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17-W-0049/17-W-0293 - Bristol Water Works

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

17-W-0049 - BRISTOL WATER WORKS CORPORATION - COMPLAINT  
17-W-0293 REGARDING RATE DESIGN & WATER RATES CASE

PUBLIC STATEMENT HEARING

Tuesday, August 29, 2017  
5:00 p.m.  
South Bristol Town Hall  
6500 Gannett Hill Road West  
Naples, NY 14512

JAMES COSTELLO  
Administrative Law Judge  
Three Empire State Plaza  
Albany, New York 12223-1350

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2 (The hearing commenced at 5:29 p.m.)

3 A.L.J. COSTELLO: So we're now going to go  
4 on the record.

5 I call case 17-W-0049, complaint of  
6 property owners and customers of Bristol Water Works  
7 Corporation to conduct a survey of water usage for both  
8 commercial and residential customers.

9 And case 17-W-0293, minor rate filing of  
10 Bristol Water Works Corporation to increase its annual  
11 revenues by about \$154,329.00 or 116 percent.

12 As I mentioned earlier, my name is James  
13 Costello. I am an Administrative Law Judge. I work for  
14 the Department of Public Service. It's my job to preside  
15 at this public statement hearing and also to take the  
16 information that's compiled, information that's been  
17 presented by the public, information that's being  
18 presented tonight, as well as all the information that the  
19 investigation from the Department of Public Service will  
20 do and their investigation or evaluation of the rate case,  
21 and any information that's provided by the company and  
22 compile a record for -- for the -- make sure that's a  
23 record -- a complete record is compiled for the  
24 Commission.

25 Currently there are four commissioners,

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 they are the people who will decide these matters. At the  
3 end of the process, I will end up writing some sort of  
4 recommendation. That goes to the Commission, but again,  
5 it's the Commission, currently four members. There may be  
6 five at the time this matter is before them. They will be  
7 making the decision.

8                   The secretary to the Commission issued a  
9 notice for this public statement hearing on August 9th,  
10 2017. And a press release about the public statement  
11 hearing was issued by the Department of Public Service on  
12 August 22nd, 2017.

13                   Preliminary matters, I would like to thank  
14 Scott Dean of the Consumer Service and Outreach Staff of  
15 the Department of Public Service. And the town of South  
16 Bristol for helping with the arrangements for today's  
17 session. And I would also like to thank the three  
18 Department of Public Service staff members for providing  
19 the presentation earlier.

20                   So as I may have explained, I don't know if  
21 I did. This hearing is being held to provide you with an  
22 opportunity to comment on the complaint filed against  
23 Bristol Water Works Corporation as well as their request  
24 for an increase in their rates. As was mentioned earlier  
25 under New York State Law, the Commission is required to

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 consider the utility's proposal; however, it may adopt or  
3 reject it in whole or part or modify it. And it may adopt  
4 changes proposed by participating parties, by members of  
5 the public, or by the Commissioners themselves. In doing  
6 so, the Commission is required to make sure it sets just  
7 and reasonable rates.

8                   As I mentioned at the outset, the  
9 statements that you make here tonight will be transcribed.  
10 So if you're -- I'll -- I'll call you -- your name shortly  
11 and ask that you come up to the microphone up front, speak  
12 loudly and clearly so that the transcription can be made  
13 accurately. The -- the comments will be part of the  
14 record and will be considered by the Commission in  
15 determining this matter.

16                   Just as a housekeeping matter, just so you  
17 know, there are other ways in which comments can be made  
18 for the Commission's consideration. And as a -- described  
19 in the Public Statement Hearing Notice and the press  
20 release and information sheet that some of you may have  
21 picked up that was available on the table outside, you can  
22 send comments to the Commission secretary either by email,  
23 and that email address is [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov), or you can  
24 send it by regular mail, and there are some envelopes --  
25 preaddressed envelopes available on the table if you wish

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2 to do so.

