

September 17, 2007

Ms. Luly Massaro
Division Clerk
Division of Public Utilities & Carriers
89 Jefferson Boulevard
Warwick, Rhode Island 02888

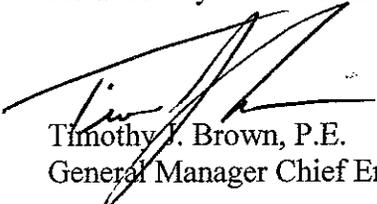
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STATE UTILITIES COMMISSION

Re: Rules and Regulations Prescribing Standards for Water Utilities
Docket No. D-07-35

Dear Ms. Massaro:

In accordance with the "Notice of Rule Making" and public hearing to be held Wednesday, September 26, 2007 at 10:00 a.m., Kent County Water Authority, herewith, files written comments concerning proposed rules in accordance with that "Notice of Rule Making." The comments are attached and reviews each section in detail as to where we believe the proposed Rules and Regulations need to be modified. We will be present at the Wednesday, September 26, 2007 public hearing to bring these comments forward, but are herewith submitting them for the record. We would be happy to clarify these at any time with the Division's staff and look forward to their implementation in the revised Regulations.

Very truly yours,
Kent County Water Authority



Timothy J. Brown, P.E.
General Manager Chief Engineer

cc: Board Members
Thomas Kogut, Division of Public Utilities & Carriers
Thomas F. Ahern, Administrator, Division of Public Utilities & Carriers
Alberico Mancini, Division of Public Utilities & Carriers

TB/lms

Section II. Definitions F

Customer; property owner should be included in definition of a customer. For instance in a tenant situation the tenant may not be billed for the water utilized, yet the property owner will be billed for the water utilized and considered the actual customer.

Section II. Definitions K

Main; there are two types of mains within a public system. Public mains which may be owned and maintained and operated by the utility and private mains that the public utility may service, but has no ownership or maintenance of. Therefore, we recommend that this definition include right after water utility prior to the comma "or private concern." This will clarify this definition that a main can be two types, both public and private.

Section III. Service Provisions F.2

The reference to six months or six consecutive months should be redefined as six billing periods or six consecutive billing periods. Based on the current legislation that is now being proposed and will pass, in some form or another, monthly billing is going to occur. Even if it remains at quarterly billing, six months or six consecutive months is not representative of the future billing requirements. We, therefore, recommend that months be converted or changed to billing periods.

Section III. Service Provisions F.3

States maintain records for ten years; this is in conflict with Paragraph E.3 above and the three year limitation on correction of billing. It further is in conflict with the State of Rhode Island requirements through the Secretary of State on archival of records. We believe 18 billing periods would be more than sufficient for this whether they be quarterly and/or monthly billing periods. We, therefore, recommend that the ten years be replaced with 18 billing periods.

Section III. Service Provisions F.4 Subsection 6, Consumption History

This is going to be difficult if not impossible to do by most regulated water utilities. Further, it will be affected by the proposed monthly billing expected on the next Legislative Session and would provide four billing periods of little to no value. The value of providing consumption history on billing may be admirable but is it worth the additional expense and change in billing software by most of the regulated utilities to provide. We ask that the Division reevaluate Subsection 6 on consumption history because of the difficulties and lack of substantial data to be provided in the four billing periods. If the division is adamant that this provides valuable information to the customers, we would ask the implementation of this be postponed until sufficient time is provided and of course the necessary rate increase to adjust, modify or purchase new software for that implementation.

Section III. Service Provisions H.2 (d)

Last sentence ending; “belonging to the water utility.” Most meters are not owned by the water utilities and this may be confusing. In our case and in other cases of regulated utilities the water meter and reading device or box is owned by the home owner or the property owner. Therefore, the sentence should end right after Meter and Equipment deleting “belonging to the water utility.”

Section IV. Quality of Water Service B.3

Notification of the fire chief or other official responsible for Fire Protection at least 48 hours in advance. The “premise” that the chief or fire protection service wants to be notified 48 hours in advance is incorrect. Notification is done the day of to the duty staff which posts it as to what hydrants are out of service. Prior notice is not utilized nor expected to the fire department as they want prompt actual information the day of as well as prompt information and data when the service has been reestablished and the hydrants are back in operation. This may have been the case decades ago but it is not the case today. The section, at least 48 hours, should be stricken from the regulations as it is not applicable today to the current fire fighting notice provisions.

Section V. Meter Installation, Accuracy and Testing D.2

Third sentence should be removed. Since the customer has requested the test, why is it necessary for the customer to consent to having the meter removed since under normal testing the meter must be removed, except large meters. Therefore, we recommend that this sentence, “When requested to test a meter by a customer as herein provided, the water utility shall not knowingly remove, interfere with, or adjust the meter to be tested outside the presence of the customer without the written consent of the customer, and approved by Division.”

Since the meter has been requested to be tested, since the utility will go to the home to remove the meter for testing with the full knowledge of the customer since the customer has requested that and that the Division maybe be present or may not be present for testing this sentence is contradictory and should be deleted from the document.

