

Commonwealth of Massachusetts
Department of Public Utilities

Petition of Housatonic Water Works Company,
pursuant to G.L. c. 164, § 94, G.L. c. 165, § 2,
and 220 CMR 5.00 for Approval of a General
Increase in Rates

No. 23-65

PETITION TO INTERVENE BY THE TOWN OF STOCKBRIDGE

The Town of Stockbridge, Massachusetts (Stockbridge) respectfully petitions, in accordance with 220 Code Mass. Regs. § 1.03, to intervene as a party to this proceeding.

On June 23, 2023, Housatonic Water Works Company (Company) filed a petition with the Department for approval to increase its rates to generate \$808,808 in additional revenues, an approximately 113 percent increase over its current rates. The Company also seeks the Department's authorization to change its rules and regulations concerning private water mains and terms of payment. Both proposed changes will have significant impacts on the Company's customers, which include the Town of Stockbridge and certain of Stockbridge's residents who are within the Company's service area.

For the reasons that follow, those changes and their impacts would specifically and substantially impact Stockbridge's interests, both directly and due to impacts on its residents, and therefore require the Town's intervention as a full party.

Argument

Stockbridge satisfies each of the criteria set forth in 220 Code Mass. Regs. § 1.03(1)(b) for intervention as a party to this proceeding.

A. Identification of the Intervenor. The Town of Stockbridge is a duly incorporated municipal and political subdivision of the Commonwealth. Stockbridge's address is 50 Main Street, PO Box 417, MA 01262. Stockbridge qualifies as a "person" for purposes of administrative, adjudicative proceedings such as this. *See* G.L. c. 30A, § 1(4).

B. Stockbridge's Substantial and Specific Interest. This Petition arises from Stockbridge's substantial and specific interest in the rates that the Company charges both the Town's residents and the Town itself for water.

The Company, incorporated by special act of the General Court (St. 1897, c. 229), supplies water to residents of Stockbridge. The Company further provides water to public fire hydrants, some located in Stockbridge. The Company has requested from the Department an approximately 113% overall revenue increase. The request reflects a total of approximately \$810,000 over its existing water rates and the Company projects that this will result in an across-the-board increase in its monthly service charge of \$98 and a \$23 charge per 1000 gallons for all water usage over a 2500-gallon monthly allowance. The Company says that the annual cost of water service for its average residential customer will increase from approximately \$746 to \$1600, an increase of 119.9%.

By any measure these requested increases are not just substantial but verge on extraordinary. The Company, in its prefiled testimony, lists four reasons to support the proposed rate increase. Those four areas include public Health Protection aesthetic water quality public safety and system resilience. The Company further says that the increase will also cover continued attritional replacement of piping and hydrants staffing requirements for a new treatment system and its exploration of additional water sources. Each of these four areas of concern are independently of interest to both the Town and its

residents. Therefore, not only will the Department's decision as to rates affect the Town and its residents but also the Department's potential authorization of changes to rates will affect those same entities with respect to these four areas of concern.

Stockbridge is a municipal customer of the Company, as are certain of its residents. Both the Town and certain of its residents will bear the costs if the Department approves the proposed revenue and rate increases. Both the Town and certain of its residents will bear the costs associated with new or updated infrastructure or the exploration of new water sources. Both the Town and certain of its residents will bear any other costs related to the Company's requests to the Department in this proceeding. And both the Town and certain of its residents will be impacted by any actions that the Company takes based on any approval the Department issues in this proceeding. Accordingly, Stockbridge seeks to intervene to exercise rights to seek information to question the methodologies analysis and other supporting information presented by the Company and otherwise to participate in this proceeding to ensure that whatever decisions are made are the best decisions both for the Town and for its residents that will be impacted. And this participation will benefit the Department by ensuring that the unique interests of the Town as its residents are fully represented, thus creating the best and most complete hearing record from which the Department can issue its decisions.

Finally, while Stockbridge appreciates the Attorney General's intervention in this proceeding on behalf of rate payers in general, the interests that the Attorney General represents are not fully aligned with the interests of the Town as a ratepayer or of the residents of Stockbridge who represent only a portion of all ratepayers of the Company. Moreover, it is the Town of Stockbridge and not the Attorney General who is ultimately

responsible for the health safety and welfare of Stockbridge 's residents and ratepayers. While the Town has little doubt that the Attorney General will competently and effectively discharge her duties, that does not guarantee that the Attorney General or any other third party will adequately represent the specific interests of the Town either as a ratepayer or as a representative of its own residents who will be impacted by this proceeding.

C. Legal Argument for Intervention. For the foregoing reasons, the Department should grant Stockbridge's request. The Department, in prior intervention decisions, has allowed municipalities to intervene to protect municipal interests that include but are not necessarily limited to ratepayer status.¹ As the Supreme Judicial Court has observed, "cities and towns are the only entities that can be expected to offer a real, practical, and adversary representation of the public interest" in certain cases, *Town of Sudbury*, 351 Mass. 214, 218 (1966); *Town of Wilmington v. Department of Public Utilities*, 340 Mass. 432, 438-439 (1960), and the Department has previously acknowledged as much in its analysis of municipal petitions for intervention, *Petition of the Berkshire Gas Co.*, No. 15-178, 2016 WL 684191, at *10. Here, in a case where the Company proposes such a substantial rate increase to support an equally substantial – potentially transformative – change to the Company's structure and operations, the SJC's words ring true. Not only is Stockbridge's intervention necessary considering its substantial and specific interests but it should be desirable to the Department to ensure as full and complete a hearing record as possible to

¹ See *Petition of the Berkshire Gas Co. for Approval of a Precedent Agreement with Tennessee Pipeline Co., LLC, Pursuant to G.L. c. 164, § 94a.*, No. 15-178, 2016 WL 684191, at *10 (Feb. 17, 2016) (cataloguing prior instances of Department-approved intervention by municipalities in Department proceedings).

support the Department's decision-making as to such an impactful and important set of requests.

D. Stockbridge's Anticipated Case. Stockbridge requests from the Department the right to participate in this proceeding as a full intervener. This includes, as Stockbridge may deem necessary, the presentation of evidence, cross-examination of witnesses, issuance of information requests, and the presentation of arguments to the hearing officer and the Department.

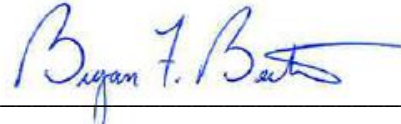
Conclusion

For the reasons above, Stockbridge respectfully requests that its Petition be allowed and that it be designated a full party intervenor to this proceeding.

Respectfully submitted,

THE TOWN OF STOCKBRIDGE,

By its attorneys,



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