

Maine Water News

A Publication of the Maine Water Utilities Association

September 2013, Number 171

Timeless Truth

Don Gobeil, 2013 President

“No man’s life, liberty, or property is safe while the legislature is in session”, is a classic political phrase popularly attributed to Mark Twain in 1866. The phrase has been recounted ever since by countless people to describe the seemingly never ending attempt by legislatures everywhere to do the right thing for the people they are elected to serve.

A slight adaptation of this phrase can easily summarize the MWUA’s position when it comes to monitoring the activities of our own legislature on behalf of our members. For years, the MWUA has structured its activities to dovetail as needed into the legislative calendar. It is a priority of the association to allocate sufficient time and talent (both volunteer and staff) to identify, assess and react to the annual barrage of bills submitted by our elected leaders in their continuing zeal to improve the lot of the citizenry. Whether frivolous or well intentioned, each bill must be filtered to ascertain whether they have any impact (good or bad) upon the industry we represent. The manner in which we deftly handle this annual tango with the legislative process is something we can be proud of as an association and underscores the value we bring to our members. While there is a collective sigh of relief when the clock strikes midnight and the legislature adjourns, the issues we face don’t go away when our elected representatives scatter toward I-95.

While it is central to our mission to engage in the legislative arena, I now wonder if the regulatory arm of government, specifically the Public Utilities Commission (PUC) might have equal or greater impact on water utility operations. I’d like to offer a couple of examples of issues currently within the PUC gravitational field that the MWUA has become involved in due to the potentially widespread implications.

The first is a dispute involving the York Water District (Docket No. 2012-00344). The central point of contention involves the ownership and maintenance responsibility of facilities within a privately owned

condominium project. The cliff notes version is that the YWD has always considered the infrastructure in question to be private and the responsibility of the condominium association.

The condominium association has countered by claiming that historic information it has unearthed places that burden on the utility. The dispute is now the subject of a PUC Investigation. The Hearing Examiner’s July Procedural Order is both perplexing and troubling. The Report concludes that any water lines constructed between 1963 and 1987 were covered by General Order 15 (the predecessor to Chapter 65), and were required to be owned by the water utility, regardless of whether they were constructed in the public way or on private property. The examiner’s opinion that *“there is no provision under General Order 15 for the construction of a private main extension”* has significant statewide adverse implications. Ultimately, an order by the Commission approving the Examiner’s Report in this case would potentially cause a sweeping number of multi-unit complexes, industrial and commercial facilities, school and hospital campuses and professional office complex owners to claim that the water utility that serves the complex owns all the infrastructure within it. You can let your imagination run wild mulling over the impact to your system if the full Commission agrees with the Examiner’s Report. YWD’s Counsel along with the MWUA have both submitted solid evidence to the Commission pinpointing how the conclusions reached within the Examiner’s Report are faulty and run counter to the well documented history of PUC/utility correspondence during that time period.

Another pending matter involves the Auburn Water District and a 10-person complaint filed by a local (well known) activist (Docket No. 2013-00382). The complaint requests that the PUC open an investigation centered on the *“efficiencies and ratepayer savings that would result from combining two adjoining water districts – i.e. the Auburn Water District and the Lewiston Water District (Division)”*. In a letter to the PUC, the State Public Advocate’s Office recommended that the Commission open such an investigation.

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Material of interest to the water supply profession will be considered for publication. Copy deadline is the 15th day of month preceding publication.

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Greater Augusta Utility District

The MWUA, in its comments to the Commission, countered with the following thoughts: that it is our understanding that the role of the PUC is to ensure safe, reasonable and adequate service, and that rates are just and reasonable - and further that we do not think it is appropriate for the Commission to inject themselves into the management of water districts, which have their governance framework and processes spelled out in their charters. The takeaway point here to this Docket is the belief that issues revolving around the governance of water systems should be dealt with at the legislature. The Maine Legislature, and not the Commission, is the appropriate venue for these policy decisions.

While the full Commission has not acted (at the time of this article) to the Dockets in question, the issues raised nonetheless highlight important matters that could re-write past agreements regarding the ownership of privately installed water infrastructure in the first example, and potentially move the regulatory bureaucracy to over-reach into areas we believe they have no business moving toward in the other.

And finally, there is the still unresolved tortured recent history of the PUC and Dig-Safe. Aw...never mind, I can feel a migraine coming on. So, while we can indeed circle a date on the calendar signaling the end of the legislative season, it is also evident that it is always 'in-session' when it comes to the regulatory arena. Mark Twain got it half right.

The Annual Golf Tournament and Clambake

The weather at Val Halla was gorgeous for the annual golf event. Once again, through the generosity of those who were there, we were able to raise enough money for a scholarship fund via the raffles. MWUA would like to thank the event coordinators and the sponsors as well.

