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March 28, 2019

Steffany Powell Coker
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

Re: PSC Docket No. 1-AC-233 Comments

Dear Commissioners:

The League of Wisconsin Municipalities (League), a nonprofit and nonpartisan association of 591 cities and villages, welcomes the opportunity to submit additional comments on certain sections of the proposed rewrite of PSC 185. The cities and villages of Wisconsin established and own nearly all of the public water utilities in the state. Wisconsin municipal elected officials have considerable interest in seeing that the revised Water Service Rules are clear, cost-effective, and workable for municipal water utilities.

The League previously filed comments on the PSC's proposed revisions to PSC 185 on August 28, 2017.

The League fully endorses the entirety of the comments submitted by Lawrie Kobza on behalf of the Municipal Environmental Group – Water Division (MEG--Water) on March 28, 2019. We urge you to make the changes recommended by MEG – Water. We offer the following additional comments to reinforce MEG's recommendations on billing and on thawing frozen water laterals, the two topics about which we heard the most from our members.

1. Cold water conditions and freezing, PSC 185.88.

League members continue to be most concerned about the proposed revisions to PSC 185.88, relating to frozen water laterals. League members believe the rewrite of PSC 185.88 imposes standards and practices that would be impractical for utilities to abide by during long lasting extremely cold conditions like Wisconsin experienced in the winter of 2013-2014.

Specifically, like MEG – Water, the League's four primary concerns remain:

- a) The proposed requirement to determine and document the source of freezing for every frozen lateral, PSC 185.88(3). Complying with this requirement would be impracticable and unnecessarily shift staff time and resources from the primary goal of ensuring that all customers are receiving water service.
- b) The requirement that a utility provide a "lasting solution" where a lateral freezes, PSC 185.88(4) and PSC 185.52(1)(a). The League supports MEG-Water's alternative

recommendations for modifying this aspect of the proposed rule, which are i) delete the “lasting solution” language; ii) revise PSC 185.52(1)(a) to provide that “Mains shall be placed at such depth or otherwise as shall prevent freezing under normal conditions”; or iii) replace PSC 185.52(1)(a) with references to DNR and DSPS regulations addressing how deep water mains should be installed (i.e., NR 811.73(2)(e) and SPS 382.40(8)(a)).

- c) A utility’s inability to require a customer to run water if necessary.
- d) Limitations on a utility’s ability to use alternative methods to provide customers with water.

MEG – Water recommends in its comments a practical, easy to understand, revision of PSC 185.88, which addresses the above concerns. MEG – Water’s approach makes it clear that water utilities are always responsible for thawing frozen laterals, regardless of where the freeze began. A utility would not be required to spend time and resources determining the source of the freeze. Also, utilities would be responsible for the cost of thawing frozen service lines -- except under the following three limited situations when the cost would be shifted to the owner:

1. When the customer-owned portion of the service line freezes due to the fault or negligence of the customer.
2. When a customer has a history of freezing, receives a seasonal notice from the utility informing him or her of precautions that must be taken to prevent freezing, and freezing still occurs in the customer portion of the service line.
3. When a utility provides a customer a run-water notice that meets PSC requirements for such a notice, the customer fails to follow that notice, and the lateral freezes.

MEG-Water’s proposed revised language would also allow the utility to arrange to provide water to its customers using alternative means until the line thaws.

The revisions to PSC 185.88 recommended by MEG-Water are sensible, reasonable, and fair. We urge you to adopt MEG-Water’s recommendations.

2. Billing, PSC 185.33

The proposed rule mandates that significantly more information be included on water utility bills. Smaller communities are particularly concerned about this proposed change. It will increase utility costs. Some utilities that currently use post card billing will no longer be able to do so. For example, the Village of Blanchardville, population 826, currently uses post card billing. The village reported to us that the requirement of adding more information to the utility bills would triple the amount of time the utility clerk spends preparing bills, necessitate the use of full paper billing, and increase annual postage costs by nearly \$1000. Blanchardville is not alone. The median sized incorporated municipality in Wisconsin has a population of 1,450. Over 300 of our members have populations under 1,500 with small staffs to run city and village operations, including the water utility.

At the February 21, 2019 Commission meeting, there was discussion about replacing the mandate that all the specified items be included on the bill with language suggesting that including such information is a recommended best practice. The League supports this approach and urges deleting the mandate and replacing it with a recommendation that the specified

information should be included on utility bills as a best practice. This would provide guidance to water utilities without imposing a uniform information requirement for all utility bills, regardless of staff and resources available.

The League of Wisconsin Municipalities and its 591 members strongly support MEG Water's sensible and evenhanded suggestions for revising the proposed changes to PSC 185.

Thank you for inviting additional comments on the above sections of the PSC 185 rewrite and considering our comments and concerns.

Sincerely,



Curt Witynski, J.D.

Deputy Executive Director

League of Wisconsin Municipalities