

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

PUBLIC HEALTH HEARING OFFICE

VIA CERTIFIED MAIL

Mr. Bruce Latky
President
Cedarhurst Association, Inc.
PO Box 388
Sandy Hook, Connecticut 06482

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

Robert F. Klee, Esq.
Commissioner
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

Re: Joint Investigation by DPH and PURA of Cedarhurst Association, Inc.'s Request to Cease Operations as a Water Company, Docket Number DPH15-06-01/PURA 15-08-24

NOTICE OF HEARING

By letter dated June 1, 2015, Cedarhurst Association, Inc. ("Cedarhurst") requested the consent of the Department of Public Health ("the DPH") and the Department of Energy and Environmental Protection's Public Utilities Regulatory Authority ("the PURA") (jointly, "the Departments") under §§16-46(a) and 16-262(n) of the General Statutes ("*Conn. Gen. Stat.*") to cease operations as a water company. Cedarhurst provides water service to customers located in Sandy Hook, Connecticut.

Pursuant to *Conn. Gen. Stat.* §16-46(a), the Departments hereby notify you that they will hold a joint hearing to determine the actions that may be taken and the expenditures that may be required, including the acquisition of Cedarhurst by a suitable public or private entity, to ensure a continuous supply of potable water at adequate volume and pressures to the persons served by the water system, in accordance with the procedures and criteria set forth in *Conn. Gen. Stat.* §§16-262n to 16-262q, inclusive.

In particular, the hearing will be held to determine: (1) whether Cedarhurst should be acquired by another public or private entity; (2) if so, what entity is the most suitable entity to acquire Cedarhurst; and (3) what further orders, if any, should be issued to assure the availability and potability of water, and the provision of water at adequate volume and pressure and at a reasonable cost to the persons served by Cedarhurst.



Phone: (860) 509-8000 • Fax: (860) 509-7184 • VP: (860) 899-1611
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The Departments have determined that evidence will be required from Cedarhurst, which is, therefore, designated as a party to this proceeding. Pursuant to *Conn. Gen. Stat.* §§16-2a and 16-9b, the Office of Consumer Counsel ("the OCC") and the Department of Energy and Environmental Protection ("the DEEP"), respectively, are also designated as parties to this proceeding

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. The DPH will maintain a file of any letters accepted in its offices that will be available for public viewing.

A hearing will be held in accordance with *Conn. Gen. Stat.* §§4-176e, 4-177, 4-177C and 4-180, on **October 22, 2015, at 6:30 p.m.** at the **Newtown High School, 12 Berkshire Road, Sandy Hook, Connecticut** in the **Lecture Room** 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 **November 18, 2015, at 11:00 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 hearing shall be conducted by Kathryn K. 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 hearing shall also be conducted by Hearing Officer Larry Levesque, Esq., on behalf of the PURA.

At this 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.

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

1. **The original and one copy shall be sent to Hearings Liaison, Department of Public Health, MS#13PHO, Box 340308, Hartford, CT 06134-0308;**
2. **A copy shall be sent to the DPH via email at DPH.Acquisitions@ct.gov;**
3. **Two copies shall be sent to Jeffery R. Gaudiosi, Esq., Executive Secretary, Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, CT 06051; and**

4. A copy shall be sent to each of the persons and entities designated in the caption of this Notice.

The date and time of filing shall be the date and time the DPH first receives a complete electronic version or the paper version and the required number of paper copies.

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 Commissioners, hearing officers, or staff assigned to assist the Commissioners 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 Agnieszka Salek, DPH, at (860) 509-7566.

Cedarhurst is hereby ordered to deliver a copy of this Notice to every person served by Cedarhurst's water system within ten days of the mailing of the 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 7th day of October, 2015.



Jewel Mullen, MD, MPH, MPA
Commissioner

cc: Honorable E. Patricia Llodra, First Selectman, Town of Newtown
Donna M. Culbert, M.P.H., P.E., R.S., Director of Health, Newtown Health District
Ms. Mary Ann Jacob, Water Committee, Cedarhurst Association, Inc.
Secretary of State