

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

November 28, 2012 - 7:03 p.m.
Hampton Office Building
Selectmen's Meeting Room
100 Winnacunnet Road
Hampton, New Hampshire

RE: DW 12-085
AQUARION WATER COMPANY OF NEW HAMPSHIRE, INC.:
Notice of Intent to File Rate Schedules.
(Hearing to Receive Public Statements)

PRESENT: Commissioner Michael D. Harrington, Presiding
Commissioner Robert R. Scott

APPEARANCES: (No appearances taken)

Court Reporter: Steven E. Patnaude, LCR No. 52

PROCEEDING

CMSR. HARRINGTON: All right. Good

evening, everybody. Just a little bit of a background.
Tonight we're going to -- we're to hold a public statement
hearing on Docket DW 12-085, the Aquarion Water Company of
New Hampshire rate request. On July 18th of this year,
the Town of Hampton requested that a public statement
hearing be held on this rate case in the Town of Hampton
sometime in early December. On September 24th of this
year, the Commission, via a letter from its Executive
Director, granted that request and scheduled the hearing
to be held in the Selectmen's meeting room in the Town of
Hampton Office Building at 100 Winnacunnet Road, at 7:00
p.m, on November 28th, 2012, hence why we're all here
tonight.

In the way of a little background,
Aquarion Water Company of New Hampshire provides water
service to approximately 9,100 customers in the towns of
Hampton, North Hampton, and Rye. On April 4th, 2012,
Aquarion filed a notice of intent to increase its rates
and filed the rate increase schedules. On May 14th, 2012,
Aquarion filed schedules, testimony, and supporting
material for a permanent increase in its revenue
requirement of \$1,113,931. Aquarion also filed a petition

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for temporary rates to increase its revenue requirement by
\$732,078 pending the review of its proposed permanent
rates.

On August 17th of this year, a
settlement agreement was reached by the Company, the
Office of Consumer Advocate, and the Commission Staff.
Though, the Town of Hampton was not a signatory, it did
not oppose the proposed temporary rates that were included
in the Settlement Agreement. On September 18th, the
Commission, in Order 25,412, approved the Settlement
Agreement and included the 8. -- that included the 8.8
percent temporary rate increase effective July 1st, 2012.

And, just to sort of let people now how
we're going to run things tonight, this is not going to be
as formal as we get -- have our hearings when we have them
in Concord. No one is going to be sworn under oath here.
But we, obviously, want everyone to maintain decorum and
try to address the questions to Bob and myself. And, if
the Company or somebody else is the appropriate people to
ask, we'll let that come in. Try not to interrupt each
other and just normal rules of that.

If you wish to speak, there's forms that
we have, or you can submit written comments. You just --
Mark Naylor has the forms over there. And, the hearing

1 will be recorded by the court reporter, as you can see
2 Steve going at it right now. So, and this is for his
3 benefit, and I have to follow these rules probably more
4 than anybody else, except for the loud part, but please
5 speak loud, clear, and not too fast, so that he can take
6 that down.

7 And, just to introduce a few of the
8 people here tonight. From the Office of Consumer
9 Advocate, Susan Chairman is here.

10 MS. CHAMBERLIN: Hello.

11 CMSR. HARRINGTON: And, as I just
12 presented, that's Mark Naylor, who is the Director of PUC
13 Gas & Water Division. Sitting up here with me is Bob
14 Scott, who is a Commissioner with the Public Utilities
15 Commission. And, I'm Michael Harrington, and I'm also a
16 Commissioner. Chairman Amy Ignatius is not able to make
17 it tonight, because she's working on a wind case as part
18 of her duties as a member of the Site Evaluation
19 Committee.

20 So, my plan was to have the Company
21 first make a brief presentation. We don't want to make
22 this too long, maybe ten, fifteen minutes, I'm hoping?

23 MR. WALSH: Shorter than that?

24 CMSR. HARRINGTON: Then, the Town of

1 in New Hampshire. We serve about 7,700 customers in
2 Hampton, North Hampton, and Rye. And, we serve both
3 domestic service to both businesses and homes, and also
4 fire protection services, so, supporting fire hydrants and
5 also sprinkler systems. And, we provide about
6 2.4 million gallons a day, on average, to the three towns.
7 And, on a max day in the summer, it's about 5 million
8 gallons a day. So, there's a lot of infrastructure that's
9 in place to be able to provide that water service 24/7.
10 And, I have a schematic up here that shows that, the
11 primary components of that infrastructure.

12 So, we've got 18 wells throughout the
13 three towns. And, the water from those wells is treated
14 at eight different treatment facilities, where we add
15 chlorine for disinfection, and we also add chemicals for
16 corrosion control. The water is pumped into -- from the
17 wells into the distribution system. And, there's
18 137 miles of pipe across the three towns. And, within the
19 distribution system, we've got four large tanks. There's
20 about 2.75 million gallons of storage amongst those four
21 tanks. We also have two booster pump stations in the
22 system as well. So, there's a fair amount of costs that
23 goes into building that infrastructure, operating it,
24 maintaining it, and replacing it as it ages.

1 Hampton can speak. And, then, anybody else from the
2 public who wants to speak. The main function of this
3 meeting is for the public to present information to the
4 Commission. And, that's the way we'll try to run things
5 here. It's not for us to be giving you guidance or
6 anything like that. This is for us to get information
7 from you. And, if you have questions on the process or
8 something like that, we'll try to be able to answer those
9 as well.

10 So, having said that, is there anything
11 someone wants to bring up before we get going?

12 (No verbal response)

13 CMSR. HARRINGTON: Okay. Then,
14 Aquarion, you can --

15 MR. WALSH: Well, thank you for having
16 us here this evening. And, good evening, everyone. We
17 appreciate that you've all come out here tonight. I'm
18 John Walsh. I am the Vice President of Operations for the
19 Company's Massachusetts and New Hampshire operations.
20 And, I'm going to just do a brief presentation tonight, a
21 little bit about the Company, and about the rate
22 application. And, then, I'm going to turn it over --
23 we're going to turn it over to get your perspective.

24 So, a little bit about the Company here

1 And, our costs have been rising over the
2 last several years, since our last rate case. And, what
3 we are requesting is about \$1.1 million to cover those
4 rising costs. And, I've got a pie chart up here that
5 shows some of the areas or the primary areas of those
6 rising costs. One -- I'll point out a couple of them. In
7 the "other taxes" arena, we've got -- that's about
8 15 percent of this rate request. And, that's increasing
9 property taxes, as well as a new right-of-way tax from the
10 Town of Hampton. Our maintenance costs have gone up.
11 We're doing a lot more proactive maintenance to ensure
12 that we're providing safe water, that means all the
13 federal and state guidelines, 24/7. Our wages, down there
14 in blue there, those have gone up over -- since the last
15 rate case about 10 percent. So, it's been about four
16 years since the last rate case, so about two and a half
17 percent a year increase in the wages.

18 And, like many towns and businesses, our
19 pension costs have increased. And, we've combated that by
20 cutting off our pension. New employees are no longer able
21 to be in our pension. We also combat our costs, we're
22 pretty consistently looking at how to reduce our costs,
23 because we're very mindful of the impact of the rate
24 increases on the communities that we serve.

1 In the last couple years, we've gotten
 2 -- achieved savings in power costs. We went out to a
 3 third party supplier for power and reduced our costs by
 4 about \$18,000 a year. Our water quality testing, we
 5 negotiated with the State to reduce testing for a couple
 6 of contaminants, to the tune of about \$16,000 a year of
 7 savings. We changed the chemicals that we use for pH
 8 control to a less expensive chemical. So, we saved about
 9 \$14,000 there. With leak detection, we got a State grant
 10 to search for leaks and to retain a contractor that we
 11 typically are paying. And, then, for some of our
 12 contractors, we've changed how we do our cross-connection
 13 inspection that's a component of our system, and that
 14 amounts to about \$5,000 a year of savings. So, our folks
 15 are constantly looking at ways to control and reduce
 16 costs.

17 The impact of the rate request on the
 18 average customer, so, the average customer uses about
 19 53,000 gallons per year, and the impact on them, on a
 20 daily basis, about 22 cents a day, and, on a monthly
 21 basis, it's a little less than \$7.00 a month from where
 22 we're at right now to the rate -- the increase that we're
 23 requesting.

24 And, we are requesting that this

1 domestic service.

2 In spite of the rate request that we
 3 have before you, I wanted to show this graph that
 4 indicates or shows that -- it's a graph of the monthly
 5 cost for utilities, across a variety of utilities, that's
 6 prepared by the EPA. And, what it shows here, it's got
 7 gas, cellphone, electric, cable bill, all of those costs
 8 are notably higher than what you pay for water. And,
 9 water happens to be the only one of those utilities that
 10 you ingest.

11 To sum up or to wrap up, we are
 12 committed to serving the three communities here. And,
 13 we're committed to providing safe drinking water 24/7,
 14 both for domestic use and fire protection. And, we're
 15 committed to providing the service at the lowest
 16 reasonable cost that we can provide it at. Now, our costs
 17 are rising, and what we're proposing or what we're
 18 requesting here is an increase in our rates to reflect
 19 those rising costs.

20 And, again, I appreciate you coming out.
 21 We are interested in your perspective and your feedback.
 22 There's a number of folks here from the Company. And,
 23 after this all wraps up, we are available for questions
 24 and answers. I just want to point to the folks again, I'm

1 increase be applied, the same percentage, for all of our
 2 customers, and including our fire protection charges.
 3 And, we have met with the North Hampton Water Commission,
 4 and we've heard from those folks, some of the concerns
 5 that they have about the fire protection charges. And,
 6 we're glad that you're willing to share and be so candid
 7 with us. So, we appreciate that.

8 The fire protection charges, they cover
 9 the costs for fire protection throughout the system, all
 10 the hydrants and the sprinkler systems that are installed
 11 in buildings, and that service is there 24/7. I know one
 12 of our folks said that fire down in at the beach area last
 13 -- last year?

14 FROM THE FLOOR: 2010.

15 MR. WALSH: -- 2010, we put -- they put
 16 about 2 million gallons of water from our system onto that
 17 fire. And, throughout all that, we were still maintaining
 18 service to all our other customers.

19 So, the fire protection charges or the
 20 fire system capacity saves lives, saves properties, and it
 21 reduces insurance rates. And, the cost of the charges
 22 reflect the need for, over the years, the system has been
 23 built with larger pumps, larger pipes, and larger tanks,
 24 to support the fire service, as opposed to just supporting

1 John Walsh. And, the other folks here are Carl McMorran,
 2 and Carl runs our system on a day-to-day basis here; Pam
 3 Knowlton is our Customer Service leader; Troy Dixon is our
 4 Rates and -- Director of Rates & Regulation; Josh Unger,
 5 works for Troy, he's a Senior Regulatory Compliance
 6 Specialist; and McKinley Rowe, McKinley Rowe right next to
 7 him.

