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

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

CASE 23-W-0235 - Proceeding on Motion of the  
Commission as to the Rates, Charges, Rules and  
Regulations of Liberty Utilities (New York Water)  
Corp. for Water Service.

PUBLIC STATEMENT HEARING

DATE: September 13, 2023 at 5:04 p.m.

VENUE: WebEx

BEFORE: ALJ TARA KERSEY

ALJ DAKIN LECAKES

Reported by Anthony McClain

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

2 (The meeting commenced at 5:04 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. We are also joined by Jill Wasser and  
14 Xenia Vega from the department's Office of Consumer  
15 Services who will be providing technical assistance.

16 We are here today for a public  
17 statement hearing that was noticed on August 23rd,  
18 2023. The hearing concerns proposed changes in the  
19 water delivery rates and practices of Liberty  
20 Utilities New York Water Corp or we'll refer to it as  
21 the Company. The Company filed amendments to their  
22 water tariff schedules on May 4th, 2023 proposing to  
23 increase their revenues by \$39,745,567 or 34.24% on a  
24 consolidated basis across its 2 service area, service  
25 area 1 and service area 2 for the 12 months ending

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2 March 31st, 2025.

3 This includes the consolidation of the  
4 rates of the Company's Sea Cliff and Whitlock service  
5 areas with the rates for service area one with a  
6 corresponding elimination of the incremental property  
7 tax surcharge the Sea Cliff service area customers  
8 currently pay.

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

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

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2 Maggiore.

3 This hearing is to provide the  
4 Company's customers and other interested persons with  
5 an opportunity to tell the commission your thoughts  
6 on the Company's rate proposals. All statements you  
7 make today will become part of the case record. We  
8 have a court reporter joining us who will prepare a  
9 transcript of the hearing which will be included in  
10 the official record of this proceeding so that your  
11 comments can be considered by the members of the  
12 commission.

13 When it is ready, the transcript will  
14 be available for view on the Department of Public  
15 Service website. This hearing is not a question and  
16 answer session but a forum for the commissioners to  
17 hear your comments. Please note that this is not the  
18 only opportunity for comment. If you are not  
19 speaking today but you would like to provide  
20 comments, you can do so by submitting comments on the  
21 department's website, by e-mail, regular mail or by  
22 phone. Regardless of how the comments are submitted  
23 they will be given equal consideration.

24 Comments may be submitted and will be  
25 considered throughout the pendency of this

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2 proceeding. If you have registered to make a  
3 statement, we ask that you please summarize lengthy  
4 written statements orally and submit the full written  
5 statement by e-mail or mail.

6 There are people who registered and  
7 are participating electronically and there are people  
8 who registered and are participating by phone. In  
9 either case, you should only have one audio input --  
10 I'm sorry, you should only have audio input from one  
11 device. You may experience problems with feedback  
12 otherwise.

13 I will call the persons that have  
14 preregistered one by one to speak. If someone is not  
15 available when I call them, I will continue with the  
16 next person and I will come back to those people who  
17 are not available at the end. For telephone  
18 participants, when I call out your name, I will ask  
19 you to hit Star 3 on your phone so that we can  
20 recognize you and unmute your line. It may take a  
21 little while for us to locate you and unmute your  
22 line so please make sure to wait until you hear a  
23 beep or are notified that your line has been unmuted  
24 before you speak. If you have -- if you have muted  
25 your own telephone, you also will have to unmute your

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2 line on your end.

3 For the people that registered  
4 electronically after I call your name, we will unmute  
5 your line. You should hear a tone and see that the  
6 microphone icon is no longer red. Please be reminded  
7 that if you put your own telephone line on mute you  
8 will also have to unmute your line before you begin  
9 to speak.

10 Please speak slowly and clearly so  
11 that the court reporter can accurately capture your  
12 statement for the record. When your line is unmuted,  
13 please state your name and if you are speaking on  
14 behalf of an organization, the name of the  
15 organization. Once we confirm that we can hear you,  
16 you can proceed to make your comments. Our first  
17 speaker is Patricia Maher.

18 THE HOST: Ms. Maher, if you --. Good  
19 evening. Is this Patricia Maher?

20 MS. MAHER: Yes, can you hear me.

21 THE HOST: Yes, we can. Please  
22 proceed.

23 MS. MAHER: Okay. Thank you. My name  
24 is Patricia Maher and I live in Baldwin, New York.  
25 First of all I want to thank you for having the

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235  
2 evening session for those of us that work during the  
3 day and it allows us to participate as well. I grew  
4 up in East Meadow in the Town of Hempstead so I have  
5 the benefit of being in the Town of Hempstead water  
6 district and our bills were extremely low. Even in  
7 later years compared to other south shore towns like  
8 Merrick, our bills never increased like theirs have.

