

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION
4 CASE 23-W-0235 - Proceeding on Motion of the
5 Commission as to the Rates, Charges, Rules and
6 Regulations of Liberty Utilities (New York Water)
7 Corp. for Water Service.
8 PUBLIC STATEMENT HEARING
9 DATE: September 13, 2023 at 1:01 p.m.
10 VENUE: WebEx
11 BEFORE: ALJ TARA KERSEY
12 ALJ DAKIN LECAKES
13
14 ALSO PRESENT:
15 Commissioner Diane Burman
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20 Reported by Anthony McClain
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1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 (The meeting commenced at 1:01 p.m.)

3 A.L.J. KERSEY: I call Case 23-W-0235
4 Proceeding on Motion of the Commission as to the
5 Rates, Charges, Rules and Regulations of Liberty
6 Utilities New York Water Corp for Water Service. As
7 I said, my name is Tara Kersey. I'm an
8 administrative law judge for the Department of Public
9 Service. With me today is Chief Administrative Law
10 Judge Dakin Lecakes. Together we are responsible for
11 presiding over the hearings in this case and
12 developing a complete record throughout the
13 proceeding.

14 We are here today for a public
15 statement hearing that was noticed on August 23rd,
16 2023. The hearing concerns proposed changes in the
17 water delivery rates and practices of Liberty
18 Utilities New York Water Corp or we'll refer to them
19 as well as the Company.

20 The Company filed amendments to their
21 water tariff schedules on May 4th, 2023 proposing to
22 increase their revenues by \$39,745,567 or 34.24% on a
23 consolidated basis across its 2 service area, service
24 area 1 and service area 2 for the 12 months ending
25 March 31st, 2025. This includes the consolidation of

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 the rates of the Company's Sea Cliff and Whitlock
3 service areas with the rates for service area one
4 with a corresponding elimination of the incremental
5 property tax surcharge the Sea Cliff service area
6 customers currently pay.

7 The proposed rates will increase the
8 average residential monthly water bill by
9 approximately 18.32 or \$18.32 for current service
10 area 1 customers. \$15.74 for Merrick customers, and
11 \$7.37 for Sea Cliff customers. Under New York State
12 Law the Public Service Commission must consider
13 utility's proposals and may adopt or reject it in
14 whole or in part or modify it.

15 We are holding this hearing so you can
16 provide your comments on these proposals for the
17 commission's consideration. The Public Service
18 Commission will decide what the Company's terms and
19 conditions of service will be. The Public Service
20 Commission has seven members; the Chairperson Rory
21 Christian and six commissioners. The six
22 commissioners are Diane Burman, James Alesi, Tracey
23 Edwards, John Howard, David Valesky and John
24 Maggiore.

25 We are fortunate today to have

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 Commissioner Burman attending. Would you like to
3 address the participants, Commissioner? Excuse me.

4 COMMISSIONER BURMAN: Oh, thank you so
5 much, Judge. Yes, this is Commissioner Diane Burman.
6 My role here today will really to be an active
7 listener. I appreciate everyone who is participating
8 and look forward to hearing your comments.

9 A.L.J. KERSEY: Thank you
10 Commissioner. This hearing is to provide the
11 Company's customers and other interested persons with
12 an opportunity to tell the commission your thoughts
13 on the Company's rate proposals. All statements you
14 make today will become part of the case record. We
15 have a court reporter joining us who will prepare a
16 transcript of the hearing which will be included in
17 the official record of this proceeding so that your
18 comments can be considered by the members of the
19 commission.

20 When it is ready, the transcript will
21 be available for view on the Department of Public
22 Service website. This hearing is not a question and
23 answer session but a forum for the commissioners to
24 hear your comments. Please note that this is not the
25 only opportunity for comment. If you are not

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 speaking today but you would like to provide comment,
3 you may do so by submitting those comments on the
4 department's website, by e-mail, regular mail or by
5 phone. Regardless of how the comments are submitted
6 they will be given equal consideration.

7 Comments may be submitted and will be
8 considered throughout the pendency of this
9 proceeding. If you have registered to make a
10 statement, we ask that you please summarize lengthy
11 written statements orally and submit the full written
12 statement by e-mail or mail. Because of the number
13 of people who registered to speak, we ask that you
14 try to stay within a four minute time limit for your
15 oral comments today.

16 There are people who registered and
17 are participating electronically and there are people
18 who registered and are participating by phone. In
19 either case, you should only have audio input from
20 one device otherwise you may experience problems with
21 feedback. I will call the persons that have
22 preregistered one by one to speak. If someone is not
23 available when I call them, I will continue with the
24 next person and I will come back to those people who
25 are not available at the end.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 For telephone participants, when I
3 call out your name, I will ask you to hit Star 3 on
4 your phone so that we can recognize you and unmute
5 your line. It may take a little while for us to
6 locate you and unmute your line so please make sure
7 to wait until you hear a beep or are notified that
8 your line has been unmuted before you speak. If you
9 have muted your own telephone, you also will have to
10 unmute your line on your end.