8 So, all of us are available after for
 9 Q&A. Thank you very much.

10 CMSR. HARRINGTON: There is just one
 11 other kind of housekeeping matter I did want to mention, I
 12 should have mentioned it earlier. The complete record of
 13 this is going to be found in the docket, that's how we do
 14 things at the PUC. And, if you go to the PUC website,
 15 which you can just put in "New Hampshire PUC" and you'll
 16 get the website there, on the left-hand side you'll see
 17 something called "Docketbook" on that webpage. And, if
 18 you look at -- you punch, you know, click on that, and
 19 then it will come up for the years, put in the year, 2012.
 20 And, if you put in this number, excuse me, "DW 12-085",
 21 scroll down the list till you get there, open that up, and
 22 you'll have a list of all the information that's been
 23 filed on this. That includes all the testimony that the
 24 Company's filed, any rulings that the Commission has made

1 on that already, or future ones will be there as well. If
2 people submit testimony, all that stuff is going to be
3 there. The schedules of when future hearings will be,
4 *etcetera*. So, that's a good thing just to remember.

5 So, it's pretty easy. Just go to the
6 New Hampshire PUC website, get on the home page, you can
7 go to "Docketbook" on the left-hand side, click on that,
8 and then go in under "DW 12-085", and you'll have all this
9 information that's pertinent to the case. It's getting
10 thick, so you really don't want to carry it around all the
11 time. But it's all there, so you can read it at your
12 pleasure.

13 CMSR. SCOTT: That's puc.nh.gov.

14 CMSR. HARRINGTON: Okay. Next, the Town
15 of Hampton.

16 MR. GEARREALD: Thank you,
17 Commissioners, for coming to Hampton. My name is Mark
18 Gearreald. I'm the Town Attorney for the Town of Hampton.
19 I won't speak very long, because I think this is a time
20 for the public to speak. And, in particular, I have
21 several selectmen here who are from Hampton who would like
22 to speak. So, I would simply like to say for the record,
23 as you've heard me say before you at hearings in Concord,
24 that the Town of Hampton vigorously opposes the

1 So, these are major issues to be played
2 out in the merits of this case, which are at the moment
3 scheduled for March coming. But we appreciate your coming
4 here to receive the public's point of view.

5 I know, Mr. Chairman, you mentioned that
6 the PUC granted a temporary rate increase effective
7 July 1. That was a rate increase of 8.8 percent. The
8 Company had sought 12.3 percent on a temporary basis.
9 And, so, the 8.8 percent was something that was
10 recommended by the Company, in conjunction with the PUC
11 Staff and the Office of Consumer Advocate. The important
12 thing for the public to realize is that is a rate that is
13 without prejudice. That is, the Commission could decide
14 in March to not give that much of an increase, in which
15 case consumers would get a refund, or it could decide to
16 add -- to grant more of an increase, in which case there
17 would be an additional charge. So, the 8.8 percent was
18 without prejudice to future proceedings in the case.

19 Thank you so much. And, my selectmen
20 are here to speak.

21 MR. GRIFFIN: Hi. I'm Rick Griffin, the
22 Chairman of the Board of Selectmen. Some of the points I
23 would like to make is that Aquarion is seeking an overall
24 rate increase of 18.3 percent. Of the increase in

1 18.3 percent rate increase that is being sought here, of
2 an increase in revenue in excess of a million dollars.

3 There are a number of issues involved
4 that are significant in this case. A significant portion
5 of the revenue increase being sought can be accounted for
6 in decreased consumption of water. That is, consumers
7 have conserved water and nevertheless are now being asked
8 to make up for the loss in revenue from that conservation
9 effort.

10 The second point is that the Company is
11 seeking an increase in its rate of equity return, from
12 9.75 percent to 10.25 percent, in this climate, in which
13 one can borrow money at a significantly lesser rate, and
14 in which consumers themselves can't make anywhere near
15 that on their investments.

16 Third major points to make is that the
17 Company in this case is seeking to make permanent a WICA
18 charge, Water Infrastructure & Conservation Adjustment.
19 This is a surcharge that's been added for the last two
20 years and is sought to be added again this year. And, one
21 -- two of the purposes of that WICA charge were to
22 decrease the frequency of coming before you for rate
23 increases and to lessen rate shock. And, I don't think
24 either of those purposes are being served.

1 revenues, \$1,113,931 that Aquarion is seeking permission
2 from the PUC to earn, 19.21 percent of that increase, or
3 214,000, is being sought to make up for the loss of
4 revenues due to the decline in water consumption, water
5 conservation by our customers. In other words, customers
6 are being penalized for saving water. And, that's one of
7 the things that people in Hampton seem to be most outraged
8 by.

9 At recent hearings, some of the PUC
10 Commissioners have expressed that they are troubled by the
11 fact of consumers being penalized for having conserved
12 water. This is a downward cycle, and some new thinking
13 outside of the box is needed at the Commission to get us
14 out of the same old, same old pattern of charging
15 customers for all expenses, even those incurred from lower
16 water usage.

17 One component of the rate increase is to
18 increase by 22.51 percent the annual charge for fire
19 hydrants, of which Hampton has 268 of the 481 public fire
20 service hydrants that Aquarion takes care of and provides
21 water to. This increase would hit the taxpayers of
22 Hampton with \$71,863 more than in 2011 for having access
23 to water for hydrants, which are charged a flat fee, as
24 opposed to being charged for water usage basis. The towns

1 are pretty much captive to these charges. Unlike in 2009,
 2 when the towns were hit with lower rate increases for
 3 hydrants of 9.9 percent than other consumers, who were hit
 4 with a 17.44 percent rate increase. This year, the
 5 Company is seeking to hit the public hydrant users at the
 6 same high rate of increase. In particular, sitting hear
 7 listening to the presentation, feel that I'm sorry to hear
 8 that you are stopping the pensions or whatever is being
 9 provided to the people that work here locally, because,
 10 you know, it seems like, I'm a regular reader of the Wall
 11 Street Journal, and I understand that the Macquarie Group
 12 that owns Aquarion Water is one of the most lucrative
 13 places to work for pensions for people up at the top.
 14 And, I feel it's pretty disappointing that people that
 15 might work and live here in Hampton and work for Aquarion
 16 aren't provided with the same benefits.

17 Other things that I think are -- I would
 18 like to see the PUC step up and side with the consumer for
 19 a chance -- for a change. Because the nine years I've
 20 been here at the Board of Selectmen, I haven't seen a lot
 21 of help coming from the PUC. And, I hope that you'll be
 22 able to be on the side of the consumers this time. Thank
 23 you.

24 CMSR. HARRINGTON: Thank you very much.

1 flat pension. It doesn't go up at all any years. So,
 2 looking at it from my point of view, okay, this is another
 3 squeezing of my ability to live anywhere in Hampton, okay?
 4 That's the way I look at it.

5 So, now, I'm just going to make a couple
 6 remarks that we prepared -- that was prepared earlier in
 7 relation to your rate increase. The frequency of rate
 8 increase petitions are increasing. You granted one in
 9 1992, 2000, 2006, 2009, and now one in 2013. So, one
 10 could argue on that point alone that, if we're saving
 11 money in operation of delivering water, that we should be
 12 able to benefit, rather than just having a continuous
 13 round of increases, is my point.

14 Since I've been retired, back to that
 15 point, my increase of income has not changed hardly at
 16 all. And, I'm sure there's a lot of people in Hampton,
 17 during this financial crisis, have gone through the same
 18 issue. We've had quite a few foreclosed houses in
 19 Hampton. And, there's still quite a few houses for sale
 20 in Hampton for the same reasons. So, looking at alone,
 21 the financial crisis did not help us at all.

22 So, when your -- the water company wants
 23 an 18 percent increase, and they want this huge return on
 24 their money, which I think is wonderful, if it was a risky

1 MR. PIERCE: Good evening. I'm Mike
 2 Pierce. I'm a ratepayer, taxpayer, and a Selectman of the
 3 Board of Hampton -- of the Town of Hampton. This is my
 4 first time talking to PUC. I went up to one of your
 5 meetings earlier last spring, and I did make one remark
 6 that was probably inappropriate in the audience, but
 7 that's beside the point. I'm always making remarks that
 8 are inappropriate. But I will say this about the water
 9 company, since I've lived here, since 1968, and had the
 10 water service from your company, or your predecessors, I
 11 never had a problem with the water service, okay? I
 12 remember back, for all you in the audience, when Jane
 13 Kelley was the Town Clerk, there was a rate increase of
 14 some huge magnitude of about 50 percent, and she
 15 complained to all of us that nobody went up and complained
 16 about it, nobody said anything to you folks at all about
 17 it. That was a few years back. So, this time, I made it
 18 a point to come up and see you fellows and your ladies
 19 that are on the Commission, and it was a different
 20 experience for me.

21 But let me put it this way, as a retired
 22 person living in Hampton, my Social Security increase is
 23 usually not by my Medicare increase. So, therefore, I
 24 come out about even on that every year. My pension is a

1 business, but selling water is about the safest thing you
 2 can invest your money in right now. I don't have any
 3 bonds or anything in my portfolio of 50 cents that has any
 4 risk as safe as this is on a good day. Most of it's
 5 risky. In fact, one of the bonds I had in my portfolio
 6 went to zero, it was called "Freddie Mac". Okay? That's
 7 pretty -- normally, it would be considered pretty safe.
 8 But a water company is much -- it's about like gold in
 9 your hand in relation to having a high risk. So, that's
 10 another thing I think we have to look at, this high return
 11 they expect or are asking for.

12 And, back to the WICA thing, I think
 13 that the attorney said it pretty close that, if we're
 14 going to have the WICA charges on one hand, to try to
 15 spread out some of the cost of operating the -- adding new
 16 things and fixing things in their facility, then why do
 17 they need these huge rate increases to go with it? This
 18 is a significant rate increase. You said it was only 20
 19 some dollars a quarter, well, that's 80 some dollars a
 20 year added on to the bill we have now.

21 And, I'll be honest with you, when my
 22 income is flat, guess what? \$80 has to come out of
 23 someplace else. That's my problem. And, being as I get
 24 paid so much as a selectman every year in Hampton, I can

1 hardly afford to do it on that salary alone, that's for
2 sure. So, I think, I'm not trying to be silly about it,
3 but sometimes a little frivolity is good. But, in
4 reality, I think we're asking too much here. I mean,
5 that's the bottom line.

6 I can't think of anything else that's
7 gone up that much in my whole life. I can remember
8 gasoline being 25 cents a gallon in 1950, okay? It's gone
9 up. But that was 1950. Nothing has gone up 18 percent
10 that much every year for -- that I can think of, nothing
11 has, nothing in our whole economy. So, I don't think we
12 can possibly say "well, look at this, look at that." I
13 mean, some things will hit us once in while, like the
14 price of cigarettes. They really whacked us a few times,
15 as the bad habit that I have, that really hit me pretty
16 hard, I'll admit. But I reduced my smoking a little bit,
17 because that's probably good for my health. But how can I
18 reduce my water very easily. We have to drink to live, we
19 like to wash our clothes. I don't waste water at my
20 house. I used to water my grass. I stopped doing that.
21 Not because I was trying to be conservative and be a good
22 doobie, I said, "That's a waste of time, because it's
23 probably going to be dry anyway, and it will turn brown
24 besides what I do for it. So, what difference does it

1 suppose, for the country is 3.48 percent. So, they're
2 asking for three times the rate of return that a 30-year
3 mortgage would allow. Their cost of debt capital is just
4 over 6 percent. And, apparently, if I understand some of
5 the documents that have been filed, they have very little
6 control, because they sold effectively a non-callable
7 bond, so that they can't have much wherewithal to change
8 their cost of debt. But I don't think there's anything in
9 the calculations that prohibit a rate of capital return
10 being less than the weighted cost of debt capital that is
11 already on the Company's books. If the market conditions
12 have changed sufficiently, as far as risk-free investment
13 returns are concerned, then, the mathematics could yield a
14 cost of capital less than, certainly, what a company's
15 existing return on debt or payments on debt capital are.