9 There are approximately 113,000  
10 residents on the south shore that may have this  
11 increase in rates. It affects everyone from the five  
12 towns through Lynbrook, through Merrick all the way  
13 to Seaford, Massapequa, Levittown. The rate hike  
14 that they are proposing, that Liberty is proposing  
15 comes at the height of when water bills will be at  
16 their highest, spring and summer, April 2024.

17 Some residents now are paying up to  
18 1300% more for water when you compare it with the  
19 Town of Hempstead water department customers. I  
20 personally know many seniors who could never afford  
21 more of an increase in anything. They're on fixed  
22 incomes. There are families who would have to decide  
23 on what bills they will not be able to pay because of  
24 the increase. You know, it seems minimal, but when  
25 you add it up over the course of the year and you

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2 can't pay your bills as it is, it's not minimal and  
3 it's really just not fair.

4 And I don't think that Liberty has  
5 taken the opportunity to send each individual  
6 customer a letter stating this is what their bill is  
7 going to be because a lot of people I don't think  
8 realize it as well. I don't think they've done  
9 appropriate notice to each individual customer. But  
10 I can say this. By approving this increase, Liberty  
11 Water will every reason to delay the public takeover  
12 for years.

13 Without a specific notice to each  
14 individual customer, I think Liberty Water is taking  
15 advantage of these residents who are already  
16 struggling to make ends meet -- ends meet and their  
17 discriminate way of having some communities take more  
18 of an increase than others is simply wrong. We are  
19 supposed to have a public takeover of water. There's  
20 no reason why there should be a rate increase at this  
21 time. I ask that you put a stay on that increase and  
22 all to -- also to impose a strict timeline for the  
23 public water take over. I thank you very much. I'm  
24 Patricia Maher, Baldwin resident.

25 A.L.J. KERSEY: Thank you, Ms. Maher.



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2 Thank you for your comments. Our next speaker is  
3 Agatha Nadel.

4 MS. NADEL: Hi, can you hear me?

5 A.L.J. KERSEY: Yes, yes, we can.

6 MS. NADEL: Okay. Thank you very  
7 much. May I begin?

8 A.L.J. KERSEY: Absolutely.

9 MS. NADEL: Okay. And I would just  
10 like to add thank you again for a second option for  
11 being able to make comments in addition to the early  
12 afternoon option. Very much appreciate it. So I'd  
13 like to start by saying hello, my name is Agatha  
14 Nadel and I'm one of the founders of the movement to  
15 municipalize our water on north shore. I fought this  
16 private water menace as an individual and as a  
17 director of North Shore Concerned Citizens.

18 I'm a lifelong resident of Glen Head  
19 which is part of the Sea Cliff district of Liberty  
20 Utilities. I would like to thank the P.S.C. for  
21 providing the opportunity for ratepayers to speak on  
22 Liberty's proposed increase; 39% to the Lynbrook  
23 district, 42% for Merrick and 13% for Sea Cliff for  
24 which I vehemently opposed.

25 Another day, another rate hike request

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2 from a private water company. When I was a corporate  
3 executive, my boss gave me a plaque that I still have  
4 to this day that is the essence of the private water  
5 industry. On that plaque are four letters, S.S.D.D.  
6 Same blank different day. As you may remember from  
7 prior hearings and testimony, I've done extensive  
8 research on the private water industry. I've spoken  
9 about many of their tactics and how they price gouge  
10 the ratepayers while gaining to their limitless greed  
11 for themselves and maximizing profit for their  
12 shareholders.

13 I absolutely despise these private  
14 water charlatans. They have perfected the art of the  
15 scam. It is legalized crime and Liberty is one of  
16 the crime family. The private industry is pure,  
17 unadulterated evil. The P.S.C. has outlined a  
18 timeline for the past municipalization of which I am  
19 most thankful for. Due to this process, I firmly  
20 believe that there should be no further rate hikes.  
21 It is unconscionable to me that this 13% rate hike in  
22 the Sea Cliff district comes after an approximate  
23 120% rate hike for the last 4 year rate block in the  
24 Sea Cliff district.

25 It is always the same cut and pasted

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2 lame excuse that comes from the company. Quote, the  
3 company maintains that these changes are due to  
4 necessary capital improvements that have been made to  
5 ... rate ... asset as well as recent increases and  
6 various costs outside of control. The company  
7 maintains that these changes are required to ensure  
8 they can continue to deliver safe, adequate and  
9 reliable water service.

10 Never ever do they say affordable in  
11 their main statements because that would be  
12 disinformation. They know that they can never  
13 compete with the public water provider's rates and  
14 they have no competition. They are a legalized  
15 monopoly. Further, let's not forget about the  
16 guaranteed 9.75% baseline profits aimed to every  
17 project and the exorbitant salaries and benefit  
18 practice -- packages of their executives. We the  
19 ratepayers pay for everything.

