

Scott H. DeBroff, Esq.

Phone: (717) 237-6716

Fax: (717) 238-8623

sdebloff@rhoads-sinon.com

RHOADS & SINON LLP

FILE NO: 11506/02

November 18, 2010

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

VIA HAND DELIVERY

**Re: City of Lancaster – Bureau of Water - Rate Increase, Docket No. R-2010-2179103;
Anna Williams v. The City of Lancaster – Bureau of Water, Docket No. C-2010-2209068**

Dear Ms. Chiavetta:

Enclosed herewith for filing at Docket Nos. R-2010-2179103 and C-2010-2209068, please find the original and three (3) copies of the “Motion to Dismiss of the City of Lancaster – Bureau of Water to the Complaint of Anna Williams”.

Should you have any questions, please do not hesitate to contact me at (717) 237-6716.

Very truly yours,

RHOADS & SINON LLP

By:



Scott H. DeBroff, Esq.

Alicia R. Petersen, Esq.

Counsel for the City of Lancaster

Enclosure

cc: Certificate of Service

RECEIVED
2010 NOV 18 AM 11:05
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANNA WILLIAMS, : R-2010-2179103
Complainant :
v. : C-2010-2209068
THE CITY OF LANCASTER – :
BUREAU OF WATER, :
Respondent :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103 (c) you are hereby notified that you must file a written response to this Motion within 20 days from service of this notice. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for the City of Lancaster – Bureau of Water, Scott H. DeBroff, Esq., the other counsel listed on the Certificate of Service and where applicable, the Administrative Law Judge presiding over the issue.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Scott H. DeBroff, Esq.
Alicia R. Petersen, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108

Dated: **November 18, 2010**

By:



SCOTT H. DEBROFF, ESQUIRE
ALICIA R. PETERSEN, ESQUIRE

RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146

TEL: (717) 237-6716
FAX: (717) 238-8623
EMAIL: SDEBROFF@RHOADS-SINON.COM
EMAIL: APETERSEN@RHOADS-SINON.COM

COUNSEL FOR THE CITY OF LANCASTER

RECEIVED
2010 NOV 18 AM 11:05
PA PUC
SECRETARY'S BUREAU

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANNA WILLIAMS,	:	R-2010-2179103
Complainant	:	
v.	:	C-2010-2209068
THE CITY OF LANCASTER –	:	
BUREAU OF WATER,	:	
Respondent	:	

**MOTION TO DISMISS OF THE CITY OF LANCASTER – BUREAU OF WATER
THE COMPLAINT OF ANNA WILLIAMS**

NOW COMES The City of Lancaster, by and through its attorneys, Scott H. DeBroff, Esq. and Alicia R. Petersen, Esq., at Rhoads & Sinon LLP, and makes this Motion to Dismiss the Complaint of Anna Williams, in accordance with 52 Pa. Code § 5.103 as follows:

MOTION TO DISMISS

1. The issue presented upon the filing by a utility of a request for rate relief is whether such rate relief is warranted, justified and reasonable for areas within the Commission’s jurisdiction.

2. Under 66 Pa.C.S.A 1301 the Commission only has jurisdiction over customer rates for customers being served by a Municipal Corporation, such as the City of Lancaster, for those who are being served “beyond the municipality’s corporate limits.” Complainant resides within the City’s corporate limits and therefore the above captioned rate case does not directly effect her rates. Complainant’s water rates are controlled by and under the jurisdiction of the City of Lancaster. Since Complainant is not effected by the rate proceeding she cannot file a

complaint under 52 Pa. Code 5.32 pertaining to complaints in rate proceedings. This statutory exclusion bars the Complaint and prevents its adjudication by the Commission

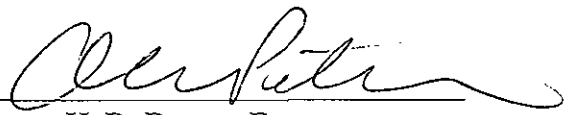
3. Accordingly, the Complaint is outside the Commission's jurisdiction and therefore is legally insufficient and should be dismissed.

WHEREFORE, the City of Lancaster requests that the above captioned Complaint be dismissed.