16 So, that's the -- if you could focus on
17 that particular part of this, I'm sure you'll be focusing
18 on all of it, but I would really appreciate you looking at
19 that. 10.25 percent, as several other speakers have
20 already said, is a fantastic return in today's market, in
21 a business that's relatively risk-free. You don't see too
22 many bad debts in a water company. I think as you
23 gentlemen look at gas and electric companies, you might
24 see the bad debt exposure is higher, because there's

1 make?"

2 But I'm just saying that, back to this,
3 and I think I speak for most people in Hampton, maybe not
4 all, I think this is just way over the -- way over the
5 edge. And, that's really all I have to say. And, I can
6 give you a hard copy of these notes when we're all
7 finished, if you'd like.

8 CMSR. HARRINGTON: Certainly.

9 MR. MOORE: Good evening. Thank you for
10 coming to Hampton for this public hearing. My name is Ben
11 Moore. I live on Ocean Boulevard, in Hampton, and I am
12 also a Selectman. And, I don't want the audience to get
13 the idea that these remarks are limited to selectmen. So,
14 we're coming up to get you in the right spirit, but
15 please, please join us.

16 I just wanted to focus on the rate
17 application as it pertains to the rate of capital return.
18 I believe that the numbers are that they wish to increase
19 their allowable rate of return on capital from nine and
20 three-quarters percent to ten and a quarter percent.
21 Today's rate for risk-free Treasuries, ten years, is 1.64.
22 So, they're asking for six times the rate that a risk-free
23 investment would allow. The rate on a fixed 30-year
24 mortgage, at least as reported in the papers, average, I

1 tenants out there who will sometimes skip. Water is on
2 the landlord, in other parts of the state, water charges
3 are usually paid for by the landlord. So, the companies
4 who are providing water have a safer way of collecting
5 their fees versus other utilities.

6 So, I think you've got a fairly
7 risk-free business, and you've got a rate that's being
8 requested for capital, return on capital, that, to me, is
9 just a bit too high, given the other rates that are out
10 there. So, thank you, gentlemen.

11 CMSR. HARRINGTON: Thank you.

12 MR. BEAN: Good evening, Commission
13 members. My name is Phil Bean, Hampton resident, excuse
14 me, and selectmember of the Board of Selectmen. A little
15 background. Water utilities were among the first publicly
16 traded equities in this country. The Manhattan Company,
17 which later became Chase Manhattan, operated the first
18 water system in New York City. And, I echo the comments
19 of the Chairman on the parent corporation for Aquarion,
20 and vigorously -- vigorously support the comments and the
21 requests of the Town Attorney for the Commission to
22 intercede seed on this extraordinary involuntary transfer
23 of wealth, for a community whose median income per
24 household and per capita is not very wealthy, and has

1 struggled in the last five years during this recession.
 2 There's case law with *Bluefield*, Supreme
 3 Court, with water utilities, as I'm sure you're well
 4 aware, that companies are allowed to charge an allowed
 5 rate of return that is sufficient to attract capital at
 6 reasonable rates. A company is not guaranteed any return,
 7 whether it earns an allowed return, it depends how
 8 efficiently that company is run.

9 It appears from testimony tonight that
 10 that's being founded on the back of stripping pensions and
 11 increasing customers that conserve water and natural
 12 resources. If this continues, there is no regulatory
 13 guarantee that a poorly run company will earn its allowed
 14 rate of return. The rate request tonight, in effect,
 15 allows a corporation that has a monopoly in this town to
 16 subsidize its other expenditures, to include real estate
 17 and acquisitions.

18 A review of the Aquarion website this
 19 afternoon, in a break from work, in a discussion with the
 20 Town Attorney, Aquarion touts itself as the seventh
 21 largest utility, private investor utility, in the United
 22 States of America. It has been on a prolific spree of
 23 acquisitions in the State of Connecticut. And, if I may
 24 read on one of their acquisition reports from Bruce

1 the goal of creating, wherever possible, an integrated and
 2 unified system. The acquisition of United fills a major
 3 portion of the remaining gaps in infrastructure that have
 4 long prevented people in western Connecticut from enjoying
 5 the services, reliability, and efficiencies of a regional
 6 water supply."

7 There's no mention of Hampton, there's
 8 no mention of New Hampshire, there's no mention of
 9 ratepayers, in a very hardworking, entrepreneurial small
 10 business community.

11 In addition, Aquarion has the resources,
 12 these are their words "Aquarion has the resources needed
 13 to address the significant infrastructure investment
 14 requirements of the region."

15 If I may continue, and I'll wrap up,
 16 because I know there's a lot of good, hardworking people
 17 who do want to speak here tonight, a little stock
 18 information. And, it's very hard to get financial data on
 19 Aquarion from their website. There is virtually none.
 20 So, people cannot educate themselves. But, in terms of
 21 return on equity, and there are some really bright people
 22 that are going to speak after me and have spoken before
 23 me, return on equity, the top eight companies in the
 24 industry, in water utilities, start with 37 percent return

1 Silverstone, Vice President of Corporate Communications,
 2 and this is February 23rd, 2012, they were purchasing
 3 water systems in Connecticut virtually every other month
 4 in 2011. Selectman Moore speaks of the risk. If there's
 5 so much risk, then why the extensive acquisition spree in
 6 Connecticut?

7 "With this pending acquisition, this
 8 Company will now provide water service to more than
 9 610,000 people in 47 cities and towns throughout this
 10 state." Here's what I found interesting, "in addition to
 11 its service territories in Massachusetts and New
 12 Hampshire." As though we in Hampton and we in New
 13 Hampshire, stewards of your leadership, gentlemen, are a
 14 service territory and an afterthought. "The purchase of
 15 United Water's Connecticut operations is consistent with
 16 our strategy of growth through acquisition."

17 "Last year, Aquarion purchased and
 18 integrated more than 27 new water systems in Connecticut,
 19 adding over 10,000 customers. With the purchase of United
 20 Water Systems, the Company continues to strengthen its
 21 portfolio, and improve the availability and quality of
 22 water in communities throughout Connecticut. Aquarion has
 23 been following its strategy of growth through acquisition
 24 by purchasing water companies throughout Connecticut with

1 on equity, 21 percent return on equity, 18 percent,
 2 19 percent. And, that industry is so lucrative, as Chase
 3 Manhattan's founders could tell you, that the laggards of
 4 that industry are earning 6 percent, 7 percent, and
 5 8 percent.

6 So, again, I would say to you, on behalf
 7 of the Selectmen, the Town Attorney, and the people in
 8 this town, we ask that you intercede on this extraordinary
 9 involuntary transfer of hardworking people's money in this
 10 Town. Thank you, gentlemen.

11 CMSR. HARRINGTON: Before he leaves, if
 12 he -- just I wondered, if he has written comments, you
 13 might want to submit them. And, if you have -- I don't
 14 know if you had something written that's --

15 MR. BEAN: Thank you very much, sir.

16 CMSR. HARRINGTON: Okay. And, that goes
 17 for anybody that has anything, whether it be tonight or as
 18 a follow-up, you can submit those, and they will be posted
 19 on that docket, as I mentioned earlier.

20 There's no particular order to these,
 21 I'm just going to read the names off. And, I'll apologize
 22 in advance if I mispronounce any of them, and we'll just
 23 -- the people who say they wish to speak. Helena
 24 Barthell, is that correct?

1 MS. BARTHELL: Should I go first, you
2 mean?
3 CMSR. HARRINGTON: Yes, by all means.
4 MS. BARTHELL: Well, I didn't want to go
5 first, but I'm Helena --
6 CMSR. HARRINGTON: It's the luck of the
7 draw, that's all it come down to.
8 MS. BARTHELL: I'm Helena Barthell, 33
9 Dover Avenue, in Hampton. I actually used to work as a --
10 I'm a chemical engineer, with a Master's in Accounting, I
11 used to work for Citizens Utilities, in Stamford,
12 Connecticut, a water utility. I was a project manager at
13 various times, part of the time for their West Coast
14 project manager and East Coast project manager, a company,
15 a smaller version of what Aquarion is. They have since
16 divested their water utility. In fact, I think it was
17 acquired by Aquarion. And, so, I've been on the other
18 side. And, let me tell you, it's just wrong. They have a
19 monopoly. There's no exception. They just want to --
20 they have no incentive to keep their rates down, to keep
21 their costs down, because every cost that they have is
22 just pushed through as an expense to the Public Utilities
23 Commission. They're guaranteed a big fat rate of return
24 from the Public Utilities Commissions. And, it's all just

1 What they're getting for the capital improvements, that's
2 good. We want the capital structure, the infrastructure
3 to be good. But the actual cost of the water itself that
4 they're delivering, that charge has gone up over 10
5 percent. And, I'm a little confused by the numbers. Is
6 this like, when they're asking for a rate increase, is
7 this on top of what was passed in September? And, it
8 really annoyed me that it was approved September 28 retro
9 -- or, September 11th, retro active to July 1. I mean,
10 that's just -- you shouldn't be able to retroactively
11 charge people for a product that they consumed, thinking
12 it's going to be at one price, and then three months later
13 you find out it's at another price.

14 So, I just would really hope that the
15 Public Utilities Commission would represent the people of
16 the State of New Hampshire, and especially the people here
17 in Hampton, and not just give them a big rate increase,
18 that they have a lot of cash in their coffers to go out
19 and acquire companies and grow. Thank you.

20 CMSR. HARRINGTON: Just so I can clarify
21 one thing that you mentioned, just so you're clear. The
22 way the thing on the temporary rates works is, those go
23 into effect. And, as the -- I can't remember his name, I
24 think he was the lawyer for the Town stated correctly,

1 a big party when they get their rates. It's an obscene
2 amount of rate that they're asking for in today's current
3 economic environment with the cost of money being so low.

4 And, to add insult to injury, I'll just
5 go on record as saying I don't like the test of my water.
6 I have to buy bottled water. Sometimes when I'm running
7 water to make tea in the morning, I smell bleach coming
8 from the tap, and it just tastes nasty. So, I'm not happy
9 with the product. It's -- I have had a problem with the
10 service, because I have two units on my property; one is a
11 rental, as is very common down in the Hampton Beach area,
12 for one lot to have two buildings, and I don't -- while I
13 don't winterize, I don't use very much water in the rental
14 property. And, so, Aquarion always sends me notices
15 saying, you know, "your meter's faulty, you're not using
16 enough water", and then they want to bill me, have a new
17 meter put in. I have had a new meter put in, and, even
18 after that, they still send me these letters every winter
19 saying I'm not using enough money, my meter must be
20 faulty, and they want to charge me like, you know, \$130
21 for the quarter, where I've had almost no water over
22 there.