11 For the people that registered
12 electronically after I call your name, we will unmute
13 your line. You should hear a tone and see that the
14 micro -- microphone icon is no longer red. Please be
15 reminded that if you put your own telephone line on
16 mute you will also have to unmute your line before
17 you begin to speak. Please speak slowly and clearly
18 so that the court reporter can accurately capture
19 your statement for the record. When your line is
20 unmuted, please state your name and if you are
21 speaking on behalf of an organization, the name of
22 the organization. Once we confirm that we can hear
23 you you can proceed to make your comments. Our first
24 speaker is Fred Harrison.

25 THE HOST: Mr. Harrison, if you are a

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 call-in user please press Star 3 on your keypad so
3 that I can identify you and so you make your
4 statement. Thank you.

5 A.L.J. KERSEY: If Mr. Harrison's not
6 on the line at the moment we'll come back to him.
7 Our next speaker is Patricia Maher. Ms. Maher --.

8 THE HOST: Ms. Maher, once again --
9 sorry. If you are on the line please identify
10 yourself so -- press Star 3 so that I can locate you.
11 Thank you.

12 A.L.J. KERSEY: We can come back to
13 Ms. Maher as well. Our next speaker is Laurie
14 Wheelock.

15 THE HOST: Ms. Wheelock, you've been
16 unmuted. You may proceed.

17 MS. WHEELLOCK: Thank you.
18 Commissioner Burman and Administrative Law Judges
19 Lecakes and Kersey. My name is Laurie Wheelock and
20 I'm the executive director and counsel for the Public
21 Utility Law Project. We go by PULP for short. PULP
22 is a forty-year-old nonprofit with a mission of
23 educating, advocating and litigating on behalf of New
24 York's low-income utility customers. PULP thanks the
25 Department of Public Service for the opportunity to

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 testify today in relation to Liberty Utilities water
3 rate case.

4 PULP is an active party in the rate
5 case. We filed direct testimony on September 7th and
6 those comments focused on general affordability
7 concerns we have as well as our main proposal which
8 was the need for the Company to roll out its
9 affordability program within the first year of its
10 new rate plan. I'd like to start by highlighting
11 that PULP's advocacy is not limited to electric and
12 gas cases. Since the pandemic, our direct service
13 team has seen a stark increase in the calls for help
14 to our hotline for customers struggling to pay their
15 water bills.

16 In many of the cases, we've helped
17 customers review their usage and apply for the low-
18 income water assistance program. PULP sometimes
19 hears in general conversation that water bills are
20 usually the lowest of all the utility bills so it
21 should be easier for people to pay. But the truth is
22 that when someone is struggling to even pay that
23 water bill it doesn't mean that they aren't
24 struggling to pay all the other entities and bills
25 and things like mortgage, rent, food and medicine.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 And in particular utility bills because every cost is
3 significant.

4 The increase that Liberty is proposing
5 is real money to real people. As mentioned earlier
6 the Company's cost could be increased anywhere from
7 \$7.37 to \$18.32 more a month. This increase is also
8 not to be considered in a vacuum. PULP feels that
9 it's extremely important to highlight that some
10 Liberty customers may also be natural gas customers
11 through National Grid where there's another rate case
12 there with significant increases.

13 Focusing back on water, PULP does want
14 to take the opportunity to thank the Company for
15 proposing both an arrears management program and a
16 discount program for its low-income customers.
17 However, PULP is concerned that the Company wants to
18 wait potentially three to four years to start a low-
19 income discount program. Customers need help now and
20 Liberty can learn from National Grid and their energy
21 affordability program as well as PSEG Long Island's
22 HEAP program.

23 For ease our direct testimony really
24 focused on Grid's energy affordability program since
25 National Grid is directly regulated as is Liberty by

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 the department. But the truth is that either the
3 home assistance program HEAP by PSEG or the Energy
4 Affordability Program by National Grid provides
5 workable models with consistent, efficient ease that
6 will help Liberty put together a program right now to
7 help its low-income customers. PULP thanks the
8 department again for the opportunity to participate
9 in the rate case and to speak here today. Thank you.

10 A.L.J. KERSEY: Thank you so much, Ms.
11 Wheelock. Our next speaker is David Denenberg.

12 THE HOST: Mr. Denenberg, you've been
13 unmuted. You may proceed.

14 MR. DENENBERG: Oh, okay. Thank you.
15 Dave Denenberg with Clean Air Water and Soil. I'm a
16 co-director. I just want to state that I'm actually
17 here with Claudia Borecky as well, so when it's her
18 turn you have to unmute me because we're -- we're
19 working from the same location.

