

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
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Re: Case 13-W-0295 – United Water New York, Inc. – April 23, 2014

**\*\* Please note this is a Preliminary transcript, subject to later edits when reviewed by the parties and the Administrative Law Judges assigned to the case.**

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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Rate Case No. 13-W-0295 - Proceeding on  
Motion of the Commission as to the Rates, Charges,  
Rules and Regulations of United Water New York,  
Inc. for Water Service.

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Public Statement Hearing  
Felix Festa Middle School  
30 Parrot Road  
West Nyack, New York

April 23, 2014

4:30 p.m.

PRESIDING:

HONORABLE RAFAEL A. EPSTEIN  
Administrative Law Judge

ALSO PRESENT:

COMMISSIONER PATRICIA L. ACAMPORA

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JUDGE EPSTEIN: Good afternoon and welcome to this hearing in the New York Public Service Commission Case 13 W-0295 United Water rate request.

My name is Rafael Epstein. To my right is Commissioner Patricia L. Acampora, one of the five members of the Public Service Commission which will ultimately vote on the company's rate request at the conclusion of this proceeding.

COMMISSIONER ACAMPORA: As the judge said, my name is Patricia Acampora. I am the commissioner. I have been with the Commission since 2005. I am a senior commissioner. I live on the east end of Long Island. I am happy to be here today in your beautiful area. I did attend other hearings on United Water. I did attend other hearings on United Water. I am here today. I will not make any statements or answer any questions.

In my role as a commissioner, I serve as a quasi judicial member of a panel of five and in order not to prejudice my vote, I will surely listen. I will take copious notes and

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I will share your comments and thoughts with my fellow commissioners.

I look forward to hearing what you have to say. It is very important.

JUDGE EPSTEIN: Thank you. That will let us segue into a brief explanation of what this particular hearing is for exactly.

This case concerns a rate request which was filed by the company last summer and when such a request comes in, it is investigated by the staff of the Public Service Department, the trial staff in particular, which is organized within the department to put on a public interest case from the standpoint of the consumer interest.

The staff consists of experts in various areas, such as accounting, economics, engineering, and they bring that expertise to bear in looking at -- looking for possible weaknesses in the company's rate request and then putting together testimony which responds to the testimony that the company initially filed in support of their request.

After some months of that process, what

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2 often happens is in the absence of a  
3 negotiated settlement, we go into a litigation  
4 process where an administrative law judge such  
5 as myself and another judge; in this  
6 particular case there were two of us, hear the  
7 witnesses for both sides. They put on  
8 testimony in their particular areas of  
9 expertise. They get cross-examined. It is a  
10 very familiar-looking process if you have ever  
11 seen a trial in a courtroom. That is  
12 basically what goes on. It is a trial.

13 After that, administrative law judges  
14 write a recommended decision. It is their  
15 recommendation to the PSC which, as I  
16 mentioned, will vote on the company's request  
17 at the end of the process. I am not saying  
18 this just to be popular, but my recommended  
19 decision was issued April 8 and it recommended  
20 a 15 percent rate increase for United Water.  
21 Now, we are waiting for briefs to come in  
22 explaining why that recommendation was right  
23 or wrong.

24 The parties in the case have been, of  
25 course, the company, the trial staff, as I

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just described, also, the utility intervener unit and the New York State Department of State which also plays a consumer advocacy role and in this particular case, the municipal consortium which is an organization, an ad hoc group of municipal and other governmental officials and fire chiefs from here in the county who have put in testimony and briefs opposing the company's request.

I know that representatives are here from the company, from the municipal consortium and from the Department of Public Service trial staff. In addition -- I am not sure whether a representative is here from the Utility Intervention Unit.

In addition, we have other Department of Public Service staff here who are involved basically in customer outreach in dealing with customer complaints.

One reason they are here is that if you have any individual issue with the company involving service problems, billing problems, anything like that, this is a convenient time for you to approach one of these staff people

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and see whether you can get any assistance or whether they can direct you how to contact people in the Albany office of the Public Service Department to get assistance.

As I said, we are waiting for the briefs to come in next Monday supporting or opposing the administrative law judge's recommendations.

After that begins the process of analysis by the commissioners and their advisory staff leading up to a vote which, as things now stand, the legal deadline for that is June 30, and the commission's last regularly scheduled before June 30 will be June 26. So in all probability -- I can't speak for what is or is not on any particular commission agenda, but in all probability -- they will definitely have to vote on this case by the June 26 session as long as the deadline remains June 30.

The reason to have this particular hearing at this point, in addition to the evidentiary hearings which have been completed, is because this gives every one of

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you an opportunity to communicate more directly to the commission about things that may concern you either issues squarely presented in the rate case or other problems or concerns you may have regarding United Water.

It gives the commissioners an opportunity to get a better sense maybe of what people are thinking here without the individuals having to go through the intermediary litigation groups that I just mentioned.

If you have signed a card in the back, you can come up. There is a microphone here. If you can identify yourself and speak more articulately than I am doing at this moment so that the court reporter who is writing everything down can get it.

As a result of that process, the commission website which is [www.DPSNY.gov](http://www.DPSNY.gov), that information is on this card and the other handouts that are available up at the front table. That website will display your statements here, the transcript of the



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statements that you make here tonight. It also displays just about everything that has been filed in the rate case up to this point.

So, you know, if you have a deep interest in the issues, you can read stuff there to your heart's content and it is very educational.

The statements that you make here tonight will become part of the record. You will be able to read what your neighbors have said either here or at the next three sessions like this. There is one tonight and there is tomorrow evening and tomorrow night over at the Ramapo Town Hall.

In addition to that or as an alternative, if you don't feel like talking in this kind of a setting, there are other methods that you can -- so that you can comment to the commission. You can send a letter or an e-mail. You can call up a phone number and leave a recorded message and as this larger flier explains, all of that becomes part of the record that is there for the commissioners to consider as they decide

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this case. It is a very valuable input in my experience and I am glad you're here to do that.

At this point, I would estimate that judging by the number of people that signed up, we will be running for more than an hour. I will try to not cut people off, but I will suggest that you limit your remarks to about 10 minutes so that we don't force everybody in the room to be sitting here for a really long time and getting into the dinner hour and whatever.

We are reconvening at 7:30 in this room. You don't have to have a written statement in order to speak. If you have a written statement and if you have a copy for the stenographer, that is helpful but not required.

Finally, in terms of the logistics here, I would mention that I have cards -- the sign in cards that have been submitted by five elected officials among all the other people here who have signed in.

I am going to ask whether there is any

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objection to our hearing from those five officials first out of turn or if there is any objection, then they will wait their turn, but on the theory that they represent each -- each of them represents a lot of people, there is some logic to letting them go first.

Is there any objection to that.

Sir?

AUDIENCE MEMBER: I have no objections provided they stay for the whole presentation and listen to other people.

JUDGE EPSTEIN: It is a free country, but that is constructive. He said anybody that goes first should -- by the same token should have to stay to the end.

I will leave that to each individual's discretion and -- oh, and finally as a logistical matter, Commissioner Acampora mentioned that she does not intend to engage in a dialogue here because of questions of prejudice and bias and so forth. I generally will not engage in discussion in a situation like this where we have so many people lined up waiting to talk. Maybe afterwards, I would

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be happy to meet with anybody when we are not on the record waiting our turns.

Also at this evening session, it may be more leisurely. I don't know. It is always hard to know in advance.

