

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

March 22, 2010

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17105

Re: Mary Louise Brown
v.
Pennsylvania-American Water Company
Docket No. C-2010-2164259

Dear Secretary McNulty:

Enclosed for filing please find the Notice of Intervention and Public Statement, of the Office of Consumer Advocate in the above-referenced proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely yours,

A handwritten signature in cursive script that reads "Dianne E. Dusman".

Dianne E. Dusman
Senior Assistant Consumer Advocate
PA Attorney I.D. #38308

Enclosures

cc: Certificate of Service
Susan Simms-Marsh, PAWC
Office of Administrative Law Judge
Office of Special Assistants
Bureau of Fixed Utility Services

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PUBLIC STATEMENT OF THE
OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 19, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (“PUC” or “Commission”). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to intervene in and to participate in proceedings involving the Formal Complaint filed by Mary Louise Brown of 220 McCarrell Road, Hickory, PA.

In the final months of 2009, Pennsylvania-American Water Company (PAWC) installed water mains in portions of Mt. Pleasant Township, Washington County, which included approximately seven hundred residences in Hickory, Pennsylvania. This was done without contributions in aid of construction (CIAC) pursuant to an August 22, 2007, Commission Order approving a Joint Petition for Settlement in PAWC Application Docket No. A-212285F0136 and a subsequent Commission Order approving a Joint Petition for Settlement in Pa. P.U.C. v. PAWC, Docket No. R-2009-2097323. On March 10, 2010, Mary Louise Brown filed a Formal Complaint on behalf of her own household and that of a neighboring property in which her tenant, Virginia Smitsky, resides. The Formal Complaint alleges that four additional residents on McCarrell Road also need a good source of potable water because their natural sources have been contaminated, but all are unable to obtain service because PAWC requires CIAC of \$12,000 per household. Mrs. Brown requests that the Commission assist them in obtaining water service from PAWC. The Office of Consumer Advocate is intervening in order to attempt to assist the residents of McCarrell Road, Hickory PA in obtaining public water service.

CERTIFICATE OF SERVICE

Re: Mary Louise Brown
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I hereby certify that I have this day served a true copy of the foregoing document, Intervention and Public Statement of the Office of Consumer Advocate, 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 22nd day of March 2010.

SERVICE IN PERSON

Office of Trial Staff
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17105

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Kathy Pape, President
Pennsylvania-American Water Co.
800 West Hershey Park Drive
Hershey, PA 17033



Dianne E. Dusman
Senior Assistant Consumer Advocate
PA Attorney I.D. #38308
Email: DDusman@paoca.org

Mary Louise Brown
220 McCarrell Road
Hickory, PA 15340

Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
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