23 So, it's -- there's just no -- there's
24 just no reason. It's wrong. Their costs are too high.

1 that if, just to make figures simple, if a 5 percent
2 temporary rate is granted, and, during the rate hearing
3 process, say six months goes by, then, at the end of that
4 time, a 4 percent final rate is granted, then the rates
5 would be reconciled down. If a 6 percent rate was --
6 permanent rate was granted, then they would be reconciled
7 up. The function of the temporary rates is to try to
8 avoid as much rate shock. So, you bring in temporary
9 rates, are somewhere in the range that people believe will
10 be reasonable, and then that's before all the details are
11 looked at. There's a specific statute that allows us to
12 not use as much scrutiny for granting temporary rates
13 because of that exact reason. So, they're not on top of,
14 they will be reconciled with whatever the permanent rates
15 are.

16 MS. BARTHELL: So, in essence, they have
17 gotten a rate increase before they have had to justify
18 that rate increase, because they haven't come before you
19 yet. That's happening in January.

20 CMSR. HARRINGTON: Well, no, there was a
21 Settlement Agreement between the OCA, the Staff, and the
22 Company, which was approved by the Commission granting the
23 8.8 percent. The standard that they have to meet to get
24 temporary rate increase is lower by statute than a

1 permanent rate increase. But, if, for example, on a
 2 particular case, the Commission were to say "on closer
 3 scrutiny, we think the temporary rates are too high", then
 4 that money would have to be returned from the Company to
 5 the customers. Just like, if they're too low, then they
 6 get reconciled up. It's a way of trying to smooth out the
 7 potential rate bump one way or the other. But they're not
 8 on top of each other. I just wanted to make sure you --
 9 everyone understood that.

10 MS. BARTHELL: I appreciate that. Thank
 11 you for the clarification.

12 CMSR. HARRINGTON: Okay. Next lucky
 13 person, this one I'm going to need some help from, how
 14 about Joseph, from High Street, because I don't want to
 15 even attempt, because I'll screw it up bad.

16 MR. PIERZYNSKI: I good Irish name.

17 CMSR. HARRINGTON: Yes. I could see you
 18 were Irish, yes. Remind me of my family, yes. How do you
 19 pronounce that? Pierzynski? How is it pronounced, sir?

20 MR. PIERZYNSKI: "Pierzynski".

21 CMSR. HARRINGTON: "Pierzynski". All
 22 right.

23 MR. PIERZYNSKI: I just want to hit on
 24 that rate shock. When you go to the gas pump and you get,

1 whole property.

2 Normally, what happens in a house, it's
 3 a lead -- piece of lead, the sprinkler head sprinkles out,
 4 puts the fire out. The fire department comes in with
 5 their fire extinguisher and puts out the fire. So, it
 6 saves not only property value, you know, the property
 7 itself, but it saves on water consumption. And, we're
 8 paying an astronomical amount of money for just having
 9 this service. And, that's why I would like you to look at
 10 it. That's one of my notes that was on your sheet there,
 11 but I'm not going to go in any depth. But that's pretty
 12 much it. Thank you.

13 CMSR. HARRINGTON: Thank you. I think I
 14 can handle this one. Nancy Stiles.

15 SEN. STILES: Good evening, gentlemen.
 16 And, thank you for coming to Hampton. I am Senator Nancy
 17 Stiles. I'm responsible for Hampton, North Hampton, and
 18 Rye. So, I cover all three communities. I think you got
 19 the communication from my office at the beginning of this
 20 process.

21 CMSR. HARRINGTON: Uh-huh.

22 SEN. STILES: You've heard from the
 23 Selectmen this evening of all of the details of the
 24 increases. And, now, you'll hear from our residents, on

1 you know, they start charging you \$3.50, and then they
 2 start charging you 3.75, it doesn't hurt as much. I mean,
 3 we're getting hit with this rate, you know, right up
 4 front.

5 My main concern is, I own a condo. And,
 6 it's three levels. And, we're required to have fire
 7 protection. And, we get the rate increase on both sides
 8 of that. I pay a water bill, I figured out my water bill
 9 for this year was \$425 this year so far. My sprinkler
 10 bill was \$383. So, I'm getting taxed twice or I'm getting
 11 hit twice with this burden of this increase. And, that's
 12 a big kick. Like a lot of these people say, we're not
 13 rich here in Hampton. You know, we're medium income
 14 people that live here in Hampton. And, my water usage is
 15 a lot, compared to probably most, because I live near the
 16 ocean, I have a lot of guests that come. And, for our
 17 sprinkler bill to be that high, you know, to pay for a
 18 service, normally -- people don't realize on a sprinkler,
 19 we're very happy to have that service, but to pay that
 20 type of money is astronomical. A sprinkler system saves
 21 water. If there's a fire in your house, the normal
 22 gallons used for a sprinkler head is 385 gallons. Instead
 23 of hooking up a fire hose and having a fire department
 24 come in, put out a fire that, you know, that engulfs the

1 their personal issues. This is not the time to raise
 2 rates. We have been working very hard in the Legislature
 3 to keep our costs down. I would ask that you allow our
 4 people to save some of their money, instead of a 9 percent
 5 increase. An 18 percent increase is outrageous.

6 I look forward to meeting with you in
 7 Concord, when you have your next hearing. And, I look
 8 forward to you respecting the wishes of the individual
 9 citizens in this community. Thank you.

10 CMSR. HARRINGTON: Thank you, Senator.
 11 Doug DeSilva.

12 MR. DeSILVA: Yes. My name is Doug
 13 DeSilva. And, I'm a resident of Hampton, 18 years. And,
 14 I appreciate the opportunity to be here. And, I
 15 recognize, in dealing with any large company, the
 16 individual consumer often has little leverage. Since
 17 we're dealing here with a private company, providing a
 18 public utility, operating as a monopoly, I would say that
 19 it's imperative that we need the state to represent us.

20 I think what bothers me most about this
 21 increase is the -- what I didn't hear tonight is the 18
 22 plus percent increase, percent, on top of what we've been
 23 through the last couple of years, in terms of rate
 24 increases. And, the fact that's been stated here that

1 consumption will go down, and that this thing, I don't see
2 where anybody's got their hands around it.

3 So, I don't know what the problem is,
4 I'm not in that business. But you leave me, as a
5 resident, wondering if the problem is in Concord or the
6 problem is with the Company and its ability to manage that
7 resource, or its need to answer to a higher authority
8 outside the country. It's probably a combination of
9 those, from the uninitiated.

10 So, I guess what I'd like to see, is I'd
11 like to see a little more effort put into developing some
12 measures of performance that you and the Company can come
13 to terms with that take into account consumer
14 satisfaction.

15 One thing the speaker said was that this
16 is a utility, "the only one we ingest". It's also the
17 only one we don't have a competitor for. And, right now,
18 there's no viability for anything else.

19 But they're doing pretty well. And, I
20 will just ask the State to take a hard look at where this
21 is headed. Thank you.

22 CMSR. HARRINGTON: Representative Rice.

23 REP. RICE: Thank you very much. My
24 name is Fred Rice. I'm a resident and ratepayer in

1 there. The same as the wood that makes up this building,
2 you can't re -- keep charging for the wood in this
3 building, if it doesn't burn down and have to be built up
4 again. And, similarly, you shouldn't be charging on a --
5 they're seeking an ongoing tax to cover the cost of fire
6 protection. Once it's in, there is no ongoing cost. The
7 delivery system is entirely in place. This is the same
8 delivery system for the most, or certainly it's grown, but
9 this is -- a good bit of this is the same delivery system
10 that was here when it was called the "Hampton Water
11 Works", and their symbol was a little faucet with a little
12 drop coming out of it. And, it kind of reflected the
13 scope of the water supply in this town.

14 Again, they said that the rates are
15 going up, because the costs are going up. Well, then,
16 they promote water conservation and all these other
17 things, and everything seems to be a self-imposed penalty.
18 It reminds of the classic story of the kid who killed his
19 parents, and then threw himself on the mercy of the court
20 because he was an orphan. And, that's exactly what
21 they're doing here. They're raising the price, and then
22 they're saying -- they're promoting water conservation,
23 putting in new stuff, and then saying "Gosh, that costs an
24 awful lot of money. Somebody else has got to pay us."

1 Hampton, and I'm a State Representative representing the
2 Town of Hampton.

3 One of the biggest things that struck me
4 was the size of the increase. And, the reaction I had to
5 it was that there's not enough long-term planning in here
6 to be able to see what the costs are going to be way down
7 the line and avoid these huge jumps. A number of years
8 ago, when I served on the Board of Selectmen here in
9 Hampton, we had a hearing similar to this for another rate
10 increase. And, I'm glad to see management here tonight, I
11 really am. Because the last time, there was an attorney
12 here, that was it. There was an attorney, and he stood
13 up, and every question was -- his response to virtually
14 every question was "we are authorized by law to be able to
15 do such and such and such and such." He hid in the legal
16 language of virtually everything. There was absolutely no
17 satisfaction whatsoever, and there was no way to go back
18 and plead for a better circumstance.

19 We got a couple of things here that tell
20 me, again, I'll echo what the other individuals said here
21 about not having their arms around it, the fire protection
22 is static. Once the pipe is in, and it's filled with
23 water, if there isn't a fire, there shouldn't be any cost
24 in there. Once that's in, it is a static load that's

1 They're not. There's no incentive there.

2 As long as they can come to the PUC and
3 say "Hey, the law says we can just incorporate this in our
4 rate, and we can get paid while we're working." That's a
5 free loan to them. That is a free loan. When you allow
6 them to have the 4 percent, the example that you just
7 gave, sir, and they can use that while they're in the
8 propose of determining what the final thing is going to
9 be, they have got a free loan.

10 I serve on the Board of the Local
11 Coastal Economic Development Corporation here, and we
12 don't give money for free. We charge an interest rate on
13 it. And, if they are getting that money for free, they
14 ought to pay an interest rate back to the Town for having
15 had the use of the ratepayers' money while they were in
16 the process of figuring out what they were going to end up
17 paying. They shouldn't have free use of that money.

18 CMSR. HARRINGTON: Sir, if I could
19 interrupt just for one second?

20 REP. RICE: Sure.

21 CMSR. HARRINGTON: That's a very cogent
22 point you brought up.

23 REP. RICE: Please.

24 CMSR. HARRINGTON: And, in fact, that is

1 part of the reconciliation process. The interest is
2 considered. So, if the temporary rates were higher than
3 the permanent rates, the reconciliation would not only get
4 the money back, but it would also get it back with
5 interest.

6 REP. RICE: Okay. It is with interest,
7 okay. Because that wasn't clear in what it was, it just
8 said that that was the rate they're seeking.

9 CMSR. HARRINGTON: Fair enough. It's a
10 complicated process. I'm still trying to figure it out
11 sometimes.

12 REP. RICE: One of the things that we
13 have in town here is the CIP, which is supposed to stop
14 these spikes. We're still seeing these spikes. One
15 individual listed several of the increases they've had. I
16 think that there needs to really be some attention paid to
17 that.

