

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
	:	Docket No. R-2011-2248531
v.	:	C-2011-2262819
	:	
Wonderview Sanitary Facilities, Inc.	:	

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**PREHEARING MEMORANDUM OF  
WONDERVIEW SANITARY FACILITIES, INC.**

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Pursuant to Section 5.224 of the Public Utility Commission's Rules of Practice and Procedure, 52 Pa. Code § 5.224, Wonderview Sanitary Facilities, Inc., by and through its counsel, Berger Law Firm, P.C., respectfully submits this Prehearing Memorandum setting forth the issues that it intends to present at the hearing in this matter and other matters of importance to the receipt of evidence in this proceeding.

**I. BACKGROUND**

This proceeding was initiated by Wonderview's filing of Supplement No. 5 to Tariff Sewer – Pa. P.U.C. No. 3. Wonderview, a family-owned sanitary utility serving approximately 155 customers in Catawissa and Main Townships in Columbia County, has been in operation since the mid-1970s.

Supplement No. 5 proposed a rate increase of \$23,065 or 29.64%<sup>1</sup> over current rates.

A complaint was filed against Wonderview Sanitary Facilities, Inc. by the Office of Consumer Advocate, on September 15, 2011 and a Notice of Appearance was filed by Johnnie Simms, Esq. of the Commission's Bureau of Investigation and Enforcement on September 20, 2011.

On September 22, 2011, the Commission acted to suspend this filing until May 12, 2012 unless otherwise acted upon by the Commission at an earlier date, and to assign this matter to the Office of Administrative Law Judge for the issuance of a Recommended Decision. A suspension supplement (Supplement No. 6) was filed to effect this suspension on September 30, 2011.

Pursuant to the Commission's procedures on mediation, Wonderview was noticed of the option of participating in mediation and opted to pursue the mediation process. Consistent with the Commission's procedures for mediation, Wonderview filed a further supplement postponing the application of rates on October 11, 2011. That supplement postpones the application of rates until June 12, 2012, unless otherwise ordered by the Public Utility Commission.

Subsequently, the Commission sent Notice of the Prehearing Conference/Mediation, scheduled for October 18, 2011.

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<sup>1</sup> Supplement No. 5 indicated that the rate increase was 30.03%. However, an adjustment was subsequently made to the Company's rate schedules to correct the revenue annualization, which resulted in a 29.64% increase, rather than the 30.03% increase set forth in Supplement No. 5.

## II. SERVICE LIST

The Commission and all parties should direct all pleadings, correspondence, and other documents filed or served in this proceeding to counsel:

Edmund "Tad" Berger  
BERGER LAW FIRM, P.C.  
2104 Market Street  
Camp Hill, PA 17011  
Phone: (717) 920-8900  
Fax: (717) 920-8901  
Email: [tberger@bergerlawfirm.net](mailto:tberger@bergerlawfirm.net)

## III. DISCOVERY

Wonderview has received and is in the process of answering numerous discovery requests, including 66 data requests from the Bureau of Investigation & Enforcement, and a set of 14 interrogatories from the Office of Consumer Advocate. Most of these discovery requests have been answered and Wonderview is attempting to answer the remaining interrogatories as quickly as possible. Wonderview does not believe that there is any need, nor would it be appropriate, for any changes to be made to the time frame for discovery responses at this point in time, especially given the extension in the schedule for consideration of mediation. Should a need for responses to be served at an earlier point in time become apparent, parties should request accommodation from Wonderview or vice-versa. Wonderview may also have discovery that it wishes to file in response to testimony from other parties to this proceeding. Should any party have concerns over discovery responses, Wonderview would

respectfully request that they confer with counsel for Wonderview prior to raising the issue with the ALJ.

Wonderview would also be willing to participate in an informal discovery conference, either in person or by telephone, should the parties find that approach beneficial.

#### **IV. OTHER PROPOSED ORDERS WITH RESPECT TO DISCOVERY**

Wonderview would, however, request that all initial discovery be completed by November 15, 2011. Additional discovery should only be filed in response to testimony submitted after that date and should not be permitted to address issues not presented anew in testimony.

#### **V. PROPOSED SCHEDULE**

Wonderview intends to work with the Administrative Law Judge and the other parties to develop a schedule for this proceeding. Wonderview would propose the following schedule, consistent with a due date for Reply Briefs of April 5, 2012 as indicated by the Administrative Law Judge:

November 10, 2011: Company Direct Testimony Due

December 16, 2011: OCA and I&E Direct Testimony Due

January 19, 2012: Company Rebuttal Testimony Due

February 6, 2012: OCA and I&E Surrebuttal Testimony Due

February 16-17, 2012: Hearings

March 22, 2012: Main Briefs Due

April 5, 2012: Reply Briefs Due

June 12, 2012: Voluntary Postponement Date Expires

## **VI. WITNESSES**

At this point in time, Wonderview intends to call as its primary witness, the owner and president of the Company, John Yohey. Wonderview may also call the Company's accountant, John Gillespie. Wonderview reserves the right to identify and present other witnesses depending on the issues presented by the other parties to the proceeding. The addresses of Mr. Yohey and Mr. Gillespie follow:

John Yohey  
88 Dutch Hill Road  
Bloomsburg, PA 17815  
Phone: (570) 204-1356  
Fax: (570) 387-8762

John Gillespie  
Gillespie & Company  
7 West First Street  
Watsonstown, PA 17777  
Phone: (570) 538-1078  
Fax: (570) 538-1079

## **VII. ISSUES**

Wonderview intends to submit its rate filing into evidence as part of the evidence in this case. Wonderview's testimony will explain the normalization and annualization of historic levels of revenues and expenses and present its limited future test year adjustments and the calculation of its proposed revenue requirement.

In its responsive testimony, Wonderview will also address any issues raised by other parties to this proceeding. These would include revenue and expense issues, rate base, and rate of return.

Wonderview submits that other parties must either present testimony on an issue or notify Wonderview, the ALJ and other parties to the proceeding of their intent to address such issue in brief at the time of filing of their Direct Testimony.

### VIII. EVIDENCE

The evidence which will be presented by Wonderview will include business records and other documentation bearing upon the operation of its business. With respect to the issue of rate of return, Wonderview also intends to offer into evidence the Commission's calculations of a fair rate of return for utility enterprises as presented in its Report on the Quarterly Earnings of Jurisdictional Utilities as the basis for its requested rate of return.

October 13, 2011

Respectfully Submitted,



Edmund J. Berger

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Inc.**

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