3 You can also submit comments, and I know  
4 many of you have, via the internet at the department's  
5 webpage using the comment pages dedicated to these cases,  
6 which again are 17-W-0049 and 17-W-0293.

7 And finally you can call the Department of  
8 Public Service's toll free number, which is 1-800-335-  
9 2120, and you can leave a message on the answering system  
10 that's been set up for that purpose.

11 And as you came in, we asked those of you  
12 who wished to make a comment to fill out a card. I have  
13 the cards in front of me in the order in which they were  
14 received. And what I will do is now call the first person  
15 to come up and give their comment. Again, please come up  
16 to the microphone.

17 And I call Jeffrey R. Clark.

18 MR. CLARK: Good evening, your Honor.

19 A.L.J. COSTELLO: Good evening.

20 MR. CLARK: My name is Jeff Clark, and I  
21 represent -- I'm counsel to the Bristol Harbor Village  
22 Association. The Bristol Harbor Village Association is a  
23 non-profit corporation formed in 1971 to advocate and  
24 organize the interest of those who live in the Bristol  
25 Harbor Community. The members of the association are all

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 consumers of the water services provided by the Bristol  
3 Water Works Corporation. Many of the members have resided  
4 in the community for decades. In this proceeding, their  
5 interests align with those articulated in Section 89-C of  
6 the New York State Public Service Law, which are to pay  
7 just, reasonable, and nondiscriminatory and not unduly  
8 preferential rates and charges for water services as  
9 established to the proceeding now before us.

10                   The association respects the rights and  
11 burdens carried by the water company, which include the  
12 right to earn a reasonable return on its investment and to  
13 seek affordable access to capital markets to the degree  
14 necessary to operate, maintain and expand as required the  
15 system that serves its members.

16                   The association also respects the charter  
17 of the Commission to ensure that the service provided and  
18 the rates and charges fixed thereto meet the standards set  
19 forth in the public service law.

20                   The members desire to pay no more and no  
21 less than rates and charges that are properly determined  
22 pursuant to that charter. They all understand the  
23 business of things and have no allegiance to getting  
24 something for nothing. They desire fair play and  
25 transparency. Nothing more, nothing less.

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2 The rate filing identifies various cost  
3 categories with -- with numbers that are based on  
4 historical expenses and projections. The association  
5 would expect this proceeding to test the substance of  
6 both, recognizing that some of those numbers were  
7 established under different ownership and circumstances.

8 The requested rate of return is supported  
9 by comparison to other returns granted water companies of  
10 similar size. That comparison approach certainly has  
11 merit, but may not be sufficient on its own to justify the  
12 requested return and accomplish the stated need of the  
13 water company to access capital on reasonable terms.

14 The allocation of the cost of service  
15 between service classes and the allocation between  
16 commercial and residential customers within service  
17 classification one is also of great interest to the  
18 association, given the ownership relations of the water  
19 company and some commercial rate payers.

20 Finally, interest outside the current  
21 company customer dynamics, such as the ever Everwilde  
22 project may impact in both positive and negative ways the  
23 appropriate allocation of costs among rate payers. The  
24 association would expect such outside interest to be  
25 within the scope of the staff's analysis.

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2 Finally, the association has no intention  
3 of duplicating staff's efforts to get at these issues. It  
4 understands that adding unnecessary costs into this  
5 proceeding is not in any party's interest. While it  
6 intends to actively observe the exchange of information  
7 that goes on in the pursuit of the proceeding's  
8 objectives, it's intended role is to facilitate that  
9 exchange in ways deemed helpful to the process.

10 Thank you.

11 A.L.J. COSTELLO: Thank you, Mr. Clark.

12 The next speaker is Steve Janto.

13 MR. JANTO: Hi. I'm Steve Janto, I'm  
14 president of the Bristol Harbor Village Association. I  
15 wanted to thank your Honor for coming down here tonight  
16 and the Commission for -- for coming down to the Town of  
17 South Bristol.