With all that, I will ask the public officials present, as to the gentleman's proposition that speaking first doesn't necessarily give you the right to leave first. If you're going to leave first, I would urge you to read at least what was said here tonight, what is posted on the commission website.

The first speaker is Harriet Cornell.

MS. CORNELL: I am Harriet Cornell. I signed in first. I was number one. I got here early.

JUDGE EPSTEIN: That is true.

MS. CORNELL: Thank you, once again, for the opportunity to offer testimony to the Public Service Commission.

Over the past nine years, I have been able to voice my thoughts, both formally and informally, in a variety of venues with regard

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to United Water's operation and management, most recently and unexpectedly with regard to Case W-0246 in which United Water New York seeks a surcharge of \$56.8 million to be borne by the ratepayers for the costs of a pilot desalination plant.

I say unexpected because I already submitted comments on the surcharge in February, but when I learned that United Water New York submitted comments to the Public Service Commission in which it lifted out of context and mischaracterized a statement I had made on August 6th of 2008 at a hearing held by the New York State Assembly Standing Committee on Environmental Conservation, I responded with a letter to Secretary Burgess and a full copy of my 2008 remarks, both of which are now part of the record.

While that case is separate from this, the gratuitous and purposeful misuse of my 2008 statement cast doubt on the veracity of other United Water filings.

My comments today are specific to United Water's request to increase its total

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revenues by approximately \$21.3 million, 28.9 percent and on a recommendation made by commission administrative law judges to increase total revenues by approximately 11.1 million, 15 percent.

I feel absolutely certain that the commissioners and staff of the Public Service Commission will not be hearing too many residents coming to ask you to approve higher rates of any amount for United Water New York. No, you will be hearing the many reasons why United Water should not be granted any rate increase at all.

There are probably two major ways in which a utility can achieve approval for increasing its rates.

One is to present an ironclad case based on facts and accurate data, demonstrating solid managerial credentials, good managerial actions, tight cost control measures and a rationale that is fair in keeping with the times.

The second is to eliminate or minimize public dissent and that can happen by

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2 weakening the opposition, usually unorganized  
3 citizens without the money to hire expert  
4 consultants and without the personal time to  
5 fight such multiple ongoing battles as we have  
6 experienced Rockland; environmental hearings,  
7 rate hearings, water supply need hearings,  
8 surcharge hearings and then to stay watchful  
9 in order to present rebuttals to last minute  
10 submissions by United Water. These are  
11 diversionary tactics; battles on many fronts  
12 and they can wear down opponents.

13 United Water has consistently taken  
14 that path, the diversionary path, believing  
15 that an exhausted powerless operation will die  
16 and fade away, but United Water miscalculated  
17 badly. The Water Coalition, and I would say  
18 that includes most of us, thousands of  
19 citizens, local government officials,  
20 environmental agencies and activists is far  
21 from powerless. We have only grown stronger  
22 and the lack of credible Evidence by UW has  
23 made it all the clearer that the Emperor has  
24 no clothes.

25 When I spoke to the Public Service

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Commission on October 1, I mentioned that I never expected to be fighting water battles as in the movie Chinatown. This week, while preparing testimony once again, I was reminded of Bleak House, the novel by Charles Dickens where the case of Jarndyce versus Jarndyce dragged on for years and years. Dickens vivid characterization of arcane and legal process gave voice to widespread frustration with the system and Bleak House helped spur a movement that culminated in legal reform. Rockland's coalition of concerned citizens has also spurred movement and is committed to present irrefutable facts on every issue that arises as long as it takes.

The good news is that there are at least two watchdog agencies of the State of New York that are focusing on this case before us; you, the Public Service Commission and the Utility Intervention Unit in the Division of Consumer Protection of the New York State Department of State, whose initial brief was submitted on March 4, 2014 and is a part of your record. It is a scathing report



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which focuses primarily on the management of United Water New York and its affiliated management and services company.

The brief states that in investigating United Water New York rate filings, the Department of Public Service staff discovered, and I quote, "significant issues of fiscally imprudent and inappropriate managerial conduct" and that there are many issues on record which show management's inability to provide a standard level of service when compared to other New York utilities. These include failure to apply for economic obsolescence adjustments which would have reduced property tax assessments.

In 2013 alone, that cost Rockland ratepayers \$2.3 million. All other utilities make these filings. In fact, the Office of Real Property Tax Services reminds the utilities annually that this assessment reduction is available.

The brief from the Utility Intervention Unit, the brief states that the record shows improper charges, cost shifting to ratepayers,

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2 absence of knowledge about corporate policies  
3 and practices regarding gifts and purchases of  
4 alcohol, failure to respond on a timely basis  
5 to customers and Department of Public Service  
6 staff regarding complaints, failure to resolve  
7 fire flow issues and assigning blame to  
8 others, and the quote I give is "Given the  
9 level of questionable conduct, the Utility  
10 Intervention Unit does not believe management  
11 can be expected to provide basic water service  
12 at just and reasonable rates." I think this  
13 is a powerful report and I am very grateful  
14 that that is on your website.

15 Another unexplained issue is that  
16 United Water Management Services Company,  
17 charges have gone up 13 to 15 percent over the  
18 last few years and there is no explanation  
19 given by United Water for these double digit  
20 increases when inflation has averaged two  
21 percent over the last six years.

22 United Water does not adhere to Public  
23 Service Commission regulations which require a  
24 water utility to report when unaccounted for  
25 water exceeds 18 percent and provide an action

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plan to reduce this non-revenue water. United Water has decided that a five year average of 21 percent unaccounted for water is acceptable and has never made the required filings even though unaccounted-for water has exceeded the threshold every year for the last five years.

United Water does not do cost benefit analysis on its capital projects.

In fact, in reviewing the cost information in the Draft Environment impact statements submitted by United Water through its Haverstraw project, the well-respected and of economics and finance firm ECONorthwest said the analytic deficiencies render the cost sections of the DEIS almost useless. Perhaps the most significant omission from the cost analysis is the lack of documentation regarding how construction, operations and maintenance cost would impact ratepayers. That is exactly what we have here; no transparency and no details as to data methods or assumptions used to generate results.

It is one thing to accede to a rate increase when management is prudent, but when

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the evidence shows otherwise, it would be scandalous to allow increases which reward management for poor behavior at the expense of residents, many of whom are elderly and trust the Public Service Commission to protect them.

Despite the harsh effects on ratepayers since 2008, United Water is seeking to increase rates by charging a significantly high 25 percent and yet, raise management compensation by three percent.

In 2013, they increased the dividend it paid to its parent by an astonishing 50 percent from 4 million to \$6 million, and filed for authorization to implement a surcharge on customers' bills of approximately eight percent to recover the development cost of their proposed facility.

So in the words of the utility invention report signed by Saul Rigberg, "A public utility exists for the benefit of the public and should conduct itself consistent with the environment in which its customers live."

That conduct has not been followed by

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United Water. Both your staff and intervention unit has indicated failures of management to, failures that United Water refuses to acknowledge. In addition, United Water of New York has not made a substantive accurate case for a rate increase and has ignored the economic realities facing residents of Rockland County, including the fastest growing elderly possible population in the state. Why in the world should the company be rewarded with a rate increase?

Accordingly, in my humble opinion the Public Service Commission should not grant a rate increase and should not approve any increases to management's salaries or compensation.

