

April 3, 2026

Ms. Amy Dumeny, Administrative Director
Maine Public Utilities Commission (PUC)
State House Station #18
Augusta, Maine 04333-0018

Re: Ten-Person Complaint Pursuant to 35-A M.R.S.A. Section 1302

Dear Director Dumeny:

This comment submission is provided in response to Bar Harbor Town Manager Smith's letter of March 25, 2026, regarding our "Ten-Person Complaint Concerning Increase in Rates Pertaining to Bar Harbor Water Division, PUC Docket No. 2026-00070."

Manager Smith's letter consists largely of attempted distraction and obfuscation, and does not respond adequately or factually to any of the issues raised in our complaint. He begins by devoting many words to emphasizing the legality of the Town's process, but does not address the requirements of Maine's Title 35-A, §6104-A for a public hearing *prior to* submission of a rate change request (that was done almost a month before the public hearing), or that for minutes of the public hearing that include the detailed responses of the governing body (here our Town Council) to the public comments received before and at the hearing. No such account or response has been provided, especially regarding alternative rate structures all of which could generate the revenue claimed to be required (more on this below). The public hearing, and the records thereof, were merely a theatrical charade for an entirely predetermined outcome.

His letter further states that "The Town has not attempted to implement rates outside of Commission review." In contrast, however, 2027 budget preparation documents (s/a excerpt below) show that the increased rates requested here appear to have been implemented in the now nearly completed 2026 budget cycle, in wholly improper anticipation of earlier formal submission and assumed Commission approval.

Going beyond the above procedural issues, the crux of the debate here is the fairness and equity of (past and) proposed Bar Harbor water rates. No one is (yet) questioning the revenue shortfall in, or the amount of funding required to support, Bar Harbor's water utility, so Manager Smith's verbiage about the necessity of greater revenue after ten years without adjustment is of no import. Nor is another fancy and expensive "cost-based analysis" necessary, the Town has already done this, and the costs claimed by the Town and its consultants are assumed to be valid. What is at issue, however, is "whether the proposed rate structure is unjust, unreasonable, or unduly discriminatory" (Manager Smith's words.) Attachment 2 below, using the Town's own numbers, clearly shows that past and proposed Bar Harbor water rates have been, and will continue to be if the Town's recent adjustment is allowed to go into effect, precisely that.

What is of paramount importance, and the essence of the Commission's further deliberations on fairness, equity, reasonability and public policy, is whether a town's residents should be required to pay almost twice as much per unit of water as non-residential customers, in continuation of a long-standing Bar Harbor tradition of imposing on, sacrificing and exploiting its residents in favor of the financial bottom lines of larger, wealthier and commercial entities. In stark contradiction to the Town's officials' and consultants' statement that a flat rate structure would lead to up to 4-times higher rates for residential users, the town's own figures show that a flat and non-discriminatory water rate would *decrease* residential users' rates by 14%, in contrast to the 35% increase incorporated in the Town's recent proposal, all while raising the Town's water revenue to that amount that the Town states as necessary for sustainability.

In summary, Manager Smith asserts a Louis the Fourteenth-like authority (*L'état c'est moi*) to speak somehow more authentically ("The Town does not share that view") than the legally required ten residents filing the instant complaint. Other comparisons also come to mind, such as Marie Antoinette saying of the poor "Let them eat cake", or slave-owners claiming that the enslaved were happier and more secure than free people. Perhaps our different concepts of equity and fairness should be put to public vote, which our town officials would be highly likely to lose, just as they have repeatedly been overruled by their citizens on matters pertaining to cruise ships in recent years.

To conclude, while the terminology the Commission uses if it chooses to consider this matter further is to "open an investigation", we believe that the facts are not in dispute and do not need to be "investigated"; rather, what is called for is examination and consideration of which course of action regarding Bar Harbor water rates best meets and accomplishes the Commission's goals of fairness, equity, reasonability and non-discrimination. We hope for sympathetic consideration and protection from exploitation by the PUC.

Sincerely,

Charles Sidman
Lead Petitioner, Citizen and Water Customer in Bar Harbor, Maine
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Attachment 1: Town's Imposition of Increased Water Rates in 2026 Budget Cycle

