
Common Council President



15th District Alderman

Willie L. Hines, Jr.
City of Milwaukee Common Council

December 11, 2008

The Honorable Grant Langley
City Attorney's Office
841 North Broadway, Room 716
Milwaukee, WI 53202

Dear City Attorney Grant Langley:

On December 9, 2008, you submitted an opinion to Alderman Robert Bauman regarding CCFN 080850, a resolution authorizing the assignment of the Water Service Agreement between the City of Milwaukee and We Energies to the City of Mequon. In the opinion -- the fifth paragraph of the third page, to be specific -- you indicated that the agreement did not preclude the City of Milwaukee from seeking to negotiate a payment from We Energies in consideration for the City's consent to assigning the agreement to the City of Mequon. You went on to further say that it was not clear that the Public Service Commission (PSC) would allow the City to condition consent on payment, and that the PSC might use its regulatory power to require the City to consent to the assignment.

I do appreciate your thoughts on whether or not the City of Milwaukee can condition its consent on payment. However, Alderman Bauman did not specifically ask your office to provide a written opinion on this issue. Subsequently, your opinion did not fully address the issue of conditional consent related to payment.

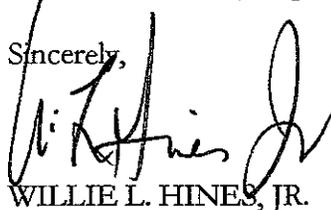
For that reason, I am writing to formally request a thorough opinion on whether or not the Council can negotiate a one-time payment from We Energies during the consent process. The desire to seek payment from We Energies for water that comes from Lake Michigan via City of Milwaukee infrastructure is consistent with how the Council has handled water transactions in the past. These types of transactions will continue with other municipalities, and I am of the belief that the City of Milwaukee must be consistent in its dealings with partnering communities.

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Alderman Bauman and I do recognize the uniqueness of this particular transaction. He has communicated to me his desire for We Energies to be treated fairly. At the same time, we are in agreement that the Public Works Committee, which he serves as chairman, must not compromise or overlook processes that have been established as criteria for water sales.

Recognizing that We Energies and the City of Mequon are working within specific time constraints, it is my hope that you are able to expedite this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie L. Hines, Jr.", written over a vertical line.

WILLIE L. HINES, JR.
Alderman, 15th District
Common Council President

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