I support the recommendation of the UIU for a prudent investigation into the failure of the company's to file for the EO awards for a period of over several years with the New York State department of Taxation and Finance's Office of Real property Tax Services.

I also call for a proceeding to conduct

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a comprehensive management and operations  
audit of United Water and its management  
company.

Thank you.

JUDGE EPSTEIN: Thank you. I am  
reminded of one other comment I should  
mention. This is not prompted by anything  
Ms. Cornell said, but there are these other  
cases going on involving United Water. One of  
them concerns the question of need for an  
alternate water supply. The other one  
concerns whether United Water should be  
allowed to collect a surcharge for -- to  
recover costs of the Haverstraw desalination  
facility.

Those issues -- the first amendment is  
operative in this room, so if you want to talk  
about those issues, you certainly can.

The Commission, in considering comments  
on those matters, may not think they are  
relevant, but that is a question of judgment  
and I don't want to say that they are not  
relative or that you shouldn't talk about  
them.

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They have come up at one point or another in this rate case because there have been allegations that the desalination project was a distraction from good management of the existing facilities and there have been arguments that if people can't stand a rate increase, certainly they can't stand the combination of a rate increase and a surcharge. So I can't say that the surcharge and need issues are totally foreign to this proceeding, but they may not be at the center of it and again, you have to make that judgment in deciding what you want to talk about tonight.

With that, our next speaker will be assembly member Ken Zebrowski.

MR. ZEBROWSKI: Thank you, your Honor and Commissioner and residents of Rockland County. I will keep my comments brief and submit more extensive written comments. I already did submit some comments prior to the judge issuing any temporary finding.

We have seen increases from United Water 72 percent in the past six years. When

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I first heard of suggestions of 28 percent, 24 percent, not only is it unrealistic, but it is outrageous. What I would suggest to the Public Service Commission that -- I think you know we have all heard about negotiation, you know you ask for this much and you get this much. That shouldn't be what it is when we are talking about utility companies and we are talking about people that are supposed to be dealing with the public trust.

When a utility comes with an unrealistic increase like that, I think they should be held accountable. I think it should say something about their management practices, about their management skills. I think it should say something about whether or not they should be trusted with their numbers.

To ask the public at a time when we are asking municipalities to stay within two percent, when we see families that have far less than two percent, if not negative amounts in the amount of take-home pay, when we have seniors not seeing those increases in Social Security, I think it is outrageous to have a



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public facility ask for those types of increases.

I think what we need to do, as Chairwoman Cornell said, is get to the bottom and have a full audit of the books of these utilities. We talked about a 10.85 percent return on equity that is unrealistic. When we talk about a management services company that has seen 13 to 15 percent increases over the past two years, I would say why?

I would say why? Why are we not auditing the decisions and books of this management company?

Forgive my informality, but what it seems like to me is that it is sort of a shell game. If you set up this entity and say it is just a pass through for the company, then we won't ask questions about that.

Yet, we hear about these peculiar types of charges all the time. I would say that this should all be looked at; all this should be investigated and all this should be audited.

Talk about the management of United

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Water; touched on it briefly, but you talk about 21 percent of uncovered water which far exceeds agreed-upon practices. I have actually in my office seen this type of practice and have appeared on behalf constituents before the Public Service Commission, where constituents have been hit with thousands, sometimes 5 to \$10,000 bills because of leaks not accounted for.

A couple of bills that are estimated, next thing you know we are six months out and they are hit with \$5,000 bills. Not only does this hurt the customer, but it suggests what is going on with the type of management from this company that we would have these types of instances happen.

We talked about the fire service and they talk about their flow concerns in all different parts of Rockland County; talk about their capital projects and what type of cost benefit analysis are they doing for these capital projects and construction costs. I know we are not here to talk about the desal, but the costs are related to that, as your

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Honor pointed out.

What should be borne by the ratepayers for a project or decision that they didn't come up with and they shouldn't be asked to bear any type of those costs or any type of their burdens.

We have seen reports of gifts, money spent on food, on unrealistic dividends that are spent. These are all things that suggest this is a company that is not taking the public trust into account, and we appeal to the Public Service Commission, we appeal to your Honor and the Commissioner to take a look at this, to order a full audit and order a full investigation and to reject this rate increase. I will conclude my comments and I will submit more formal comments in writing.

Thank you.

JUDGE EPSTEIN: Thank you.

Next up is Alden Wolfe.

MR. WOLFE: Thank you very much. Good afternoon. I want to thank the Commissioner and your Honor for coming to Rockland County to hear from the request for 24.5 percent

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increase in base water rates.

I am the chairman of the Rockland County legislature. I represent several thousand United Water ratepayers who live in Rockland's 6th Legislative District. I myself happen to be a ratepayer. As a ratepayer myself, I would hope that any increase that United Water would request from the Public Service Commission would be a result of expenses that they have justified. I am disappointed by the fact that United Water has not demonstrated justification for this rate increase. Instead, ratepayers are being asked to compensate United Water for its mismanagement and its egregious missteps that in some cases went as far as negligence, which is a word that your own staff used to describe one example that you will often hear referenced in these hearings and that is United Water's failure to file with the Office of Real Property Tax Services for the economics obsolescence adjustment. This is standard procedure for all utilities in New York State. That failure alone has cost

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ratepayers millions of dollars.

However, United Water didn't neglect to give its sole shareholder, a foreign corporation, a dividend increase of \$2 million, an increase of 50 percent. Nearly as disturbing are the fees that United Water pays to its management services companies, all affiliated companies which are exclusively within its own control and often higher than what an independent consultant would charge. These are but a few ways in which United Water and its affiliated companies acted in their own interests and firmly against the interest of Rockland ratepayers.

In the face of these and other questionable practices, United Water is asking the Commission to approve a rate increase of 24.5 percent. Your own staff recommended half that amount. Your Honor recommended 15 percent and I like the municipal consortium and the New York Department of State's Utilities Intervention Unit recommend a zero percent increase.

Instead of reaping rewards for

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mismanagement, United Water should be denied this increase. It amounts to nothing more than Rockland ratepayers covering United Water and its affiliates for failing to follow standard business practices.

The revenues lost from the Economics Obsolescence, the fees paid to management and service companies, the \$2 million paid to its parent company just this past year should all be returned to the ratepayers.

Granted this rate increase sets a dangerous precedence of rewarding a utility meant to serve the public for outrageous behavior.

You have no doubt seen the many examples documented in the briefs submitted by the commission staff and the Department of State's; shocking findings documenting mismanagement jump off nearly every page of those briefs. I will reference a few.

The inability to provide a standard level of service as compared to other New York utilities. Significant instances of fiscally imprudent and inappropriate managerial

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2 conduct.

3 Failure to respond on a timely basis to  
4 customers and department of public service  
5 commission staff regarding complaints.

6 Assigning blame to others. Failure to reduce  
7 special franchise taxes. I have to make an  
8 aside here about how infuriating that is to  
9 see the Rockland ratepayers lost millions of  
10 dollars from what your own staff termed as  
11 negligence in an absence of due diligence.

12 The commission staff dismissed United  
13 Water's reasons for filing for the EO  
14 adjustment as being completely false.

15 Unexplained charges, improper charges,  
16 conduct not in conformity with reasonable  
17 utility practices and alarming conduct by  
18 United Water's management and a disturbing  
19 relationship between the management and  
20 service company and other United Water  
21 affiliates.