Respectfully submitted,

Dated: November 18, 2010

By:


SCOTT H. DEBROFF, ESQUIRE
ALICIA R. PETERSEN, ESQUIRE

RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146

TEL: (717) 237-6716

FAX: (717) 238-8623

EMAIL: SDEBROFF@RHOADS-SINON.COM

EMAIL: APETERSEN@RHOADS-SINON.COM

COUNSEL FOR THE CITY OF LANCASTER

ORDER

THEREFORE,

IT IS ORDERED:

1. That the City of Lancaster – Bureau of Water’s Motion to Dismiss is hereby granted.
2. That the Formal Complaint filed by Anna Williams at Docket No. C-2010-2179103 against the proposed rate increase of the City of Lancaster – Bureau of Water at Docket No. R-2010-2179103 is hereby dismissed.
3. That Formal Complaint Docket No. C-2010-2179103 shall hereby be closed.

Dated: _____

Kandace F. Melillo
Administrative Law Judge

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ANNA WILLIAMS
COMPLAINANT

DOCKET No. R-2010-2179103

v.
THE CITY OF LANCASTER –
BUREAU OF WATER,
RESPONDENT

DOCKET No. C-2010-2209068

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Dismiss of the City of Lancaster to the Complaint is being served upon the OCA, OTS, OSBA, and the Complainant this date, addressed as follows:

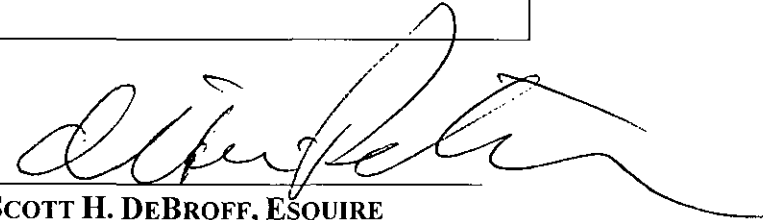
LAWRENCE F. BARTH, ESQUIRE CARRIE B. WRIGHT, ESQUIRE OFFICE OF TRIAL STAFF PENNSYLVANIA PUBLIC UTILITY COMMISSION P.O. BOX 3265 HARRISBURG, PA 17105-3265	DANIEL G. ASMUS, ESQUIRE SHARON WEBB, ESQUIRE OFFICE OF SMALL BUSINESS ADVOCATE SUITE 1102, COMMERCE BUILDING 300 NORTH SECOND STREET HARRISBURG, PA 17101
CHRISTINE M. HOOVER, ESQUIRE ERIN GANNON, ESQUIRE OFFICE OF CONSUMER ADVOCATE FORUM PLACE, 5 TH FLOOR 555 WALNUT STREET HARRISBURG, PA 17101	GEORGE POULIN P.O. Box 8 MILLERSVILLE, PA 17551

SECRETARY'S BUREAU
2010 NOV 18 AM 11:05
RECEIVED

DOUGLAS WOOLLEY P.O. Box 414 LITITZ, PA 17543	ROSALIE PASQUINI 129 SUNDRA AVE LANCASTER, PA 17602
ANTON K. KOENIG 623 COVINGTON PLACE LANCASTER, PA 17601	JENNIFER TROUPE RUMMEL (ELECTRONIC SERVICE ONLY) <u>JENNIFER.TROUPE@GMAIL.COM</u>
JONATHAN F. WINTERLING (ELECTRONIC SERVICE ONLY) <u>JFWINTERLING@VERIZON.NET</u>	EDMUND "TAD" BERGER KELLOGG COMPANY BERGER LAW FIRM, P.C. 2104 MARKET STREET CAMP HILL, PA 17011 <u>PUBLICUTILITYLAW@BERGERLAWFIRM.NET</u>
HOWARD GORMAN HSG GROUP, INC. 45 HILL PARK AVENUE GREAT NECK, NY 11021 <u>HGORMAN@HSG-GROUP.BIZ</u>	GEORGE KNERR 1415 NEWTON ROAD LANCASTER, PA 17603
ANNA WILLIAMS 31 S. ANN STREET LANCASTER, PA 17602	HONORABLE KANDACE MELILLO ADMINISTRATIVE LAW JUDGE PENNSYLVANIA PUBLIC UTILITY COMMISSION P.O. Box 3265 HARRISBURG, PA 17105-3265

Dated: November 18, 2010

By:



SCOTT H. DEBROFF, ESQUIRE
ALICIA R. PETERSEN, ESQUIRE

RHOADS & SINON LLP
ONE SOUTH MARKET SQUARE
P.O. BOX 1146
HARRISBURG, PA 17108-1146

TEL: (717) 237-6716
FAX: (717) 238-8623
EMAIL: SDEBROFF@RHOADS-SINON.COM
EMAIL: APETERSEN@RHOADS-SINON.COM

COUNSEL FOR THE CITY OF LANCASTER