20 According to Newsday's May 14th, 2023  
21 article on this proposed rate hike, it mentions the  
22 increase is partly necessary to recover the costs of  
23 17 new local jobs in their Merrick office. Do we  
24 really need 17 customer service reps to answer the  
25 phone telling the person the reason their bill is

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2 high is due to a leak? The majority of the bills are  
3 ridiculously high not due to a leak but to their  
4 considerably higher, narrowly tiered rate structure,  
5 their taxes, surcharges and profit added into these  
6 bills.

7 My last bill had \$90.55 in, quote,  
8 total other charges which is 40% of the total bill.  
9 I pay five times more for water annually than  
10 neighbors down the block with affordable public  
11 water. They can use more than me and still pay  
12 substantially less. The difference is their rates  
13 are substantially lower. Their tiers between the  
14 rates are wider and they do not have the assortment  
15 of taxes, surcharges and profit added into their  
16 bill.

17 This is absolutely lunacy. I'd like  
18 to further add that what are the salaries and benefit  
19 packages for these 17 customer service reps? What  
20 are they doing all day besides answering the phones?  
21 They certainly aren't doing the billing since my  
22 payment is spent out of state. The bigger issue here  
23 is -- is Liberty deducting from our rates, from their  
24 rate base the cost we pay for the central customer  
25 service office somewhere in the United States.

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2 Or are we now paying for two customer  
3 service operations which I think, quite frankly, is  
4 overkill. I must say that I'm amused by the softer  
5 approach to Liberty's -- Liberty's marketing  
6 strategy. Liberty ran a full page ad in the April  
7 13th, 2023 edition of our local paper the beloved  
8 Herald. The colored border, font, heart logo and  
9 tone were an obvious effort to differentiate  
10 themselves from their evil cousin New York American  
11 Water.

12 However, an old dog never changes its  
13 spots and nor does the private water industry. This  
14 is the first time I saw the word, quote, affordable,  
15 end quote, used and they focus it on two key points  
16 to achieve that goal. One, the reduction in special  
17 franchise tax. This issue is water under the bridge.  
18 It was dealt with for two consecutive years several  
19 years ago and the politicians squashed the idea.

20 Two, water infrastructure grant and  
21 low interest loans. Do they really realistically  
22 think that they can change state law? And how many  
23 years is that going to change? It seems that Senator  
24 Kirsten Gillibrand did not get Liberty's e-mail on  
25 that issue because to quote her in July 2023 Newsday

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2 article on a bill that is proposed by her, it would  
3 authorize 200 million per year in grants to assist  
4 publicly, I repeat publicly owned utilities to  
5 implement pretreatment programs and other programs to  
6 combat -- combat ... contamination from 2024 to 2028.

7 And in addition apparently Governor  
8 Kathy Hochul didn't receive their e-mail either  
9 because to quote from a May 2023 Newsday article, New  
10 York is committed to providing communities with the  
11 resources needed to upgrade water systems and improve  
12 water quality. We are continuing our nation leading  
13 clean water investment with 500 million for clean  
14 water infrastructure in this year's budget. Nowhere  
15 in either of these articles or any other water  
16 articles I have seen from New York State or the feds  
17 say anything about private water companies being  
18 eligible for grants and low cost loans at public  
19 water providers ...

20 Even if these two lofty goals were  
21 accomplished our bills would still not be aligned  
22 with those who receive affordable public water due  
23 again to the intrinsically higher narrow -- narrowly  
24 tiered rate, surcharges for capital improvement and  
25 not guaranteed profit. The private water business

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2 model is severely flawed against the ratepayer. It  
3 is cost plus and cost plus everything. These  
4 companies overspend to acquire systems to build up  
5 their portfolio to further leverage their assets.

6 It is one big game to them with  
7 constant swapping and the ratepayers are the pawns.  
8 By the way, how many of Liberty's employees are now  
9 employed -- were -- were employees for New York  
10 American Water? Many people would say this entire  
11 private water sham is arguably unconstitutional. I  
12 say it is unconstitutional. Where is the private  
13 water ratepayers' equity? Thank God for all our  
14 state legislators who finally got the legislation  
15 passed and signed by the governor for the authorities  
16 on the north and south shores.

17 And thanks to the Massapequa water  
18 district for getting ahead of the curve on  
19 municipalization because the reason we are all here  
20 today, again, is that our government at every level  
21 miserably failed us so many years ago. Even today at  
22 the federal level there are billions of dollars sent  
23 to Ukraine with a snap of a finger yet they can't  
24 find billions to put into severely aging water  
25 infrastructure and municipalize every community in

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2 the country that is in this private water prison.

3 This is the United States of America.  
4 It is not a third world country. Real dollar amounts  
5 for water on the federal level have been declining  
6 for decades. What we need in terms of billions of  
7 dollars is not what we get. And on the local level,  
8 I will say that if I was a politician I would ban  
9 water privatization not only in Nassau County but in  
10 the entire New York State. Water is a basic  
11 requirement to life and should always be in the  
12 public trust.