18 Our costs are going up. Our
19 infrastructure, we're improving it. We're in one of the
20 worst economies that we've ever seen in this country.
21 We've got, as Selectmen Bean said, that they're getting
22 their rate increases and their return on the backs of
23 pensioners by cutting out the pensions. I can see
24 trimming back on the pensions, but I can't see doing away

1 we're in a terrible economy? Seems to me there's a lot of
2 stuff here that they are being -- they are enabled to do
3 right now that maybe there ought to be a little more of a
4 check and balance on what they are doing.

5 And, you know, recently, up until
6 recently, we thought that the State Liquor Commission was
7 doing a good job. And, I think everybody has read in the
8 paper that they have lost a couple hundred thousand
9 dollars worth of booze, they have had all kinds of stuff
10 go wrong up there. And, they formed a special commission,
11 special committee to look into their dealings. And, there
12 have been a number of serious recommendations in there as
13 to how the Liquor Commission's operation should change.

14 I also served recently, in this past
15 term, on a committee that reviewed the fees by the
16 agencies, everything from DRED to DES and so forth, and
17 the fees that they charge and how they do that. And, the
18 sentiment there was that more of these things should be
19 put into statute, and should be given more oversight, so
20 that the representatives of the people, the elected
21 representatives, can look over their shoulder and see that
22 what they're doing is correct and that the people aren't
23 getting screwed by it.

24 And, I will say right now that I stand

1 with them totally. That's something a lot of people rely
2 on.

3 But, then, in the middle of all of this,
4 just yesterday, I had -- I had to make an appointment, and
5 I had a worker come from Aquarion to replace my meter.
6 Now, several years ago, they came in, and instead of the
7 old mechanical meter that the guy came in and looked at
8 all the time, they replaced that, and they took that meter
9 out and they put one in where the guy goes by in the
10 truck, and he just clicks a button or points the thing at
11 my house and it reads it. Well, he came in and he clipped
12 the wires on that. Went inside my house, took out the
13 water meter, and put one in that they can read
14 automatically now, and it can tell me drop-by-drop how
15 much water I'm using. And, I hope that gets me away from
16 that dreaded "estimated volume" that I get on my bill
17 every now and then, which is -- drives me crazy sometimes.

18 But, if they could just drive -- is
19 there so much saving by putting in a brand-new meter, that
20 probably costs several hundred, if not a thousand dollars
21 a piece, because totally automated and computerized and so
22 forth, is there so much saving by one guy in a truck not
23 driving around town each week that it's worth doing that,
24 and asking for an increase in their rate of return, while

1 ready to do the same thing right now and submit
2 legislation, I don't think it's going to happen this year,
3 the deadline is too short. But I would be more than
4 willing to work with the Town Manager, the Selectmen, the
5 Town Attorney here, to draft a good piece of legislation
6 that would represent the people's position on this, and
7 that would perhaps call for looking at how the PUC goes
8 about reviewing such cases as this, so that these things
9 don't happen again. We've got to do something that
10 protects the people, holds down the costs of the people,
11 not raises the rate on return of a huge company that's
12 based in Connecticut.

13 So, I stand ready to do that. And, it
14 came up with some very good results in two other
15 commissions so far this year, in this last term, and I
16 think we can do the same thing again.

17 So, I hope that you will take a hard
18 look at these, and not be so willing to go to the limits
19 of what they can do, and make them justify what they want
20 to do. Thank you.

21 CMSR. HARRINGTON: Douglas Reed.

22 MR. REED: Hi. My name is Doug Reed. I
23 live at 546 High Street, here in Hampton. I was also
24 amazed at the amount of the increase that was being

1 proposed. But, like one of my neighbors who already
 2 spoke, you know, I'm also very concerned about the, you
 3 know, the fire protection system that goes into the condo
 4 that I live in. You know, the system, we're really just
 5 being charged for the privilege of having the system.
 6 They do no maintenance to the system. From the isolation
 7 valve in is really our responsibility. So, it's really
 8 simply for the privilege. And, much, much like the
 9 system, the consumable water that goes into the house, you
 10 know, if there's a rupture or something on our side of the
 11 value, then we're responsible to fix that.

12 So, you know, just last winter, we had a
 13 rupture in the main that runs right outside of the units.
 14 And, we had a representative from Aquarion come down and
 15 he, you know, essentially argued with, there was like six
 16 or eight of us standing around wondering how we're going
 17 to get water running back, and he was adamant that it
 18 wasn't his responsibility, that wasn't -- that wasn't his
 19 main, that wasn't his leak.

20 And, we were this close [indicating],
 21 really, to having a guy come down, at our own expense, to
 22 dig a big hole and fix this main. Luckily, one of the --
 23 there was a couple that live towards the end of our row of
 24 homes, the man actually built some of these units, and his

1 basically, in my community or our streets, are retired
 2 people, on a set income, who -- and most of them are very
 3 aware of trying to make their budget work. As a matter of
 4 fact, some of my neighbors have rain barrels. They have
 5 stopped watering their lawns. I have a sump pump -- I
 6 mean, a dehumidifier in my basement. I empty that every
 7 day in the summer and water my garden with it. And, it
 8 seems to me like we're being penalized for conserving
 9 water. Because, obviously, they're not getting as much
 10 money from the households that do that, so they have to
 11 make it up somewhere else. And, I don't think they should
 12 be doing it to the residents of Hampton. Thank you.

13 CMSR. HARRINGTON: Michael Pierce?
 14 MR. PIERCE: I've already spoken. Thank
 15 you.

16 CMSR. HARRINGTON: Okay. Oh, I'm sorry.
 17 You're with the Selectmen. I'm sorry.

18 MR. PIERCE: Yes.

19 CMSR. HARRINGTON: You had two forms.
 20 Okay. Mary-Louise Woolsey? Do I have that right?

21 MS. WOOLSEY: Good evening, gentlemen.
 22 Mary-Louise Woolsey, 148 Little River Road, in Hampton.
 23 Thank you for your courtesy in coming to hear us. Before
 24 I begin my remarks, we do indeed have another monopoly in

1 wife went in and called the attorney. And, he actually
 2 had some papers and some diagrams and whatever that said
 3 "No, this is where the main runs, and this is your
 4 responsibility." Kind of a, you know, an off-track story
 5 there, but, you know, they didn't even realize that this
 6 problem was theirs.

7 So, you know, the whole fire protection
 8 thing, I don't want to just make a comment on it. We've
 9 been talking about this for, I've been there for five
 10 years, we've been talking about it for all of that. And,
 11 we'd actually like to try to get rid of that, because it's
 12 -- it's just it's ridiculous. I mean, some of the people
 13 that live there actually pay more for a fire protection
 14 system that doesn't use any water than they pay for the
 15 actual water that they use.

16 FROM THE FLOOR: Right.

17 MR. REED: So, you know, I just wanted
 18 to -- I wanted to bring that up. And, you know, that's
 19 something that I think really needs to get resolved.

20 CMSR. HARRINGTON: Beth Ann French.

21 MS. FRENCH: Good evening. And, thank
 22 you for coming to Hampton to hear our response to this
 23 rate hike. I live on Juniper Lane, which is off of
 24 Huckleberry, or off 1A, on the North Hampton line. We are

1 Hampton, and it's called "Comcast". And, I pay a heck of
 2 a lot more for cable than I pay for water.

3 With regard to the proposed rate
 4 increase, consumers in Hampton are very fortunate to have
 5 an excellent private company, which provides a safe water
 6 supply in compliance with state and federal regulations.
 7 As a town, a "non-profit" we are continually in arrears
 8 regarding infrastructure improvements, and struggle each
 9 year to provide adequate sewer, drainage, and road
 10 construction.

11 Since their purchase of Hampton Water
 12 Works in 2002, this Company has invested in major
 13 improvements to the system, including: Replacing the
 14 1950s degraded water line on Little River Road; replacing
 15 the water storage tank on Mill Road with a larger capacity
 16 tank, which provides increased fire suppression
 17 capability; invested one and a half million dollars
 18 replacing the water lines at Hampton Beach, the highest
 19 fire risk area of town; and, per the major capital
 20 projects list attached, spent \$5,238,523 in the three
 21 towns for the years 2008 to 2011.

22 Any water volume from our hydrants
 23 related to fire suppression is not metered to Hampton.
 24 And, all property owners, with access to hydrants, pay

1 reduced premiums on their property insurance. The A
2 Street fire alone was metered at about 2 million gallons.
3 As former Hampton Moderator John Walker frequently
4 observed, "there is no free lunch."

5 I have served in a volunteer capacity on
6 the Hampton Water Works Advisory Council, and serve
7 currently on the Aquarion Customer Advisory Council, along
8 with other volunteers from Hampton, North Hampton, and
9 Rye. We have the opportunity to make suggestions, ask
10 questions, view the physical premises, including equipment
11 monitoring the wells, and interact with Mr. McMorran and
12 his outstanding staff. None of us who serve in this
13 unofficial advisory capacity are compensated in any way.
14 We pay our water bills like everyone else.

15 Unfortunately, in recent years, as
16 consumers, we are paying more for home heating oil, gas,
17 food, utilities, *etcetera*. Why should we expect that our
18 water costs would remain the same? If Aquarion was just
19 "treading water" and not investing in improvements, that
20 would be a different circumstance. They have also worked
21 successfully to encourage consumer and student awareness
22 of the need for water conservation. Should they be
23 punished for that? I no longer water my lawn, and I have
24 installed water-efficient shower and toilet facilities in

1 is published for local officials by the New Hampshire
2 Municipal Association. And, the title of the article says
3 "Municipalities: Stewards of New Hampshire's Water
4 Infrastructure". It refers to public water supplies, but
5 it is likewise applicable to what we're discussing this
6 evening.

7 And, it says: "Full Cost of Service Rate
8 Setting: Water rates should reflect the full cost of
9 service, including infrastructure renewal. The United
10 States has one of the lowest water and wastewater rates in
11 the world, and New Hampshire has rates that are far lower
12 than what one would pay for cable TV or internet services
13 on a monthly basis. Municipalities should set rates that
14 cover operational and maintenance costs, and the
15 anticipated long-term capital needs of the system. There
16 is no need for municipalities to apologize to ratepayers
17 for pricing the service at its true cost. The public is
18 best served when the true cost of providing the
19 infrastructure services is reflected in the rates they
20 pay. Over the past 50 years, rates have been generally
21 lower than the true cost of the service, because system
22 depreciation has not generally been built into the rates.
23 This historic undercharging for these services has
24 resulted in shifting past system depreciation costs to

1 my home substantially lowering my annual use.

2 This same Board of Selectmen, which is
3 challenging the validity of the proposed rate increase, is
4 presided over a crumbling infrastructure of roads, sewers
5 and drainage, with inadequate staffing of our emergency
6 service departments. I am grateful every day that a
7 private company, which has been responsible and
8 responsive, is providing us with a clean, reliable water
9 supply.

10 Aquarion's management team used good
11 business judgment this year in refinancing to lower the
12 interest on their \$4 million of outstanding debt, while
13 acquiring an additional 1 million at the same low rate to
14 continue improvements to the system. Infrastructure
15 needs, construction and reconstruction, will never go
16 away. This company is in business to provide a service
17 and gain a profit. As a taxpayer, I rely on you to
18 determine what rate percentages are valid to protect all
19 of our interests. And, I do not oppose a rate increase if
20 you judge it to be appropriate.