18 A.L.J. COSTELLO: Thank you, Mr. Janto.

19 MR. JANTO: Okay. The first thing I wanted  
20 to say was that I'm very disappointed in the Commission as  
21 they made their visit to Bristol Harbor on July 11th, and  
22 did not contact the -- any of the complaintants or the  
23 complaint -- I had written a complaint, they did not ask  
24 for any information from us. We also asked for meter  
25 review as well as fair and equitable rate increase, and

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 nobody contacted us, and we were unaware of that situation  
3 until we had our five-minute phone call with you, Judge  
4 Costello, and we had voiced our concerns.

5                   So I'm still hoping that the Commission  
6 will see its way to come back and revisit our concerns.

7                   A.L.J. COSTELLO: This just -- I -- I don't  
8 mean to interject, but this also is your opportunity if  
9 you want to bring your concerns to the Commission, you  
10 have the opportunity --.

11                  MR. JANTO: Well, we were asking for them  
12 to look at the meters to make sure that everything that's  
13 supposed to be metered within the village is metered  
14 appropriately, and there is not anybody that's receiving a  
15 flat rate charge complaint compared to a meter charge.  
16 And that's what we were looking for to see if somebody  
17 would be able to ensure us that everything was being  
18 metered correctly at Bristol Harbor that -- that needed a  
19 meter. Okay.

20                  A.L.J. COSTELLO: Okay.

21                  MR. JANTO: Moving on to the water rates.  
22 I mean, I -- you know, it -- it might be a minor rate case  
23 to you, but it's a major rate case to us.

24                  A.L.J. COSTELLO: Just as a point of  
25 clarification. It's -- that's simply a --.

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2 MR. JANTO: I -- I understand what you're  
3 going to say, but --

4 A.L.J. COSTELLO: It's -- it's simply --.

5 MR. JANTO: Minor to you, major to us.  
6 Okay.

7 A.L.J. COSTELLO: It's not -- it's not --  
8 it's a term just used basically on the amount of money  
9 involved, and I understand the amount of money involved  
10 here is a lot of money for you.

11 MR. JANTO: You know I think a rate  
12 increase of a hundred and sixteen percent is not only  
13 appalling, it's unreasonable. You know, I think Bristol  
14 Water Works -- you know, I'm not sure -- you know, I'm not  
15 currently looking at their books, looking at what they're  
16 doing there, to say that they're not entitled to some  
17 increase, they probably are entitled to an increase. But  
18 a hundred and sixteen percent I think is way overboard.  
19 What I would like the Commission to do is, obviously, I  
20 want them to -- to review the management fees very  
21 closely. I want them to look at the salaries, and I want  
22 them to look at the professional fees that they're asking  
23 for increases. They are all big increases, and we want to  
24 make sure that's something that is of need.

25 We also want them to look at the benefits

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2 of bringing Everwilde into the water system and are -- and  
3 are promoted in the filings. The benefits to Everwilde  
4 make certain capital expenses appear, and in the future  
5 proceedings should be recognized in some formal way in  
6 this proceeding to ensure that the rate payers are not  
7 subsidizing this and any other projects.

8                   So again, I thank you for coming to the  
9 Town of South Bristol, and we appreciate it.

10                   A.L.J. COSTELLO: Thank you, Mr. Janto.

11                   The next speaker is James Bachman.

12                   MR. BACHMAN: Good evening. My name is Jim  
13 Bachman. I am a Bristol Harbor -- Bristol Harbor Village  
14 Board member, but I speak as a resident.