20 So we -- Clean Air Water Soil opposes
21 this proposed rate increase -- increase by Liberty
22 Acquisition. I think that the numbers that are
23 stated are deceptive. The impact monthly would be
24 17% in Sea Cliff, 39% in Lynbrook, 42% in Merrick.
25 When Liberty acquired New York American Water in

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 January 2022, which was a stock acquisition, and --
3 and their stock has been soaring ever since, an issue
4 that still has not been resolved but the governor at
5 the time and the current governor was lieutenant
6 governor as well as the ombudsman looking at this
7 issue really did set -- state a review of assets and
8 who actually owned the assets of these municipal
9 monopolies that operate under the regulations of the
10 or guidance of the Public Service Commission really
11 needs to be considered.

12 And my point would be right here right
13 now Liberty seeks to recover infrastructure
14 improvements and they seek to recover 100% of any
15 expenditure plus an amount for profit. They can call
16 it return on equity, they can call it return on
17 revenue, but they make profit on the backs of the
18 ratepayer, which is allowed by the Public Service
19 Commission for any infrastructure improvement, any
20 quality improvement, any 1, 4 Dioxane improvement.

21 Again, they're recovering more than
22 100%. So if the ratepayers have to pay for any of
23 these infrastructure improvements or any of the water
24 quality improvements, then the ratepayers should own
25 that asset. And what we just saw from the Public

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 Service Commission and the Liberty acquisition was
3 closed in January 2022, obviously, someone's paying a
4 lot for the shares of New York American Water and now
5 Liberty. And those shares are going up in value
6 because for some reason assets that the ratepayers
7 are paying for are being listed as Company assets in
8 their public records.

9 And this -- this really needs to be
10 addressed, so I would say let's -- let's address this
11 and stay this proposal to understand who really owns
12 these assets, number one. Number two, there was a
13 two year freeze on rates when Liberty acquired the
14 Company. Near as I -- New York American Water.
15 Nearest I could see, that two year freeze would have
16 included '22 and '23 so they're jumping the gun.

17 Let's stay and wait until the -- the
18 rate freeze is over before you give a perspective
19 rate increase. And the style and the Public Service
20 Commission, no insult intended, is always to say
21 well, we cut what Liberty or New York American Water
22 are asking. So it's almost a game, and the only one
23 who loses in the game is the ratepayer because
24 Liberty's asking for 42% in merit. And the Public
25 Service Commission and staff will claim victory if

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 it's only 21% percent.

3 You know, 21% of record rates, the
4 highest rates in the country. And higher than anyone
5 -- anyone else's rates in Nassau County by at least 3
6 to 4% and record profits. So any increase on top of
7 record rates, record profits is yet another Public
8 Service Commission guaranteed record rate that the
9 rate have -- the ratepayers have to pay and that
10 Liberty and its shareholders will gain. Liberty
11 wants to recover that during COVID it only made 2%
12 profits as opposed to the Public Service guarantee
13 9.7%.

14 All of us suffered in COVID. And
15 Liberty, if someone was late in paying because of
16 COVID, supposedly get people a break. They're trying
17 to recover late payment for anyone who didn't pay on
18 the backs of every other ratepayer. So everyone
19 suffered in COVID except for Liberty. Liberty wants
20 you to make them not whole but whole plus 9.75% and
21 these late fees because they only made 2%.

22 Most importantly, as you well know,
23 the Public Service Commission put in terms in the
24 Liberty and Water allowing the -- or the order
25 approving the Liberty acquisition for South Nassau

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 Water Authority, the North Shore Water Authority and
3 Massapequa to negotiate for public acquisition. A
4 timetable was put on where the Company supposedly has
5 to act in good faith. I think under their license or
6 charter with the state they always have to act in
7 good faith.

8 And these good faith negotiations may
9 not have moved as fast as the ratepayers would like
10 to see, and I -- I think it's almost a -- a joke for
11 any elected official at the town of Hempstead or
12 Nassau County level to say they're outraged about
13 this proposal. What's outrageous is that those
14 officials and their appointments to South Nassau
15 Water Authority have the ability to stop this
16 craziness. The outrage can stop but the outrage from
17 every ratepayer is how slow South Nassau Water
18 Authority has moved.

