

October 24, 2021

Mr. Terrence McCracken
295 Main Street, Room 350
Buffalo, NY 14203-2494

Dear Mr. McCracken,

This letter is a request under the **Freedom on Information Act**. I request a copy of the following information be provided for me. The following phone calls from me regarding my property:

3/20/2021 1:25 p.m.	Call to ECWA Dispatch
4/27/2021 8:16 p.m.	Call to ECWA Dispatch
8/30/2021 8:07 & 9:22 both a.m. and 12:33 p.m.	Call to ECWA Customer Service
9/1/2021 10:55 a.m.	Call to ECWA Customer Service

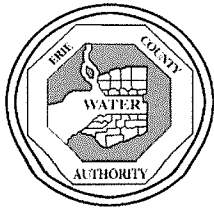
Additional Karen Prendergast's communication (phone call or e-mails) with ECWA water meter supplier regarding failure possibilities with my water meter, as noted in her 10/5/2021 letter, page 2 paragraph 2. (see attachment).

The following reports:

3/24/2021	Report from the leak detection crew on my property as noted in Karen Prendergast's letter dated 9/14/2021, page 1, paragraph 6
4/27/2021	Broken interconnection on Dennis & Joanne Lanes
8/30/2021	Meter Shop's report on my property

Thank you for considering my request,

Julie Koscielny
47 Dennis Lane
Cheektowaga, NY 14227
ECWA Acct# 21608101-2
716-275-1062



Erie County Water Authority

295 Main Street, Rm. 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8467

September 14, 2021

Jessica Poleon,
Director of Consumer Protection
Office of Consumer Protection
95 Franklin St., Room 651
Buffalo, NY 14202

VIA EMAIL & REGULAR MAIL

Dear Ms. Poleon:

The Erie County Water Authority is in receipt of your letter of September 3, 2021. Commissioner Schad has asked me to respond to the consumer complaint filed by Ms. Julie Koscielny on behalf of the Board of Commissioners.

In addition to responding to the specific inquiries included in your letter, I am attaching a timeline of events and communications relative to Ms. Koscielny's account.

- ***Please advise when the repair work around 47 Dennis Lane, Cheektowaga, NY, commenced for the Erie County Water Authority?***

The Authority replaced the water infrastructure on Dennis Lane in the Town of Cheektowaga between April 1, 2021 and May 5, 2021. This was a scheduled replacement project as part of our capital improvement program. There was a leak reported at Dennis and Joanne Lanes on April 27, 2021 which resulted in a temporary loss of water to Ms. Koscielny's home. The leak was minor, and that interconnection was replaced a short time later.

- ***Please advise how the water consumption returned to normal as soon as the maintenance/repair work by Erie County Water Authority concluded at her home? Ms. Koscielny's next bill went back to her normal range between 5,000- 9,000 gallons of water each quarter.***

The period of high usage was sometime between February 1, 2021 and May 6, 2021. Based on Ms. Koscielny's call to our Dispatcher on March 20, 2021, the sump pump in her basement had been running almost continuously for about one month. At that time there was no watermain repair or replacement on Dennis Lane. The Authority's Engineering Department has confirmed that the scheduled main replacement completed in April would not have caused water to run through the meter. A leak detection crew was dispatched to Ms. Koscielny's property on March 24, 2021 after a suspected leak was reported by one of our trucks. No leaks were discovered – the leak detection crew noted the water was coming from the sump pump.



- ***Please advise how 343,000 gallons of water which is more the 38 times the typical usage for this residence, and where it could have gone? Ms. Koscielny's home would be flooded as well as the entire neighborhood if 343,000 gallons of water were used.***

As previously stated, the usage potentially occurred over a three-month period from February through April. There are many things that could cause that much water to flow through the meter. A water powered back up sump pump, a water line break in the home, or a leaking sprinkler system, for example, would use a tremendous amount of water in a short period of time. Based on Ms. Koscielny's report, her sump pump ran continuously for about one-month. The water from the sump pump was diverted away from her property through a PVC pipe installed by her brother. Ms. Koscielny has stated that none of the potential issues we raised occurred.

- ***Please review the recorded phone conversation from April 19, 2021, when Ms. Koscielny had to contact Erie County Water Authority regarding the water being off at her home. The individuals repairing the water lines from Erie County Water Authority had advised her the water would not be turned off unless they made a mistake.***

We have no record of a call from Ms. Koscielny on April 19th. There was an 18 second call regarding a water outage at that address on April 27th which I have reviewed. The caller was notified that we were investigating a leak in the area, and the call ended.

- ***Supervisor Steven D'Amico has advised that the water meters are not faulty, nor do they break down. The consumer had to have used 343,000 gallons of water. She could have one of the following: leaving her hose on from watering her grass or flowers, a leaky faucet, a sump pump that continuously runs, a faulty hot water tank, or an issue with the furnace. An investigation was opened, and Ms. Koscielny was advised not to pay the bill until the investigation concluded. A man was sent to her home, looking to see if she had any recent repair work. I instructed Ms. Koscielny to forward her normal bill amount while this dispute is under investigation.***

Mr. D'Amico was speaking from many years of experience and after consultation with our Engineers and Meter Shop. As previously stated, there are many reasons a meter could record 343,000 gallons over a three-month period without the customer being aware of the usage. Ms. Koscielny has stated that no repairs have been made and that no excess usage was discovered and corrected. In August, our Meter Shop conducted a high-bill inspection and reported no apparent repairs, no back up sump pump and no current leaks.