13 The Public Service Commission was  
14 created to protect the interests of the public. It  
15 is not the private service commission. I implore you  
16 to not grant these rate hikes as a show of continued  
17 support in our efforts to municipalize our water.  
18 Thank you so very much.

19 A.L.J. KERSEY: Thank you. Our next  
20 speaker will be Barbara Hafner.

21 MS. HAFNER: I am Barbara Hafner. I  
22 am a resident of West Hempstead which is a relatively  
23 small district in -- on the south shore. When  
24 Liberty first took over for New York Water and I got  
25 my first bill, I was in shock. It was over, oh my



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2 God, it had to be over \$500 I have on my bill  
3 somewhere. And I immediately called Liberty Water to  
4 find out what was happening and they sent a  
5 representative to check out my water and they put in  
6 a new water meter. Great.

7 And the person who came to my house  
8 looked around, didn't see anything. He said but, you  
9 know, make sure your -- your sprinkler system is  
10 working, make sure you don't have any leaks in your  
11 plumbing. And so I immediately called the sprinkler  
12 system company. I called my plumber and made sure  
13 there were no leaks of any kind on my property.  
14 There were none.

15 As I stated, West Hempstead is pretty  
16 small. We have a -- a water -- public water called  
17 West Hempstead Water where my good friend who lives a  
18 couple blocks away she just text me her brand new  
19 bill for May 2nd through August 4th for \$100.37 for  
20 her public water bill. My bill just came this --  
21 this week and I owe them for this month \$142. I do  
22 not over water. I do -- I do my laundry, you know,  
23 sparingly.

24 And bottom line as the speaker before  
25 me who was quite on target and articulate stated this

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2 is a private company. It's making lots of money on  
3 our backs. I am a senior citizen who's on a fixed  
4 income. I cannot afford to have these increases and  
5 not have anyone look over them and say what is going  
6 on. This is -- this is private company. Any private  
7 company is going to look to make money and they're  
8 making it on the backs of people who use water.

9 Water is a resource that we -- air and  
10 water. Are we going to have a private air company  
11 next? This private water company needs to be  
12 dissolved. I know from my -- myself and my neighbors  
13 who have Liberty they are attending community town  
14 hall meetings to -- to bring to the attention of our  
15 elected officials that they need to figure out what  
16 is next in order to take over this private company  
17 and make it public.

18 This private -- Liberty Water not only  
19 oversees water throughout this country, they oversee  
20 gas, they oversee electric. So this is a major  
21 company that's looking to make major bucks on the  
22 residents of Long Island. So whatever we need to do  
23 to stop, first of all, these increases while this --  
24 these cases are in progress, we need to do that. And  
25 whatever we need to get rid of private water

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2 companies and make them all public that needs to  
3 happen because unless you're telling me that the  
4 water is coming from the fountain of youth I'm -- I  
5 don't want to pay another cent more than what my  
6 friends and neighbors are paying for their public  
7 water. Thank you.

8 A.L.J. KERSEY: Thank you. Our next  
9 speaker is Bill Pavone.

10 THE HOST: Mr. Pavone you may --.

11 MR. PAVONE: Thank you for this  
12 evening. I appreciate the ability to speak before  
13 you. This is Bill Pavone. I am a Seaford resident  
14 in the Merrick District. I also volunteer with the  
15 New York State Department of Environmental  
16 Conservation's restoration advisory board regarding  
17 the ... So I'm acutely aware of the expenses that  
18 occur in providing water. Clean water, drinking  
19 water.

20 An increase as is listed currently for  
21 my area is unconscionable. A marginal increase  
22 normal. Cost of living increase we could deal with  
23 that. Definitely not acceptable but we can deal with  
24 it. Twenty, thirty, forty percent increases kind of  
25 ridiculous. So I implore the -- the board reject

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2 this. This is way beyond what anything that the  
3 residents have been promised over the many, many  
4 years that we've been dealing with Aqua Water, New  
5 York Water and now Liberty. And we need public  
6 water.

7 I'm familiar with the Bethpage water  
8 district, the Massapequa water district, the  
9 commissioners, they're all on the Plume team. Having  
10 Liberty not attend the restoration advisory board  
11 meetings maybe once or twice. They're part of the  
12 problem. We need to eliminate them. Thank you.

13 A.L.J. KERSEY: Thank you. Thank you  
14 for your comments. Our next speaker is Helene Manot  
15 (phonetic spelling).

16 THE HOST: Ms. Manot -- oh, hold on.  
17 Good evening, is this Helene Manot

18 MS. MANOT: Oh, you can hear me now?

19 THE HOST: Yes, we can.

20 A.L.J. KERSEY: We can hear you.

21 MS. MANOT: Okay. Well, as you said  
22 my name is Helene Manot. I'm a resident of Merrick  
23 and I -- I went to a meeting that talked about the --  
24 trying to buy the Liberty Mutual so that we could  
25 take over and make it a public water area. We were

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235  
2 in the process of offering Liberty Mutual according  
3 to what the board said -- I mean Liberty Water, I'm  
4 sorry so that we can finally have public water like  
5 80% of the Town of Hempstead.