21 And, one more -- I have two additions to
22 my remarks that I have stapled and given to the reporter.
23 And, the one that I want to share with you very briefly is
24 from the November/December issue of Town and City, which

1 today and future generations. Sustainability requires
2 funding system depreciation to avoid just "kicking the can
3 down the road" and placing a bigger burden on future
4 generations."

5 Thank you very much, gentlemen.
6 CMSR. HARRINGTON: You're welcome. Ben
7 Moore?

8 MR. GRIFFIN: He's already spoken.
9 CMSR. HARRINGTON: Oh. I'm sorry.
10 Okay. And, Philip Bean?

11 MR. GRIFFIN: He spoke also.
12 CMSR. HARRINGTON: Okay. Bob Landam
13 [Landman?].

14 MR. LANDMAN: Good evening, gentlemen.
15 Thank you for coming here. I am the Co-Chairman of the
16 North Hampton Water Commission. And, I just came from
17 Concord this morning, where I was at the technical session
18 with your Staff. We're very concerned about these
19 increases. And, unlike Ms. Woolsey, I understand that
20 there's another component to this. Besides the costs,
21 which you're asking to cover, is the rate increase profit.
22 As one of the Selectmen said, 12 percent. I can borrow
23 money currently on my business at 2.75 percent. It's very
24 cheap. My interest rate on my bank account, well, it's a

1 few cents, literally. This is a very risk-free operation.
 2 My business is the electric utility industry. I've been
 3 in it for 27 years. And, I've traveled around, and
 4 besides electric utilities, also municipalities that do
 5 water, gas, and so forth. I understand the business.

6 And, before I start some of my prepared
 7 remarks, I would just comment on one thing about the fire
 8 protection. I've had a continual argument with the
 9 Commission about how fire rates are measured, how they're
 10 -- how they're expensed. The water, most of the water in
 11 this system comes from North Hampton. To get to Hampton,
 12 it has to go through pipes, which are transmission lines.
 13 The fire hydrants are connected to them around the town.
 14 You couldn't have water here if there weren't pipes. The
 15 size of the pipes has to be slightly larger to accommodate
 16 water flows at 3,500 gallons per minute for three hours.
 17 And, they had a rate case, and they have had a rate expert
 18 talking about the cost. It's nothing like what we pay,
 19 what the people pay for sprinklers, and what we pay, as
 20 towns, that the taxpayers have to pay. It is a lot more.

21 The infrastructure is here to provide
 22 water to people to drink, to bathe, to water their
 23 gardens, if they want. Fire protection, we have one
 24 structure fire a year one. One. We have 147 hydrants.

1 Fuller. "Would you still charge us?" That's a good
 2 question, isn't it? I mean, the system's there. What if
 3 we just leave? And, we go to another pumper truck. He
 4 have a tanker, we have one. What if we buy another?
 5 Would we still get a bill? You get bills when you don't
 6 use water. Why shouldn't we get bills if we tear out the
 7 -- if we cap the hydrants? The hydrants are also used for
 8 flushing the system. You can't clean the pipes without
 9 opening them. And, if you've been around here long
 10 enough, you see them running down the streets as they go
 11 annually. So, there's another reason to have those
 12 hydrants there. And, the pipes would be there regardless.
 13 Yes, the water tanks are larger. But they have to serve a
 14 summer load of twice as much as the average annual load of
 15 2 million gallons. That's not for fire protection; that's
 16 to serve the Beach. Let's be realistic about this, and
 17 let's get some engineering sense up there at the
 18 Commission, gentlemen. That can look at this as a system
 19 like an electric system. Where you've got distribution
 20 charges, transmission charges, and usage charges, and
 21 they're separated. And, you measure the components, you
 22 calculate them, your Staff looks at them, and proportions
 23 it accordingly. What's the usage rate of a fire hydrant?
 24 It's zero. We got one -- we used one. That's it.

1 I'll get down to my prepared testimony.
 2 Aquarion's proposed hydrant fee for North Hampton fire
 3 hydrants is inequitable and excessive. In 2004, the
 4 hydrant fee was \$1,701 per hydrant, per year, at a time
 5 when Exeter was charging \$40 and Portsmouth was charging
 6 \$100. That's the difference between a municipal system
 7 and a private equity system. There's something wrong
 8 here. Portsmouth, I know that the Department of Public
 9 Works Manager. You can't -- and, Greenland, by the way,
 10 also gets the same water rates, because they're connected
 11 to the Portsmouth system. If they can service hydrants,
 12 and they have a lot more of them than we do here, and
 13 provide the service, and charge the Town of Greenland and
 14 Portsmouth 100 bucks a year, what are we doing paying
 15 \$1,701, and then being asked to pay 18 percent more, up to
 16 21 percent, which turns out, for our small town, over
 17 \$44,000 increase, in the hundreds of thousands of dollars
 18 we pay a year for hydrants we don't use?

19 Incidentally, I asked at the Commission,
 20 "what would happen if we got rid of half of the hydrants?"
 21 The Company said, "well, we'd have to charge you twice as
 22 much, because, of course, we've got this fixed cost."
 23 "Well, what if we get rid of all the hydrants?" We
 24 actually asked that today, one of my commissioners, Mr.

1 In 2012, the North Hampton hydrant fee
 2 is proposed to be 1,757 per hydrant, from 1,701, an
 3 increase of over 23 percent over existing rates. The bill
 4 for North Hampton's 147 hydrants is sent to the Board of
 5 Selectmen and is passed along to all North Hampton
 6 property owners in their property tax bills.

7 Approximately half of North Hampton
 8 residents are not water customers. One of my fellow
 9 commissioners, Mr. Harned, is here. He lives on the west
 10 part of town, he's got a well. But, you know what, his
 11 tax bill is funding for water hydrants that he can't get
 12 to. He has no fire protection served by this company. He
 13 never will. They will never extend the system. Parts of
 14 the eastern portion of our town, Mill Road, Woodland Road,
 15 have no water. They have wells. But they're paying
 16 taxes, and very high ones.

17 So, those without water service have no
 18 benefit from the hydrant charge, though, they pay for the
 19 hydrant expense in their property tax bills. This is
 20 unfair to these property owners. The hydrant expense
 21 should be allocated to those that receive hydrant service.

22 The proposed water rate increase is
 23 simply too large by any measure, as many have said here
 24 tonight. Homeowners and taxpayers cannot afford to pay

1 this enormous proposed increase. It is not realistic.
 2 The Company is making money, it's covering its expenses
 3 with the rate increase it's asking for, a modest one. We
 4 certainly are not saying "don't stop repairing the system,
 5 don't stop paying for necessary replacement. We have a
 6 pipe being replaced built in 1907, of course, you're going
 7 to replace it, and hydrants occasionally need to be
 8 replaced.

9 We're talking about profit. This is a
 10 risk-free business. Yes, it's not a guaranteed rate of
 11 return. But there's a minimum rate of return, and it's
 12 nice. I wish I could get the minimum rate of return in my
 13 business. And, there are probably some other business
 14 people in this building that wish that somebody -- that
 15 somehow they could magically wave a wand and you could get
 16 guaranteed money, kind of like Comcast.

17 The Company can borrow money at
 18 historically low short-term and long-term interest rates.
 19 By the way, today they testified that they loan money to
 20 themselves from the parent company at 3 percent. If they
 21 can get money from themselves at 3 percent, why can't they
 22 get it everywhere else? And, if that's all it costs, why
 23 are they asking for 10. something percent profit? It
 24 doesn't make sense. This low interest rate environment

1 rate.

2 The Vice President mentioned that he has
 3 done something about water leaks, and there's -- I think
 4 they said something about a grant, there should be more
 5 done on that. There is still leakage that needs to be
 6 covered.

7 There exists little incentive to use
 8 more water under existing rates. In fact, at the
 9 Selectmen's meeting one night, and I was talking about
 10 this proposed rate increase and asking for the permission
 11 to go up to Concord. And, I said, "you know, what they're
 12 basically tell us is, "go home and leave your taps on."
 13 The more you use the cheaper it will be." The converse of
 14 the opposite, when you use less, you pay more, right? I
 15 mean, the math just doesn't -- it doesn't work.

16 The new meters allow for monthly meter
 17 reading, when it's 100 percent in the system, and the
 18 billing should be supported by a two-tier rate that
 19 charges a higher price for large water users. This will
 20 encourage conservation, more conservation, and shift more
 21 of the cost to large water users. If somebody wants to
 22 water their lawn all day long, why should everybody else
 23 have to pay for it and have that capacity in the system?
 24 It's very, very bizarre.

1 does not support such a rate increase period.

2 The proposed rate increase is far above
 3 the rate of inflation, as some have said, and it's far
 4 greater than wage growth, what wage growth, and the cost
 5 of living increases that retirees receive, as Mike has
 6 said.

7 Rate structure: A two-tier rate
 8 structure should be considered to encourage conservation
 9 and require large water users to pay higher rates.
 10 They're putting in, we've been asking for years for the
 11 radio remote reads, for two reasons, and I'll explain it
 12 to everyone. Yes, Fred, it's cheaper, I mean, you can go
 13 by and read the meters. But the leakage rate in this
 14 system is about 15 percent, and that loss they get to
 15 charge us for. It's built in. It's lost money. They're
 16 pumping the water, energy is being used. It's leaking out
 17 of bad pipes. Having the meters being able to be read
 18 24/7/365, means that, when everybody is asleep, most of us
 19 are anyway, they can look at the loss, they can look at
 20 the rate of the water flow, and they can figure out where
 21 the pipes are leaking. Companies have done this and
 22 gotten rates as -- leakage rates as low as 10 percent.
 23 And, that ought to be a goal of the Commission, to reduce
 24 the waste that the Company has by reducing their leak

1 But, yes, the Company is doing a better
 2 job, Carl McMorran is doing a very good job, the people
 3 are competent. But this rate of increase is not
 4 justified. There's no valid reason, in this 21st century,
 5 in this economic doldrum, which is second only to the
 6 Great Depression, that they get ten percent. It's
 7 outrageous, and you should reject it. Thank you,
 8 gentlemen.

9 CMSR. HARRINGTON: Bob Landam?
 10 MR. LANDMAN: Landman, L-a-n-d-m-a-n.
 11 CMSR. HARRINGTON: "Landman", sorry.

12 And, --

13 MR. LANDMAN: Oh, excuse me,
 14 Commissioners, I forgot one point.

15 CMSR. HARRINGTON: And, Mr. Landman, you
 16 submitted --

17 MR. LANDMAN: Yes. It is not in there,
 18 it's not submitted.

19 CMSR. HARRINGTON: Okay.

20 MR. LANDMAN: Which is that we have
 21 asked, the last time there was a rate increase, the rate
 22 for hydrants was half the rate for users. This time, they
 23 want parity, as the counsel has said. We disagree. At
 24 the bare minimum, we should be at half, because there's no

1 usage. So, if there has to be an increase, I think you
2 should continue that practice. And, we'd like to see that
3 rolled back more, because the cost of fire service is
4 ridiculously high. Thank you.