22 These are but a few of the serious  
23 charges that United Water must explain before  
24 once again the commission orders Rockland  
25 ratepayers to dig deeper into their pockets as

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we earn the dubious distinction of paying among the nation's highest water rates. When will this stop?

Commission has a mission to insure save, secure and reliable access to utility services for New York State's residential and business customers -- and business consumers at just and reasonable rates.

This commission can hold true to its mission by holding United Water fully accountable not with an inconsequential warning but with a denial of this application. This would assure ratepayers that the commission has taken action against the record as outrageous as this one.

Again, I am not objecting to a business turning a profit. However, you have before you an unacceptable record of mismanagement. Granting a rate high will enable the company's culture of carelessness.

Were this company subject to the free market, they would have to face the consequences of their poor management without the cushion of rate hikes forced on the



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public.

Exorbitant unjustified water bill hikes thwart Rockland's efforts to strengthen our economy. Consumers have less disposable income. Businesses are weakened and new businesses will choose not to locate in the county where water costs are among the highest in the nation. Beyond this rate hike United Water's decisions have consistently proven to benefit its shareholders. That said, I am optimistic you will not reward United Water for shoddy business practices.

Now, for quite sometime I have been looking at ways to change the direction of how Rockland gets its water to more sustainable cost effective options and I was heartened to see the Utility Intervention Unit's conclusion that recommends decreasing customer charges.

I agreed fully with the UIU, in their words, conservation pricing is based on the idea that consumers' water use decreases as the price of water increases. An inclining block rate structure is the most frequently used water rate in the United States. We

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should be creating incentives to conserve water, not disincentives.

In fact, along with Legislator Harriet Cornell, I am working on creating task force to recommend improvements to all aspects of how the water is delivered.

While this proceeding is about a rate hike, the poor management documented by so many should give us great pause in allowing United Water to dictate what is best for the county's future. Former New York City Environmental Commissioner Al Appleton has said that Rockland doesn't have a water supply problem. It has a water management problem.

They have taken the position that we serve them, not the other way around.

Our intent is put water supply on the right track so that ratepayers benefit, not a multi national foreign company and its shareholders. I humbly ask that this commission, as well as the other agencies of state government not accept United Water submissions at face value. Every step of the way, United Water has used Rockland County to

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maximize its profits with minimal service.  
While this case addresses a rate increase, I  
implore the commission to look at the bigger  
picture and see the pattern.

United Water's case in the need  
proceeding is built on equally flimsy  
reasoning with so called facts that can't  
survive the scrutiny of experts. This rate  
case before you is a perfect example of what  
happens when the ratepayers have experts on  
their side working on their behalf such as the  
UIU and the good work of the municipal  
consortium.

In closing, I support all of the audits  
that are called for by the UIU, but calling  
for audits while still giving United Water a  
rate increase will be nothing more than a slap  
on the risk and a reward for substandard  
business practices. It also opens the door to  
a dangerous precedence that rewards  
mismanagement over the interest of the  
customers.

I ask in the interest of Rockland  
ratepayers that the commission deny the

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request for rate increase. And to the gentlemen. I apologize. I have to leave I have to pick up my son.

JUDGE EPSTEIN: Thank you, Mr. Wolfe.

The next up is Andy Stewart, the Orange County Town Supervisor.

MR. STEWART: Hi. Thank you for holding the hearing and everybody who showed up. We have been through a number of these. I will make a brief statement.

I was blown away by the UIU report and if anybody hasn't read it, read it. It is brilliant and it gives me faith that there are people in the Department of State and the Public Service Commission and Department of Public Works and so on who really care and are smart enough to help United Water to get on the right track and I say help because right now, it is pretty darn clear they are not on the right track, but we should remember that this company has been here for a long time and there is a lot of good people working there and we are stuck with it in one way or another.

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To me anyway this rate case and the kind of crisis it has brought about and the confidence in that company is perhaps maybe the only opportunity you will have for a long time to have a complete overhaul and review of the business practices.

I think that is the option we have before us right now, and I endorse wholeheartedly, I endorse the comments of Harriet Cornell, Mr. Wolfe and others in going point by point and other issues because this is the time when we are putting in the effort. This is a time to be having these audits. This is a time to say no to a rate increase and to have any concession to the company that is legitimate and justifiable because costs go up over time and it is contingent upon performing Inga the kind of reform that the UIU report indicates needs to happen. It would bring it in line more with the way other utilities perform.

I think it is our only opportunity for a long time. The work you have before you I know you take very seriously. I think it is a

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great opportunity in a way because this company will be here for a long time. The better it is run, the better off we will all be.

Specifically, a UIU report when it talks about the relationship between the management services company which is not a regulated function and all the regulated functions and the possibility of the costs are being subsidized from one to the other in a way that forces ratepayers to pay for things they shouldn't have to pay for, while dividends and profits of a generous nature, including bonuses and pay raises are going to people of United Water, the whole thing smacks of a need for a forensic, detailed audit and review as described in the UIU report. I know that is what needs to happen. I thank you for considering that.

Thank you very much.

JUDGE EPSTEIN: Thank you, Mr. Stewart.

Next up is State Senator David Carlucci.

MR. CARLUCCI: Good evening. I want to

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thank everybody for coming out and the Public Service Commission. I am Senator David Carlucci. I am here representing my family and friends and all the people that depend on United Water for water needs.

Last year United Water asked for help funding a desalination plant without illustrating a need for that facility.

Now the utility company is asking for ratepayers for a hike while ignoring their own financial and managerial issues. Rockland residents are already slammed with some of the highest utilities rates and some of the highest property taxes not in New York but in the entire nation.

In the same time, unemployment in our region continues to be a pressing problem. Families across Rockland County have tightened their belts; families have done much more with much less and we are simply asking United Water to do the same.

A 2014 New York State Division of Consumer Protection report found several inconsistencies with United Water spending and

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management practices that should be addressed before any rate increase is approved.

United Water has received a 72 percent increase in revenues over the last six years; over 10 percent a year for the past five years or over five times the rate of inflation per year. And from -- United Water Management and Services Company have also gone up from over 13 to 15 percent over the past two years. There is no explanation for what is causing these double digit increase when inflation has averaged at two percent over the last six years.

Ratepayers need to know where this extra revenue is going. We need to have a full forensic audit on the finances so the public knows where this money is going. Unfortunately, as ratepayers have told my office again and again, we don't see this increase in revenue going towards lowering bills or safeguarding our water infrastructure.

Additionally, United Water can't account for nearly a quarter of its overall



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supply. As you're aware, the Public Service Commission regulations require a water utility to report if unaccounted water exceeds 18 percent and provide an action plan to reduce it. United Water at 21 percent for the past five years has never made such a filing.

I respectfully ask that the Public Service Commission deny this rate increase.

Just for further information, just less than 24 hours ago I posted on my website an online petition to ask residents that might not be able to join you in person here tonight to really make their voice heard and in less than 24 hours, we have over 500 people that have signed up to say no. We cannot afford to give United Water a rate increase of any percentage points.

With that, I thank you for your time and hopefully we will get a zero percent increase. Thank you.

JUDGE EPSTEIN: Thank you Mr. Carlucci.

Next up is Michael, is it B I C O N?

MR. BICON: That would be me, but I have no statement.

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JUDGE EPSTEIN: Next is Jacquelyn Drechsler.

MS. DRECHSLER: Good evening, everybody. Thank you to the Commissioner and Judge for being here; making the time to come and hear people.

