

Comments submitted for the Joint Public Hearing: Oversight of the Public Service Commission's processes related to rate case and generic proceedings, on September 30, 2025.

From: Simon Gruber, environmental planning, and communications consultant, and
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For private water utilities in New York State that are regulated by the NY State Public Service Commission (PSC), the ratemaking process has become, in effect, the primary process that sets and implements water infrastructure and overall system planning and policy decisions with state involvement. Yet this process was not developed and does not provide an effective framework for the kind of comprehensive consideration of many key factors that must be addressed to develop appropriate plans and decisions for water supply planning. Instead, the state agency with the lead role in water resources planning, policies and regulations, the NYS Department of Environmental Conservation, should play a leading role for guidance and oversight of many aspects of water supply planning for community water systems. This approach was memorialized in a law passed 40 years ago, Water Resources Management Strategy, which is in the state's Environmental Conservation Law, in Title 29 of Article 15, which became effective in July, 1984.

In this law passed by the legislature and signed by Governor Mario Cuomo, the NYS DEC is specifically charged with leading an ongoing, iterative process for addressing water supply planning priorities in NY State. Yet after the new body created by the law, the NY State Water Resources Planning Council (WRPC) developed new water supply strategies the law called for, the DEC let the whole process die by the early 1990s. The NY State Department of Health, the other state agency responsible for regulation and oversight on many specific issues related to drinking water availability and safety, and many other state agencies were named as members of the WRPC when it was formed, as specified in the law.

The Legislature should take steps to push DEC to re-activate this Council and begin updating water supply strategies for regions of the state, beginning with regions where limited water sources and water scarcity risks are higher priorities. New Jersey's framework and approach for water supply planning, with leadership from DEC's sister agency in this state, the NJ Department of Environmental Protection, can provide a useful example to inform how this can work in NY State.

It's also important to note that community water supply systems, in many cases, include fire hydrants and where they do, public and privately-owned water systems have legal responsibilities to provide adequate water services and supplies for fighting fires, as well as providing drinking water.

As we are experiencing significant impacts from a changing climate, including dramatic shifts in rainfall patterns with more frequent, intense cloudburst storms, rising temperatures that affect water consumption and water quality, and increasing wildfire risks, among other major trends, it is imperative that the state take steps to manage water sources and supply systems carefully. Leaving all of these issues to the NY State PSC for private water systems, particularly larger ones, is not sound policy and creates more risks for water ratepayers.

I will be happy to provide background information, reports and other information to augment these summary comments upon request.

Respectfully submitted, Simon Gruber
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