6 If you don't allow them any rate  
7 increase they are more likely to accept our offer  
8 because they'll make less profits. You are supposed  
9 to be looking out for our interests, and I would say  
10 that denying them the rate increase will not only  
11 give us a better chance of going public but also our  
12 bills won't go up by 42%. Thank you very much for  
13 your listening.

14 A.L.J. KERSEY: Thank you. Thank you  
15 for your comments.

16 MS. MANOT: Okay.

17 A.L.J. KERSEY: Our next speaker is  
18 Kay Parker.

19 THE HOST: Good evening. Is this Kay  
20 Parker?

21 MS. MANOT: No, this is Helene Manot  
22 again.

23 THE HOST: Okay. Sorry. Ms. Parker,  
24 if you are a call in user please press Star 3 on your  
25 keypad so that I can identify you and unmute you so

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235  
2 you can make your statement. Thank you.

3 A.L.J. KERSEY: Okay. We'll move on  
4 and we'll come back to Kay Parker. Our next speaker  
5 is Nancy Williams.

6 THE HOST: Ms. Williams, you are  
7 unmuted. You may proceed.

8 MS. WILLIAMS: I agree with everything  
9 that was said before. I am a Merrick resident. My  
10 parents are Baldwin residents. I had an experience  
11 with Liberty this past weekend where there was a low  
12 water pressure issue in the area that has been  
13 ongoing. While the phone support was actually  
14 extremely helpful in scheduling appointment for this  
15 Saturday, the very next day, the support we received  
16 was less than stellar.

17 The technician who came out actually  
18 blamed the community, the community that is  
19 complaining, for the actual problems. He resorted to  
20 saying that summer usage, sprinkler systems, swimming  
21 pools and so on and so forth are to blame. I do  
22 understand that the pressure will be lower somewhat  
23 at those times.

24 Regarding the rate increase, it's  
25 absurd concerning the customer service and the

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2 rectifying of the issues is null and void. The  
3 gentleman actually he spoke about another issue that  
4 he was at right before our call where residents in  
5 North Bellmore off Jerusalem Avenue cannot even flush  
6 their toilets. His solution was that they should  
7 wake up later. That everyone is waking up earlier  
8 for back to school and for work schedules.

9 The phone technician had alluded to  
10 the fact of a low well in the area and there was an  
11 issue with that starting about three to four weeks  
12 ago. The technician at my house dismissed that and  
13 said that that wouldn't have been an issue or the  
14 cause of it. He threw the blame on to elected  
15 officials saying that your elected officials would be  
16 the ones who could patrol water conservation use  
17 where we used to do every other day. You water at a  
18 certain time, you water for a certain amount of time.

19 He said that Liberty cannot police  
20 that. They can actually help elected officials  
21 police that, but I think the bigger issue is they are  
22 passing the buck as far as fixing the problem. So  
23 waking up later is not an option for people who go to  
24 work at a certain time. So I agree with everything  
25 that was said. Thank you for the opportunity but as

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2 a customer it is ridiculous customer service that  
3 does not warrant an increase whatsoever.

4 A.L.J. KERSEY: Thank you so much for  
5 your comments. Thank you. Our next speaker is Fred  
6 Harrison.

7 THE HOST: Good evening, Mr. Harrison.  
8 You've been unmuted. You may proceed.

9 MR. HARRISON: Yes? Can you hear me?

10 A.L.J. KERSEY: Yes, we can hear you  
11 Mr. Harrison.

12 MR. HARRISON: Thank you very much.  
13 Yes, my name is Fred Harrison. I live in Merrick and  
14 I'm a Liberty ratepayer. I am also representing Long  
15 Island Food and Water Watch at these hearings. We  
16 support David Denenberg and Claudia Borecky Hall and  
17 commission to suspend this hearing.

18 Mr. Denenberg and Ms. Borecky have  
19 done all Liberty ratepayers a great service by  
20 speaking out on this issue. They are doing the kind  
21 of ratepayer efficacy that one would hope D.P.S.  
22 would be doing. Their testimony and opposition to  
23 Liberty's rate increases should give the commission  
24 pause and much food for thought. I thank them for  
25 their work.



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2 I would like to add an additional  
3 element to theirs for your consideration. The  
4 commission, in its own words, is mandated to ensure,  
5 quote, affordable water, quote, at just and  
6 reasonable rates. I've always understood affordable  
7 means reasonably and fairly priced. I double checked  
8 my understanding of the term. According to the  
9 Cambridge Dictionary affordable means not expensive.  
10 The Oxford English Dictionary defines affordable as,  
11 quote, inexpensive.