My name is Jacquelyn Drechsler. I am also speaking for my twin sister, Jocelyn DeCrescenzo.

So here we are again. What we would like to say is, how much can the residents of Rockland County bear? It seems we will be bearing the brunt of United Water's corporate mismanagement for a very long time unless you, the protectors of the public, show due diligence and real concern for this David and Goliath tale: Rockland County residents versus corporate greed.

United Water has shown a propensity for mismanagement, lack of infrastructure repair, losing water due to lack of maintenance, giving away water, advertising costs and of course now I have been hearing more about the expensive private parties, et cetera. Now on

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the most recent occasion where they were actually doing maintenance and their maintenance was scheduled on Passover and the residents of Rockland had brown dirty water on Passover. How could they pick such a day?

United Water is mandated -- excuse me, I do have to say we are not to necessarily address other things, but they are slightly tied together.

United Water is mandated to look at and for alternatives to the supposed water crisis based on faulty information. They were not mandated to spend money on a pilot plant that got decimated by Sandy. They were not mandated to spend millions of our dollars on advertising campaigns trying to shove stuff down our throats a plan that the public doesn't want and doesn't need. Do we need to pay for a white elephant that will most likely never be used?

The cost of this supposed rate hike is excessive and will be a draining burden on the people and businesses of Rockland County. We are a fiscally stressed out county in New York

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State.

The cost of this plan will also be affecting businesses, especially businesses that use a lot of water such as laundromats and restaurants, to name a few. We are not here to discuss health-related issues, but we need to say, radiated water is not something that we want to wash our clothes with and use for cooking and drinking. There are extra hidden costs that will show up in higher electric rates that the public will be paying for in order to supply power to the plant.

There are many other older residents in our communities who will be having to make harder choices; water, cat food, as prices of safe, clean water at a reasonable prices escalate. Our businesses are supported by their local community and even such a mundane idea like window shopping during a stroll after dinner out that can lead to a sale may be impacted as people will not have as much disposable income due to exorbitant rate hikes such as this.

There could be other hidden costs, such

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as finding a way to take out PCP's in the water, finding a way to take out the radium from Indian Point; finding a way to pay for your "proprietary radiation leak warning system." There may even be hidden costs, unanticipated consequences to the public's health and to our environment's welfare that may need to be remediated.

My sister and I live in a condo community, Mountain View I in Valley Cottage. As a resident/owner in Mountain View, my sister and I are very disturbed at the price we pay to United Water. For fiscal year starting October 1, 2012 to September 30, 2013, our condo group paid United Water \$50,440. Based on the previous years, our board budgeted for \$40,000. This is a \$10,440 difference, an outrageous difference.

I don't speak for the condo board. However, I do know that I do speak for many of our unit owners who practice water conservation and I am sure many of them might be feeling and thinking what I am about the supposed rate height hike: Stop bleeding us

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dry.

United water is losing our money like they lose our water. It just drips through their fingers like sand.

Last October, 1600 people came out to the Public Service Commission hearings and there were over 800 written comments and it caught the attention of the Public Service Commission and the Utility Intervention Unit got involved for which we were very, very grateful.

I have never heard of a business that takes such risks and then asks for unaffordable rate hikes to their customers to pay for their mistakes, bad planning, mismanagement, excesses and greed.

To you, the Public Service Commission and Judge, be the beacons of hope to Rockland residents, do your job and protect us from this wolf in sheep's clothing who propose they have our best interest in mind when it is only their profit, bonuses and pocket lining for themselves and their shareholders that they are concerned with.

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Demand accountability and transparency from this corporation. We appreciate the downward percentage rate, but feel that 15 percent is still way to high a burden for us to bear.

Thank you so much for being here and listening today.

JUDGE EPSTEIN: Mr. Robert Drennen.

MR. DRENNEN: Thank you for being here.

I don't envy you sitting here tonight and tomorrow night, but I appreciate you coming.

The people out here are going to present things; they are much more learned than I am on the topics that you face. I am not going to even try to present their kind of argument. They will do it.

I will say basically two points. I am in my 53rd year living here Rockland County. I am a rapidly getting older senior citizen who has somewhat limited income. Fortunately, I have been able to stay here, but that time is rapidly running out if things continue to go the way they are right now and you face a

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number of these decisions that are going to affect my decision as to whether I can stay here or I have to move.

I would submit, number one, that if you and the DEC and the state legislature and the governor would push to reopen the 75 or 80 year old agreement that allows our water which is in Rockland County, fed to Rockland County by nature to go in millions and millions gallons per day to New Jersey, if you would just reexamine that and put a stop to it, we could all go home. We would save the money involved in the salaries that you're being paid, the transportation costs, food costs, the hearing costs, the utility costs of the buildings, et cetera.

That agreement is so old and so outdated, it is absurd. Rockland County 75 years ago was an entirely different place. We are now a large rapidly growing urban bedroom community, but one thing we don't need is water if we manage it correctly which leads me to my second point.

I happen to own some stocks. I am sure



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some of these people do too. I am becoming increasingly concerned as I look at the annual reports and we are getting them all now, it seems.

I would urge you people to do some homework; get the annual report from Orange and Rockland from United Water, from every other utility, look at what the board of directors are being paid, look at the salaries that the top 10 executives of these companies are making.

We have ourselves to blame. We see nothing wrong with paying an athlete \$26 million to play third base and we can't conceive of paying our teachers \$100,000. It is our fault for letting this occur, but the management of United Water has made some serious business mistakes.

First of all, they are supposed to be serving us, Rockland County. They are not serving us. They are milking us dry.

It is an affront to me personally that this company which allows valve leaks at the damn to go on for something like 12 or 15

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months when they knew about it and they just couldn't be bothered to fix it, but they come to us now for a rate increase.

It is their business. They made a huge mistake. They aren't serving the people because they are not listening to us.

Therefore, they should pay.

We shouldn't have to pay for this. We shouldn't have to pay for the desal plant. We shouldn't have to pay for all the advertising they have done promoting the desal plant.

I would close with one final comment. Some of you may know me. I am a former school principal in Rockland County for 30 years and it is like going home to be in an auditorium like this.

My undergraduate degree before I went in the Navy was in accounting.

Two of the speakers -- a lot of the speakers prior to me have asked for you to audit the books. Two of them threw out a word which I don't know whether you caught it or not, forensic. A forensic audit is looking for corruption specifically. It is not a

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regular audit. I have audited my church's books. I am not looking for corruption. We haven't lost any money. In fact, we are pretty much in debt.

A forensic audit, however, and I took one in college is a going after the people who do finances and accounting for a living.

I know some of these people. A couple of them are in jail because they were high paid for a corporation and they saw fit to do things that were basically against accepted accounting practices.

I would plead with you as an official in our state government, you have power that not a single person here has. Please audit United Water forensically. There are people who do this.

I know I said it was the last statement.

If you cut the board of directors' fees -- now they go anywhere between seven to 10 meetings a year. If you cut them \$100,000, they would still get very well paid for going to seven or 10 meetings. I wish the hell I

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had been paid that much what they are for all the PTA meetings I went to.

If you took that money and you took the top 10 executives and you cut them just one third, 33 percent, you would collect -- they are asking for 21 point something million dollars, you would collect between 14 and \$18 million just from them, and trust me, they are not going to quit their jobs. They are not going to starve. They are not going to McDonald's instead of a nice restaurant. They will survive and we will begin to gain control as we are, as we have been burned as we sat on our duffs, we didn't go out and vote. We accept ridiculous salaries for people that play baseball; God, I love the game. I would play for nothing.