15                   I have submitted what I believe is detailed  
16 thought on the rate case to the online -- I made a online  
17 submission, so I will not go back and recap all of that,  
18 but I would like to point out especially after listening  
19 to your engineering staff in the presentation that you  
20 did, I -- I'd like to give some additional thought to the  
21 further analytics. The -- using just an example, a two  
22 bedroom townhouse on the west side of Seneca Point Road  
23 called Bristol Village Proper, it's where all the single  
24 family homes are, pay a fifty-eight dollar flat rate per  
25 quarter and then they pay the two dollars and seventy-five

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2 cents per thousand gallons consumption. I own property on  
3 that side of the road. I also own property on the  
4 condominium side. I have two two-bedroom condominiums. I  
5 pay fifty-eight dollars a month and not a penny more. So  
6 I pay that four times a year. On the other side of the  
7 road, I pay that four times a year plus whatever water is  
8 consumed. I actually think there's a missed opportunity  
9 for water corporation that they are missing out on -- on  
10 the consumption based portion of that. And that is -- I  
11 mention this only to -- to fairly level the playing field  
12 across every resident in the community. There's a lot of  
13 -- which was pointed out -- you know, what people are  
14 seasonal or not, this system needs to function whether  
15 people are here or not. I think most people recognize  
16 that, but if everyone pays a fair component to that,  
17 whether it's in a condominium, a flat rate charge or a  
18 home on the -- with a water meter. What I've laid out is  
19 that water meters be put in each condominium building.  
20 One -- one per building. It's not possible to put them on  
21 -- in every unit because they have vertical pipe towers,  
22 and you just can't do it. There's two water feeds per  
23 unit for most cases. But these condominiums are legal  
24 entities, and -- so building one for example could have a  
25 water meter in the building, so much consumption. The

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 water company would bill the condominiums for that water  
3 consumption, same as a home does on the other side of the  
4 road, but it would be up the condominium to determine how  
5 it was to distribute those charges to the residents of  
6 that building. And I -- actually looking at this in a  
7 further opportunity for the community, it's for the  
8 betterment of the community, are also facing a sewer  
9 issue, and I'm -- I'm not intending to go into detail on  
10 that, but there is a -- in my opinion, there is a flawed  
11 method in Ontario County for distributing sewer costs, and  
12 it's really primarily based on homes, bedrooms where in  
13 the county there are a lot of properties that draw water  
14 from the lake and don't have water meters so that's how  
15 they bill for sewage. If we have water meters everywhere  
16 in Bristol Harbor, we can then look to ask the town to  
17 further consider is there looking at that rate case that  
18 all sewage should be based on water consumption. So  
19 everybody pays for what they go -- what goes through their  
20 water meter and everybody pays for what goes down the  
21 drain. It's how a lot of the major communities do it.  
22 The City of Canandaigua does it that way. The -- the Town  
23 of Canandaigua does not because of what I previously  
24 explained.

25                   So I think there's an opportunity to help

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 the town with their rate setting if we can get into a  
3 water meter consumption base for both the water and then  
4 it can be used for the disposal as well.

5                   Thank you.

6                   A.L.J. COSTELLO: Thank you, Mr. Bachman.

7                   The next speaker is Ralph Endres.

8                   MR. ENDRES: Yes. My name is Ralph Endres.  
9 I live at 5590 Law Crest Circle. I've been a resident for  
10 almost twenty years.

11                   Thank you for being here, Judge Costello.

12                   I have a number of things, but I'm only  
13 going to bring up two or three things. First thing is  
14 when your people came on July 11th, I believe it was, did  
15 you physically see the meters --?

16                   A.L.J. COSTELLO: Okay, let me -- let me  
17 just say. This is not an opportunity to ask questions.  
18 It's -- it's now - it's making comments. And just as a  
19 point of clarification. The -- my office is separate from  
20 -- it's all part of the Department of Public Service, but  
21 I -- there -- there's separate people that are assigned to  
22 do the investigation and rate case process, so there's no  
23 connection between us as far as -- There's like a -- a  
24 wall, so I don't -- I get the information when it's  
25 compiled. So I -- and -- and it's not a point -- at this

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 point it's -- it's an opportunity for you to comment on --  
3 on what your concerns are, but not ask questions about the  
4 process. You could have asked questions about the process  
5 overall earlier, but it's not -- this is not the time to  
6 ask questions specifically about this.

