



## Public Service Commission

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August 8, 2016

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Mr. Donald Davidson  
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RE: CASE 16-W-0259 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York American Water Company, Inc. for Water Service.

Dear Ms. Borecky and Messrs. Davidson and Denenberg:

I am writing in response to your July 13, 2016 letters on behalf of your respective organizations, North and Central Merrick Civic Association and LI Clean Air Water Soil, Ltd. (LI CAWS), seeking additional public statement hearings in September of 2016. You state that notices of the public statement hearings that were held in Brewster and Oceanside in July 2016 were difficult to locate as advertised and that many people are away during summer months. You suggest that the public would be best served by another public statement hearing in the fall.

The Department's decision to hold hearings in this proceeding in July was driven by a goal to better serve members of the public as well as the record to be built during the course of the proceeding. New York American Water Company, Inc. (NYAW) filed for a change in its rates on April 29, 2016. The Department's goal in establishing public statement hearings early in not only this proceeding, but all of our proceedings, is twofold: first, by using the hearing as a vehicle to increase public awareness of the case to provide ratepayers the fullest range of opportunities to participate in the case, and second, to receive early comments from and

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participation by the public at a stage in the case where their participation could be most meaningful, in that the issues and concerns they raise may be further investigated and developed by parties to the proceeding.

Many times, public statement hearings are the first event in the proceeding in which the general body of ratepayers become aware of the pendency of a utility rate case. By virtue of the notices and press releases issued by the Department, public statement hearings may garner publicity about the hearing and rate filing. Consequently, many members of the public may learn about the pendency of a case and begin to consider the utility's rate request, even if they are not able to attend the public statement hearing. In addition, the Department's Office of Consumer Services, under the direction of the Department's Consumer Advocate, routinely provides fact sheets about the pending rate filing. These fact sheets are mailed to all local and regional elected officials and numerous community based organizations located within the service territory of the utility in conjunction with the notice of public statement hearing as another vehicle to advise localities of the hearing and pending case so that they might participate and/or pass the information along to their constituents and members. In this proceeding, the Department's Office of Consumer Services contacted 154 State and local elected officials and 450 community based organizations in an effort to maximize participation at the public statement hearings.

The Department's goal in providing notice of public statement hearings and reaching out to community leaders is to inform members of public of their ability to participate in our proceedings and the various forms in which they may participate in and comment on proposals pending before the Commission. As is described in both the notice and fact sheet, there are a variety of ways that members of the public may communicate their thoughts on a pending proceeding in addition to public statement hearings. Comments may also be made in writing, sent by email or mail or posted directly on the Department's website, and by phone. Comments will be accepted throughout the pendency of the proceeding and considered by the Commission in making its final determination in the proceeding. Members of the public may also become involved in the proceeding by subscribing to the service list to receive all documents filed in the case or only those documents issued by the Commission in the case. Interested persons may also seek to intervene in a proceeding as a party. Parties to Commission proceedings may present witness testimony and conduct cross examination at the formal evidentiary hearing. By raising awareness early, we try to ensure that anyone who might be interested in becoming a party may avail themselves of the opportunity to be involved in the preparation of testimony and participation in the hearing.

The other benefit of holding public statement hearings early in this proceeding is that public comments can be considered by NYAW, Department of Public Service Staff and other intervenor parties in time for those parties to further investigate issues and address them in their own prefiled testimony and in cross-examination at the evidentiary hearing. Similarly, the Administrative Law Judge presiding in the case can be made aware of issues raised by the public and can direct NYAW, Staff, or intervenors to address those issues, as appropriate, in order to create a complete record for decision by the Public Service Commission. While comments from the public are welcome and considered throughout the pendency of the case, these early

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opportunities may provide a better opportunity for fuller consideration of issues of concern raised by NYAW's customers.

You request an additional public statement hearing in September. We will provide for one additional public statement hearing in the NYAW service territory at a later date to address the concerns raised in your requests. Notice with the specific details of this further public statement hearing will be issued at a later time.

Thank you for your interest in this proceeding.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kathleen H. Burgess".

Kathleen H. Burgess  
Secretary