19 But we all were at a public meeting in
20 July of the South Nassau Water Authority where
21 counsel has been retained. A controller, a treasurer
22 controller has been retained and a -- and a company
23 the same environmental company that did the
24 feasibility studies was retained to come up with an
25 offer from South Nassau Water Authority to Liberty.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 Let that process go. Stay this. Do not fold over
3 and give yet another rate increase and let Liberty
4 recover more of its costs for infrastructure, which
5 we should own if we're paying for it, but Liberty
6 will use to try to get more money in negotiations
7 with South Nassau.

8 Let the negotiations that were
9 approved by the Public Service Commission that the
10 people are crying out for, that the governor said was
11 long overdue. And the governor signed laws creating
12 these authorities. Let the process continue. South
13 Nassau Water Authority only two months ago almost to
14 the day in -- in a public meeting, I believe it was
15 July 11, 12th and 13th said that they are making an
16 offer, they're going along with the process.

17 When we spoke of the timetable and
18 that we're upset that they haven't moved
19 expeditiously they said the timetable was just a
20 timetable. It's difficult to move within it but they
21 have moved forward. They did the steps according to
22 them and I told you I think they should have had
23 public meetings a lot more between November 2021 or
24 February 2022 when they were fully constituted and
25 July 2023.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 But that notwithstanding if these
3 negotiations ... and if Liberty had agreed to a two
4 year rate freeze and the Department of Public Service
5 signed on to the order allowing the acquisition,
6 approving the acquisition with the timetable for a
7 public takeover and negotiations ever have price
8 freeze stay this. At least stay this if not reject
9 it and tell the Company to come back when the process
10 is done. And hopefully we never have to hear from
11 them again because we haven't been told by any of the
12 authorities negotiating that their process is
13 complete. Let them complete the process.

14 You approved that process. Any
15 timetable should be reasonable but Liberty by law, by
16 their charter have to negotiate with good faith.
17 Trying to stick in a rate increase while there's
18 still a freeze and while these negotiations are still
19 ongoing and particularly a rate increase to recover
20 for expenditures made during the freeze or for not
21 losses but not as much profit made during COVID when
22 most of the people you're supposed to represent
23 really struggled during COVID this is to you is truly
24 outrageous against -- against the existing order and
25 the rate freeze in that order and against

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 implementation of a public takeover as the governor
3 required and as was in the order. Stay this or
4 reject it. Tell Liberty to come back after -- after
5 good faith negotiations for the public take over.
6 And tell them honor a freeze as well. Thank you.

7 A.L.J. KERSEY: Thank you, Mr.
8 Denenberg. Our next speaker is Claudia Borecky.

9 MS. BORECKY: Okay. I'm still on this
10 -- I'm -- I'm here with Dave. So I'm going to say at
11 the onset of the last rate case, the Public Service
12 Commission did not consider public acquisitions
13 because they claimed it was hypothetical. That is no
14 longer the case. The North Shore Water Authority,
15 the South Nassau Water Authority, the Massapequa
16 Water District are in the process of negotiating
17 acquisition of Liberty's Long Island operations.

18 Continuing -- continuing with the
19 notion that Liberty would be supplying water to Long
20 Island for the year petitioned in this rate case,
21 flies in the face of the newly formed authorities'
22 ongoing negotiations and actually jeopardizes
23 successful acquisitions. I on behalf of L.I. Clean
24 Air Water and Soil request that the Public Service
25 Commission suspend this rate case as proposed. It is

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 outrageous that Liberty can purchase New York
3 American Water, promising to freeze our rates for two
4 years only to then petition to get back all the
5 profit that they believe their shareholders are
6 entitled to.

7 While ratepayers struggle through a
8 pandemic, the high unemployment and rising costs,
9 Liberty is complaining that it only made 2% profit
10 instead of its guaranteed 9.75%. So now it wants to
11 raise its rates so that it can make up for the lost
12 profits and force ratepayers in good standing to pay
13 the late fees and reconnect fees that it forgave
14 during COVID to the tune of \$6 million. That's
15 right. Good payers are being punished for paying
16 their bills on time.

17 Late fees are pure profit. It has
18 nothing to do with the treatment or delivery of our
19 water. CAWS asked that for those late fees truly to
20 be forgiven with the understanding that none of -- of
21 Liberty's C.E.O.s lost their jobs during COVID nor
22 did it need to let anyone go. Liberty's shareholders
23 made \$26 million profit last year alone. The least
24 it can do is to truly forgive the late fees and be
25 happy with its record profits.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 Yes, and cleaning the 1,4 Dioxane from
3 our wells is -- is very expensive. And Liberty needs
4 to build facilities in the Merrick District. That's
5 a big reason why our rates in the Merrick District
6 are increasing by 42%. However, what Liberty tells
7 you that as a corporate utility it is not eligible
8 for state or federal grants. So the ratepayers must
9 pay it out of our own pockets. That and the fact
10 that there are over 5,000 Company owned lead pipes,
11 mostly in the Lynbrook district that's another great
12 expense that brings the Lynbrook rates up to 39%.