The big news of the day was that Scott Minor shot an eagle on the 15th hole

Thursday's weather was a mirror of Wednesday's. It was a great day for networking and the food was splendid. Thank you to Brunswick & Topsham Water District for once again being wonderful hosts. We had a great turnout, and look forward to next year's annual festivities.

Annual Golf Tournament Results

1st Place Team
Porter Gervais
Brian McGuire
Josh McGuire
Mike Pelkey

3rd Place Team
Dan Burdin
Craig Douglas
Robbie Lockhart
Dewayne Taylor

2nd Place Team
Robbie Chadwick
Gerry Last
Steve Prescott
Rosie Santerre

Closest to Pin #3
Gerry Last

Closest to Pin #11
Greg Leighton

Men's Long Drive Peter Goodwin
Women's Long Drive Elaine Bridges



Scott Minor After Shooting an Eagle

If it looks half-empty, give us a call.

From local, state and federal regulations to easements, financing and environmental compliance, we can provide the legal counsel that fits your needs. For more information, contact Bill Harwood or Jim Cohen.

Verrill Dana
Attorneys at Law

Nominating Committee Offers Slate for 2014

Nominating Committee Chair John Storer has informed the Board that his committee has selected a slate of candidates as nominees for Directors for 3-year terms, starting in 2014.

There are two seats to be filled on the Board. The terms of Alan Hitchcock of Caribou Utilities District and Kathy Moriarty of Bangor Water District expire at the end of the calendar year. Hitchcock became a Director in January of 2011 and Moriarty first became

Director in January of 2008. The committee has selected the following candidates:

- Alan Hitchcock of Caribou Utilities District
- Frank Kearney of Old Town Water District

Nominations for Directors are presented at the October Meeting by the Nominating Committee or from the floor by any member. The By-Laws require that the membership be notified, in writing, of the committee's selections for the nomination of Directors at least ten days prior to the October meeting. Eligible candidates who can be nominated from the floor include Individual, Retired and Honorary Members of the association who are members in good standing.

Current Directors whose terms expire at the end of 2014 include Gordon Johnson of Portland Water District, Don Gobeil of KKW Water District and Jon Ziegler of Boothbay Region Water District.

Current Directors whose terms expire at the end of 2015 include Stephen Cox of Aqua Maine and Jefferson Longfellow of Kennebec Water District.

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October Meeting Set For Wednesday, the 9th

The October Meeting will be held on **Wednesday**, October the 9th, in Searsport. The date was moved to accommodate speakers' schedules.

The program will feature a discussion of what President Gobeil, in his July message, described as a gold rush mentality to build and expand gas infrastructure as quickly as possible.

The program will include speakers who will discuss the expansion of gas facilities, coordination with other utilities, safety considerations and other issues.

In addition there will be a report of the Nominating Committee and presentations of the revised Corporate dues schedule and the 2014 budget.

See page 7 for more information, the agenda and the registration form!

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God Speed and Farewell

Don Gobeil

The strength of any organization, whether large or small, is invariably linked to the people associated with it. Here at the MWUA, we have consistently benefited from a dedicated volunteer base, complimented by a competent and dedicated staff. In my time on the Board, I have been continually impressed by the high level of professionalism that results from this model.

The efficiency of marshaling the energy and knowledge of our volunteers is the result of our administrative staff, Jeff McNelly and Elizabeth Andrews, who provide the coordination and resources needed to allow our committee structure to operate the way they do. While Jeff has been with us for a number of years, Elizabeth has been with us for a much shorter period of time, first as a part time employee in January of 2010, then full time in January of 2011. In that time, I have witnessed an individual who has grown steadily in the job, assuming an ever increasing and varied workload and becoming an integral part of the organization.

It is not unusual for any individual to reach a point where new challenges and opportunities surface that are compelling and attractive. Such is the case with Elizabeth, as she has decided to continue her personal growth by pursuing another career opportunity. While I'm certain everyone associated with the MWUA feels the loss of a valuable colleague and will no doubt miss her, I'm equally certain that we all share warm thoughts knowing that this represents a milestone for her that will allow her to broaden her skills and experience new things.

So, on behalf of the Board, volunteers and members of the MWUA, I wish her all the best in her new endeavor and surroundings, knowing full well that her new organization will surely benefit from having her aboard.

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Board Approves Dues Restructure

At their August meeting the Directors approved a revision of the Corporate member dues schedule.

The new schedule is based on 17 steps, compared to the previous schedule, which contained 11 steps. The action was taken to make the steps more

uniform and equitable. Under the 11 step schedule the dues increased 89% from step 10 to step 11. The addition of the steps allows for a more gradual increase in dues from step 10 to what is now step 16. Step 17 was added to allow for growth in utility revenue.

