



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 9, 2018

The Honorable Kevin Avard
Chair, Senate Energy and Natural Resources Committee
State House, Room 100
Concord, NH 03301

RE: SB 322, An Act relative to access to a water utility.

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on SB 322, which would require water utilities to provide adequate service to any property owner that wants to connect provided the owner pays the rate for the service. The Department is unclear of the intent of this legislation and cannot support it in its current form for the following reasons:

- The current language seems to require water utilities to provide service regardless of the distance from existing water line. Running a lengthy water line to just one customer can be an issue for water systems in terms of water quality as well as ratepayer impact.
- Current law (Env-Dw 400) requires public water systems to demonstrate adequate water supply and water quality prior to extension of a water distribution system. As written, the bill would require provision of water service without regard to adequacy of supply or quality.
- It is unclear what "pay the incremental rate for service" means. In most cases, new development pays for most or all of a significant line extension with repayment over a set timeframe if other customers connect.
- The statute this bill amends (RSA 362) applies to the Public Utility Commission (PUC) and utilities regulated by the PUC. Accordingly, the bill appears to only apply to the sixteen (16) PUC regulated systems. It is unclear if this is the intent of the sponsors. If the bill is to apply to all municipal water systems, a fiscal note may be needed.

Thank you again for the opportunity to comment on SB 322. If you have questions or need additional information, please contact Sarah Pillsbury, Drinking and Groundwater Bureau Administrator (Sarah.Pillsbury@des.nh.gov or 271-1168).

Sincerely,

Robert R. Scott
Commissioner

cc: Senators French, Gannon and Innis