13 Again, what Liberty does not tell you
14 is that it is not eligible for grants from Biden's
15 bipartisan infrastructure bill which intends to
16 remove all lead pipes through the country but not for
17 us. We are stuck with a profit driven utility who
18 are asking to add 7% profit on every capital
19 expenditure. CAWS filed 35 pages of testimony to the
20 Department of Public Service in opposition to this
21 rate case, on several other issues too numerous to
22 mention here. The bottom line, we ask the Public
23 Service Commission to suspend this rate case while
24 negotiations for a public takeover are underway.
25 Thank you.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 A.L.J. KERSEY: Thank you, Ms. Borecky
3 for your comments. Our next speaker is John
4 Reinhardt.

5 THE HOST: Mr. Reinhardt, you've been
6 unmuted. You may proceed.

7 A.L.J. KERSEY: Mr. Reinhardt.

8 MR. REINHARDT: Can you -- can you
9 hear me now?

10 A.L.J. KERSEY: We can now, yes.
11 Thank you so much.

12 MR. REINHARDT: Thanks very much. Not
13 a problem. Okay. Good afternoon. John Reinhardt.
14 I'm board member of South Nassau Water Authority. We
15 have filed our comments in written form regarding
16 this rate increase. I just wanted to go on the
17 record here quickly to reiterate some of the comments
18 that have been made and reiterate the comments that
19 we made in our written testimony namely that the
20 South Nassau Water Authority along with the North
21 Shore Water Authority and the Massapequa Water
22 District have been working diligently since our
23 creation to come to a term where we can negotiate in
24 good faith with Liberty for the potential takeover of
25 their assets.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 As has been stated, this was outlined
3 in the original joint proposal, the acquisition of
4 Liberty or the New York American Water assets. The
5 South Nassau Water Authority has submitted an offer
6 letter to Liberty and is awaiting response. Liberty
7 has cooperated to date with providing us materials
8 and I believe at this point, as has been stated
9 numerous times, a stay on this rate case and this
10 rate increase, while these negotiations continue in
11 good faith, should be put in place to protect the
12 ratepayers in the South Nassau Water District as well
13 as the North Shore and the Massapequa Water
14 Districts. Thank you.

15 A.L.J. KERSEY: Thank you, Mr.
16 Reinhardt. Our next speaker is Supervisor Saladino.
17 He may not be on the line at this point, but I wanted
18 to ask to see if he is present at this time.

19 THE HOST: Supervisor Saladino, if you
20 are a call-in user please press Star 3 so that I can
21 identify you so you can make your statement. Thank
22 you.

23 A.L.J. KERSEY: Okay. I'm going to
24 call on the next participant. Our next speaker is
25 Seth Koslow.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 THE HOST: Mr. Koslow, you've been
3 unmuted. Please proceed.

4 MR. KOSLOW: Thank you. My name is
5 Seth Koslow. I am a Merrick resident and a father of
6 three young kids in Merrick. The reason I'm here
7 speaking today is because I'm concerned about the
8 fact that, first off, that we're even here because
9 had the Nassau Water Authority did what they were
10 directed to do or created to do the Public Service
11 Commission would not be asked to hold this hearing or
12 make this determination.

13 We're in a position now where the
14 Public Service Commission has to protect citizens of
15 these counties and these districts that are under
16 threat of these increases. And I'm asking the Public
17 Service Commission to stay these increases for a
18 number of reasons. First and foremost, we're talking
19 about water here that people need to survive, to wash
20 themselves, to bathe their families. It's an
21 everyday utility that we need and we should not be
22 placed in a position where with inflation increasing
23 and jobs and job pay decreasing and people struggling
24 to make ends meet and pay their bills, they might be
25 in a position where their children are going to go to

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 school without being bathed. Or they can't provide
3 water for their children to drink at the table simply
4 because they're struggling financially.

5 It's a serious concern for residents
6 in -- in Merrick where I live where our rates are
7 already very expensive. We pay nearly triple what
8 our neighboring town of Freeport pays and they have
9 municipal water. It's unreasonable to think we're
10 going to pay significantly more in Merrick based on
11 the fact that a private entity is looking to tax us
12 or rather profit off of us because they have the
13 ability to.

14 The South Nassau Water Authority was
15 supposed to create the public takeover or -- or
16 ensure that the public takeover happened so that we
17 avoided this. But more importantly I think the
18 reason why the Public Service Commission should stay
19 this rate increase is because of the fact that we're
20 not asking the stay to happen in a vacuum. We're not
21 asking for the stay to happen in a position where
22 we'll see what happens.