Section V. Meter Installation, Accuracy and Testing D.2 (1)

First two sentences should be removed as this is antiquated. “Meters that are not due for a periodic test.” If the meter the customer requests to have tested is not overdue for its periodic test, the water utility may require a fee for such tests if allowed by its tariff.” As everyone is aware, replacement of meters is necessary. Meters are only tested if a customer accounting question comes into play. No one periodically tests meters outside of very large meters anymore and meters are normally replaced as is being proposed under this regulation. Therefore, these two sentences should be removed as they are antiquated and outdated.

Section V. Meter Installation, Accuracy and Testing D.2 (2)

This subparagraph should be deleted as again nobody does periodic testing of meters except large meters. All domestic meters are replaced as it is cheaper than it is to test and the current sealed registers cannot be repaired.

Section V. Meter Installation, Accuracy and Testing D.2 (b)

Test requested by Division. Second sentence we recommend removal of the following words. "Interfere with or adjust the meter to be tested," "and approval by the Division." This cannot be done with new meters as adjustment is not allowed. This is written for 50 year old geared meters which are no longer manufactured or utilized. Therefore, we would recommend the sentence to be worded as follows. "When notified of an application submitted to the Division by a customer for a meter test as herein provided, the water utility shall not knowingly remove without the consent of the customer."

Section V. Meter Installation, Accuracy and Testing D.3

Records of Tests paragraph should be removed as it is repetitious and was previous stated under Paragraph D.2 previously.

Section V. Meter Installation, Accuracy and Testing D.4

Retention; the word periodic should be removed from this paragraph as there is no such thing as periodic tests of meters. It should be simply worded; "records of tests of meters will be retained by the water utility for inspection by the Division for a minimum of three years." Ten years is outside the statutes of limitations and furthermore is outside the retention of records by the State Archivist under the Secretary of State.

Section V. Meter Installation, Accuracy and Testing E.2 (a)

Fast meters; at the end of the paragraph please add in, "subject to the three year limitation set out in Paragraph III.E.3."

Section V. Meter Installation, Accuracy and Testing E.2 (c) (2)

AMR Meters; the last sentence of the paragraph months should be changed to billing cycles. Therefore, it should read previous six billing cycles.

Section VI. Equipment and Facilities B.1

After the second sentence should add "or loop the main back to the feeder main with the proper valving to facilitate flow and prevent dead end conditions." This is more descriptive and the current technology used in difficult dead end system conditions.

Section VI. Equipment and Facilities B.1

Last sentence; “Records shall be kept of all flushing of mains showing the date, place and duration and such records used as a guide in determining the necessary frequency of flushing of the same mains thereafter.” should be removed. It is unnecessary for these regulations, proper record keeping is required for all operational events.

Section VI. Equipment and Facilities B.3

Grid Systems; this has no engineering significance as to its description and what is requested under this paragraph. Therefore, it should be removed. If the comments raised above for Paragraph B.1 dead ends, looped mains are installed, this section would be redundant.

Section VI. Equipment and Facilities B.4

Fire Protection Service; first sentence should be eliminated as this is not done and not utilized. No utility negotiates with any applicant concerning installation of fire hydrants. It is a requirement of the fire department as to their location and it is the requirement of the utility as to the connection, type of hydrant and of course their regulations for ownership. Therefore, it should be removed from the regulations. Continuing on with that paragraph, B.4 the sentence “and shall be checked for freezing as often as necessary to ensure that their functioning properly.” should be removed and replaced with a new sentence, “hydrants shall not be subject to freezing rendering them inoperable.” Last sentence of that same paragraph, B.4, should either be removed or modified. It is redundant to require records since they are kept already or it could be modified as follows. “A record of each hydrant maintained by the water utility shall be retained showing the size, type, location and date of inspection.”

Section VI. Equipment and Facilities B.5

Last part of the sentence “these records shall be kept for a five year period,” should be removed. I believe you will find these records are required to be kept longer than that based on the Secretary of State requirements and the State Archivist keeping of records of physical inventory.

Section VI. Equipment and Facilities C

Disinfection of Facilities; to the end of that sentence should be added “and plumbing code.”

Section VII. Records and Reports E

Preservation of Records; this paragraph should be removed as it conflicts with state requirements of the Secretary of State, State Archivist for preservation of records. There are different dates, times and requirements for those and this paragraph would be in conflict with those requirements.

Section VIII. General B & C

Should be removed in their entirety. This is an extremely dangerous practice for the State of Rhode Island Division of Public Utilities to involve yourself in any safety requirements. They are completely under the jurisdiction of federal and state bodies and in some cases the Department of Health and business regulation. Furthermore, accidents are reported to all officials in accordance with the requirements of state law and of course would be reported to the Police Department, the Health Department as necessary. The jurisdiction of the Division is nonexistent for accidents of this type. Furthermore, if litigation occurs the reports will not be filed as the insurance carrier would dictate reports and information dissemination. Therefore, water utilities may end up violating this regulation based on protocol and insurance coverage's that are held in place. Furthermore, under Paragraph B, resuscitation, it would be irresponsible not to utilize emergency medical workers for any injury and should be the first responders to such injuries. No utility should take it upon themselves to be responsible for emergency medical defined so minutely as resuscitation by these regulations. I believe this is a hold over from the 1966 regulations that is Pre-911 emergency call system. Therefore, the only paragraphs that should remain should be Paragraph A and Paragraph D.