5 CMSR. HARRINGTON: Art Gopalan?

6 MR. GOPALAN: Gopalan.

7 CMSR. HARRINGTON: "Gopalan".

8 MR. GOPALAN: Yes. Thank you. Thank
9 you, Commissioners, for coming here and hearing the tale,
10 tale of woe. I was here, it was not here, but it was in
11 Winnacunnet High School, back in 2009, and the rate
12 increase was proposed was 22 percent or so.

13 By the way, I submitted a letter to you
14 back in July of 2012, when I learned about the water
15 increases that the Aquarion Company filed with you. And,
16 in that letter, and I'm going to repeat that letter,
17 because I have never heard a response. That's one of the
18 characteristics that I found out about Public Utility
19 Commission is that you never get a response.

20 So, I'm going to begin my letter. Some
21 of it is going to overlap with the comments that others
22 have made previously, but, nevertheless, it should be
23 instructive to go through them.

24 "Dear Commissioners of NHPUC. I'm a

1 increase." Great.

2 "If the calculated rate of return was
3 not realized, that would be Aquarion's responsibility.
4 They were the ones that calculated the figures and asked
5 for the rate increase to justify the return. Why should
6 the ratepayers be asked to shore up their shortcomings in
7 the management of the Company?"

8 So, I posed three simple questions. I
9 did it back in 2009, and I'm going to do it again.
10 "Please answer me the following simple questions: Why on
11 earth should we be asked to guarantee an eye-popping rate
12 of return of 9 percent on capital?" And, I guess they are
13 going for ten and a quarter, to make sure they get it.
14 "And an overall rate of return of 7 percent?" As somebody
15 previously mentioned, "The 10-year Treasury is running
16 about one and a half percent." People are not getting
17 that kind of pay raises or Social Security increases and
18 so forth.

19 Second, "what is Aquarion risking to be
20 asking for those kinds of returns? Nothing, as far as I
21 can see. They even have the ratepayers pay for the filing
22 costs." As a matter of fact, I would, if I were an
23 investor, I would encourage Aquarion to engage in more
24 activity, because I can be making 9 percent on that

1 ratepayer, also known as "customer", in Hampton, New
2 Hampshire, and a taxpayer. I'm lodging my protest against
3 the subject filing by Aquarion Water Company calling for a
4 rate increase of 18 percent with a call for an immediate
5 temporary increase of 12 percent." And, since then, you
6 have awarded 8.8 percent.

7 "Just in 2009, the NHPUC granted a 22
8 percent increase, while lowering that number, still an
9 increase, as some people have talked about, the fire
10 hydrant discharge." That's all well and good. But,
11 ultimately, the total operating cost increase is going to
12 be made up, which means that the ratepayers are going to
13 pay for it. "That increase was approved based on an
14 overall rate of return of Aquarion of 7.72 percent. In
15 its current filing, part of the reason cited by Aquarion
16 was the realization of lower return than what was
17 calculated in 2009 Settlement. It also cites increases in
18 operating expenses and declining water sales for the
19 current rate increase filing. With regards to the latter
20 reason," that is reduced water consumption, "Aquarion
21 promoted strongly water use conservation", there's really
22 nothing wrong with that, I think it's great, "during its
23 campaign for a rate increase in 2009. Now, it says that
24 declining water sales is causing them to ask for a rate

1 activity whether I need it or not.

2 "In 2009, Aquarion cited replacement of
3 water tank in Mill Road as an investment that they needed
4 to recoup through water rate increase. If the ratepayers
5 pay for that, they needed" -- "pay for that identified
6 asset developed by Aquarion with a very attractive rate of
7 return, at the end why doesn't the rate get adjusted
8 downward once it is done? Why wouldn't the ratepayers as
9 an entity own that asset from that point on?"

10 I used to be familiar with DOD
11 contracts, and on cost-less contracts, the government, and
12 sometimes foreign governments, they own all the equipment,
13 tooling, and so on and so forth. So, if we are paying --
14 asked to pay for investment that the Company makes, at the
15 end, and it is recouped with 9 percent rate of return, why
16 doesn't the title to that piece of equipment belong to the
17 ratepayers?

18 "Aquarion is a water distribution
19 company. It should not be holding titles to the assets
20 that the ratepayers have specifically paid for. It is
21 time that we decentralize water, just as energy production
22 and distribution had been."

23 I think Representative Rice mentioned
24 that he is willing to file legislation. I think he could

1 be of help here, because we need to get to the bottom of
2 the mechanism involved here. Because I'm not accusing
3 Aquarion of anything, because they are operating within
4 the law set up by the government.

5 "The towns involved must be able to bid
6 the water distribution job, what Aquarion is doing, on a
7 three-year contract basis. The companies entrusted in
8 that business must be asked to bid on it every three
9 years. We need competition. Perpetuation of government
10 sanctioned monopoly will always hold the customers at its
11 mercy. We have a clear example of it here. Utility
12 monopoly model belonged in 1930s, but it is no longer
13 relevant today."

14 I think the electric utilities are being
15 decentralized to a large extent. Distribution and
16 production are two different entities. So, I urge you to
17 look at this, and perhaps make recommendations to the
18 legislators to remove water distribution and production,
19 as two separate entities, and make some fundamental
20 changes, because, otherwise, we will be here again in two
21 years looking to or protesting another rate increase.
22 Thank you.

23 CMSR. HARRINGTON: Thank you very much.

24 And, just so you're clear, sir, we do have a copy of your

1 and I'm an Aquarion customer. And, I'm also -- I will be
2 a State Representative in about a week, I was elected.
3 And, I just have a few comments. I really want to thank
4 you for coming down here. I want to thank the Board of
5 Selectmen for acting on behalf of the Town and having an
6 intervention in this case.

7 The word that comes to mind is a
8 firefighter. Because the amount of money that's being
9 requested for the increase for the cost of the fire
10 hydrants in the Town of Hampton is the equivalent of a
11 firefighter's position. And, the Town ought not to be put
12 in that situation. Where, you know, we're asked to have
13 to choose between, you know, paying additional costs for
14 fire hydrants and maintaining a person who actually does
15 the job.

16 I'm concerned about this being the path
17 of least resistance here in New Hampshire. You know,
18 Aquarion sees its New Hampshire operations as kind of a
19 small, little operation. And, in the context of the State
20 of New Hampshire, these three towns don't add up to very
21 much. We don't have a lot of political influence, and
22 it's not like it's a larger, you know, utility monopoly
23 that's going to come before the Commission.

24 But I would ask you to exercise your

1 letter right here. And, to just to let you know the way
2 that works. You come in and you make comments on a
3 particular case, we don't respond to the letter. I
4 suppose, maybe we could proactively get back and tell
5 people we received it, but, beyond telling you we received
6 it, we're really not at liberty to comment on, until we've
7 gone through this whole process and come up with an actual
8 ruling on the rate. We're just -- we're not allowed to
9 come back and say "we think this is a good idea or a bad
10 idea" at this time.

11 But we do have the letter, and they will
12 be read by all the Commissioners, and they're in the
13 official record, as part of the things we consider during
14 the deliberations on this particular issue.

15 MR. GOPALAN: Thank you.

16 CMSR. HARRINGTON: And, I think there
17 was one more. Robert, is it "Cushing", maybe? The person
18 who gave me this one [indicating]? I just can't quite get
19 the last name.

20 MR. CUSHING: Sure. Cushing.

21 CMSR. HARRINGTON: "Cushing"? Thank
22 you.

23 MR. CUSHING: Thank you, Commissioners.

24 I'm Robert Renny Cushing. I live on 395 Winnacunnet Road,

1 responsibility to be sensitive to the needs of the people
2 of Hampton and to reject the rate increase. I couldn't
3 help but notice, as I was doing some research on Aquarion,
4 that earlier this year the Massachusetts Department of
5 Public Utilities rejected an 18 percent rate increase that
6 had been acted -- asked for Aquarion in some of its
7 Massachusetts subsidiaries. And, it rejected it, the DPU
8 cut that rate increase in half. I think you can go beyond
9 that. I think what's being asked is really, you know,
10 it's pretty -- it's really high.

11 I'm concerned about Aquarion churning
12 assets, or, more specifically, the parent company of
13 Aquarion, you know, Macquarie, Limited, of Sydney,
14 Australia, through its subsidiaries, churning the assets
15 of the Company. We've seen the ownership in the past
16 decade of what used to be our Hampton Water Works, what
17 then was the American Water Works Company, get bought out
18 by Kelda Corporation, in, you know, in the United Kingdom,
19 and then, subsequent to that, it gets bought out by
20 Macquarie Bank, which changes its name to "Macquarie,
21 Limited". And, through the whole process, what we see are
22 decisions that are being made that affect the people in
23 this community aren't being made here. They're not even
24 being made really in Concord, they not even really being

1 made in Connecticut. They're being made in Sydney,
2 Australia.

3 And, you have to be the force on behalf
4 of the people in this community that says "no" to this
5 rate increase, as, you know, it's just way too much. And,
6 I ask you not to be the path of least resistance. And,
7 thank you.

8 CMSR. HARRINGTON: Is there anyone else
9 that would like to speak or submit anything written? I
10 see a hand back there. If you could just state your name
11 clearly and your address for the reporter, so we'll have a
12 record of it please.

13 MS. SANPHY: Sure. Diandra Sanphy.

14 MR. PATNAUDE: Could you spell that.

15 MS. SANPHY: D-i-a-n-d-r-a S-a-n-p-h-y.

16 MR. PATNAUDE: Thank you.

17 MS. SANPHY: It's easy.

18 MR. PATNAUDE: Yes. Just like it
19 sounds.

20 MS. SANPHY: I'm a taxpayer and resident
21 here in Hampton. I don't believe this is anything more to
22 do than mismanagement by your parent company, Macquarie.
23 An 18.5 percent rate increase is absurd to cover costs
24 associated with pension increases for your upper

1 rate -- this rate increase. I think it absolutely is not
2 going to help with improving anything. I don't use, as
3 many people have already said, we don't use our hydrants
4 every single day, month, it's once a year I think we have
5 a major fire. And, I'm just very upset seeing that at
6 18.5 percent. And, the many years that you have asked for
7 the rate increases, that you've been given them. And,
8 that you continue to do that and continue to put this on
9 the backs of people who, themselves, are not receiving
10 18.5 percent raises in their pay every year, and even
11 every other year, or every five years.

12 So, I'm opposed to this, and am just
13 absolutely disgusted that this Company would ask again for
14 another rate increase and put it on the backs of people
15 who are having been hit the hardest in the economy, and
16 that is your local taxpayers. Thank you.

17 CMSR. HARRINGTON: Someone else in the
18 back, do you want to speak? Yes, if you just pass that up
19 to me please. Thank you, sir.

20 MR. ZNOJ: Right. Yes. My name is
21 Jerry Znoj, here a resident, 16 Presidential Circle, in
22 Hampton. It is a monopoly, there's no question about
23 that. We can't go down and change, you know, companies.
24 We're locked in, we're wired in, we're piped in. So,

1 management. You need to clean up your act, and not take
2 it out on the people, who are doing the job to conserve,
3 as you promote on your webpage, as well as in your
4 quarterly bills.