1/16/2025

Expenses - General Fund

		Actual Audited FY24	Actual Unaudited FY25	Approved Final Budget FY26	Budget Request FY27	FY27 VS FY26 ORIG BUD
1042 FIRE						
1042 5100	WAGES-SALARIES-CHIEF	\$ 114,869	\$ 118,680	\$ 121,647	\$ 125,295	3.0%
1042 5105	WAGES-HOURLY	\$ 1,124,678	\$ 1,137,188	\$ 1,249,673	\$ 1,296,662	3.8%
1042 5110	WAGES-OVERTIME	\$ 66,211	\$ 88,532	\$ 60,000	\$ 63,556	5.9%
1042 5115	WAGES-PART TIME CALL FORCE	\$ 17,739	\$ 35,139	\$ 32,965	\$ 34,000	3.1%
1042 5120	WAGES-LEAVE OVERTIME	\$ 128,271	\$ 112,090	\$ 120,000	\$ 120,000	0.0%
1042 5125	WAGES-TRAINING OVERTIME	\$ 39,892	\$ 18,828	\$ 35,000	\$ 35,000	0.0%
1042 5150	WAGES-HOLIDAY LEAVE	\$ 50,922	\$ 48,138	\$ 53,208	\$ 55,246	3.8%
1042 5225	REN-VOL ACCIDENT INS	\$ -	\$ 544	\$ 719	\$ 719	0.0%
1042 5255	BEN-INNOCLULTNS & PHYS EXMS	\$ 1,177	\$ 1,854	\$ 1,310	\$ 1,480	13.0%
1042 5314	CONT SRV-COPIER EQUIPMENT	\$ -	\$ 247	\$ 486	\$ 486	0.0%
1042 5368	CONT SRV-COMPUTER LIC & SPPT	\$ 16,663	\$ 15,591	\$ 20,544	\$ 24,272	18.1%
1042 5378	CONT SRV-TESTNG EQUIPMENT	\$ 7,599	\$ 8,790	\$ 9,583	\$ 10,308	7.6%
1042 5410	SUPPLIES-UNIFORMS & CLOTHING	\$ 9,159	\$ 14,473	\$ 15,665	\$ 15,665	0.0%
1042 5412	SUPPLIES-COPIER & CMPTR SUP	\$ 338	\$ 965	\$ 1,000	\$ 1,000	0.0%
1042 5416	SUPPLIES-FIRE PREVENTION	\$ 1,168	\$ 1,496	\$ 1,500	\$ 1,500	0.0%
1042 5436	SUPPLIES-OFFICE SUPPLIES	\$ 501	\$ 1,819	\$ 1,000	\$ 1,000	0.0%
1042 5437	SUPPLIES-FMS OPERATING SUP	\$ 19,479	\$ 21,333	\$ 27,500	\$ 27,500	0.0%
1042 5438	SUPPLIES-FIRE OPERATING SUP	\$ 5,644	\$ 9,289	\$ 12,535	\$ 7,635	-39.1%
1042 5458	SUPPLIES-VEHICLE SUPPLIES	\$ 11,069	\$ 11,907	\$ 10,700	\$ 12,000	12.1%
1042 5514	UTIL-MOTOR FUEL-DIESEL	\$ 8,822	\$ 7,793	\$ 13,000	\$ 13,000	0.0%
1042 5516	UTIL-MOTOR FUEL-UNLEAD GAS	\$ 9,828	\$ 9,773	\$ 10,200	\$ 12,000	17.6%
1042 5528	UTIL-TELEPHONE & CELLULAR	\$ 4,964	\$ 6,016	\$ 6,327	\$ 6,327	0.0%
1042 5618	REPAIRS-EQUIPMENT & GEN	\$ 3,287	\$ 6,482	\$ 11,760	\$ 15,050	28.0%
1042 5644	REPAIRS-RADIOS	\$ 1,320	\$ 947	\$ 2,156	\$ 2,156	0.0%
1042 5658	REPAIRS-VEHICLE REPAIRS	\$ 8,579	\$ 10,076	\$ 25,380	\$ 25,880	1.2%
1042 5660	SE-FD 2 WATER HOLES	\$ 13,942	\$ 6,890	\$ -	\$ -	0.0%
1042 5704	EQP PURCH-OPERATING	\$ 10,591	\$ 10,970	\$ 12,689	\$ 20,374	60.6%
1042 5710	EQUIPMENT - BATTERIES	\$ -	\$ -	\$ -	\$ 9,400	100.0%
1042 5808	PROFESSIONAL DUES & LICENSES	\$ 2,679	\$ 2,778	\$ 5,117	\$ 3,987	-22.1%
1042 5822	INSURANCES-AMB LIABILITY	\$ 2,764	\$ 3,012	\$ 2,941	\$ 2,941	0.0%
1042 5836	POSTAGE & SHIP COSTS	\$ 901	\$ 896	\$ 663	\$ 663	0.0%
1042 5844	TRAINING/WORKSHOPS/ETC	\$ 6,635	\$ 5,972	\$ 20,345	\$ 19,595	-3.7%
1042 5845	TRAVEL-RMS MILES & MEALS	\$ 2,224	\$ 1,981	\$ 5,000	\$ 5,000	0.0%
TOTAL FIRE		\$ 1,691,916	\$ 1,721,490	\$ 1,890,813	\$ 1,969,699	4.2%
1043 PUBLIC FIRE PROTECTION						
1043 5510 PUBLIC-FIRE PROTECTION-HYDRANT		\$ 585,604	\$ 586,807	\$ 813,240	\$ 885,275	8.9%
TOTAL PUBLIC FIRE PROTECTION		\$ 585,604	\$ 586,807	\$ 813,240	\$ 885,275	8.9%

Attachment 2: Comparison of Proposed (still Declining Rate) and Fair (Flat Rate)

BH Water Rate Proposal 2026

Categories of Users	# Accts	2026			Paid	2027			Citizen Proposed	
		% Accts	% Use	% Paid		Town Proposed To Pay?	Increase %	% Support	Fair Payment	Fair % Chg
Res'l	1353	70	23	40	\$880,000	\$1,188,000	35	36	\$755,550	-14
Non-Res'l	587	30	78	60	\$1,320,000	\$2,097,000	59	64	\$2,562,300	94
Total	1940	100	100	100	\$2,200,000	\$3,285,000		100		