

Hello Richard,

Thanks for forwarding the authority that the City Attorney has provided for the R-O-W pass-through fee of \$4.50 per customer meter per quarter.

Can you kindly ask the City Attorney to clarify the definition of the word "facilities" within the provided Minn Statute 444.075, Subd. 3?

A definition for this meaning ("facilities") can be found in [Minn. Stat. § 444.075 Subd. 1 \(f\)](#), however the definition only pertains to waterworks systems or any portions thereof, and does not name street rights-of-way within the definition: *"(f) "Facilities" means and includes waterworks, sanitary sewer and storm sewer systems, or any portion or portions thereof."*

Then further within the Statute please note [Subd. 3g, Reasonableness of Charges](#) which reads: *"In determining the reasonableness of the charges to be imposed, the governing body may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the municipality or county including the principal and interest to become due on obligations issued or to be issued and the costs of obtaining and complying with permits required by law."* (highlight added).

Please note that the statute does not name public rights-of-way as a portion of the waterworks system.

Also, as mentioned in previous correspondence, section 20, [Special Laws for 1885, Chapter 110](#) requires SPRWS to restore all rights of way after construction. This appears to be the SPRWS practice, and because of your adherence to the law there should be no cost to the City of Saint Paul *"for costs it incurs due to the water utility infrastructure being in the city right-of-way"*. (Quoted from SPRWS water bill as explanation for the R-O-W charge).

While the authority that you forwarded from the City Attorney ([Minn. Stat. § 444.075, subd. 3](#)) does appear to allow the City of Saint Paul to authorize and administer the *Watermain Replacement Surcharges* found on our water bill, it does not appear to authorize the R-O-W fee for the reasons contended above.

Can you ask the City for further clarity how the Board of Water Commissioners might consider City rights-of-way (that SPRWS faithfully restores) as being a part of the waterworks system and then how our Commissioners might also consider these undocumented R-O-W costs as being legitimate for reimbursement?

The Summer 2025 SPRWS Connections newsletter makes clear that water bills are stressing its customers. But in addition to referring us to CAPRW it is imperative that our Water Board be given justifications for why at least \$2,000,000 in yearly "fees" are appearing on customer bills with seemingly no explanation or common sense reason given.

We have reduced our water usage by adding four rain barrels to help with the ever-increasing utility bills but this behavioral change does not allow us to escape from the per-meter basis R-O-W fee.

Saint Paul is the only municipality asking SPRWS for R-O-W reimbursement which should be further reason for our Water Board Commissioners to scrutinize, and not approve this highly regressive R-O-W "fee" without further explanation from the City of Saint Paul.

Thank you again,

John Purdy

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CC Mollie Ganelius, Recording Secretary for the Board of Water Commissioners

Note to Mollie Ganelius: please post my letter under File PH 25-202 as my public comments. Thank you. If this is a City Clerk function then kindly advise me and I will request the same from Shari Moore.