

1 JIM PAINE, CITY OF SUPERIOR WITNESS, DULY SWORN

2 DIRECT EXAMINATION

3 BY ATTORNEY PRELL:

4 Q Good morning, Mayor Paine. How are you employed,
5 please?

6 A I am the full-time mayor of Superior, Wisconsin.

7 Q And how long have you been mayor for the City of
8 Superior?

9 A About seven and a half years. I was elected in
10 April of 2017.

11 Q And you've been mayor for the City throughout
12 your entire involvement with the proceeding that
13 is playing out in front of Judge Newmark right
14 now?

15 A Yes.

16 Q And obviously you recall drafting some days ago
17 for filing with this Commission Surrebuttal
18 testimony on behalf of the City of Superior?

19 A Yes.

20 Q And I'm guessing you recollect making reference
21 to and physically attaching through your Rebuttal
22 testimony a two-page-and-some-change document
23 entitled Wisconsin Water Utility Rates?

24 A Yes.

25 Q Would you explain for the Commission, please, how

1 you view the relevance of that exhibit and why it
2 is that you chose that exhibit to attach to your
3 Surrebuttal testimony?

4 A Yes, because the rate increase affects the --
5 would affect the water utility in Superior,
6 Wisconsin; and because at least part of the
7 conversation raised in some of the other
8 testimony referred to comparing Superior Water,
9 Light and Power to other utilities, many
10 different types of utilities, I felt it was
11 important that, if they were going to be compared
12 to other utilities, it should be placed in
13 context -- relating to the water utility, it
14 should be placed in context to how much other
15 utilities in Wisconsin are charging our citizens.

16 I believe obviously all Wisconsin
17 citizens should be treated equally, but I don't
18 believe -- in fact, I know that they are not
19 assessed the same rates for water. Every utility
20 assesses a different rate. And in Superior, we
21 are charged the highest water rates for
22 individual water usage for water users, and so I
23 wanted to provide some evidence that documented
24 that.

25 Q And with regard to the exhibit, the information

1 contained within the exhibit itself, the rate
2 chart itself, I assume that was information you
3 gleaned from public databases?

4 A Yes. The PSC actually offers a fairly user
5 friendly tool that allows you to produce data of
6 all kinds about utilities in Wisconsin. So it's
7 fairly easy to use the PSC's own website to
8 create this data.

9 Q And can you further swear that you made no
10 efforts to manipulate the data that you were able
11 to access from the Commission as you put this
12 exhibit together?

13 A Yes. I can swear that this is just generated by
14 the tool.

15 Q Thank you, Mayor.

16 ATTORNEY PRELL: Your Honor, the City
17 would offer the Paine exhibit as an attachment to
18 the Mayor's Surrebuttal submitted last week.

19 EXAMINER NEWMARK: All right. Perfect.

20 EXAMINATION

21 BY EXAMINER NEWMARK:

22 Q So let me just ask to button this up, Mayor
23 Paine, Witness Paine, so you filed the
24 Surrebuttal and the exhibit, Paine-1. And are
25 those filings complete and correct to the best of

1 your knowledge?

2 A Yes, Your Honor.

3 Q I just had a clarifying question.

4 There are a number of utilities
5 highlighted in Exhibit-Paine-1 with, like, a
6 yellow highlight. Just curious what was being
7 communicated -- I'm assuming you put in those
8 highlights; is that right?

9 A I did not, Your Honor.

10 Q Okay.

11 A This was generated by one of our City Councilors
12 for a number of uses only about, I think, a month
13 or a month and a half ago; and we've been
14 researching water utilities for a number of
15 reasons, and so the highlighted sections have
16 relevance for a different issue.

17 Q Okay. That probably just says what I needed it
18 to say.

19 A Full disclosure, Your Honor, it was just easier
20 to use this document rather than run it again. I
21 have this document on my computer.

22 Q So now we understand.

23 So the highlights on this exhibit
24 just have no connection to this case?

25 A Correct.

1 EXAMINER NEWMARK: All right. So we
2 have the witness there. Let's have any
3 opportunity for Cross-Examination. We'll start
4 with the Applicant on that.

5 ATTORNEY MOELLER: A couple questions,
6 Your Honor.

7 CROSS-EXAMINATION

8 BY ATTORNEY MOELLER:

9 Q Mayor Paine, you said that somebody else created
10 this document, but you had just said on the
11 record that you created this document.

12 I just wanted to clarify who
13 created this document.

14 A I apologize if I said that I created it. I
15 submitted it.

16 This was created by Councilor
17 Jenny Van Sickle but, again, using the PSC's
18 tool. I could create it. I have since
19 learned to create it, but this specific
20 document was run by her. I then -- so I could
21 create it today. I did not create this specific
22 document.

23 Q Thank you. And does this document include other
24 footnotes or other things that are on the PSC's
25 website?

1 A No, not that I'm aware of.

2 Q Let me rephrase. I'm sorry.

3 Has the document been modified
4 from anything that was taken from the PSC's
5 website?

6 A Beyond the highlights, no, not that I'm aware.

7 Q And maybe one final question.

8 Do the water rates -- to your
9 knowledge, do the water rates incorporate
10 everything that is paid for for water usage in
11 various municipalities and Superior Water, Light
12 and Power?

13 A Do you mind elaborating on that a little bit?
14 I'm sorry.

15 Q Yeah, sure.

16 Do the water rates incorporate
17 other things that pay for water in various
18 municipalities across the state of Wisconsin?
19 For example, if taxes pay for certain aspects of
20 water rates, does the document incorporate those
21 rates or those costs and expenses?

22 A I guess I don't know the answer to that.

23 I don't know the specifics of
24 every municipality's water rate and certainly
25 admit that there are going to be many unique

1 features to every single utility. But I don't
2 know how these other rates are constructed. I
3 know what people are paying.

4 Q So is it fair to say that it's not always a
5 direct comparison on apples to apples with every
6 single municipality and Superior Water, Light and
7 Power?

8 A I'm arguing that it's fair to say that it's
9 dollar for dollar.

10 ATTORNEY MOELLER: No further
11 questions, Your Honor.

12 EXAMINER NEWMARK: Okay. Thanks.
13 How about other Intervenors? And
14 Commission Staff?

15 ATTORNEY BEDFORD: No questions from
16 Commission Staff, Your Honor.

17 EXAMINER NEWMARK: All right. That's
18 fine. So we have that on the record, and we can
19 excuse this witness. Thanks very much -- oh,
20 actually, let me ask, is there any Redirect
21 questions?

22 ATTORNEY PRELL: No, Your Honor. Thank
23 you.

24 EXAMINER NEWMARK: No? Okay. So
25 that's fine. Then you're excused. Thanks.