12 You can see where I'm going because  
13 compared to any other water system on Long Island,  
14 Liberty water is very expensive. We've already heard  
15 people talk about that. And it's a fact that's  
16 crystal clear to ratepayers even if the water isn't.  
17 I hope the commission shares this longstanding  
18 definition of the term affordable.

19 We also know that Liberty's rate  
20 request is not reasonable. The other element that  
21 the P.S.C. is mandated to consider. Why do I say  
22 this? Is it just my opinion? I don't think so. The  
23 statements and actions of the New York State  
24 Legislature, the governor, the Town of Hempstead  
25 supervisor, many other elected representatives and

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2 thousands of citizens makes clear that there is  
3 agreement that Liberty's water rates are not  
4 reasonable.

5 If the P.S.C. finds Liberty's rates  
6 reasonable, the commissioners would be standing alone  
7 far outside public sentiment. What metric do we have  
8 for determining reasonable living? Just like many of  
9 the prior speakers, I grew up with municipal water.  
10 In fact, most Long Islanders have municipal water at  
11 a fraction of the cost. It is not reasonable that  
12 water rates less than half a mile away drawing on the  
13 same aquifer should differ so much in cost.

14 The difference in price may be  
15 reasonable for Liberty but it is not for ratepayers.  
16 And it is ratepayers that the P.S.C. was designed to  
17 protect. Unfortunately -- unfortunately, Liberty's  
18 rate request ... to ratepayers. Ratepayers  
19 understand that Liberty is not simply a water company  
20 dedicated to providing customers with affordable  
21 water at a reasonable price. They are at core, as  
22 has been mentioned already, an investment opportunity  
23 for shareholders.

24 Algonquin, Liberty's parent company,  
25 reported its profits increased 6% last year totaling

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2 475 million. Compare that to a general 18% decline  
3 in stock market indexes. That tells the whole story  
4 to ratepayers. One doesn't have to dig into their  
5 findings about water meter installations or arrears  
6 or return on investment to understand the situation.  
7 First and foremost, Liberty is designed to be a money  
8 making machine at the expense of its ratepayers.

9 We've heard and we know already  
10 tonight, local governments are acting to municipalize  
11 the water districts purchased by Liberty. The  
12 commission should recognize the attempt of the New  
13 York State Legislature and governor in approving  
14 legislation to this end. It should recognize and  
15 differ to the steps in the process designed to bring  
16 about affordable and reasonably priced water.

17 Let's be clear, Liberty in its goals  
18 stands alone and in opposition to the will of elected  
19 leaders and citizens. The members of Food and Water  
20 Watch ask the commission to suspend any new rate  
21 based and revenue increase until this matter is  
22 settled. Liberty gambled when it bought the company.  
23 They're relying on you to make their investment play  
24 a success. Don't let them get away with it on your  
25 watch. The public is counting on you. Thank you.

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2 A.L.J. KERSEY: Thank you. Thank you  
3 so much for your comments. Our next speaker is  
4 Marjorie Harrison.

5 MS. HARRISON: My name is Marjorie  
6 Harrison. I live in Merrick. I also grew up on the  
7 south shore of Long Island where my family was served  
8 by a public water system. I want to thank the people  
9 who have spoken here for the hard work that -- and  
10 thought and preparation that people have put in to  
11 put forward the public's case.

12 And ironically here we are speaking at  
13 the Public Service Commission, and it seems to me  
14 that given the fact that there's been legislation  
15 passed on this matter, legislation that the governor  
16 signed and that there's such a consensus that we need  
17 to move forward with the municipalization of water  
18 here on the south shore that this proceeding be  
19 suspended as was recommended by two of Merrick  
20 patriots. People who really work hard for the public  
21 interest, Claudia Borecky and David Denenberg and so  
22 many others.

23 So please suspend this hearing and do  
24 something to show the public that government really  
25 can work. That once there's a legislative intent,

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2 the branches of government get together to make sure  
3 that the public interest is served and expeditiously.  
4 The Public Service Commission has the power and the  
5 responsibility to do that and I hope that you will  
6 act upon that. Thank you very much.

7 A.L.J. KERSEY: Thank you. Thank you  
8 for your comments. Our next speaker is David  
9 Denenberg.

10 THE HOST: Good evening. Is this  
11 Claudia Borecky? Is David Denenberg with you?

12 MS. BORECKY: No, he's not.

13 THE HOST: Okay.

14 MS. BORECKY: He spoke earlier today,  
15 but I -- I will speak if -- if allowed to.

16 A.L.J. KERSEY: Yes, absolutely. Yes.

17 MS. BORECKY: Okay. I would just like  
18 to reiterate what I talked -- spoke about earlier and  
19 I'd like to thank Fred Harrison, Marjorie Harrison,  
20 Helene Manot, Barbara Hafner, Pat Maher and Agatha  
21 Nadel for all joining us in our request for the  
22 Public Service Commission to suspend the rate case  
23 that they're proposing right now due to the fact that  
24 there are actual, not hypothetical, actual water  
25 authorities that have been established by -- by

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2 Governor Hochul and the state of -- state  
3 representatives to -- to establish the North Shore  
4 Water Authority, South Nassau Water Authority and  
5 Massapequa Water District to take over Liberty's Long  
6 Island operations.

