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May 22, 2024

Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, New York 12223-1350

VIA EMAIL: secretary@dps.ny.gov
& FIRST CLASS MAIL

Re: Willsboro Bay Water Company

Dear Ms. Phillips:

We are Town Counsel to the Town of Willsboro. Prior to 2018, the Willsboro Bay Water Company owned and operated a seasonal water system in the Town of Willsboro. However, problems continued to arise and it appears that the principals of that company wished to cease operations. In 2018, the company petitioned the Commission for permission to abandon the system. (CASE 18-W-0128). Leading up to this petition, the Department of Environmental Conservation approached the Town and requested that the Town operate the water system on a temporary basis. As a result, the Town submitted a letter petition to PSC on March 12, 2018 seeking to be appointed Temporary Operator. By Decision dated April 26, 2018, the Commission granted the Town's petition, but it only partially granted the water company's petition, declining to permit the water company to abandon its system. As such, the company is still the owner of the water system, but the Town has assumed day-to-day operations since 2018.

As you may know, the Town's ability to collect funds from users of the system is severely limited. Nonetheless, the Department of Health inspected the system and recently issued a report apparently *directing* the Town to form a district and thereby exceed the role of Temporary Operator. The sole purpose of this directive appears to be that the Department believes significant investments must be made to the system and the Department wishes to obligate Town tax-payers with this expense. While we requested that the Department issue a revised report removing such language, this has not occurred. However, it certainly may be the case that significant investment must be made in the system to ensure its ongoing operation and that is not an obligation that the Town wishes to

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take on merely because it acquiesced to the Department of Environmental Conservation's request that it assist by temporarily operating the system. The Town is not the owner of this system and neither has the desire nor the legal means to simply divert taxpayer funds into capital improvements of infrastructure owned by a private water company.

Therefore, the Town wishes to cease its role as Temporary Operator. The seasonal water system will be turned off in October as usual, but the Town will not be turning it back on in the Spring of 2025. If the Commission has a process for discontinuance of operations by a Temporary Operator, kindly advise. Thank you.

Very truly yours,
MILLER, MANNIX, SCHACHNER & HAFNER, LLC



Leah Everhart

LE/bh

cc: Shaun Gilliland, Supervisor