7                   If you have comments about it, you can make  
8 your comments.

9                   MR. EDRES: Okay, my -- my comment would be  
10 that we -- every drop of water that the people of Bristol  
11 Harbor use for the past five or seven years since we got  
12 the water meters, they know. We don't have any idea how  
13 much water Bristol Resorts uses.

14                   Secondly, myself and Fred Sarkis were  
15 commissioned by the P.H.P.A. to petition the Public  
16 Service Commission to try to find out water usage. And we  
17 wrote the petition that finally -- eventually went to you  
18 with the signatures from the people.

19                   What I want to know is if in your -- in  
20 your -- when you -- when you investigate these things, how  
21 can you go to a place and talk to the object of the  
22 investigation and not talk to the people that I -- and I  
23 know it's a question.

24                   A.L.J. COSTELLO: No, no, that's -- this  
25 procedural question -- this is your opportunity to -- to -

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 - whatever you want to say to let the Commission know, to  
3 let the people -- because this will -- this is still --  
4 the process is still ongoing, so if you raise certain  
5 issues, those issues can be addressed by staff in their  
6 investigation, so let us know what those issues are.  
7 That's what -- that's one of the purposes of this hearing.

8                   MR. ENDRES: There's a lot more to this  
9 rate increase for the water. There's also another equally  
10 troubling sewer issue.

11                   A.L.J. COSTELLO: I just want --.

12                   MR. ENDRES: And you can't get involved in  
13 that.

14                   A.L.J. COSTELLO: Right. We're not  
15 involved in that.

16                   MR. ENDRES: But you should be aware of it.

17                   A.L.J. COSTELLO: But certainly you can  
18 bring that to our attention.

19                   MR. ENDRES: Yeah. You should be aware  
20 that there's a -- there's approximately three hundred and  
21 fifty thousand dollars in reserve money that's missing  
22 from the -- the sewer department.

23                   And if we can't determine where that money  
24 is, there's a sewer rate increase that's on the books from  
25 the same company and -- and -- and they want us to replace

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 the reserve. In other words, they want the people that  
3 built the reserve to build another reserve so that when  
4 they sell the company, they can walk away with the money.

5                   That's basically what -- what -- I just  
6 think that when there's a petition and you come to  
7 interview the Bristol Water Works that you would also  
8 interview the petitioners.

9                   Thank you.

10                  A.L.J. COSTELLO: Thank you, Mr. Endres.

11                  The next speaker is Fred Sarkis.

12                  MR. SARKIS: Thank you, your Honor. I'm  
13 Fred Sarkis, I'm a rate payer. I live at 28 Cliffside  
14 Drive.

15                  I am also the founder of Bristol Harbor  
16 Village and Bristol Mountain Ski Area. It is a rare -- it  
17 is rare in the -- in the U.S. for a founder of a village  
18 and a first resident to be honored by symbols in our  
19 village. I carefully reviewed the year 2006 subject case  
20 number 08-W-1272. Minor rate filing of Bristol Waterworks  
21 Corporation to increase its annual water revenues by  
22 \$38,542.00 or forty-two point five percent. That was case  
23 number 06-W-1546. It was a complaint of the Bristol  
24 Harbor condominiums to investigate the metering and the  
25 billing practices of Bristol Water Works Corporation.

1 17-W-0049/17-W-0293 - Bristol Water Works

2 I felt that these decisions were fair and  
3 reasonable. Meters were to be installed throughout the  
4 village. Future water cost revenues were to involve meter  
5 readings rather than fixed charges. I can only hope that  
6 this is the case in this 2017 P.S.C. review, and if not,  
7 why not?

8 Just to highlight what I feel are  
9 unreasonable requests by the shareholders of the water and  
10 sewer corporation, just allow me to briefly highlight my  
11 concern for fair play in pursuit of a hundred and sixteen  
12 percent increase on the water cost to our villagers.