7 So I would just like to -- not to --  
8 to repeat myself for what we spoke about this  
9 afternoon. Just basically say the L.I. Clean Air  
10 Water and Soil has filed 30 -- 35 pages of testimony  
11 for the Department of Public Service in opposition to  
12 this rate case based on several issues too numerous  
13 to mention. And so we are -- the -- the Long Island  
14 Clean Air Water and Soil organization will be filing  
15 a motion to suspend this rate case pending their  
16 result of the -- those mentioned authorities who are  
17 currently in active negotiations to take over Long  
18 Island -- Liberty's Long Island operations.

19 So I'm -- I'm not going to go through  
20 everything that I mentioned this afternoon, you know,  
21 but I'm basically reiterating my request to suspend  
22 this rate case. Thank you. And David is not here  
23 today -- this afternoon. He spoke earlier today.

24 A.L.J. KERSEY: Yes, he did. He spoke  
25 earlier this afternoon. Thank you, Ms. Borecky for

1 9/13/2023 - Liberty Utilities, Corp. - 23-W-0235  
2 your comments. Our next speaker is Kay Parker. Kay  
3 Parker.

4 THE HOST: Ms. Parker if you are a  
5 call in user please press Star 3 on your keyboard so  
6 that I can identify and locate you. Thank you.

7 A.L.J. KERSEY: This is the end of our  
8 preregistered speakers so far. At this time we will  
9 open it up to anyone else who wishes to comment.  
10 Please -- please use the raise hand icon if you are  
11 on -- connecting by a computer or Star 3 if you're on  
12 a telephone and you'd like to make a comment.

13 THE HOST: I have one raised hand,  
14 your Honor. I will unmute her. Rose Pierre.

15 A.L.J. KERSEY: Great.

16 THE HOST: Ms. Pierre, you've been  
17 unmuted. You may proceed and make your statement.

18 MS. PIERRE: Hello.

19 A.L.J. KERSEY: Hi, Ms. Pierre. This  
20 is Judge Kersey. Please feel free to proceed.

21 MS. PIERRE. Okay. Thank you.

22 A.L.J. KERSEY: Sure.

23 MS. PIERRE: I would just like to know  
24 it wasn't too long ago that Liberty Water raised the  
25 rates on -- on the residents. By me, I am by

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2 Lakeview and a lot of the residents are complaining  
3 that, you know, for the price of water. And I think  
4 it's unfair and it's like more and more they're  
5 raising the price, and I feel that they're taking  
6 advantage of us. And it's water. It's water, you  
7 know. And instead I think they should provide their  
8 label. Not a label but rather a -- a printout of  
9 their spending to see why they actually need to price  
10 -- to raise the price for water.

11 And I had something else I wanted to  
12 say. It's just I -- like I said before from a  
13 previous meeting I was in, Liberty Water I see their  
14 -- their workers are driving S.U.V.s. Vehicles that  
15 at least -- that are at least \$50,000. Now I know  
16 they were to get a bundle for these vehicles.  
17 However, these vehicles require maintenance, gas, et  
18 cetera, you know, and who's going to pay for that.  
19 And so I think and I feel that they are asking for  
20 more money because they want to be able to take care  
21 of -- of things like that which to me, you know, they  
22 -- they shouldn't have to be able to buy high priced  
23 vehicles on the back of the residents that are  
24 paying.

25 And just to add on to everything, a



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2 couple months ago, actually 2 months ago, my bill was  
3 \$270 something dollars. And I asked another  
4 neighbor, same thing. And throughout the neighbors  
5 that I've conversed with, same thing. And I'm  
6 wondering \$270 something dollars and up. And -- and  
7 one of my neighbors said -- said to me oh, yes,  
8 that's usually how much they -- they charge us during  
9 the summer time.

10 I mean, to me that's outrageous. The  
11 price is absolutely outrageous and I think it's  
12 unfair that they're coming with some sort of  
13 proposal. And not only that. They're coming with  
14 this proposal last minute, last minute. And I think  
15 that's also unfair.

16 A.L.J. KERSEY: Thank you so much for  
17 your comments. Thank you for your comments, Ms.  
18 Pierre. I, again, want to ask if Kay Parker is  
19 available and wishes to make any comment. And,  
20 again, I just want to extend one further opportunity  
21 to anyone else who wishes to comment. Again, please  
22 use the raise hand icon if you're on a computer or  
23 Star 3 if you're on the telephone. It looks like we  
24 have a raised hand from Ms. Hafner.

