



TESTIMONY
CONNECTICUT WATER WORKS ASSOCIATION, INC.
BEFORE THE PUBLIC HEALTH COMMITTEE
MARCH 6, 2009

RE: RB-6539, AN ACT CONCERNING ENVIRONMENTAL HEALTH

The Connecticut Water Works Association (CWWA) opposes Section 2 of RB-6539, An Act Concerning Environmental Health, which would require that Exclusive Service Area (ESA) providers assume responsibility for applying for, and obtaining, all Certificates of Public Convenience and Necessity (Certificates), rather than the parties who are designing, constructing and funding such Certificate projects.

Certificates are required for the construction of any new public water supply system that serves twenty-five or more persons. Under current law, a developer proposing to construct a condominium development, apartment building, or age restricted housing complex, for example, is required to obtain a Certificate from the State. As part of the Certificate process, the developer would be required to submit detailed information about the proposed project, including site design, septic information, proposed water usage, and other similar data unique to the project. The developer would then be allowed to proceed, stepwise, with various phases of the water system development upon favorable state review.

The Department of Public Health, which jointly administers the Certificate process along with the Department of Public Utility Control, has expressed frustration with the poor quality of many of the Certificate applications it receives and the amount of time it takes to review these substandard applications. CWWA believes that the Department can and should reject any application it feels does not provide the minimum level of information necessary for review. As a remedy, however, the Department has proposed making the ESA holder the applicant, as noted above. Water companies currently have a responsibility to own and operate new Certificate systems constructed within their exclusive service areas. While we readily accept such responsibility for those systems that are designed and constructed in accordance with all applicable standards, we do not feel it is our role to make the applications for such projects on behalf of developers.

If the water company is required to assume the responsibility for the applications in these cases, it could put an unfair burden on our resources and incur costs to our customers/ratepayers for the benefit of a particular developer or project. Moreover, in those cases where the community may not fully support a proposed development, the public water utility could be put in the middle of what could be a contentious local approval process.

While DPH's remedy is considered impractical and unreasonable by CWWA, the Association understands the Department's frustration with the current process, which they have indicated can create inordinate delays and waste valuable staff time. We have held several meetings with the Department to discuss ways by which the overall quality and accuracy of Certificate applications can be elevated while not inappropriately burdening utilities and municipalities with unfunded responsibilities. As an example, we have discussed the feasibility of requiring that Certificate applicants demonstrate a certain level of professional experience. We believe such an approach is feasible and prudent, and would be happy to

work with the committee and Department of Public Health and Department of Public Utility Control in drafting language to achieve this goal.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. CWWA is committed to working with the state to develop policies that will ensure that Connecticut has a safe, ample supply of water to meet present and future needs.