13 One, for example, the proposed management  
14 fee of twenty-five thousand in water. It is hard to  
15 ignore the proposed management fee for the sewer  
16 corporation as well. The fee is \$69,000. Please consider  
17 this. This total of \$94,000 represents fifteen percent of  
18 the total cost for sewer and water. Fifteen percent.  
19 This is hard to comprehend when there is a past written  
20 communication which states that the shareholders of the  
21 water and the sewer corp will draw no salary in writing in  
22 an email circulated to unit owners.

23 Also I ask you to reflect on this fact. If  
24 our town owned and operated the water and sewer corp, the  
25 management fee would be zero.

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2 Number two. The salaries and benefits from  
3 2014 to the proposed 2016 go from \$81,000 rounded to  
4 \$150,000 rounded.

5 Did New York State sewer and water  
6 inspectors recommend this fifty-four percent increase in a  
7 period when there was little residential or commercial  
8 additions to the plant.

9 Number three. And consider this. In  
10 rounded fees, professional fees for 2013, '14 and '15,  
11 they totaled \$7,500. Then for 2016 and '17, they leaped  
12 to \$48,000. How much of this \$48,000 sum is related to  
13 engineering services for the well promoted and major  
14 commercial development called Everwilde. There is little  
15 doubt in our village that the major reason for the  
16 shareholders of the sewer corp to purchase all of the  
17 assets of the former developer related to their desire to  
18 control the sewer and water corporations to build a  
19 multimillion dollar commercial facility called Everwilde.

20 Bottom line, Everwilde is a huge commercial  
21 development plan on land that is zoned residential. The  
22 odds for town approval from residential to commercial are  
23 small. Therefore, the P.S.C. should consider this hundred  
24 and sixteen percent proposed increases as conflicted with  
25 the firm determination to build Everwilde.

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2 Again, as I've stated my filings and  
3 protecting the interest of three hundred and forty-eight  
4 neighbors, I value the intent and purpose of our New York  
5 State Public Service Commission as reflected on their  
6 website.

7 I'm signing this as Fred Sarkis, Bristol  
8 Harbor founder and resident, and I thank you, sir.

9 A.L.J. COSTELLO: Thank you, Mr. Sarkis.

10 Okay, the next speaker will be Thomas V.  
11 Murray.

12 MR. MURRAY: Wow, that's a tough act to  
13 follow. Let me tell you, Fred.

14 MR. SARKIS: Thank you.

15 MR. MURRAY: Hello, your Honor.

16 A.L.J. COSTELLO: Hello.

17 MR. MURRAY: Hello Bristol Water Works  
18 here. I just have a --.

19 A.L.J. COSTELLO: That's the Department of  
20 Public Service.

21 MR. MURRAY: Oh, the Department of -- I'm  
22 sorry.

23 I'm sorry.

24 Just a quick note because I don't want to  
25 be redundant. Most of this has been eloquently

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 articulated by my fellow neighbors. Just a point of  
3 interest -- you know, I -- I can see most of this is about  
4 the efficiency of delivery and also the measurement of  
5 consumption. And just one little point. I live in  
6 Fairport, I have a -- a condominium here for the last  
7 fifteen years on Cliffside Drive at 122. My water  
8 consistently has been higher here for two months of  
9 residency than all year in my -- in my four bedroom, three  
10 bath place in Fairport. To this point my water -- I go to  
11 Florida one month. I'll be a resident in Fairport for  
12 nine months. And I come here for two months. My two  
13 months total bills exceed my nine months in -- in  
14 Fairport, New York. Something's wrong. Either our  
15 efficiency with running the water work is - there's a  
16 problem, or the measurement and consumption there's a  
17 problem.

18                   And that's all I'd like to say. Thank you.

19                   A.L.J. COSTELLO: Thank you, Mr. Murray.

20                   The next speaker is Bob Eisenberg.

21                   MR. EISENBERG: I'm Bob Eisenberg, I live  
22 at 5559 Lakewood Trail. Your Honor, P.S.C. and guests,  
23 I'm not going to say anything because I can't top what's  
24 been said here and the fact that it's all accurate and  
25 something that the Commission really needs to be aware of

1                   17-W-0049/17-W-0293 - Bristol Water Works  
2 and take into consideration when they do their job.

