



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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September 5, 2018

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Docket No. R-2018-3003104  
Pennsylvania Public Utility Commission v. Timberlee Valley Sanitation Company

Dear Secretary Chiavetta:

We are counsel to Timberlee Valley Sanitation Company in the above matter and are submitting, via electronic filing with this letter, the Company's Prehearing Memorandum in connection with the Prehearing Conference to be held on September 7, 2018. Copies of the Prehearing Memorandum 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

cc: Certificate of Service (w/encl.)  
Robert Brennan (via email, w/encl.)

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Administrative Law Judge  
Katrina L. Dunderdale, Presiding**

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<b>Pennsylvania Public Utility Commission</b>	<b>:</b>	<b>R-2018-3003104</b>
<b>Ray and Donna McCarthy</b>	<b>:</b>	<b>C-2018-3003507</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>Timberlee Valley Sanitation Company</b>	<b>:</b>	

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**PREHEARING MEMORANDUM  
OF  
TIMBERLEE VALLEY SANITATION COMPANY**

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AND NOW, comes Timberlee Valley Sanitation Company (“TVSC”), by its attorneys, and submits the following in connection with the Initial Prehearing Conference to be held on September 7, 2018:

**History of the Proceeding**

This proceeding involves TVSC’s Supplement No. 6 to Tariff Wastewater – Pa. P.U.C. No. 1 (“Supplement No. 6”) filed on June 29, 2018. Supplement No. 6 would increase TVSC’s annual wastewater revenue by \$22,560 based on a future test year ending December 31, 2018. By Order entered August 23, 2018, at R-2018-3003104, the Pennsylvania Public Utility Commission (“Commission”) suspended Supplement No. 6 and instituted an investigation into the reasonableness of the proposed rates. The matter was assigned to Administrative Law Judge Katrina L. Dunderdale.

**Name, Address and Telephone Number of TVSC's Counsel**

The names, postal and email addresses and telephone and fax numbers for TVSC's counsel for this matter are as follows:

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101

Voice: 717.255.7641  
Fax: 717.236.8278  
Email: tniesen@tntlawfirm.com

**TVSC's Interest In This Proceeding**

TVSC's interest in this proceeding is its Supplement No. 6 and the rates, rules and regulations presented in its Tariff No. 1.

**The Issues TVSC Intends to Raise and Pursue**

The fundamental issue in this proceeding is whether the rates proposed by TVSC in Supplement No. 6 are fair, just, reasonable, non-discriminatory and lawful. TVSC is unable to determine at this time all of the issues and sub-issues which will be raised by the Bureau of Investigation and Enforcement and Customer Complainant McCarthy. Reference should be made to their respective Prehearing Memoranda for any issues they may be in a position to identify at this time. Nevertheless, it is reasonable to expect that the following general issues will be raised in the proceeding:

- A. Is TVSC's rate base claim reasonable?
- B. Is TVSC's rate of return claim reasonable?
- C. Are TVSC's claims for operating revenues, expenses, depreciation and taxes reasonable?

D. Is TVSC's proposed rate design fair, reasonable, non-discriminatory and lawful?

It is TVSC's position that Supplement No. 6 and the supporting information submitted with it establish that each of the foregoing issues should be answered in the affirmative. TVSC submits that the rates, rules and regulations proposed in Supplement No. 6 are fair, just, reasonable, non-discriminatory and lawful and should be allowed to go into effect as proposed.

**TVSC's Witness and Areas of Testimony**

TVSC intends to present the following witnesses:

<b><u>Statement</u></b>	<b><u>Witness</u></b>	<b><u>General Subject Matter</u></b>
1	Robert Brennan	Company Operations
2	Dennis Kalbarczyk	Supplement No. 6 to Tariff Wastewater - Pa. P.U.C. No. 1 and Supporting Information

Also filed with Supplement No. 6 on June 29, 2018 was the following TVSC exhibit:

TVSC Exhibit I - Supporting Information for Supplement No. 6 to Tariff Wastewater - Pa. P.U.C. No. 1

TVSC respectfully reserves the right to present additional witnesses, testimony and exhibits as the matter progresses.

**Procedural Schedule**

The Company will cooperate with Judge Dunderdale and the other parties to create a litigation schedule.

Respectfully submitted,

By  \_\_\_\_\_

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101

Attorney for  
Timberlee Valley Sanitation Company

Dated: September 5, 2018

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Administrative Law Judge  
Katrina L. Dunderdale, Presiding**

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		<b>:</b>
<b>v.</b>		<b>:</b>
		<b>:</b>
<b>Timberlee Valley Sanitation Company</b>	<b>:</b>	

**CERTIFICATE OF SERVICE**


I hereby certify that I have this 5<sup>th</sup> day of September 2018, served a true and correct copy of Timberlee Valley Sanitation Company's Prehearing Memorandum, upon the persons and in the manner indicated below:

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

The Honorable Katrina L. Dunderdale  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222  
kdunderdal@pa.gov

Allison Kaster  
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Bureau of Investigation and Enforcement  
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