season. So we'll see if

1 they can pull it off. You know, we're relying on  
2 Garden City doing their part too, so we'll see if we  
3 can connect all the dots.

4 MR. DELANEY: So you answered a couple of  
5 other questions I was going to have that were  
6 followups, so thank you. I'll ask you very directly.  
7 You make a representation in that filing that the  
8 project is set to finish around October 10, 2023. My  
9 question to you is, are you still confident about  
10 that date as a date of completion?

11 MS. HENINGER: I'm not confident about it.  
12 In fact, we sent an email two days ago to get some  
13 specific updates on dates. So we haven't heard  
14 anything different than October 10th, but --

15 MR. DELANEY: So, I'm sorry, I need to  
16 interrupt you. You said you sent an email. Sent an  
17 email to whom?

18 MS. HENINGER: Sent an email to the project  
19 manager at Sunrise Engineering for an update on  
20 specific dates and just a general update, but also an  
21 update on time, because we wanted to have some  
22 information on that. And we haven't heard back yet.  
23 I think they're trying to give us an update now.

24 MR. DELANEY: Okay. So as far as you know,  
25 the 10th doesn't make you feel -- you're not real

1 confident in the 10th and the steps you've taken to  
2 find out if there's a new date, you're waiting to  
3 hear back; is that an accurate summary?

4 MS. HENINGER: That's correct.

5 MR. DELANEY: So that's all the questions I  
6 have. Is there anything else that anybody would like  
7 to say or like to ask questions of?

8 MR. MENLOVE: Mr. Delaney, can I just make a  
9 comment about your last line of questioning?

10 MR. DELANEY: Sure, feel free.

11 MR. MENLOVE: We live here. We drive by this  
12 Garden City connection project almost daily. There  
13 has been considerable work done on two pump houses.  
14 There's been some work done on a line from the lower  
15 pump house up to the next road north. I don't recall  
16 the name of that road. I'll just be honest with you,  
17 this project is not going to be completed, based on  
18 my observation it's my opinion that this project is  
19 simply not going to be completed this year. And we  
20 saw a period of time in August when Next Construction  
21 was here working, doing a lot of work. I'll be  
22 honest with you, I haven't seen anyone from  
23 Next Construction here for, I don't know. There's  
24 been a pile of plywood by the lower pump house that's  
25 been sitting there for two weeks. There's a pile of

1 plywood by the other pump house that's been sitting  
2 there for about that same period of time. Again, I'm  
3 anxious for that to happen. I wish it would happen  
4 today, but I just -- I just don't know how that's  
5 going to happen.

6 MR. DELANEY: Thank you very much for that  
7 comment. Does anybody else have anything further?

8 MRS. MENLOVE: I would like to make a  
9 comment, Mr. Delaney, and basically ask a question.  
10 We've been through two winters without water, and one  
11 winter we had some gracious neighbors that allowed us  
12 to come to their home and shower and do a batch of  
13 laundry now and then. Those people have ill health  
14 now and we don't want to be imposing upon them. So  
15 this last round, we drove to Logan, to our daughter's  
16 home, where we could take a shower and do our laundry  
17 and get water, fill our water containers, and that  
18 worked, but that was at personal expense, our  
19 personal expense.

20 And I want to know what the recommendation is  
21 if, in fact, this winter we have a repeat situation.  
22 If, in fact, things are not able to be done, I would  
23 like some guidance from someone about what we do if  
24 we don't have water again. And I'm hoping that --  
25 I'm really hoping that everything works out. That's

1 my home. We love being in our home and it's  
2 stressful not having water. But I also want to have  
3 some indication of reasonableness about having what I  
4 believe is a kind of contractual agreement that we  
5 have with Bridgerland Water that we'll have water to  
6 our home. And I understand there are lots of moving  
7 parts to this whole situation, but I don't want to  
8 get back into this situation of not having water. I  
9 guess I'm just saying, what is a reasonable  
10 accommodation when you don't have water in your home?  
11 And I doubt that that answer can be given today, but  
12 I want that question to be out there. That we are  
13 going to come back and seek some guidance from  
14 someone if, in fact, this happens again.

15 MR. DELANEY: Okay. So are you asking -- who  
16 are you asking that question of?

17 MRS. MENLOVE: You know, maybe I'm just  
18 putting that question out there, Mr. Delaney.

19 MR. DELANEY: That's fair. Okay, thank you.  
20 I'm sorry, I didn't quite understand that.

21 MRS. MENLOVE: I'm just putting that out  
22 there and if, in fact, this happens again, I'll be  
23 definitely asking the Public Service Commission and  
24 the Wilsons about what is a reasonable thing for us  
25 to expect, that we need to do to handle the

1 situation. So the question is out there. That's  
2 just something I'm concerned about. We've been  
3 through it twice. I don't want to be in that  
4 situation again where there's dispute. So thank you.

5 MR. DELANEY: Thank you very much.

6 The one thing I'll leave you all with before  
7 we adjourn is that I recommend active communication,  
8 especially if there are big issues that arise  
9 suddenly. Communication, in my experience, is, while  
10 it can be tedious, is never too much; because if  
11 people understand what's going on, at least they're  
12 not left guessing. And that has always, in my  
13 experience, been helpful. They may not like the  
14 answer, but at least they're not guessing at the  
15 wrong answer. So, of course, I recommend and  
16 encourage people to talk and try to work things  
17 through, but I also understand at the same time,  
18 sometimes that can't happen. So don't get me wrong  
19 about living in a utopia. I'll just leave you with  
20 that.

21 And if we have nothing further, I'll just  
22 close with -- we'll take the complaint under  
23 advisement and issue a written ruling shortly. And I  
24 really want to thank everybody for their time today,  
25 their participation, and the clear preparation that



1 you all put into being here today and providing a lot  
2 more information. I thought was very helpful. So  
3 thank you very much. We will be adjourned.

4 (Hearing adjourned at 1:32 p.m.)

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1 STATE OF UTAH )  
 )  
2 COUNTY OF SALT LAKE )

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

6 That the foregoing proceedings were taken  
7 before me at the time and place therein set forth, at  
8 which time the witnesses were placed under oath to  
9 tell the truth, the whole truth, and nothing but the  
10 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  
13 foregoing transcript constitutes a full, true, and  
14 accurate record of such testimony adduced and oral  
15 proceedings had, and 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  
18 have a financial interest in the action.

19 ( ) Review and signature was requested.

( ) Review and signature was waived.

20 (X) review and signature was not requested.

21 In witness thereof, I have subscribed my name  
22 on this 27th day of September 2023.

23 

24 Christina Essi, RPR, CSR

25

[10 - additional]

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[c - company]

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[company - darren]

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[darren - division]

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[guessing - hours]

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[october - ph.d.]

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[phone - pump]

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Utah Rules of Civil Procedure  
Part V. Depositions and Discovery  
Rule 30

(E) Submission to Witness; Changes; Signing.

Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES  
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

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