Thank you very much for listening to me.

JUDGE EPSTEIN: Thank you.

Next up is Chad Murdock.

If you're here on behalf of an organization, please feel free to mention that.

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MR. MURDOCK: Hi. I am Chad Murdock, retired medicinal research chemist. I am grateful for the staff here and all of the very apt comments that have been voiced by our officials and people from the floor. So I can be pretty brief and I will capsuled things by saying before granting any rate increase for Rockland County, there should be an outside audit. That goes without saying; forensic sounds pretty good too.

The second point I want to make is less well known perhaps. Before any rate increase, there shall also be a required public disclosure of all water transfers to New Jersey.

The existing -- this is something that many of us haven't heard about. This is a transfer of water possibly through existing large underground pipes which we can't see.

First of all, this audit is obviously to examine United Water's murky and questionable justifications for their proposed 24 something percent hike.

I will skip the stuff about the under

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pressured fire hydrants and about the public relations media blitz which United Water put forth brilliantly, I believe, except that our ratepayers are probably paying for all of that. The part that requires special attention, huge amounts of water from Lake Deforest were illegally diverted into the Hackensack River to the benefit of United Water of New Jersey.

What is less well known, that even more of our water could have gone secretly to United Water of New Jersey through existing large underground pipes buried deep within United Water's Draft Environmental Impact Statement and for the record, that is DEIS 1.3.1.1. It stated that the United Water water system has one 12-inch and one 18-inch pipe, in quotes, "operating connection" with United Water of New Jersey, plus eight "emergency connections" with diameters ranging from six to 16 inches.

In view of United Water's earlier illegal diversions of water, there should be no operating connections for emergency

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connections. Potential emergencies should be explicitly confined. Any future rate increases should require regular, complete and publicly available reporting of all intrastate piping of Rockland water.

I won't go on, but I am privileged to be here tonight.

JUDGE EPSTEIN: Thank you, Mr. Murdock. Are you here on behalf of Sustainable Rockland?

MR. MURDOCK: A private individual and for Sustainable Rockland as well.

JUDGE EPSTEIN: Jerry Fox is next.

MR. FOX: I am Jerry Fox. I am from the Village of Pomona and the Town of Haverstraw.

In 1977, I moved to Rockland County. I didn't move to Orange County, Stoney Point. Clarkstown, Haverstraw, Ramapo. I moved to Rockland County. What takes place in one of the townships affects every other township as well.

An example, the proposed over-development of Patrick's Farm in Ramapo

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will impact all of us. If they want to build one house per buildable acre, I have no problem, but United Water jumped on the bandwagon with the proposed over-development of Patrick's Farm because 31 percent of our drinking water comes from Patrick's Farm. That will be destroyed. Therefore, vis-a-vis United Water jumped on the bandwagon saying let's build a desal plant. I ask you, if you were living in New York City and considering moving out to the country, hey, Rockland County is close by, great parklands, 31 percent of the land is set aside for recreation. They drink Hudson River water and bathe in it? Would you move here? My question to you then if you're a homeowner, even if you're not, and you may want to go sell your house some day, who is going to buy it? Who is going to come here?

As people have mentioned water is led to go over the middle, down the Hackensack River to feed New Jersey. If New Jersey needs water, let them build a desal plant in Alpine.

Everybody who came here today gave up



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your own time, but it is important that when you leave here and in the next few days, you talk to at least 10 other people about what took place here today.

Thank you for coming and thank you for listening.

JUDGE EPSTEIN: Thank you, Mr. Fox.  
Jonathan Corbin.

MR. CORBIN: My name is Jonathan Corbin. I am a retired teacher.

I would like to speak about the issue of water -- unaccounted water. Does Rockland -- does the United Water deserve a rate increase if they are not fulfilling their responsibilities? And the responsibility that I would like to address is the conservation of water. I live in a neighborhood in Chestnut Ridge referred to as Dexter Park.

We are situated on a ridge above the Pascack Brook and now that I am retired, I can walk around the streets of our neighborhood and I wasn't thinking about United Water. I read the newspaper. I am about the only person in my whole street that gets the

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newspaper. So I try to stay informed about the issues that affect us, but I am walking down the hill, a very steep hill into our park; we have a park that is called Children's Park at the base of the hill which separates us from Pascack Brook, but I heard this loud rush of water in a storm drain and thought that was unusual. This was last August and we were in a drought which had lasted at least six weeks, if not longer. I said wow, that is a lot of water going through this storm drain and it shouldn't be because we are in a drought.

So I continued walking into the park and all of the water that I had heard going through the storm drain about 20 yards away from me came pouring out of the ground and flowing through the park and there was more water flowing through our park into the Pascack Brook than there was already flowing in the Pascack Brook. I couldn't believe it.

I went home and got on the telephone and called up United Water. I said you guys have a huge problem here in Dexter Park.

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There must be a water main break. All this water is flooding the park. They said, where are we talking about? I told them exactly.

So two or three weeks later, I was walking down that way, probably before that time and the water was still flowing out of the ground through our park. I went back again to call United Water. They said, well, we have a different address than the one you're reporting. I said, what do you mean? I already called you and told you about the problem. Well, it took almost two months for United Water to address this problem with the water running out of the ground.

Since then, I have had the same experience in other parts of our neighborhood. There is another storm drain where the water is rushing through. I have been calling United Water since last fall about this storm drain. Every time I get a runaround. Well, we have been over there; we are doing tests; we will see what we can do about it. I get the same kind of explanation.

So I am telling you that from my own

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firsthand experience of just walking around, my little neighborhood and I am wondering wow, if this is going on where I live, what is going around in all the other neighborhoods in Rockland County where there is a leaky pipe or ruptured water main?

Thank you very much for listening to me.

JUDGE EPSTEIN: Next is Dorice Madronero.

MS. MADRONERO: Commissioner and your Honor, thank you for being here. We very much appreciate it, ratepayers, taxpayers, persons of Rockland County of which I have been here far too long.

We are talking about rate hikes here and I am thinking of another kind of hike I would like to suggest. That is a long one, take a long one. Sorry about that, but I guess we should be saying bon jour considering the ownership we have got going here.

You know, there are so many issues at hand. We have heard articulate comments and I will put something in writing further about

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the flow of water coming from Rockland going to New Jersey that many people sitting here have been asking for the state for the county for someone in authority to take a look at what is going on.

Please do that.

The propaganda campaign that has been going on by United Water with regard to the desal plant -- and I will ask that I -- I see 13 W-0295 and case 13 W-0246 and case 13 W-0303 were all served with the same request of consolidation; that is to join those issues together, the desal plant, a rate hike, a surcharge, and the elephant in the room is that -- you can say it with an S or Z, desalination or desalinization, the plant being proposed -- and much of this goes back to pipes and pumps and capital gains for the company, and yet in none of those three cases are permitting the discussion of this proposal that started at \$69 million and is growing to \$130 or \$180 million in projected costs, and we are not supposed to talk about that. We are here to talk about an obscene rate

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increase. Your Honor, I am sure you're getting a 25 percent increase every year in your salary.

You know, it is ludicrous to see what is going on. We are hearing about leaks of fire hydrants where contractors were backed up filling their tanks on the back of their trucks. Yesterday at Nanuet Mall -- I still call it that, there was a contractor mixing cement using the water from the fire hydrant. There was no meter accounting for what water was being used.

