

## INDEPENDENT CONSUMER ADVOCATE

Quarterly Report—3<sup>rd</sup> quarter, 2019

During this quarter the Independent Consumer Advocate (ICA) has worked on ten individual customer issues ranging from requests for information regarding individual bills to requests for leak adjustments due to high bills in one particular billing period. In addition he has addressed two larger issues, one regarding sewer ordinances and one regarding cross connection charges. In addition he communicated with DEEP regarding the Long Term Integrated Resource Plan (LTIRP), began work on the 2020 budget and responded to prospective customers in Glastonbury.

### CUSTOMER ISSUES

Most of the individual customer issues were relatively straightforward and were either requests for information and explanations or the application of leak adjustments. Two, however, involved receiverships which are established if a multifamily building is subject to shutoff for non-payment of bills. These were more complicated and resulted in greater involvement by the ICA. These two cases are still pending.

An issue regarding the interpretation and application of the sewer ordinances was raised by a condominium complex. The complex was built approximately ten years ago but its sewer connection utilized a sewer connection built more than 60 years ago. Under the ordinances the sewer pipe connecting the building to the sewer line in the street is owned and maintained by the customer. MDC is responsible for replacing the portion of the line located in the street as long as it is properly maintained by the building owner. Normally, the portion of the sewer line owned by the customer which is located in the street is relatively short and maintenance is not an issue. In this instance, MDC is claiming the condo complex is responsible for maintaining a sewer line which runs several hundred feet in the street before connecting to the sewer line. Given the topography and the length, this obligation is difficult logistically and is expensive. There have been extensive discussions regarding what adequate maintenance consists of and whether maintenance by the condo makes sense in this instance. The issue is ongoing.

An issue arose regarding how MDC has implemented cross connection inspection charges which were purportedly adopted by the MDC in January 2019. The MDC delayed implementing the charge until July and then proceeded to bill customers in advance (often a matter of 5 years) of actually performing the inspection. In addition because MDC records regarding cross connections are incomplete (not always the fault of MDC), it appears that only a small subset of MDC customers with cross connections are in fact being billed. The ICA raised a number of procedural and substantive issues regarding the implementation of this charge. Unfortunately, the MDC rejected these arguments.

### LONG TERM INTEGRATED RESOURCE PLANNING

In December, 2018, the MDC submitted its LTIRP in order to integrate its work on sewer separation pursuant to Consent Orders with DEEP and EPA and its work on sewer and to some degree water capital improvements. The Plan would lengthen the period for construction of the sewer separation projects but allow for the construction of the other necessary improvements on a schedule that, in the opinion of MDC, maintained affordable water and sewer rates. Importantly, the total positive impact on the environment would be enhanced by the other sewer projects being completed in a timely manner.

In June, DEEP responded to the Plan and raised a series of issues with it. In light of those comments, the Advocate determined that reiterating its support for the Plan was in the best interest of consumers and prepared comments in response to the DEEP comments, especially with regard to the affordability calculations. He also again took exception to certain aspects of the financing plan.

To the advocate's knowledge, DEEP has not made further comment in written form.

### GLASTONBURY LINE EXTENSIONS

Over the last several years, homeowners in certain parts of Glastonbury (a non-member town where MDC currently provides service to approximately 6,000 customers) have requested water service from MDC. These requests stem from problems with individual wells due to contamination or inadequate supply. Requests are made by either individual homeowners or groups and the MDC then determines a reasonable area to include in the possible line extension and polls residents in that area. If there is a positive response, MDC then does a cost estimate, establishes how much each homeowner must pay and how much will be borne by other customers in Glastonbury. Public hearings are held in Glastonbury to additionally gauge support.

This process was undertaken in 4 areas in Glastonbury and public hearings were held in June and August, 2019. MDC also sought input from the State DPH and the town itself. One of these extensions was overwhelmingly supported by the affected residents. In the others, support was mixed and was often based on the cost to be assessed against the customer for the line extension and the severity of that customer's water problem.

As of the end of the quarter the Consumer Advocate had not taken a public position on the extensions but had provided assistance to various residents to assist them in stating their positions. This assistance was provided regardless of whether they favored or opposed the extension.

A final meeting of the Water Bureau is to be held in mid- October and the Advocate will be taking a position at that time.

### BUDGET

Work began on the 2020 budget towards the tail end of the quarter. The Advocate has seen some early budget outlines and has raised a series of questions regarding those submissions. It is anticipated that this work will be a major focus of 4<sup>th</sup> quarter activity.

Respectfully Submitted,

The Independent Consumer Advocate

By David Silverstone

October 16, 2019