

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH



Jewel Mullen, M.D., M.P.H., M.P.A.  
Commissioner

Dannel P. Malloy  
Governor  
Nancy Wyman  
Lt. Governor

VIA CERTIFIED MAIL

Mr. Jeffrey J. Papsin  
Indian Fields Homeowner's Association  
32 Arapaho Road  
Brookfield, Connecticut 06804

Mr. Howard Dunn  
Aqurion Water Company of Connecticut  
600 Lindley Street  
Bridgeport, Connecticut 06606-5044

Elin Swanson Katz, Esq.  
Consumer Counsel  
Office of Consumer Counsel  
10 Franklin Square  
New Britain, Connecticut 06051

Re: Joint Investigation by DPH and PURA of Indian Fields Homeowner's Association Request to Cease Operations as a Water Company, Docket Number 13-02-04

NOTICE OF HEARING

By letter dated January 31, 2013, Indian Fields Homeowner's Association ("Indian Fields") requested the consent of the Department of Public Health ("DPH") and the Department of Energy and Environmental Protection's Public Utilities Regulatory Authority ("PURA") (collectively, "the Departments") under § 16-46 of the Connecticut General Statutes ("*Conn. Gen. Stat.*") to cease Indian Fields' operations as a water company. According to the request, Indian Fields provides water service to fifty-five customers located in Brookfield, Connecticut and plans to transfer its water company to Aqurion Water Company of Connecticut ("Aqurion").

Pursuant to *Conn. Gen. Stat.* § 16-46(a), the Departments hereby notify the persons and entities on the service list that the Departments are conducting a joint investigation into the actions that Indian Fields shall take to ensure a continuous supply of potable water at adequate volume and pressures, in accordance with the procedures and criteria set forth in *Conn. Gen. Stat.* §§ 16-262n to 16-262q, inclusive.

The Departments have determined that evidence will be required from the following entities, who are, therefore, designated as parties to this proceeding: Indian Fields and Aqurion. Pursuant to *Conn. Gen. Stat.* § 16-2a, the Office of Consumer Counsel (OCC) is also designated as a party to this proceeding.



Phone: (860) 509-8000 • Fax: (860) 509-7184 • VP: (860) 899-1611  
410 Capitol Avenue, P.O. Box 340308  
Hartford, Connecticut 06134-0308  
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*Affirmative Action/Equal Opportunity Employer*

Each of these persons and/or entities shall, within ten days of the date of this Notice, advise the Departments, in writing, at the address of the DPH as provided in this Notice, of the individual upon whom material in this proceeding should be served.

Letters will be accepted from members of the general public who have an interest in the outcome of this proceeding through the last day of the hearing. Testimony from the public will be heard on the date set in this notice. Each Department will maintain a file of any letters accepted in each of their offices that will be available for public viewing.

The hearing will be held in accordance with *Conn. Gen. Stat.* §§ 4-176e, 4-177, 4-177C and 4-180, on **April 2, 2013 at 6:30 p.m. in Conference Room 133 at the Brookfield Town Hall, 100 Pocono Road, Brookfield, Connecticut for public comment.** This will be the only hearing date at which testimony from the public will be taken. The hearing will be continued to receive evidence from the parties on **April 11, 2013 at 10:00 a.m. at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut in the Third Floor Hearing Room.** The scheduling of this matter is subject to change. You are urged to call (860) 509-7566 the day before the hearing to verify this schedule.

Pursuant to *Conn. Gen. Stat.* § 19a-2a, the investigation shall be conducted by Kathryn Keenan, Esq., on behalf of the DPH, who is hereby appointed as Hearing Officer and who shall rule on all motions, determine findings of fact and conclusions of law, and issue an Order. Pursuant to *Conn. Gen. Stat.* §§ 16-2(c) and 16-8(a), the investigation shall also be conducted by Hearing Officer Thomas Caruso, Esq., on behalf of the PURA.

At the hearing, parties and interested persons may be represented by an attorney and present evidence on their behalf. If a party or interested person fails to appear at the hearing, upon proof that due notice was served upon it, the Hearing Officers may proceed in the same manner as though the party or interested person were present.

***Please note if you are a legal organization, such as an association or corporation: Legal organizations must be represented by an attorney. If a legal organization is not represented by an attorney at the hearing, the persons who attend the hearing from the legal organization may only testify as witnesses and may not make legal arguments, cross examine witnesses, or in any way engage in the practice of law.***

The Departments will conduct a site visit on **April 2, 2013.** The site visit will commence at **1:00 p.m. at the Indian Fields Homeowner’s Association, 79 Obtuse Road South, Brookfield, Connecticut,** and will continue thereafter as deemed necessary by the Departments. A representative of each party will be permitted to attend the site visit, but no testimony will be received and no evidence will be presented. Any party wishing to attend the site visit is directed to notify Agnieszka K. Salek, Hearings Liaison, DPH, at the address noted below, at least forty-eight hours in advance of their intent to attend the site visit.

Any correspondence regarding this matter, including motions, shall be submitted in writing as follows:

1. **The original and two copies shall be sent to Agnieszka K. Salek, Hearings Liaison, Department of Public Health, MS#13PHO, Box 340308, Hartford, CT 06134-0308;**


2. **Two copies shall be sent to Kimberley Santopietro, Executive Secretary, Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, CT 06051; and**
3. **A copy shall be sent to each of the persons and entities designated in the caption of this Notice.**

Please be advised that the Departments strictly observe *Conn. Gen. Stat. § 4-181*, which prohibits ex parte communication during a contested case. *There may be no communication, direct or indirect, with Directors, hearing officers, or staff assigned to assist the Directors or hearing officers, on any issue of fact or law pertaining to this matter unless that communication takes place in the course of a noticed hearing/meeting or is made in writing with copies supplied to all other designated interested parties, persons and/or entities.* Communication regarding scheduling is not ex parte and should be directed to the DPH Hearings Liaison at the address or phone number provided in this Notice.

**Indian Fields is hereby ordered to deliver a copy of this Notice to every person served by Indian Fields within ten days of the mailing of Notice.**

If you require aid/accommodation to participate fully and fairly, please contact 860-509-7566, DPH Public Health Hearing Office.

Dated at Hartford, Connecticut on the 7<sup>th</sup> day of March, 2013.

  
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Lisa A. Davis, M.B.A., B.S.N., R.N.  
Deputy Commissioner

- c: Daniel C. Esty, Esq., Commissioner, Dept. of Energy and Environmental Protection  
William R. Davidson, First Selectman, Town of Brookfield  
Dr. Raymond Sullivan, Director of Health, Brookfield Health Department  
Russ Posthauer, Co-Chairperson, Housatonic Water Utility Coordinating Committee  
Kimberly J. Santopietro, Executive Secretary, Dept. of Energy and Environmental Protection  
Secretary of State