A staff member of United Water, I had a discussion with him, at the senior level he is, about fire suppression. He said, you know it happens sometimes when the fire hydrants get shut down by a fire -- that Rockland County is served by volunteers; they are not paid. This staff member said, well, a lot of times the pipes break and so we lose water that way. I said, well, why wouldn't you have a staff member or someone respond when you hear the alarm go off? Well, we have to pay overtime and going into the expense. So what

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happens to that broken pipe? Well, it is a charge back in capital costs to go back and repair the broken pipe. When they shut it down, if they shut it down too quickly, it causes the water to burst the pipe.

I would ask in that forensic audit of the accounting, go back and look at the operations.

One thing that stood out, when I was looking at, I want to say the propaganda blitz the outreach in budget allocation, you had testifying a gentleman by the name of Mr. Silverman from the Public Service Commission. It was with regard to the charge back and they were looking for an increase in their outreach and public education program which I find offensive, but that is another issue I will talk about, but it seems that the gentleman, Mr. Silverman, here is the question put forth: Have the unspent amounts in the outreach of education budget been rolled over into the budget for the following year because there was some money that wasn't spent?

No, they have not.

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The company retains control of unspent funds and uses them at its discretion. These funds have remained with the company.

The question, I will be rhetoric, but why? Why do they have the discretion to keep unused funds? I would like to know the answer to that. That was in the testimony. I believe it was February 13.

I would ask that you go back and check that. That was in your case, your Honor.

As a ratepayer, as a resident of the county for all these years, that is unaccounted -- it was about \$47,000. In the scheme of things, not a huge amount of money, but it is still wasteful money, just like the waste of water that we don't have any understanding of. UT oh, we just lost 22 percent of our water resource and we hear time and again of these different accountings of what is going on here. The water that goes to New Jersey has to be reassessed as far as agreements. New Jersey back in the late '90's was going to sue Rockland County because of our waste treatment.



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The publicly funded studies that USGS did for Rockland County indicated there was 14 billion gallons of water being lost in waste treatment going directly to the Hudson. We have paid a lot of money for a tertiary treatment facility in western Ramapo where United Water reaps the benefit, they refuse to contribute to the cost of that, by the way. It is in the Final Environmental Impact Statement of the EPA where you will see a million and a half gallons gets returned; potentially it could be more. A million and a half gallons was approved to get returned above United Water's well field. How was that accounted for? Taxpayers are paying for that. That needs to be looked sat.

Conservation. You will see -- the public -- sorry, New York State assembly subcommittee in 2008, it held a meeting here.

These issues go back a long time.

At the time, Dan Miller who was the hydrologist for the county and represented the county in testimony in all these cases indicated he didn't account for western

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Ramapo, so that million and a half gallons is out there somewhere unaccounted for.

I am a resident representing just myself, a really frustrated ratepayer and taxpayer. I have spent too many hours of my time sitting here and the great misfortune or the dysfunction of the system is while we are here as volunteers and taxpayers, they will be charging us back for the time they have their attorney sitting there and that needs to be addressed.

There is no recourse. We have to hire expert witnesses in the Article 10 proceedings, there was a glimmer of hope where you had intervener funds available. In these public hearings, in these public operations, you're up against -- it is basically a monopoly and their shareholders are reaping the benefit, that is for sure. Yet, they are charging us back. We are getting hit from every possible direction; the rate hike, absolutely I implore you, please, to take another look at what is going on, not only on the accounting side but the operations.

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Why? By the way, go to their website as recent as this afternoon. You will see in their public education, we are standing in a school building. They have outreach to schools. They quoted somebody from Indiana and they quoted somebody from Massachusetts about the programs they are offering in the schools about water conservation.

What about New York?

Where is the accountability for the services they are providing supposedly to collect on that outreach in public education? The merits of what they put forth as material is all in support of the desal plant.

I would hope in this case, the consolidation be considered because they are all related. Our lives are interconnected. We don't live in little boxes or case numbers. You have to look at this in toto.

I thank you for your time.

JUDGE EPSTEIN: Thank you,  
Ms. Madronero.

Ms. Margaret Turrin.

MS. TURRIN: So my name is Margaret

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Turrin. I am a Rockland County resident and I am a proud member of the Rockland Water Coalition, a wonderful group which has done a lot.

So in preparation for coming here to talk about this and to give my own testimony, I started by reading the initial brief of the Utility Intervention Unit. Wow, that was really appalling. As a ratepayer, I started out in disbelief. Then I shifted to concern. In the end, I was incensed after reading this brief. It is unbelievable what has been going on. With the New York State Division of Consumer Protection recommendation of a prudent investigation into United Water's failure to file for economic obsolescence, a forensic audit of expenses charged by United Water as unrecoverable for repairs and a comprehensive management and operations audit of United Water and its affiliate management, I guess I am unsure why we are an even here today. It seems there is enough concern of fiscal operations and decision making with United Water, a group entrusted to provide a

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service to our residents and community.

Again, there is enough concern that this should be sidelined until further examination of these issues can be contemplated and completed.

This is a substantial rate increase. It can't be looked at in isolation. That we would even consider an increase at this level with the poor management that we have been witnessing, with the excessive system leaks, failure to release documents under proprietary information smokescreens and the litany of egregious practices that we have heard about is beyond belief.

I am just going to -- I know we heard some of these things, but I want to reiterate because I think it is important that we spend some time and consider all of the issues brought to light.

Their failure to file for economic obsolescence adjustments to lower their taxes which is standard procedure; improprieties by United Water's management improperly shifting a disproportionate amount of expenses to the

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utility and the management company requesting reimbursement for purchases of alcohol, gifts, entertainment; double digit fee increases that have gone from 13 to 15 percent, excessive rate of return.

Incredible sky high dividends, unresolved fire flow issues, leaks of water that are in excess of the limit, so there is an 18 percent which triggers a plan to reduce it. They haven't submitted a plan and their leak rates are at 21 percent. They seem to be the golden group. They don't complete a cost benefit analysis. Without that, how can we even think about these capital improvements being proposed?

I am going to make this short. I will end by saying that we should not be giving them anything, nothing more. In fact, they should be giving more back to us, much more back to us, service improvements, cost effective and a really large dose of honesty.

JUDGE EPSTEIN: Thank you.

Next is Gail Pisha.

MS. PISHA: Commissioner and your

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Honor, I am a lifelong resident of Rockland County. I have never opposed a rate increase for a utility before now. I trusted that when a utility applies for a rate increase it must show it is acting in a responsible way and deserving of a rate increase, but it appears I was wrong.

I looked through the documents on the website concerning this case and I find disturbing evidence that United Water failed to act responsibly to control the costs that occurred in the past. This would include the failure to file EEO records and paying double digit increases to its management company.

I find the charges United Water expects that we should shoulder that and on top of this, I find that last year United Water increased its dividend 50 percent. So I don't understand why the administrative law judges have recommended the rate increase of 15 percent.

If the public has been paying more than reasonable rates for the past few years with United Water's poor management practices, I

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don't agree that you should grant any rate increases by a single penny and to send the message that United Water can continue on an irresponsible path, especially considering it is seeking the surcharge and incredibly expensive desal plant. How much can the ratepayers take?