23 As Mr. Reinhardt said earlier today,
24 it seems that the South Nassau Water Authority is
25 finally taking steps, albeit we don't -- we don't

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 have the paperwork on that, but finally taking steps
3 to effectuate a takeover of Liberty Water which they
4 were directed to do a couple years ago. With that in
5 mind and with the potential agreement in the works,
6 if these rates are not stayed it could affect the
7 ability for the takeover to happen.

8 It would empower Liberty to then say
9 well you know it doesn't make sense for us to agree
10 to the takeover. We're making too much money.
11 Because there's a potential deal in place and because
12 of the direct impact of the community members who use
13 Liberty Water, it is imperative that the Public
14 Service Commission protect us and ensure that we're
15 not paying through the roof for a utility that we
16 need on a day-to-day basis for every day survival.

17 That is why I'm asking on behalf of
18 myself, my family, my neighbor and my communities to
19 ensure that the Public Service Commission reject or
20 at minimum stay the increase in these rates so that
21 South Nassau Water Authority can attempt to do what
22 they were directed to do and take over Liberty Water.
23 Thank you.

24 A.L.J. KERSEY: Thank you, Mr. Koslow.
25 Our next speaker, we're going to go back. Our next

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 speaker is Fred Harrison.

3 THE HOST: Mr. Harrison, once again if
4 you are on the line as a call-in user please press
5 Star 3 so that I can identify you and you'll be able
6 to make your statement. Thank you.

7 A.L.J. KERSEY: We'll call our next
8 speaker. Patricia Maher.

9 THE HOST: Ms. Maher, if you're on the
10 line as a call-in user please press Star 3 so that I
11 can identify you and locate you so you can make your
12 statement. Thank you. Your Honor, I saw her earlier
13 but I think she may have dropped off.

14 A.L.J. KERSEY: Oh, thank you. Thank
15 you very much. Then this is the end of our
16 preregistered speakers thus far. At this time we'll
17 open up the proceedings to anyone else who wishes to
18 comment. Please use the raise hand icon if you are -
19 - if you are on the computer. Or use Star 3 if you
20 connected via telephone and you'd like the
21 opportunity to speak.

22 THE HOST: Your Honor, we have one
23 raised hand. I'm going to unmute them.

24 A.L.J. KERSEY: Great. Thank you. If
25 you would just state your name.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 THE HOST: Good afternoon.

3 MS. MEREDAY: My name is -- good
4 afternoon. Can you hear me?

5 A.L.J. KERSEY: Yes, we can hear you.

6 MS. MEREDAY: My name is Meta J.

7 Mereday and I thought I did register to speak via
8 phone but this is fine. I appreciate the
9 opportunity, your Honor. Again, my name is Meta J.
10 Mereday. I'm founder of Veterans Entrepreneurial
11 Development Initiative. I'm also a member of Long
12 Island CAWS that is so faithfully led by Dave
13 Denenberg and Claudia Borecky. So most of the
14 details have been so eloquently illustrated by them.

15 I'm pleading to you on behalf of the
16 thousands, and I say close to 50,000 underserved
17 veterans and their families in this location who have
18 been critically and detrimentally impacted by these
19 increases. We continue to fight to keep our military
20 on board, and when they come home they get treated
21 like trash particularly in this location. I am
22 appalled that Liberty Water, which we thought to get
23 a change from the previous water regime that we were
24 forced to be under, through meetings, hearings and
25 all of this that they are coming to the table

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 basically with the same playbook.

3 That's appalling to me as I'm dealing
4 with the fact that we have close to 40 veterans that
5 are committing, attempting to or thinking seriously
6 about killing themselves and intentionally taking
7 other people in their families or the community as
8 well. We have a town board that took their time,
9 dragged their feet to put a commission in place that
10 was authorized and ordered by our governor.

11 They have no respect for the rule of
12 law or the -- or the common decency of their
13 neighbors. And now we have to come here to beg you
14 to help us to keep the flow of eviction that now with
15 the moratorium has been lifted is impacting our
16 veterans, our seniors and our young people who cannot
17 afford to live here. This is appalling that I now
18 have to take my time out of my day to try to address
19 veteran suicide and debt and help widows to stay in
20 their homes. That I have to take the time to be a
21 part of this call to plead with you to do the right
22 thing.

23 Let the South Nassau Water Authority
24 do the work. They were delayed in getting started
25 because the Town of Hempstead took their sweet time

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 to make their appointment. That is not our fault.
3 We should not bear the brunt of their
4 irresponsibility. I am begging you. I'm begging you
5 all to hear what I have to say because now the blood
6 of our military is in your hands. We are living in a
7 toxic environment and that includes our water between
8 the dioxanes, the ... I am so upset right now.