3                   Thank you.

4                   A.L.J. COSTELLO: Thank you, Mr. Eisenberg.

5                   David Eldon.

6                   MR. ELDON: Yes, your Honor. I'm Dave  
7 Eldon, Bristol Harbor resident for the last sixteen years.  
8 And I just want to make a brief comment. I was impressed  
9 with the staff and what they had to say about how they  
10 analysis the use of -- of water and the cost issues. I'm  
11 assuming that the revenue number is really the gallons of  
12 water which are used and billable. And I've been informed  
13 -- your -- your staff mentioned that you review peaks and  
14 valleys and you level them off in your analysis so that we  
15 don't take an unusual year like we've had this year of six  
16 weeks of rain that Bristol Harbor Village has no control  
17 over, and we've had a very unusual weather situation.  
18 I've been informed by people at the water company that  
19 last year as of August 1st you can -- you know, confirm  
20 these numbers. Last year as of August 1st, 2016, three  
21 million gallons were used. This year as of August 1st,  
22 2017, two million gallons have been used. Now, that's an  
23 incredible difference, and I'm concerned that possibly  
24 some of these rate increases of a hundred and sixteen  
25 percent are based on this type of a -- a calculation.

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2 It's not going to happen again anywhere in near future. I  
3 don't think Houston's going to go after for not having  
4 used any water in the last several days, I don't think  
5 they're going to go for a hundred and sixteen percent  
6 increase on two and a half million people. But that's all  
7 I had to say and thank you very much, your Honor, and your  
8 staff.

9                   A.L.J. COSTELLO: Thank you, Mr. Eldon.

10                   That was the -- the last speaker that I  
11 had. Is there anyone else that would like to make a  
12 statement at this time?

13                   What we're going to do is keep -- we'll go  
14 off the record if there's no -- nobody else that wants to  
15 make a statement at this time, we'll go off the record.  
16 We'll be here until six thirty, so that if anyone does  
17 decide that they want to make a statement, or if anyone  
18 else comes in, we'll be available on the record to -- to  
19 take those statements.

20                   Thank you everybody.

21                   (Off the record)

22                   A.L.J. COSTELLO: Well, we're going to go  
23 back on the record. We have another speaker. Joseph J.  
24 Kohler, the Third.

25                   MR. KOHLER: Good evening, your Honor, and

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2 I shall be brief. I must salute you, sir. In fifty years  
3 that I've been a customer of this water corp for forty-two  
4 years, and for fifty years of travel tourism, some public  
5 service here in the State of New York. I'd like you to  
6 raise your hands, this is like a question.

7 Did anyone ever receive a letter from a  
8 state official, a response on the 3rd of July going into a  
9 holiday weekend? Well, I did, and you are the judge, and  
10 your Honor, you honored me with your correspondence, and I  
11 salute your staff, and Mr. Daniel Cameron for helping my  
12 fellow customers of the water corp sign up for these  
13 proceedings, and thank you for hearing and for fair and  
14 equitable. Fine work, Judge.

15 A.L.J. COSTELLO: Thank you, Mr. Kohler.

16 We're going to go off the record again, and  
17 we'll -- we'll stay open -- we'll stay here until six  
18 thirty in case anyone else comes in.

19 Briefly, we've gotten through all the  
20 cards, there's been no further people that have come  
21 forward since Mr. Kohler, so we are going to end this  
22 session of the public statement hearing.

23 I'd like to thank Mr. Hubbard, the court  
24 reporter, and everybody in attendance. Thank you.

25 (The hearing concluded at 6:31 p.m.)

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2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 25, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 6th day of September, 2017.

11

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13 HOWARD HUBBARD, Reporter

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