5 The fire department takes care of -- I
6 also have a hydrant in front of my home, the fire
7 department takes care of plowing out our hydrant. So
8 that, if there is a fire, we are going to be safe. If our
9 fire department is overburdened, then my neighbors and
10 myself take care of it. Aquarion does not.

11 I've lived there for ten years. It has
12 been painted once. They have come out on several
13 occasions to flush the pipes through the hydrant. One
14 time, in particular, an Aquarion service member wanted to
15 show the kids in the neighborhood, who had gathered around
16 to watch, opening up it larger, tearing into a large maple
17 tree we had in front of our house, which is on our
18 property, and not the 10 feet that Aquarion owns in front
19 of our house. When I called Aquarion to complain about
20 this, I was told that it actually was the Town of Hampton
21 that was responsible, and not Aquarion themselves. And,
22 in fact, I find out that it actually is your
23 responsibility.

24 I personally am opposed to this percent

1 we're captive.

2 What bothers me most, I know the rate
3 increase is preposterous. But there are two things that
4 bug me that really haven't been brought up tonight. One
5 is, we don't participate in the planning. We don't know
6 what's going to go in next year or the year after or the
7 year after that. I mean, it's -- these are decisions made
8 by Aquarion, based on what they perceive as their needs.
9 I don't know if it's mandatory maintenance, or things that
10 really should be done or nice to be done, or must be done.
11 We have no insight into that. Perhaps, if we did, we'd
12 empathize more. I don't know. I'd certainly like to here
13 it, ask questions about it, push back. I don't think
14 that's going on.

15 And, number two, the other side of it,
16 are cost controls. Their budgets, we don't see their
17 budgets. We don't get an opportunity to scrutinize them,
18 analyze them, push back, squeeze, push. Grill them. We
19 don't have any chance on that.

20 So, we're captive, because it's a
21 monopoly. We don't understand what their planning's all
22 about, we don't have any insight into that. They could
23 come and say "we think we should replace the water tower
24 at Hampton Beach, on Church Street, because of" -- because

1 of, we can't question, we can't push back, we don't
2 understand, no proactivity on our part. And, we have no
3 real good squeeze control over their budgets. And, here
4 we are, there with a rate increase. So, we are being
5 victimized as a result of it.

6 So, no planning that we have the insight
7 for, and no squeeze on the cost controls. And, so, here
8 it is, and you're at the end of the line now with an 18 or
9 20 percent increase, we're at the end of the line now.
10 It's kind of late, in my opinion. More proactive work has
11 got to be done by Aquarion with their customers, the three
12 towns.

13 Give them the chance to participate in
14 the planning. Tell them what they're planning on doing.
15 Let the pushback occur. They might change their mind,
16 they may change their decisions. And, also, lay their
17 budget out there. I could guarantee you that, I'd love to
18 see line item by line on every one of their expenses. If
19 revenues are falling, any manpower cuts have been made?
20 When commercial industry or military industry undergo a
21 loss of sales, the doors open up and people walk out.
22 They reduce the manpower. There are adjustments made.

23 Since 1989 and 1990 time frame, industry
24 has gone through a catharsis of change as a result of

1 heard enough about the -- or, at least you've heard enough
2 probably about the 18.3 percent rate increase. I want to
3 talk a little bit about the hydrant increase of
4 22.51 percent. These type of increases go back to a case
5 in the Town of Pittsfield in the 1990s where I represented
6 the Town. In that case, the rate increase for the Town,
7 because it was -- the system was sold, and they were
8 forced to build a brand new treatment plant for very few
9 questions, was in excess of 200 percent of the rate. The
10 Commission decided that was too high. So, they dropped
11 the rate to 150 percent, and put all the remaining money
12 on the hydrants. They then adopted, at that very meeting,
13 a position by the Commission, you may have changed it
14 since then, that, in situations where large rate increases
15 are anticipated, that a certain share of that increase
16 would be put upon the hydrant systems over and above the
17 increase for the regular customers of the town. That's
18 inappropriate. Where is a town the same customer as the
19 individual homeowners that take water service.

20 Now, we pay a healthy fee for that
21 service. It's time that the rates be equalized, and that
22 the town not be paid a penalty or be paying a penalty for
23 water service for hydrant systems.

24 My other concern is the fact that

1 competitiveness and cost controls. We changed the way we
2 purchase, we change the way we inspect. They have merged
3 departments, and we gain synergy as a result of it.
4 Really, a lot of learning has gone on, training has
5 occurred, since 1990, over 20 years.

6 And, some outfits, like Aquarion, I
7 wonder about, or any of these monopoly-type companies.
8 You know, is there any incentive for them to do these
9 things? Lean thinking. You know, lean, lean out the
10 people. Compressing of the organization, so we don't have
11 managers reporting to directors, who report to VPs, who
12 report to, you know, presidents, and so on, and layers of
13 salaries has been compressed.

14 I don't know. I don't know if that's
15 going on with Aquarion. I'd like to be convinced that it
16 is. But I heard some cost reductions today, and I'd like
17 to push on them, get a chance to squeeze them. I don't
18 know if they're real.

19 But, anyway, that's kind of where I'm
20 coming from. Thank you.

21 CMSR. HARRINGTON: Anybody else who
22 would like to speak?

23 MR. WELCH: Mr. Chairman, Frederick
24 Welch, Town Manager of the Town of Hampton. We've all

1 there's no consideration here for the economy. My office
2 oversees the welfare costs for the Town of Hampton. And,
3 I can tell you, they're not decreasing. They are
4 increasing, because we have more and more people who are
5 in financial situations that require that assistance.
6 Many of them have been forced out of their homes and are
7 now in a rental property, but they can't afford the water
8 costs either. The landlords are being forced to pay for
9 them, and, in many cases, they're coming to the Town for
10 help and assistance in paying that. These rate increases
11 aren't going to help that.

12 What we're looking at here is a
13 three-year cycle, it appears to us. We don't know what's
14 going to happen in the next three years. But, if you
15 approve the WICA charges for the next two, it appears, at
16 the end of that two-year period, you'll have another
17 petition for two years' worth of WICA charges and another
18 petition for a rate increase. You can't keep on doing
19 that every three years. There has to be some valve, some
20 relief, some place where that pressure can go.

21 Now, the only chance the Town has to,
22 once those increases get really large, is to purchase out
23 the utility, just plain take it. It's been done before.
24 In Pittsfield, I worked upon the Pennichuck acquisition,

1 because the Town was part of the Pennichuck system. I
 2 spent 21 years in municipal water, sewer, and electric
 3 light systems in Massachusetts. And, I can tell you that
 4 your position, with regards to rates, is considerably
 5 different from that of the Commonwealth and the Department
 6 of Public Utilities. I think you should take a hard look
 7 at some of the things that they have done, I think you
 8 should take a hard look at the rate increases that they
 9 just went through and the analysis they went through on
 10 the Aquarion increases down in Massachusetts. There must
 11 have been a reason why they found it was necessary to cut
 12 the size of that increase. And, that could be because of
 13 the simple cash reserves.

14 But you need to know that before you can
 15 make a decision, a sound decision on what Aquarion has
 16 asked for here. If these are justified, then you're going
 17 to approve it. If they're not justified, because of other
 18 financial considerations and matters that are currently
 19 not in evidence, you need to have that knowledge. And, in
 20 getting that knowledge, you need to help the taxpayers of
 21 this town. Thank you.

22 CMSR. HARRINGTON: Is there anyone else
 23 who would like to speak?

24 (No verbal response)

1 be part of the public record.

2 (Whereupon the hearing ended at 8:50
 3 p.m.)

1 CMSR. HARRINGTON: Going once? Twice?

2 (No verbal response)

3 CMSR. HARRINGTON: So, that's the end.

4 Just one last comment I would like to make, because there
 5 were a number of people that brought up about various
 6 issues having to do with service. And, if you do have a
 7 problem with that, you, obviously, can contact the
 8 Company, but just be aware that the Public Utilities
 9 Commission does have a Consumer Bureau, where you can
 10 contact. And, there's a bunch of people there that I feel
 11 are pretty effective at resolving concerns that different
 12 ratepayers bring up. And, that's not to limit it,
 13 obviously, to water utilities, but to any utilities at
 14 all. And, there's also Susan's Office, the Office of
 15 Consumer Affairs. So, those are two other things that you
 16 could look at, if you have specific things, with --
 17 whether it's -- whatever the utility is, if you have
 18 something to do with a service-related issue. That's just
 19 another resource that's available for you.

20 So, seeing no one else that wants to
 21 comment, we're going to close the public statement hearing
 22 on Docket DW 12-085. Thank you very much for coming.
 23 We'll take -- all your comments will be taken under
 24 consideration by the Commission. And, the transcript will

\$	2	61 [1] 2/20 610,000 people [1] 26/9 69 [1] 2/21
\$1,113,931 [2] 3/24 16/1 \$1,701 [2] 54/4 54/15 \$1.1 [1] 8/3 \$1.1 million [1] 8/3 \$100 [1] 54/6 \$130 [1] 30/20 \$14,000 [1] 9/9 \$16,000 [1] 9/6 \$18,000 [1] 9/4 \$3.50 [1] 34/1 \$383 [1] 34/10 \$4 [1] 50/12 \$4 million [1] 50/12 \$40 [1] 54/5 \$425 [1] 34/9 \$44,000 [1] 54/17 \$5,000 [1] 9/14 \$5,238,523 [1] 48/20 \$7.00 [1] 9/21 \$71,863 [1] 16/22 \$732,078 [1] 4/2 \$80 [1] 20/22	2 million gallons [2] 10/16 49/2 2.4 million gallons [1] 7/6 2.75 [2] 7/20 52/23 20 [2] 20/18 74/5 20 percent [1] 73/9 200 percent [1] 75/9 2000 [1] 19/9 2002 [1] 48/12 2004 [1] 54/3 2006 [1] 19/9 2008 [1] 48/21 2009 [8] 17/1 19/9 61/11 62/7 62/17 62/23 63/9 64/2 2010 [2] 10/14 10/15 2011 [3] 16/22 26/4 48/21 2012 [9] 1/4 3/14 3/19 3/21 4/12 12/19 26/2 56/1 61/14 2013 [1] 19/9 21 [2] 54/16 77/2 21 percent [1] 28/1 214,000 [1] 16/3 21st [1] 60/4 22 [3] 2/9 9/20 62/7 22 percent [1] 61/12 22.51 percent [2] 16/18 75/4 23 [1] 56/3 23rd [1] 26/2 24 [1] 2/10 24/7 [4] 7/9 8/13 10/11 11/13 24/7/365 [1] 58/18 24th [1] 3/9 25 [1] 21/8 25,412 [1] 4/10 268 [1] 16/19 27 [2] 26/18 53/3 28 [2] 1/4 31/8 28th [1] 3/14 29 [1] 2/11	7 7 percent [2] 28/4 63/14 7,700 [1] 7/1 7.72 percent [1] 62/14 71 [1] 2/22 74 [1] 2/23 7:00 [1] 3/13 7:03 [1] 1/4
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