9 We have a polluted sound. We have
10 polluted ocean that surrounds this island. And now,
11 again, the pollution that's coming through from our
12 elected officials that is permeating through our
13 country and this region it's enough already. So if
14 there's someone out there who is listening and
15 understands what is happening on the ground level.
16 And I'm a 9/11 first responder.

17 So, yes, I am truly elevated today
18 because we're coming off of the memorial service from
19 22 years ago of a terroristic act and I feel that
20 right now what is being done to residents is another
21 form of environmental terrorism. And trust me, with
22 the prevailing conditions that I have to face on a
23 daily basis because of my exposure and the
24 mismanagement and misinformation from federal
25 agencies, I will fight to my last choking breath to

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 fight for the rights of those who continue to be
3 underserved, largely our veterans, our senior
4 citizens, our young people and those with physical
5 challenges.

6 So, again, stay it, stop it, do what
7 you need to do but most importantly do the right
8 thing. And keep up the good work, Dave, Claudia and
9 all the rest of you who stood up to speak today and
10 for those who speak later today. Now I have to go
11 into Queens, into the COVID hotbed to try to save
12 some more lives as best as I can. Thank you.

13 A.L.J. KERSEY: Thank you so much for
14 your comments. Would you -- Ms. Mereday, could you
15 just spell your name for the record for us please?

16 MS. MEREDAY: Sorry. It's M-E-T-A --

17 A.L.J. KERSEY: Great.

18 MS. MEREDAY: -- middle initial J.
19 Last name M-E-R-E-D-A-Y.

20 A.L.J. KERSEY: Thank you for that.
21 And thank you so much for your comments today. Is
22 there anyone else who either of our preregistered? I
23 think we were still looking for Mr. Harrison, Ms.
24 Maher or if there's any other speakers who weren't
25 registered but who wished to comment. Please use the

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 raise hand icon if you're on the computer or Star 3
3 if you're on the telephone.

4 Okay. Please note that Joseph
5 Saladino, town supervisor for the Town of Oyster Bay
6 has requested an opportunity to comment but notified
7 us that he will not be able to make the call until 2
8 p.m. In recognition of his important service to his
9 Oyster Bay constituents, we have agreed to hold the
10 hearing open for his comments at 2 p.m. We will go
11 off the record now while we wait for supervisor
12 Saladino.

13 In addition, if one of the commenters
14 -- in addition if one of the commenters signs on that
15 was not on earlier, we'll go back on the record to
16 take their comments as well. So we are off the
17 record.

18 (Off the record)

19 (On the record)

20 A.L.J. KERSEY: Then we are on the
21 record. And, again, this is with respect to Case 23-
22 W-0235 proceeding on the motion of the commission as
23 to rates, charges, rules and regulations of Liberty
24 Utilities New York Water Corp for water service.
25 Supervisor Saladino, are you on the line?

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 THE HOST: Supervisor Saladino, you've
3 been unmuted.

4 SUPERVISOR SALADINO: Wonderful. Can
5 you hear me now?

6 A.L.J. KERSEY: Yes, thank you.

7 SUPERVISOR SALADINO: Thank you very
8 much. We were trying to become unmuted and thank you
9 for doing that. Let me know when I may begin.

10 A.L.J. KERSEY: You may begin right
11 now. Thank you so much.

12 SUPERVISOR SALADINO: Thank you, your
13 Honor. Thank you to the members of the P.S.C. for
14 allowing me to provide testimony today. Good
15 afternoon. I'm Town of Oyster Bay's supervisor
16 Joseph Saladino. On behalf of one of the largest
17 townships in America representing over 300,000
18 residents, many of whom are customers of the Liberty
19 Utilities formerly New York Water, I urge New York
20 State Public Service Commission to oppose the
21 proposed rate hikes now being requested by this
22 private water Company.

23 It's absolutely outrageous that this
24 has continued to be allowed. The consumers of
25 Liberty Utilities continue to be overburdened,

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 overcharged and asked to pay astronomically greater
3 amends -- amounts than those who reside within the
4 boundaries of municipal water districts. Together my
5 colleagues on the Oyster Bay town board along with
6 the New York State Assembly and State Senate
7 representatives, we express serious concerns when the
8 Public Service Commission approved the sale of
9 American Water to Liberty Utilities in December of
10 2021.

11 We feared that this sale would
12 perpetuate an inequity caused by private, for profit
13 water supply. And we were right. We're here again.
14 Liberty Utilities cannot, and I repeat cannot
15 continue to be allowed to go unchecked. They cannot
16 be allowed to gouge their consumers with another rate
17 hike especially one as outrageously large as this.
18 We're looking at a 13% increase for the north shore
19 of the Town of Oyster Bay and some 40% increase, 4-0
20 -- 40% increase on the south shore.

