

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

March 14, 2013

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

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

Re: Joint Investigation by DPH and PURA Regarding Indian Fields Homeowner's Association's Request To Cease Operations as a Water Company, Docket Number 13-02-4

ORDER

The Indian Fields Homeowner's Association ("Association") and Aquarion Water Company of Connecticut ("Aquarion") are hereby **ORDERED** to provide responses to interrogatories numbered DPH-1 through DPH-20 and RA-1 through RA-4 and interrogatories numbered DPH-21 through DPH-27 and RA-5 through RA-7, respectively, on or before **March 28, 2013**.

To the Association:

- DPH-1 Please describe the Association's organizational structure. Please also provide the name and title of the person(s) who has the authority to enter into binding agreements on behalf of the Association and the document that provides such authority, e.g., bylaws.
- DPH-2 Provide the following Association documents:
- (a) Bylaws;
 - (b) Articles of Association or Incorporation;
 - (c) Board Members Minutes from 2009 to present, including meeting minutes in which members voted for "cessation of operations"; and
 - (d) List of Board of Directors and Officers.
- DPH-3 Provide a copy of the notice the Association sent to its customers regarding the Association's plan to cease operations as a water company.
- DPH-4 Provide a description of all the Association's water system ("System") property, whether real or personal, including, but not limited to land, equipment, buildings, active, inactive and emergency sources of supply, treatment systems, storage facilities, pumping facilities, and distribution systems. Include in such description the date on which the property was placed in service, its original cost and current value, location, hydraulic capabilities, including both flow and pressure, capacity, size, length, and safe yield.

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- DPH-5 Provide maps of the Association’s property, including maps containing the Association’s Class 1, 2 and 3 water company land, land held for future potential sources of supply, and active, inactive and emergency sources of supply and sources of supply.
- DPH-6 Indicate the distance between an individual or central subsurface disposal system and any of the West System’s sources of supply. Provide any notices of violation issued and concerns raised by any local or state agencies.
- DPH-7 Provide the application for a Water Company Land Permit, including maps and other attachments, the Association submitted to the Department of Public Health (“DPH”), as well as the Water Company Land Permit issued by DPH.
- DPH-8 Provide the Sale of Source Permit issued by the DPH.
- DPH-9 Provide information regarding the Association’s real property (Class 1, 2 or 3 water company land) that the Association is not proposing to transfer to Aquarion, if any.
- DPH-10 Indicate whether there are any liens against any of this property and the amount of said liens.
- DPH-11 Does the Association have access to the Association’s wells, transmission and distribution mains, reservoirs, tanks and standpipes, pumps and pump stations, hydrants, meters, curb stops, service connections, and personal property owned by the Association? If such access is authorized by an easement, right-of-way or lease, please provide the document authorizing such access.
- DPH-12 Provide water system maps or “as-built” plans of the System’s water distribution.
- DPH-13 Provide the name of the Water Utility Coordinating Committee (“WUCC”) to which the System is a part and whether such WUCC is convened. If the WUCC to which the System is a part is convened, provide a description of the exclusive service area (“ESA”) to which the System is a part. Provide also an ESA boundary map, if any
- DPH-14 Provide a copy of the most recent Sanitary Survey Report issued by the DPH and the Association’s response to such report. Indicate any outstanding suggestions for improvements to the System that were made, but not completed. Explain how outstanding items will be resolved.
- DPH-15 Provide a copy of the DPH approval of abandonment of any source of supply not currently being utilized by the Association, if any.
- DPH-16 Provide copies of diversion permits or discharge permits issued by the Department of Energy and Environmental Protection (“DEEP”), formerly Department of Environmental Protection, if any, for any water or wastewater disposal system owned by the Association.

- DPH-17 Provide a summary of all formal and informal enforcement actions, e.g., orders, consent orders, civil penalties, and violation letters, issued by the DPH and the DEEP in the past ten years. Provide a summary of the status of the Association’s compliance with such actions, including an explanation regarding how the Association or Aquarion will resolve any outstanding items.
- DPH-18 Provide what type of minor and major repairs to the System that the Association anticipates will have to be performed within the next five years. Identify the repairs and estimate the cost of the repairs.
- DPH-19 Provide data regarding the System’s water production and consumption for the past two years.
- DPH-20 Provide the Association’s current number of customers and the number of those customers that are metered.
- RA-1 Provide a copy of the rates or tariffs that the Association charged its members for the last 10 years. Explain how each unit owner is assessed a fee for water service.
- RA-2 Provide the revenues collected from unit owners for water service provided to the Association for the last five years. If master metered, provide a copy of the last 12 months of water bills that were billed to the Association.
- RA-3 How many units/service connections does the Association have? Are the units metered? If not, why not?
- RA-4 Is there any public or private fire protection to the Association? If so, how many hydrants or sprinklers are there? What is the cost to the Association to provide fire protection?


To Aquarion:

- DPH-21 Provide a copy of the document in which Aquarion approved the transfer of the assets of the Association’s System to Aquarion.
- DPH-22 Provide what improvements to the Association’s System Aquarion plans to make within the next five years.
- DPH-23 Provide a brief description of Aquarion’s structure and Aquarion’s geographical proximity to the Association’s System.
- DPH-24 Provide a brief description of Aquarion’s financial, managerial and technical resources to operate the Association’s System in a reliable and efficient manner and to provide continuous, adequate service to the persons served by the Association’s System.
- DPH-25 Provide a summary of Aquarion’s experience acquiring and/or operating similar systems.

- DPH-26 Provide the monthly rate Aquarion will charge the Association’s current customers when Aquarion acquires the assets of the Association’s System.
- DPH-27 Provide information regarding any benefits, other than improved water supply and water quality, anticipated to result to former Association customers as a result of the proposed acquisition.
- RA-5 If the Association’s customers are unmetered, does Aquarion plan on metering these customers? If not, why not?
- RA-6 If large capital improvements are necessary to update the Association’s System, will Aquarion assess a surcharge to cover the costs of the required updates? If not, why not? Explain.
- RA-7 Provide a copy of the proposed rates and tariffs that would apply to the Association’s customers upon acquisition.

In making your responses, please restate each question and answer, using a separate sheet for each interrogatory number, and identify the person responsible for the response. To the extent that the information requested above can be provided in a pre-existing form or format, please feel free to do so. However, please indicate to which question or questions such materials are submitted in response. Please note that persons responsible for responses must be available for cross-examination during the hearing and must attest to the truth and accuracy of their responses.

The DPH and the Public Utilities Regulatory Authority (“PURA”) (collectively, “the Departments”) require an original and two (2) copies of all submissions, including cover letters. All parties are required to serve each other with a copy of all documents submitted to the Departments.



Kathryn Keenan, Hearing Officer

cc: Service list