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November 28, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

In re: Docket No. R-2016-2554150, *et al.*  
Pa. P.U.C., *et al.* v. The City of DuBois – Bureau of Water

Dear Secretary Chiavetta:

We are counsel to Sandy Township, a Complainant in the above matter, and are submitting, via electronic filing with this letter, its Motion to Accept Newspaper Article into the Record. Copies of the Motion are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

Encl.

cc: Certificate of Service (w/encl.)  
David Monella (via email, w/encl.)

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>Pennsylvania Public Utility Commission, et al.</b>	:	<b>R-2016-2554150, et al.</b>
	:	
<b>Complainant</b>	:	
	:	
v.	:	
	:	
<b>City of DuBois Bureau of Water, Respondent</b>	:	

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**NOTICE**

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PURSUANT TO 52 PA CODE SECTION 5.103(b), NOTICE IS HEREBY GIVEN THAT A RESPONSIVE PLEADING TO THE FOLLOWING MOTION TO ACCEPT NEWSPAPER ARTICLE INTO THE RECORD SHALL BE FILED WITHIN 20 DAYS OF THE DATE OF SERVICE.

DATE OF SERVICE:           NOVEMBER 28, 2016.

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Deputy Chief Administrative Law Judge Mark A. Hoyer, Presiding**

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<b>Pennsylvania Public Utility Commission,</b>	:	<b>R-2016-2554150, et al.</b>
<b>et al.</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>City of DuBois Bureau of Water,</b>	:	
<b>Respondent</b>	:	

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**MOTION TO ACCEPT NEWSPAPER ARTICLE INTO THE RECORD**

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AND NOW, comes Sandy Township (“Township”), by its attorneys, and, pursuant to 52 Pa. Code § 5.103, moves to accept the attached newspaper article dated November 21, 2016, into the record. In support of this Motion, Township presents as follows:

1. This proceeding concerns the City of DuBois – Bureau of Water (“City Water Bureau” or “City”)’s Supplement No. 22 to its Tariff Water Pa. P.U.C. No. 4. Through Supplement No. 22, the City Water Bureau seeks Pennsylvania Public Utility Commission (“Commission”) approval of rates and rate changes that would recover an estimated \$257,604 in additional annual revenue.
  
2. Township filed a formal Complaint in opposition to the proposed rate increase on July 20, 2016.

3. One issue in the proceeding is the anticipated bulk sale of water by the City to the Borough of Falls Creek. Township presented testimony that there is an expectation that the City Water Bureau will provide water service to Falls Creek. Township testimony in support of the anticipated water project included newspaper articles dated May 4, 2016, September 7, 2016, September 8, 2016 and October 7, 2016.

4. The City Water Bureau presented testimony opposing recognition of the Falls Creek project in the rate proceeding arguing that any project with Falls Creek is entirely speculative. At hearing on November 10, 2016, City witness Suplizio testified that a City connection with Falls Creek is not imminent (N.T. 28).

5. The anticipated sale of water by the City to Falls Creek has moved forward since the hearing on November 10, 2016. On November 21, 2016, the Courier Express reported that construction on the project connecting Falls Creek to the City will begin by May 15, 2017, and be completed by December 31, 2017. A copy of the November 21 newspaper article is included with this Motion.

6. The article reports further that Falls Creek had some difficulties negotiating an agreement with DuBois for the sale of water and that, although an agreement has not been signed, “[t]he (borough) engineers have talked with them (the city engineers), there aren’t any differences now.” Falls Creek is “waiting for the agreement to get sent back to us.”

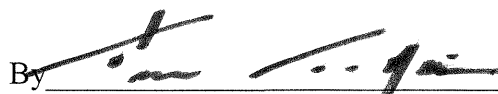
7. Section 5.431 of the Commission’s Rules of Practice, 52 Pa. Code § 5.431, provides that the record will be closed at the conclusion of the hearing unless otherwise directed by the presiding office or the Commission. After the record is closed, additional matter may not be relied upon or accepted into the record unless allowed for good cause shown.

8. Sandy Township submits that good cause exists to allow the November 21 newspaper article to be relied upon and accepted into the record. The recognition of the Falls Creek project and the revenue from it are important to the determination of the just and reasonable rate level in this proceeding. Combined with the ratemaking adjustments proposed by the Bureau of Investigation and Enforcement and the Office of Consumer Advocate, recognition of revenue from the Falls Creek project likely would eliminate the need for the Public Utility Commission to allow the City Water Bureau to increase its rates.

9. Sandy Township requests that the newspaper article dated November 21, 2016, attached to this Motion be identified as Sandy Township Exhibit No. 1 and accepted into the record.

WHEREFORE, Sandy Township requests that Deputy Chief Administrative Law Judge Hoyer grant this motion and accept the newspaper article dated November 21, 2016, with the headline "Falls Creek project to start May 15," into the record as Sandy Township Exhibit No. 1.

Respectfully submitted,

By   
Thomas T. Niesen, Esq. (PA ID # 31379)  
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212 Locust Street, Suite 600  
Harrisburg, PA 17101  
Tel: 717-255-7600

*Attorney for Sandy Township*

DATED: November 28, 2016

# Falls Creek project to start May 15

By Eric Hrin

ehrin@thecourierexpress.com

FALLS CREEK - The borough's project to connect to the city of DuBois water system won't begin until May 15 next year.

Recently, borough council and the borough municipal authority passed resolutions for the construction start date as well as the completion date of Dec. 31, 2017.

The resolutions approve a second modification to the consent order and agreement with the state Department of Environmental Protection (DEP), dated June 27, 2014.

As previously reported in the Courier-Express, the municipal authority entered into a consent order with the DEP in 2014 in an attempt to address a number of operational issues and water sources at the infiltration plant and to address long-term liability of the system.

A decision was made to abandon the current surface water source and make connection to the City of DuBois' water system.

This information had been provided Sandy Township Planning Commission Director Jim Keck at a planning commission meeting in August.

According to a letter to the borough from the DEP, the modification was in response to the municipal authority's letter, dated Sept. 14, through its engineering consultant, requesting an extension of the deadlines in the agreement.

Borough manager Cindy Fritz said the original completion date was Dec. 31, 2016.

The extension for the second modification was requested because the borough had some difficulties negotiating an agreement with the city of DuBois for the sale of the water, she explained.

See Project, A7

## Project Continued from A1

However, progress has been made.

Fritz said the agreement hasn't been signed yet, but she expects it to be signed by both the borough and the city in the near future.

"The (borough) engineers have talked with them (the city engineers), there aren't any differences now," she said. "We're waiting for the agreement to get sent back to us."

The DEP letter states, "Based upon this modification, the authority and Falls Creek Borough shall, by May

15, 2017, begin construction of the department-approved facilities and submit a copy of the published advertisement for bid package. Additionally, the authority and the borough shall, by Dec. 31, 2017, complete all construction associated with the department-approved public water supply construction permit, submit a certificate of construction completion form, place all new or modified facilities into service, and achieve compliance with the Safe Drinking Water Act and its regulations."

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission, :**  
*et al.* :  
 :  
 :  
 v. : **Docket No. R-2016-2554150, et al.**  
 :  
 :  
**City of DuBois – Bureau of Water :**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 28<sup>th</sup> day of November, 2016, served a true and correct copy of the foregoing Motion to Accept Newspaper Article into the Record, upon the persons and in the manner set forth below:

**EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID**

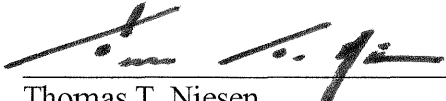
The Honorable Mark A. Hoyer  
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