



FOR THE PUBLIC HEALTH COMMITTEE PUBLIC HEARING TESTIMONY OF  
RIVERS ALLIANCE OF CONNECTICUT  
MARCH 18, 2015

**HB 6954 AAC DPH's Recommendations Regarding Water Company Takeover Proceedings and  
Certificates of Public Convenience and Necessity for  
the Expansion and Construction of Public Water Systems  
Oppose as written**

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.*

Dear Senator Gerratana, Representative Ritter, and Members of the Committee:

Please forgive the late submission of this testimony. I was unable to get to Hartford today. I write representing Rivers Alliance of Connecticut. I also serve on the Water Planning Council Advisory Group, and live in a part of Litchfield County where there is a mixture of public and private water supply, and various problems with quality and quantity. I understand the DPH is trying to in this Act to attain greater efficiency and improve supply. We support this goal.

But I am concerned that confusions in the language will lead to unexpected consequences that are likely to conflict with the process of statewide water planning now beginning pursuant to Public Act 14-163, as well as with the proposed implementation of the revised regions of the Water Utility Coordinating Committees (WUCCs).

In general, the sections that deal with exclusive service area, service areas, franchises, and the like are ambiguous and need clarification.

The bill would benefit from a definitions section.

Here follow some specific points. I apologize that my copy of the bill did not have line numbers so I have worked with page numbers. However, the points are basically illustrative. We would be pleased to assist in a more professional manner if a revision of the language is desired.

I am concerned by the large deletion in Sec. 4 Section 16-46 (a) of language meant to ensure a continuous supply of potable water.

On page 4 , there are frequent references to exclusive service areas. I have asked DPH to clarify if one can have an exclusive service area without an approved WUCC regional plan.

Is there a difference between ESA capitalized and exclusive service area lower case? (The statutes appear to make a distinction.) Does a franchise area count as an ESA? These passages also raise the question of whether customers or other civilians have any role in the decision making.

New language near the bottom of page 4 says that the department in consultation with the "authority" shall determine if the person that will own the water supply system has sufficient financial resources. I thought the "authority" was knocked out of the picture in this section. (I assume it is PURA.) Either way, this puts much power into very few hands.

On page 5 (d), about line 10, there is a reference to "regulation" by the department. Is this an existing regulation or one to be written? At the bottom of the page, there is a change such that DPH "may" write regulations, as opposed "shall." DPH has not had the resources to revise its regulations recently. What happens if no regs are written?

On page 7, there is an ambiguous extension of the authority of the DPH in relation to the utility. DPH "may" provide counseling, and "may" issue orders. Notice requirements are listed but I don't see notice for customers or other water stakeholders. There is an "opportunity" for a public hearing. That's vague.

Page 7 (c) Appears to eliminate franchise rights, and also refers to service area as opposed to exclusive service area.

Page 8 marginalizes customers and water stewards, such as river groups. Page 8, (2) seems to say that if a company wants go out of business, DPH will decide if it can do so or not and what steps it will have to take to stay in a business it doesn't want to be in. That may be difficult to implement.

Page 9, more on exclusive service areas. How does DPH define these? How many are there? Can we see them on a map, preferably within the new WUCC boundaries?

Page 13 ff. An important new term is introduced "acquiring entity." This bill needs a definitions section at the beginning for exclusive service area, franchise, the various size water companies, etc. Meanwhile I am confused about how an acquiring entity, which is not a water company, can supply water and not be a water company (unless perhaps it is UConn).

Page 14 (2) Class I and II land. There is something off target in the syntax. What does this mean exactly?

Page 15, (2) an exemption for municipal facilities. Probably needed in some form, but this is way too lax. A regional vote might be in order.

Many thanks for your attention. We would be very happy to assist in any way.

Margaret Miner, Executive Director  
rivers@riversalliance.org 203-788-5161 (mobile)  
Litchfield CT 06759