



Legislation Details (With Text)

**File #:** 140808      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/23/2014      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 1/17/2018  
**Effective date:**

**Title:** Resolution relating to identification of, and objection to, municipal public works projects in the We Energies service area that will involve absorption of utility relocation costs by We Energies.

**Sponsors:** ALD. BAUMAN

**Indexes:** ENERGY RESOURCES, PUBLIC IMPROVEMENTS, WE ENERGIES

**Attachments:** 1. We Energies Letter, 2. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/23/2014	0	COMMON COUNCIL	REFERRED TO	Pass	15:0
9/26/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/26/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/1/2014	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
10/1/2014	0	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	4:0
1/4/2018	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:1
1/17/2018	1	COMMON COUNCIL	ADOPTED	Pass	15:0
1/24/2018	1	MAYOR	SIGNED		

140808  
Substitute 1

**ALD. BAUMAN**

Resolution relating to identification of, and objection to, municipal public works projects in the We Energies service area that will involve absorption of utility relocation costs by We Energies.

This resolution authorizes the Department of Public Works and the City Attorney's Office to jointly identify municipal public works projects in the We Energies service area that will involve the absorption of utility relocation costs by We Energies, and file petitions at their discretion, on behalf of the City of Milwaukee as a We Energies customer and ratepayer, with the Public Service Commission of Wisconsin to object to the requirement that We Energies be required to bear utility relocation costs associated with the projects.

Whereas, The Milwaukee Streetcar, a 2.1-mile modern streetcar line, is a City of Milwaukee public works project planned for Downtown Milwaukee that will protect and promote the public health, safety and general welfare of Milwaukee and its residents; and

Whereas, In October, 2011, Brett Healy, a We Energies customer and ratepayer residing in Oconomowoc, filed a petition with the Public Service Commission of Wisconsin for a declaratory ruling from the Commission on the question of whether the cost of moving certain utility facilities to accommodate construction of the Milwaukee Streetcar can be imposed upon utilities and their ratepayers; and

Whereas, Mr. Healy was concerned that, if private utilities must bear these utility relocation costs, they would pass the expenses along to ratepayers throughout their service territories, including ratepayers who would not

use the Milwaukee Streetcar; and

Whereas, On August 29, 2014, the Public Service Commission issued its final decision on this matter, ruling that it is unreasonable for the City of Milwaukee to require private utilities to pay utility relocation costs associated with construction of the Milwaukee Streetcar; and

Whereas, The Common Council finds that if it is unreasonable to require private utilities to pay utility relocation costs associated with one type of municipal public works project - construction of public transportation infrastructure, it is also unreasonable to require private utilities to pay utility relocation costs associated with other types of municipal public works projects (e.g., street reconstruction); and

Whereas, The Common Council further finds that it is likely that the City of Milwaukee and its property taxpayers, as We Energies customers and ratepayers, are being unreasonably forced to pay We Energies facility-relocation costs associated with municipal public works projects throughout the We Energies service area, most of which will rarely if ever be used by the City or We Energies ratepayers residing in Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works and the City Attorney's Office are authorized to jointly identify municipal public works projects in the We Energies service area that will involve the absorption of utility relocation costs by We Energies, and file petitions at their discretion, on behalf of the City of Milwaukee as a We Energies customer and ratepayer, with the Public Service Commission of Wisconsin to object to the requirement that We Energies be required to bear utility relocation costs associated with the projects; and, be it

Further Resolved, That the Department of Public Works and the City Attorney's Office are authorized to file the petitions in whatever form and manner the City Attorney's Office deems most appropriate and effective for obtaining relief from requirements that We Energies be required to absorb utility relocation costs.

LRB155243-2  
Richard Pfaff  
09/30/2014