

JACOBSON, JULIUS & McPARTLAND

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September 14, 2012

Secretary
PA PUC
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Chateau Woods, Inc. v. United Water PA
No. C-2012-2314036

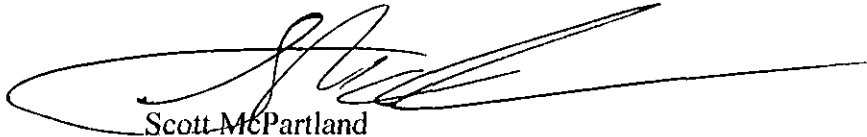
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To Whom It May Concern:

Please find enclosed for filing an original and one copy of Complainant's Answer to Respondent's Motion for Judgment on the Pleadings in the above listed matter. Kindly return the time-stamped copy to me in the envelope provided.

If after reviewing this correspondence you should have any questions or comments, please feel free to contact me at your convenience.

Sincerely,



Scott McPartland

CHATEAU WOODS, INC. : BEFORE THE PUBLIC UTILITY
Complainant : COMMISSION
 :
vs. : NO.: C-2012-2314036
 :
UNITED WATER PENNSYLVANIA :
Respondent :

**COMPLAINANT'S ANSWER TO RESPONDENT'S MOTION
FOR JUDGMENT ON THE PLEADINGS**

AND NOW COMES, Chateau Woods, Inc., Complainant, by and through its attorneys, Jacobson, Julius & McPartland, hereby files the following Answer to Respondent's Motion for Judgment on the Pleadings, and in support thereof states the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part and denied in part. It is denied that that the Agreement and/or the Tariff are reasonable, fair or legal.
5. Denied. It is denied that there is no basis for the Commission to modify the Agreement. The remaining allegations in Paragraph 5 contain legal conclusions or assertions to which no responsive pleading is required; to the extent a response is deemed required, the allegations are denied.
6. Denied. It is denied that there is no genuine issue as to any material fact.
7. Admitted.
8. Admitted.

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9. Complainant lacks knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 9; therefore, they are denied.

10. It is admitted that Respondent paid Complainant Per Customer Refund Amounts; however, Complainant is not able to verify the exact amount it received.

11. Denied. It is denied that Complainant has no facts which would establish that the deposit circumstances are other than those stated by Respondent. Attached hereto as Exhibit A are the Preliminary Memorandum the parties executed showing a Refundable amount of \$79,635.00 as well as 2010 Deposit Refund Statement showing a balance of \$46,920.00.

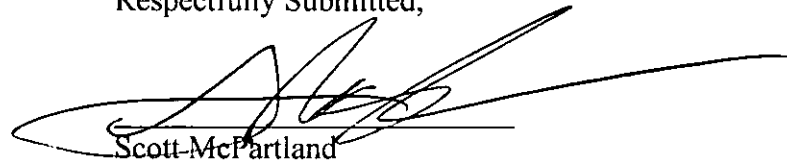
12. Denied. It is denied that Complainant paid the contractors it engaged to construct the main, fire hydrants and services. It is further denied that Complainant did not pay UWPA for this construction work.

13. Denied. It is denied that there is no genuine issue as to any material fact.

WHEREFORE, Complainant respectfully requests this Commission to dismiss Respondent's Motion for Judgment on the Pleadings and grant such other relief deemed just and appropriate.

Dated: 09/14/2012

Respectfully Submitted,



Scott McPartland
Attorney I.D. No.: 209669
Leslie David Jacobson
Attorney I.D. No.: 52673
Jacobson, Julius & McPartland
8150 Derry Street, Ste. A
Harrisburg, PA 17111
717.909.5858
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Exhibit A

PRELIMINARY MEMORANDUM

This Preliminary Memorandum is executed by the parties hereto under and pursuant to the provisions of Paragraph First of a certain agreement in writing between the parties entered into on the 25th day of July, 2000 for the installation by the Applicant of a certain water main(s) therein described. It is, therefore, agreed and stipulated:

	Refundable	Non-Refundable
(A) Estimated Cost Main(s)	\$ <u>49,629</u>	\$ _____
(B) Estimated Cost of Fire Hydrants	\$ <u>6,686</u>	\$ _____
(C) Estimated Cost of Services	\$ <u>13,528</u>	\$ _____
(D) Estimated Cost of Other Facilities	\$ <u>0</u>	\$ _____
(E) Subtotal	\$ <u>69,843</u>	\$ _____
(F) Estimated Company Construction Overhead	\$ <u>9,792</u>	\$ _____
(G) Total	\$ <u>79,635</u>	\$ _____

This Preliminary Memorandum shall be attached to the original agreement in accordance with the provisions of Paragraph First thereof.

Dated: 7/25/00

WITNESS:

UNITED WATER PENNSYLVANIA INC.

James H. Libal
Vice President

WITNESS:

APPLICANT:

Richard Jackson (Pres)

Extension Deposit Refund Statement

Name of Company: United Water Pennsylvania, Harrisburg, Pa.

Date: 7/12/2010

Name of Party Entitled to Refund: Chateau Woods, Inc.
Address: 8150 Derry Street
Harrisburg, PA 17111

Project: C00D315
Sub-Project #: COMMON
Control Acc't: 212
Sub-Account 25200
Flow: F15

Contract Date: 7/25/2000

Expiration Date: 7/25/2010

Terms of Contract (Basis for Refund) - Refund(s) as per Paragraph 12 of the Water Main
Extension to serve: Chateau Woods Development, Lower Paxton Township, Dauphin County,
Harrisburg, PA

<u>Date</u> <u>Turned On</u>	<u>Account #</u>	<u>Location</u>	<u>Annual</u> <u>Revenue</u>	<u>Other</u> <u>Basis</u>
2/24/2010	998519077	2181 Bordeaux Court	\$	241

Total \$ - \$ 241

Total Amount of Original Project: \$ 53,702

Amount to be Refunded: \$ 241

Previous Refunds to Date: \$ 6,541

Balance Unrefunded: \$ 47,161

Amount of this Refund: \$ 241

Balance of Project: \$ 46,920

Refund approved
by:



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Complainant, : COMMISSION
 :
vs. : NO.: C-2012-2314036
 :
UNITED WATER PENNSYLVANIA :
Respondent :

CERTIFICATE OF SERVICE

I, Scott McPartland, do hereby certify that a copy of the foregoing document was this day served upon the following person in the manner indicated below:

FIRST CLASS MAIL

Thomas T. Niesen, Esq.
Thomas, Long, Niesen & Kennard
P.O. Box 9500
Harrisburg, PA 17108

DATED: September 14, 2012


Scott McPartland

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