21 If we were experiencing an emergency
22 like a hurricane, for instance, and a business
23 increased its prices by 40% they would be arrested
24 for price gouging. No question of that. And here
25 they have the gall to ask for a 40% increase. No one

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 is getting that kind of increase in their day-to-day,
3 in their jobs, in their salaries to make up for that
4 increase. It is gouging and it is wrong.

5 To be clear, the service provided by
6 Liberty Utilities is no different than that provided
7 by local municipal water districts. And side by side
8 comparisons clearly demonstrate a great financial
9 disparity forced upon residents' service by Liberty.
10 And why? We can only assume that this private
11 Company is using its ratepayers to deliver profits to
12 its shareholders and to its corporation. This
13 unfair, unjust and inequitable treatment of residents
14 must stop. We urge you to take a stand on the behalf
15 of the people of the state and not on behalf of this
16 for-profit Company.

17 Water is necessary for life. It
18 should not be used as a pawn in this profit game. It
19 is outrageous and it is wrong. The customers of this
20 utility, a utility that should not be a luxury are
21 being taken advantage of and treated unfairly. The
22 purpose of an increase of nearly 40% to consumers who
23 already pay some of the highest water bills in the
24 nation is simply wrong and outrageous. This must
25 stop.

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 We can't urge you anymore strongly. I
3 served in the New York State Assembly for 14 sessions
4 nearly 14 years, and the message by members of the
5 majority and the minority over and over was one of
6 protecting our residents, protecting our quality of
7 water. Ensuring that it is plentiful and affordable.
8 This slaps the face of every member of the New York
9 State legislature who has worked for water that is
10 plentiful and affordable. This is wrong.

11 Safe, clean and affordable drinking
12 water should not be a luxury. Drinking water should
13 be a dependable resource within financial reach of
14 all Americans. To do otherwise is outrageous and is
15 wrong. Sadly that is no longer the case in areas of
16 New York State serviced by Liberty Utilities. Please
17 do not make it more difficult for families and
18 seniors and people of all ages to afford drinking
19 water simply because they live within a community
20 serviced by a private water Company.

21 The governor's made it clear time and
22 time again about the affordability of life on Long
23 Island even to the detriment of potentially hurting
24 the suburban quality. This hurts the affordability
25 for Long Islanders. A rate increase like this will -

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 - will be more pain put on top of the already too
3 expensive rate of living we experience here on Long
4 Island. It is wrong, it is outrageous.

5 And every resident who are the
6 consumers of Liberty Utilities plead with you to say
7 no to this outrageous water price increase and any
8 other rate hike they ask for. They must live within
9 their own means. At this time the state has hoist
10 upon water districts so many costs to make sure
11 they're filtering out all of the emerging
12 contaminates that are found in water. And this price
13 is too much on an already very expensive lifestyle
14 type of living and expense in terms of utilities to
15 our residents.

16 On behalf of the residents of the Town
17 of Oyster Bay I join with my colleagues on the town
18 board in representing our communities and asking you
19 to immediately deny and reject any and all rate hikes
20 requested by Liberty Utilities. This is very
21 important and we must all come together and take on
22 the responsibility of saying no to this and any other
23 rate hike by this utility. I'm Town of Oyster Bay's
24 supervisor Joseph Saladino and I thank you for this
25 opportunity to provide very important testimony as I

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
2 walk in lock step with our residents and water users.
3 Thank you.

4 A.L.J. KERSEY: Thank you, Supervisor.
5 This is the end of our preregistered speakers. We
6 will take this time to make one final opportunity to
7 open it up to anyone else who wishes to comment.
8 Again, please use the raise hand icon if on the
9 computer or Star 3 if on the telephone.

10 THE HOST: I do not see any raised
11 hands, Judge Kersey.

12 A.L.J. KERSEY: Thank -- thank you so
13 much. I want to remind members of the public that
14 they may submit public comments throughout these
15 proceedings by the other means described earlier and
16 in the notice of public statement hearing issued on
17 August 23rd, 2023. We will be holding additional
18 public statement hearings this evening starting at 5
19 p.m. Judge Lecakes and I want to thank the
20 commenters for their participation.

21 We also want to thank Commissioner
22 Burman for being present, our consumer services
23 office for administering this session and our court
24 reporter. The hearing is concluded and we are off
25 the record.

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9/13/2023 - Liberty Utilities, Corp. - 23-W-0235
(The meeting concluded at 2:11 p.m.)

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235

2 STATE OF NEW YORK

3 I, ANTHONY MCCLAIN, 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 37, 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 19th day of September, 2023.

11

12 ANTHONY MCCLAIN, Reporter

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