- ***Has the meter been swamped out and inspected for malfunctioning or malice?***

The meter at 47 Dennis Lane was installed on January 13, 2011. The useful life for a typical water meter is 20 years, after which they are known to slow down and under report usage. We do have a provision in our Tariff for meter inspection at the request of the customer for a fee. If the meter is found to be in error, the fee is refunded, and the account adjusted.

The Authority is governed by the rules in its Tariff which can be found on our website. These rules, out of necessity, outline the conditions under which an account can be adjusted. One of these provisions is an allowance for a leak which results in high usage. The customer must establish that a repair has been made, and that the usage didn't result from a leaking sprinkler system, or the use of a water powered sump pump. Ms. Koscielny has indicated that no repairs have been made and no leak was identified.

The only remaining accommodation that can be made under the Tariff is a payment arrangement, which has been offered to Ms. Koscielny.

I would be happy to provide you with the recorded call to our Dispatcher on March 20, 2021 or any of the other calls mentioned in the attached timeline. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Prendergast". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen A Prendergast
Chief Financial Officer



Erie County Water Authority

295 Main Street, Rm. 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8467

October 5, 2021

Jessica Poleon,
Director of Consumer Protection
Office of Consumer Protection
95 Franklin St., Room 651
Buffalo, NY 14202

VIA EMAIL

Dear Ms. Poleon:

The Erie County Water Authority (ECWA) is in receipt of your follow-up letter of September 27, 2021. Please consider the following responses.

- As you noted, please supply all phone conversations associated with this complaint for my review.

I have provided the following phone calls from Ms. Koscielny

- 03/20/2021 1:25 p.m. Call to ECWA Dispatch
- 04/27/2021 8:16 p.m. Call to ECWA Dispatch
- 08/30/2021 8:07 a.m. Call to ECWA Customer Service
- 08/30/2021 9:22 a.m. Call to ECWA Customer Service
- 08/30/2021 12:33 p.m. Call to ECWA Customer Service
- 09/01/2021 10:55 a.m. Call to ECWA Customer Service

- Your letter indicates several items that could cause that much water to follow through the meter, including water powered backup sump pump, a water line break in the home, a leaking sprinkler system. However, your response goes on to further advise, "In August, our Meter shop conducted a high-bill inspection and reported no apparent repairs, no back up sump pump and no current leaks."

The examples given in my response to your letter were the possible causes shared with Ms. Koscielny by both ECWA Dispatch and ECWA Customer Service. The high-water usage occurred between February 1, 2021 and May 6, 2021. As you can see from the above call log, Ms. Koscielny called ECWA Dispatch during that time. During the March 20th call, Ms. Koscielny told the Dispatcher her sump pump had been running almost continuously for one month. The high-bill inspection wasn't conducted until August when Ms. Koscielny first reported a high bill. The purpose of the inspection is to identify possible leaks or repairs that could result in leak adjustment as allowed in section 9.09 of the Tariff.



- I understand your letter states that the useful life for a typical water meter is 20 years and that in January 2011 installed the consumers. However, after supplying you a copy of the ECWA Interoffice Memorandum dated June 14, 2019, indicating a surge in failed meters purchased in 2008, how can you ensure this wasn't of the included meters? How does ECWA ensure that additional Neptune Meters do not fail prematurely? Was the meter ever checked for air regulator, as that is another common failure or miscalculating factor on Neptune Meters?

The memo you refer to advises the Board of Commissioners that our meter supplier, Neptune Technologies, extended the warranty on meters having a high failure rate. The failure I was referring to was stopped meters which had to be replaced because they were recording **no** consumption. Those meters were identified in the resolution by specific serial number sequences which did not include Ms. Koscielny's meter. Further, I consulted our supplier about the possibility of an air regulator failure and was informed residential meters do not have air regulators.

- The consumer advises that she was instructed to see about installing drain tile in the back yard or her home, which she did. The contractor who came to her home advised her to repair the gutters, which she did. Would this qualify under tariff 9.03A?

The section of the Tariff you are referring to addresses the necessity to use an estimated consumption in cases where the meter could not be read or fails. All of the readings were successfully taken from the meter, so no estimate can be used. The August 2, 2021 reading, and the reading taken at the time of the high-bill inspection around September 1, 2021 confirm the accuracy of the meter and the May reading.

- At this time, the options provided do not seem probable for February to April when the weather is colder in WNY and temperatures can remain freezing. A hose to be left on and cycle through 343,000 gallons of water would fill about 17 pools if each pool held ~20,000 gallons of water since the consumer does not have a water-powered backup sump pump.

Any explanation I might offer for the high bill would be purely speculative. Frozen pipes and spigots are often the cause of leaks in the winter months.

Our position on the complaint has not changed. Ms. Koscielny has retained an attorney who has been contacted by the Authority's General Counsel. No further contact has been made with Ms. Koscielny.

Sincerely,



Karen A Prendergast
Chief Financial Officer