

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Acting Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

January 26, 2016

VIA CERTIFIED MAIL

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Department of Energy and Environmental Protection
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Mr. John Walsh
Vice President of Operations
Aquarion Water Company of Connecticut
600 Lindley Street
Bridgeport, Connecticut 06606

Honorable E. Patricia Llodra
First Selectman
Newtown Municipal Center
3 Primrose Street
Newtown, CT 06470

Mr. Christopher D. Thompson
Vice President, Business Development
Liberty Utilities Co.
345 Davis Road
Ontario Canada L6J 2X1

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.

ORDER RE ADDITION OF PARTIES

On October 7, 2015, the Department of Public Health ("DPH") and the Department of Energy and Environmental Protection's Public Utilities Regulatory Authority ("PURA") (collectively, "the Departments") issued a Notice of Hearing designating the Cedarhurst Association, Inc. ("Cedarhurst"), the Office of Consumer Counsel ("OCC") and the Department of Energy and Environmental Protection ("DEEP") as parties to this proceeding and notifying them that, pursuant to *Conn. Gen. Stat.* §16-46(a), the Departments 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. The Departments conducted a site visit and held a hearing to receive public comment on October 22, 2015, and held an evidentiary hearing on November 18, 2015.



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The Departments have determined that evidence will be required from Aquarion Water Company of Connecticut ("Aquarion"), Liberty Utilities Co. ("Liberty") and the town of Newtown ("Newtown"). Accordingly, the Departments hereby designate Aquarion, Liberty and Newtown as parties to this proceeding and **ORDER** them to participate. If Aquarion, Liberty or Newtown wish to be heard on any issue to date or on any new issue, they may do so.

This Order will be followed by interrogatories to the new parties. In the meantime, Aquarion, Liberty and Newtown should review the record to date. The record in this proceeding is available on the DPH website at <http://www.ct.gov/dph/cwp/view.asp?a=3139&q=567308> under the above-referenced docket number. To date, Cedarhurst has submitted responses to interrogatories and late file exhibits.

Aquarion, Liberty and Newtown shall, within ten days of the date of this Order, advise the Departments, in writing, of the individual upon whom material in this proceeding should be served.

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

1. **The original and two copies shall be sent to Hearings Liaison, Department of Public Health, MS#13PHO, Box 340308, Hartford, CT 06134-0308;**
2. **A copy shall sent via email to the DPH at DPH.Acquisitions@ct.gov;**
3. **Two copies shall be sent to Jeffrey 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.**

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.



Kathryn Keenan, Esq.
Hearing Officer

cc: Via First Class Mail to Service List