

LIST OF ISSUES & STATEMENT OF POSITIONS

Service to Becker:

Has Respondent violated its obligation as a public utility by refusing to serve Complainant despite repeated requests?

Has Respondent violated its tariff by refusing to provide service to Complainant unless Complainant enters into a Developer Agreement with Respondent?

What steps, if any, must Complainant take in order to receive service from Respondent?

If an expansion of Respondent's wastewater treatment plant is necessary in order for Respondent to serve Complainant, who is responsible for the cost of the expansion?

Complainant:

Yes, Respondent has violated its obligation as a public utility by refusing to serve Complainant in that Respondent has refused to allow Complainant to connect lots although Complainant has demonstrated that the necessary capacity exists.

Respondent may not have violated the letter of its tariff through its conduct described above.

Complainant has done everything necessary to receive service from Respondent.

The cost of any expansion of Respondent's wastewater treatment plant that may be necessary in order for Respondent to serve Complainant must be borne by Respondent.

Staff:

No, Respondent has not violated its obligation as a public utility by refusing to serve Complainant in that Respondent has in all respects complied with its approved tariff and Complainant refuses to comply with Respondent's approved tariff.

Respondent has not violated its tariff in its dealings with Complainant.

Complainant has not done everything necessary to receive service from Respondent in that Complainant has refused to sign a Developer Agreement and to make an appropriate deposit against anticipated expenses as required by Respondent's tariff.

Despite the language of Respondent's tariff, the public interest does not support placing the entire financial burden of any expansion of Respondent's wastewater treatment plant that may be necessary in order for Respondent to serve Complainant on Complainant.

Respondent:

No, Respondent has not violated its obligation as a public utility by refusing to serve Complainant in that Respondent has in all respects complied with its approved tariff and Complainant refuses to comply with Respondent's approved tariff.

Respondent has not violated its tariff in its dealings with Complainant.

Complainant has done everything necessary to receive service from Respondent in that Complainant has refused to sign a Developer Agreement and to make an appropriate deposit against anticipated expenses as required by Respondent's tariff.

The cost of any expansion of Respondent's wastewater treatment plant that may be necessary in order for Respondent to serve Complainant must be borne by Respondent.

Safe and Adequate Service at Lake Carmel:

Is Respondent presently providing safe and adequate service to its customers at Lake Carmel?

Is the wastewater treatment facility at Lake Carmel presently at or over its permitted capacity?

If the wastewater treatment facility at Lake Carmel is not at or over its permitted capacity, how many additional homes or lots may be connected?

If the wastewater treatment facility at Lake Carmel is presently over its permitted capacity, must Respondent make improvements to its facility in order to add capacity sufficient to meet its present load?

Complainant:

No, Respondent is not presently providing safe and adequate service to its customers at Lake Carmel because Respondent refuses to provide service to Complainant.

Respondent's wastewater treatment facility at Lake Carmel is not presently at or over its permitted capacity and Respondent should therefore allow Complainant to connect at least some of his lots.

At least 8 additional lots may be connected.

If the wastewater treatment facility at Lake Carmel is presently over its permitted capacity, then Respondent make improvements to its facility in order to add capacity sufficient both to meet its present load and to connect Complainant's lots.

Staff:

No, Respondent is not presently providing safe and adequate service to its customers at Lake Carmel because the wastewater treatment facility is at or above capacity.

Respondent's wastewater treatment facility at Lake Carmel is presently at or over its permitted capacity.

No additional lots may be connected until improvements to the wastewater treatment facility are made.

Because the wastewater treatment facility at Lake Carmel is presently over its permitted capacity, Respondent must make improvements to its facility in order to add capacity sufficient to meet its present load because the measured hydraulic load is greatly in excess of the permitted capacity. Additionally, in view of DNR's ten-year planning horizon, Respondent must make improvements necessary to serve the anticipated population ten years out. Respondent will need to amend its tariff in order to recover its capital investment.

Respondent:

Yes, Respondent is presently providing safe and adequate service to its customers at Lake Carmel even though the wastewater treatment facility is at or above capacity.

Respondent's wastewater treatment facility at Lake Carmel is not presently at or over its permitted capacity.

No additional lots may be connected.

Although the wastewater treatment facility at Lake Carmel is presently over its permitted capacity, Respondent need not make any improvements to its facility in order to add capacity sufficient both to meet its present load because tests of the facility outflow are within required levels.

Respondent's Tariff:

Does the public interest or the law require that Respondent amend or modify its tariff so that individuals and developers will be treated similarly with respect to extensions?

Complainant:

Yes, the tariff should provide that Respondent pay for necessary improvements to its facility.

Staff:

Yes, Respondent's tariff just isn't working for developers. Staff proposes a per lot contribution-in-aid-of-construction (CIAC) or connection charge, with developers and individuals treated identically.

Respondent:

No, Respondent's tariff is similar to others used in the industry and has been approved by the PSC.