

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 21, 2018

Honorable Mark A. Hoyer
Honorable Katrina L. Dunderdale
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place
301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222

Re: Pa. Public Utility Commission
v.
Hidden Valley Utility Services, L.P.
Water and Wastewater
Docket Nos. R-2018-3001306
R-2018-3001307

Dear Judge Hoyer and Judge Dunderdale:

Enclosed please find the Office of Consumer Advocate's Motion to Admit Evidence in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Very truly yours,

A handwritten signature in blue ink that reads "Christine Maloni Hoover".

Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Enclosures

cc: PUC Rosemary Chiavetta, Secretary
Certificate of Service

*262685

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission :
v. : Docket Nos. R-2018-3001306
Hidden Valley Utility Services, L.P. : R-2018-3001307
Water and Wastewater :

I hereby certify that I have this day served a true copy of the following documents, the Office of Consumer Advocate's Motion to Admit Evidence, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 21st day of November 2018.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Allison C. Kaster, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Jonathan P. Nase, Esquire
Cozen O'Connor
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William H. Stewart III, Esquire
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219

Robert J. Kollar
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Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
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Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: November 21, 2018
*262686

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pa. Public Utility Commission, et al.	:	
	:	
	:	
v.	:	Docket Nos. R-2018-3001306
	:	R-2018-3001307
Hidden Valley Utility Services, L.P. –	:	
Water and Wastewater	:	

MOTION OF THE OFFICE OF CONSUMER ADVOCATE
TO ADMIT INTO EVIDENCE THE RECORD OF OTHER PROCEEDINGS
PURSUANT TO 52 PA. CODE § 5.407

Pursuant to 52 Pa. Code § 5.407, the Office of Consumer Advocate (OCA) hereby moves to admit into evidence in the above-captioned proceedings the record of two complaint proceedings involving Hidden Valley Utility Services (HVUS) before the Commission. As discussed below, the OCA asks that the hearing record from the prior complaint cases be admitted in this record. The prior cases were Tanya J. McCloskey, Acting Consumer Advocate v. Hidden Valley Utility Services, LP – Water, Docket No. C-2014-2447138 and Tanya J. McCloskey, Acting Consumer Advocate v. Hidden Valley Utility Services, LP – Wastewater, Docket No. C-2014-2447169 (collectively referred to as McCloskey Case). The OCA asks that the evidentiary record in the McCloskey Case be admitted into evidence:

- Transcript of June 25, 2015 Public Input Hearings, pages 34 through 238,
- Transcript of November 17, 2015 Hearing, pages 239-413
- OCA Statement 1 Water, Direct Testimony of Ashley E. Everette and Exhibits AEE-1W and AEE-2W.

- OCA Statement 1-S Water, Surrebuttal Testimony of Ashley E. Everette and Exhibits AEE-3W and AEE-4W.
- OCA Statement 1-SR Water, Surrejoinder Testimony of Ashley E. Everette
- OCA Statement 1 Wastewater, Direct Testimony of Ashley E. Everette and Exhibits AEE-1WW and AEE-2WW.
- OCA Statement 1-S Wastewater, Surrebuttal Testimony of Ashley E. Everette and Exhibits ZEE-3WW and AEE-4WW.
- OCA Statement 1-SR Wastewater, Surrejoinder Testimony of Ashley E. Everette
- OCA Statement 2 Water, Direct Testimony of Terry L. Fought and attached Exhibits.
- OCA Statement 2-S Water, Surrebuttal Testimony of Terry L. Fought and attached Exhibits
- OCA Statement 2-SR Water, Surrejoinder Testimony of Terry L. Fought
- OCA Statement 2 Wastewater, Direct Testimony of Terry L. Fought and attached Exhibits.
- OCA Statement 2-S Wastewater, Surrebuttal Testimony of Terry L. Fought and attached Exhibit
- Kollar Statement 1 Direct Testimony of Robert J. Kollar
- Kollar Statement 1-S Surrebuttal Testimony of Robert J. Kollar
- HVUS Statement 1-R Rebuttal Testimony of James M. Kettler and Exhibits JMK 1 and 2
- HVUS Statement 2-R Rebuttal Testimony of James M. Kettler and Exhibits JMK 3 and 4
- HVUS Statement 3-R Rejoinder Testimony of James M. Kettler and Exhibit JMK 5
- Administrative Law Judge Exhibit 1 (Errata Sheet, Terry Fought)
- Administrative Law Judge Exhibit 2 (Joint Petition for Settlement of Separate Water and Wastewater Application)
- Administrative Law Judge Exhibit 3 (Transcript Public Input Hearing 10/7/04)
- Administrative Law Judge Exhibit 4 (Company's Water filing 2014)

- Administrative Law Judge Exhibit 1 (Company's Wastewater filing 2014)

Section 5.407 of the Commission's regulations provides that:

- (a) When a portion of the record in another proceeding before the Commission is offered into evidence and shown to be relevant and material to the instant proceeding, a true copy of the record shall be presented in the form of an exhibit, together with additional copies as provided in § 5.409 (relating to copies and form of documentary evidence), unless both of the following occur:
 - (1) The party offering the record agrees to supply, within a period of time specified by the Commission or the presiding officer, the copies at his own expense, if any, when so required.
 - (2) The portion is specified with particularity so as to be readily identified, and upon motion is admitted into evidence by reference to the records of the other proceedings.

52 Pa. Code § 5.407.

The OCA seeks to admit the hearing record, as listed above, that was created in the McCloskey Case. HVUS, I&E, and Hidden Valley Foundation have indicated that they do not oppose the OCA's Motion. The list of transcripts and testimony and exhibits comprises the record in the McCloskey Case. The Public Input Hearing transcript contains testimony from two Public Input Hearings held on June 25, 2015 in the HVUS service territory. HVUS and counsel participated in the hearing and cross-examined customers. The 2015 testimony addresses many of the same quality of service issues raised in the current proceedings, including customers' ability to drink, cook, shower, and launder clothes and the effect on appliances and fixtures. The 2015 testimony also addresses the prolonged existence of water quality issues in Hidden Valley.

The testimony of the parties in the McCloskey Case provides each party's positions and recommendations regarding water and wastewater quality of service at that time.

The portions of the 2015 McCloskey Case record are relevant and material to the instant proceedings, and have been specified with particularity so as to be readily identified. The requirements of 52 Pa. Code § 5.407 have been met, and the OCA submits that its motion to

admit the hearing record as listed above should be granted and the hearing record in the McCloskey Case should be admitted to the record in these proceedings.

WHEREFORE, the OCA respectfully moves that hearing record in Docket Nos. C-2014-2447138 and C-2014-2447169, as listed above, be admitted to the record in these rate case proceedings.

Respectfully Submitted,



Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
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Counsel for:

Tanya J. McCloskey
Acting Consumer Advocate

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Dated: November 21, 2018

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