25 THE HOST: Yes, you wish me to unmute

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2 her? She had spoken before but I don't have any  
3 other raised hands. Ms. Hafner, you may proceed.

4 MS. HAFNER: Yes, I'm sitting here  
5 with my neighbor who's also a customer of Liberty  
6 Water and I'm going to let her speak.

7 A.L.J. KERSEY: Okay. Can we just --  
8 could she just give us -- could you just state her  
9 name?

10 MS. HAFNER: Yes, she's going to  
11 identify herself.

12 A.L.J. KERSEY: Thank you so much.

13 MS. KOZEIL: My name is Dorothy  
14 Kozeil. I am a resident of West Hempstead. I live  
15 on Walker Place. Walker Place is approximately  
16 between 10 and 12 houses. I am the fourth house in  
17 and the three houses prior to my house are on West  
18 Hempstead water. And my house starts Liberty water  
19 for that side of the street. And I'd like to know  
20 how they determine, is there a separate water main  
21 that goes down the street that designates West  
22 Hempstead water and Liberty water? Am I getting the  
23 same water that my neighbor's getting and they're  
24 paying one quarter of what I'm paying?

25 So I don't understand how the

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2 determination is made where the cutoff is. If it's  
3 not at the avenue and it's midway down the street,  
4 how is the water different and why am I paying so  
5 much more? And that's my concern.

6 A.L.J. KERSEY: Ms. Percel (sic) this  
7 isn't a question and answer. This is a time for you  
8 to give public comment on the rate proposal.  
9 However, what I want to do is I want to refer you to  
10 the Public Service Commission's office of consumer  
11 services where you certainly can ask that question  
12 and could receive an answer as to, you know, where --  
13 where lines are drawn, et cetera for water service.

14 MS. KOZEIL: Okay. I -- I've -- I've  
15 spoken to them several times already concerning  
16 Liberty.

17 A.L.J. KERSEY: Okay. All right.  
18 Thank you so much for your comments though. Thank  
19 you. We appreciate them. I see the raised hand of  
20 Agatha Nadel.

21 MS. NADEL: Yes, yes, that was me. I  
22 raised -- I raised the hand.

23 A.L.J. KERSEY: Were you looking to  
24 make further public comments or?

25 MS. NADEL: Yes, I just -- I just

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2 wanted to address Dorothy's comment, okay. And this  
3 applies to the whole problem also that makes it more  
4 egregious. With all my contacts that I've had  
5 through this water saga, Dorothy, I can tell you that  
6 we're all interconnected. We're all interconnected  
7 because God forbid there was any tragedy and Liberty  
8 could not provide the water there would be lawsuits  
9 up that wazoo on every level of government because  
10 the water couldn't be provided.

11 I have a friend who told me it's the  
12 flip of a switch, a friend from the fire department,  
13 and I've seen the switch, okay. So it really goes --  
14 it goes back to --.

15 A.L.J. KERSEY: Ms. Nadel, I don't  
16 want to -- I -- I don't. I'm -- I'm so sorry. I  
17 apologize for interrupting but this is really a -- a  
18 place for public comment with respect to that.

19 MS. NADEL: Let me just say -- let me  
20 just say that we are all interconnected, okay, and  
21 that is a fact.

22 A.L.J. KERSEY: Thank you for your  
23 comments.

24 MS. NADEL: Okay.

25 A.L.J. KERSEY: I'm going to ask one

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2 more time if Kay Parker is available. Okay. I want  
3 to remind members of the public that they may submit  
4 public comments throughout these proceedings by the  
5 other means described earlier and in the notice of  
6 public statement hearing issued on August 23rd, 2023.  
7 We'll -- Judge Lecakes and I want to thank the  
8 commenters for their participation. We want to thank  
9 all of you for your participation.

10 We also want to thank our consumer  
11 services office for administering this session and  
12 our court reporter. The hearing is concluded and we  
13 are off the record.

14 THE HOST: Judge, before we go off the  
15 record Ms. Borecky has raised her hand again and I  
16 don't see Kay Parker. Shall I call upon her?

17 A.L.J. KERSEY: Yes. Yes, and  
18 actually let me just. Hold up for one moment. Mr.  
19 McClain, we're going to go back on the record for  
20 just a moment.

21 THE COURT REPORTER: Yes, ma'am.

22 THE HOST: Ms. Borecky, you may -- you  
23 may -- you may proceed.

24 MS. BORECKY: I just want to make a  
25 short statement that L.I. Clean Air Water and Soil as

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2 -- as parties to this proceeding will be -- will be  
3 filing a motion to ask the Public Service Commission  
4 to suspend the rate case. I just wanted to make that  
5 official and state it on the record. Thank you.

6 A.L.J. KERSEY: Okay. Thank you, Ms.  
7 Borecky. Thank you. And, again, this hearing is  
8 concluded and we are off the record.

9 (The meeting concluded at 5:53 p.m.)  
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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 38, 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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