The new structure, which is detailed below, will be presented to the membership at the October meeting.

Revenue	Prior Step	Prior Dues	Revised Step	Revised Dues
< \$50,000	1	\$175	1	\$175
\$50,000-99,999	2	\$240	2	\$240
\$100,000-199,999	3	\$310	3	\$310
\$200,000-299,999	4	\$425	4	\$425
\$300,000-399,999	5	\$540	5	\$540
\$400,000-499,999	6	\$760	6	\$760
\$500,000-749,999	7	\$1,090	7	\$1,090
\$750,000-999,999	8	\$1,410	8	\$1,410
\$1,000,000-1,999,999	9	\$1,730	9	\$1,730
\$200,000-4,999,999	10	\$2,275	10	
> \$5,000,000	11	\$4,290		
\$200,000-299,999			10	\$2,155
\$300,000-399,999			11	\$2,580
\$400,000-499,999			12	\$3,005
\$5,000,000-999,999			13	\$3,430
\$10,000,000-14,999,999			14	\$3,750
\$15,000,000-19,999,999			15	\$4,050
\$20,000,000-24,999,999			16	\$4,290
>\$25,000,000			17	\$4,490

The dues step schedule was established many years ago and has not been revised. The new schedule is essentially revenue neutral, i.e. the total of Corporate dues to be collected is within a few hundred dollars of what would be collected under the prior schedule.

The dues schedule may be revised by a two-thirds vote of eligible members present at a meeting of

the corporation. Prior to the submission to the membership of a change in dues, the by-laws require that members be notified in writing of the recommended schedule no later than 10 days prior to that meeting. This article is that notification

The 2014 budget, which was approved at the Directors' September Board meeting, will also be presented at the October meeting.

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HOST: Herb Kronholm, Superintendent, Searsport Water District

LOCATION: Searsport Lion's Clubs: 44 Prospect Street, Searsport, ME 04538

DIRECTIONS: Prospect Street is located between Bayview Manor and Young's Funeral Home on Route One in Searsport. The Lion's Club is located 0.4 miles up the street on the left, just prior to the Searsport Water District.

PROGRAM

- 8:00AM - 8:30AM **Registration & Continental Breakfast**
 - 8:30AM - 8:40AM **Introduction & Welcome to Searsport**
James Gillway Sr., Town Mgr. and Representative to Maine Legislature
 - 8:40AM - 8:55AM **Overview of Searsport Water District**
Herb Kronholm, Searsport Water District
 - 8:55AM - 9:05AM **Regulatory Update**
Roger Crouse, Maine Drinking Water Program
 - 9:05AM - 9:20AM **Presentation of Revised Dues Schedule and 2014 Budget**
Don Gobeil, President
Jeffrey McNelly, Executive Director
 - 9:20AM - 9:30AM **Nominating Committee Report**
John Storer, Nominating Committee Chair
 - 9:30AM - 9:45AM **Break**
 - Natural Gas -Expansion of Service Territory and Impacts on Water & Wastewater Utilities**
 - 9:45AM - 10:15AM Summit Natural Gas' Entry into the Gas Market: Potential Implications for Water and Wastewater Facilities, *Stacey Fitts - Summit Natural Gas*
 - 10:15AM - 10:45AM MDOT's Utility Accommodation Policy as it Relates to Permitting Gas Facilities
Tim Pelotte MDOT Region 2 Utility Permit Administrator
 - 10:45AM - 11:15PM Safety Considerations: MPUC Chapter 420 Compliance; Gas Leak or Line Rupture SOPs
Speaker (s) TBD
 - 11:15AM - 11:45 PM Coordination Between Bangor Water and Bangor Gas to Accommodate an Accelerated Natural Gas Infrastructure Installation Program, *Rick Pershken, District Engineer, Bangor Water District*
 - 11:45PM - 12:00PM Q & A
 - 12:00PM Lunch
- Don Gobeil Sid Hazelton, Nate McLaughlin & Stephani Morancie
President *Program Coordinators*

Registration for October 9, 2013 Bi-Monthly Meeting
PLEASE RETURN REGISTRATIONS/RESERVATIONS BY: October 2, 2013
2.0 Training Contact Hours - 2.0 DEP Credit Hours

Name(s): _____

Affiliation _____

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<i>Vendors/Associate Members</i>	____ @ \$30 _____	\$40 _____
<i>Water Systems serving less than 4,000 Customers</i>	____ @ \$20 _____	\$30 _____

Total enclosed: _____

Register on line at: www.mwua.org OR mail/fax registration to:
 Maine Water Utilities Association, 150 Capitol Street, Suite 5, Augusta, ME 04330
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