I also found in looking at the website, the statement by the UIU "Given the level of questionable conduct discussed below, the UIU does not believe management can be expected to supply basic water service at just and reasonable rates.

"A privately owned utility enjoys a monopoly subject to its ability to provide needed service to the public at just and reasonable rates. If this is not possible, according to a New York State agency, then I urge the PSC to reject any rate increase for United Water and have United Water live up to its obligation.

Thank you.

JUDGE EPSTEIN: Thank you.

The next speaker I believe is Dominick,



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maybe it is Zernome.

MR. ZERNAME: I am Dominick Zernome. I have been here for 44 years. I used to be on a well. I lived in a community that was impacted by some negative water that was in the aquifer. There were 44 homes involved.

What I am trying to get at is that when I first had this done about 10 years ago, or maybe not that long, I would say 10 years, around 2003 it happened, it was the town, not the water company; it wasn't profitable for the water company to come to the aid of 43 families in a community.

This is the type of company that you want to grant the 15 percent increase to. It was this town; it was the person that was in charge of this town that stepped forward, not the county, the town, that put the piping system in that allowed 43 homes and there were several families that were very impacted by this contamination.

I said to myself, well, gee, if it is in the ground, this is the same water they are giving us back and they are going to charge us

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for it. Wonderful. It is a great way to do business. I like to be in that business.

I think at some point, you represent New York State and these are the people in New York State. They continuously let water flow into New Jersey unmonitored. They don't want to tell you how much. The gentleman told you they have pipes all over the ground. I don't know anything about that, but if he did and you do have the information, that should be put -- 87 years? I think somebody should start looking at what is going on here.

I worked in a business when things went wrong, we fixed it. That is what you need to do, fix it.

Thank you.

JUDGE EPSTEIN: Thank you.

Now we have John Wall.

MR. WALL: Thank you Commissioner and Judge for being here tonight. It has been a long program today.

What I would like to do is -- I am here as an individual for my family. I am part of the community. I have been here a long time.

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I have seen United Water in action, and I would just like to, in the interest of brevity -- I am not known for being brief, but in the interest of brevity, I would like to take every factor that has been presented and add it to my statement as what my comments are.

The corporate nature of United Water is one that they are expected to be hiring experts and knowledgeable people and if they do that, then their business should run in a profitable manner, in the best interest of those that they serve, in addition to the best interests of their shareholders.

I believe that they have failed in that regard and that they should not be rewarded. I look at a number, 72 percent. I am a businessman, I don't see 72 percent. I don't know who in this room has seen 72 percent. If anything, some years you don't take a paycheck if you're in your own business.

We also expect them to be good neighbors, to be corporate neighbors. I went into the lower ends of the damn where their judgment was, don't release the water until

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the last minute and then they released it all.

Well, the storm was over. People were looking and standing there watching their house, and the water was not touching their house and all of a sudden, because they did a mass dumping, these people now had a tsunami coming through wiping out their entire first floors.

We paid them to be -- we don't pay them. We pay for the water. They pay these people to be professional and knowledgeable people and to protect all interests.

When the people said you shouldn't have -- you know, you didn't take care of us, they said, well, there was a storm. We had to let go of the water because it was in the safety interest.

Well, maybe the judgment interest was not exactly right because every drop of water going over the damn is lost water, except now into Jersey. So there is something wrong here. If you will be a -- if you're going to be getting a 72 percent increase, there should be some judgment there. I believe this group,

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if you took a vote, would say there should be no decision.

I would vote for no decision until such time as all of the facts are agreed upon; that you have a forensic accounting; that you have all of the overcharges and all of the voodoo accounting reviewed and see if it is voodoo accounting or not. Let them prove their case. I don't know the business that can build a factory on their customers' back and then expect to sell the product without any interest -- without any investment.

I just want to be very brief, but as one person, I just felt it was important to express an opinion of what I think is the majority of this community.

This is like a silent majority situation here. Everybody is worried about it, but they are too busy feeding their kids, taking care of their homes to come out and spend the time. They have to give up their life at home in order to be vocal.

Fortunately, I am in a position that I can come out tonight, but this room would be full

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if people didn't have major obligations that they have to take care of.

So I thank you for being here. I vote for no decision.

JUDGE EPSTEIN: Thank you, Mr. Wall.

Is there anybody else who wants to speak, whether you signed up or not?

MR. WENK: I am Melvin Wenk. Thank you for giving me this opportunity. I have one added comment that I would like to reinforce.

We as residents of Rockland County which I have been here for many years, as many of the people in the audience also stated, I have seen this county grow since 1972. It really is a wonderful place to live. If I can afford to remain here, I will, but I don't know if that will be the case.

The increase in costs are extreme to people who are retired and living on Social Security.

We in Rockland were hit with a rate increase approved by the Public Service Commission of New York State when there was a drought a number of years ago and I think it

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was the other owners of United Water at that time before Suez, the company got involved and you implemented and allowed a rate increase during the summer to, I guess, stop people from using excessive amounts of water on the lawns, et cetera, and we were hit with a surcharge for water use during the summertime, a pretty high rate. Thank God it was just for the summertime and in September, the rates decreased back to what I call normal amounts of rates.

Should the Public Service Commission allow an increase, I think they have to take into mind that we are already paying an excessive amount for water, as I mentioned, during the summer rate season, it starts in May and ends in September.

It is an excessive amount.

I think that has to be taken into account if and when you do make a decision, I vote for zero increase at this point based on the testimony of all the people in the audience and as a senior citizen living on Social Security, I think that you're doing a

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PROCEEDINGS

commendable job of listening, but I think we have all expressed ourselves in a way that it is hurting our pocketbooks and our way of life and I am not sure I will be able to sell my house for any profit if I am allowed to sell it in these conditions of increasing costs. Thank you for your time.

JUDGE EPSTEIN: Is there anybody else?

MS. HOVEY-COHEN: I want to thank you for listening to everybody.

Yesterday -- I live in Piermont. The DEC came to let us have a public comment about the bridge that is being built, the Tappan Zee Bridge and the mitigation on our march that has phragmites. What does that have to do with what I want to say? I was just moved by everybody who is still here and everybody who comes out for the people who can't.

Our town was hit by Sandy and there are still people that can't be in their house.

Water is so important for us locally for the state, for the country, for the whole world. We are now destroying any kind of clean water.



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PROCEEDINGS

We just -- I just want to express my heartfelt thanks that we are the ones who are here and can carry the word; no more rate hikes. We have to see everything as sustainable, not in dollars and cents and bottom line. Our bottom line is joining together to make a better world.

So I really thank you for listening. I thank you all for staying here and just being on the front line.

JUDGE EPSTEIN: Thank you.

Anybody else who would like to speak? This is your last chance until 7:30. If you have already spoken and you have something you want to add, that is allowed too.

With that, is there anybody else that wants to speak at this time?

Okay, seeing none, we are adjourned until 7:30 p.m.

Thank you very much for coming.

(Time noted: 6:34 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

I, BARBARA DRISCOLL, a Shorthand Reporter and  
Notary Public within and for the State of New  
York, do hereby certify that the foregoing  
proceedings were taken before me on the 23rd day  
of April, 2014;

That the within transcript is a true record  
of said proceedings;

That I am not connected by blood or marriage  
with any of the parties herein nor interested  
directly or indirectly in the matter in  
controversy, nor am I in the employ of any of the  
counsel.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 29th day of April, 2014.

\_\_\_\_\_  
BARBARA DRISCOLL

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