

OALJ Hearing Report

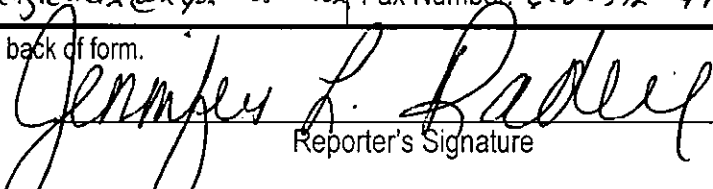
Please Check Those Blocks Which Apply

| | | | | |
|-----------------|---|-----------------------------|-------------------------------------|--|
| Docket No.: | A-210117 (Water Application) & A-230101 (Wastewater Application) | Prehearing Held: | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| Case Name: | Application of Hidden Valley Utility Services, LP | Hearing Held: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Testimony Taken: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Transcript Due: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Hearing Concluded: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Location: | Hidden Valley | Further Hearing Needed: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Estimated Add'l Days: | unknown | |
| Date: | October 7, 2004 | <i>parties in mediation</i> | | |
| | | RECORD CLOSED: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ALJ: | John H. Corbett, Jr. | DATE: | | |
| | | Briefs to be Filed: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Reporting Firm: | Commonwealth Reporting | DATE: | | |
| | | Bench Decision: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DOCUMENT | | REMARKS: | | |
| | | | | |
| | | | | |

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

| Name and Telephone Number | Address | Who are you representing? | | | | |
|---|--|---|------|-------|-----|------------|
| ERIN GANNON Telephone: 717 783 5048 | 555 Walnut St. 5 th floor Forum Place | Office of Consumer Advocate | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td>Harrisburg</td> <td>PA</td> <td>17101</td> </tr> </table> | | City | State | Zip | Harrisburg |
| City | State | Zip | | | | |
| Harrisburg | PA | 17101 | | | | |
| | E-mail Address: egannon@pacca.org | Fax Number: 717 783 7152 | | | | |
| Charles Daniel Shields Telephone: 717-783-6151 | Post Office Box 3065 | Office of TRIAL STAFF | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td>W66</td> <td>PA</td> <td>17105-3065</td> </tr> </table> | | City | State | Zip | W66 |
| City | State | Zip | | | | |
| W66 | PA | 17105-3065 | | | | |
| | E-mail Address: | Fax Number: 717-722-2677 | | | | |
| Carl Engleman Jr. Telephone: 610-372-4761 | 1105 Berkshire Boulevard Suite 330 | Hidden Valley Utility Services Hidden Valley Resort | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td>Wyomissing</td> <td>PA</td> <td>19610</td> </tr> </table> | | City | State | Zip | Wyomissing |
| City | State | Zip | | | | |
| Wyomissing | PA | 19610 | | | | |
| | E-mail Address: Cengleman@Ryan.Russell.com | Fax Number: 610-372-4177 | | | | |

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265
Telephone: (717) 787-1399 - Fax: (717) 787-0481
November 10, 2004

IN REPLY PLEASE
REFER TO OUR FILE

In Re: A-210117
A-230101

(See Letter of 9-10-04)

DOCUMENT
FOLDER

Application of Hidden Valley Utility Services, L.P.,
For approval to begin to offer, render, furnish or supply water
and wastewater service to the public in Hidden Valley, PA

MEDIATION NOTICE

A further mediation session will be held as follows:

Date: Tuesday, December 21, 2004
Time: 11:00 a.m.
Location: 3 West Conference Room
Third Floor
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

DOCKETED
FEB 16 2005

**This conference room is the glass-enclosed room overlooking the atrium in the Keystone Building. Entrance to the conference room is immediately adjacent to the Commission's Law Library on the third floor.

Mediator: Herbert R. Nurick
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5428
Fax: (717) 787-0481
Email: hnurick@state.pa.us

In the meantime, please attempt to resolve the issues involved prior to the mediation session.

Any questions regarding the mediation should be directed to the mediator at the telephone number provided above.

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- For persons who are deaf or hearing-impaired, contact the AT&T Relay Service: 1-800-654-5988.

ALJ Corbett
Mediator Nurick
Ona Lester
Beth Plantz
Docket Section
Calendar File

A-210117 & A-230101

APPLICATION OF HIDDEN VALLEY UTILITY SERVICES, L.P.,
FOR APPROVAL TO BEGIN TO OFFER, RENDER, FURNISH OR SUPPLY
WATER AND WASTEWATER SERVICE TO THE PUBLIC IN
HIDDEN VALLEY, PA

✓ CHARLES DANIEL SHIELDS
PROSECUTOR
OFFICE OF TRIAL STAFF
PA PUBLIC UTILITY
COMMISSION
P O BOX 3265
HARRISBURG PA 17105-3265
717.783.0151

✓ CHRISTINE MALONI HOOVER
ESQUIRE
ERIN L GANNON ESQUIRE
OFFICE OF CONSUMER ADVOCATE
5TH FLOOR FORUM PLACE
555 WALNUT STREET
HARRISBURG PA 17101-1923
717.783.5048

✓13 JACK MAUTINO
PO BOX 4345
2038 SOUTH RIDGE DRIVE
HIDDEN VALLEY PA 15502
814.445.6482

✓ JEFFREY A FRANKLIN ESQUIRE
CARL J ENGLEMAN JR ESQUIRE
RYAN RUSSELL OGDEN &
SELTZER LLP
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1105 BERKSHIRE BOULEVARD
WYOMISSING PA 19610-1222
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✓ ED MILLER
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HIDDEN VALLEY PA 15502
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✓ ANGELA M & H DAVID BOYTER
3914 MACALPINE ROAD
ELLCOTT CITY MD 21042

✓11 JOHN A FIESTA
1752 GREENFIELD DRIVE
BOX 4060
HIDDEN VALLEY PA 15502
814.443.0602

✓ ANGELA M & H DAVID BOYTER
BOX 4214
354 LAKE ROAD
HIDDEN VALLEY PA 15502

16,9517

MEDIATION ATTENDANCE SHEET

Mediation Conference Report

| | |
|---|---|
| Docket No. A-210117, A230101 | CHECK THOSE WHICH APPLY: Mediation Conference Held <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Mediation Concluded <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Further Conference Needed <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Estimated Add'l Days _____ |
| Case Name Application of Hidden Valley Utility Services, L.P. | |
| Location HBG | |
| Date December 21, 2004 | |
| Mediator Herbert Nurick | |
| REMARKS: Case resolved. Formal agreement to follow. | |

DOCUMENT FOLDER

Names, Addresses and Telephone Numbers of Parties or Counsel of Record
PLEASE PRINT CLEARLY

Incomplete Information May Result In Delay Of Process

| Name and Telephone Number | Address | Appearing for |
|--|--|---|
| * Erin Gannon Dianne Dusman Telephone: 717 783 5048 | 555 Walnut St. 5 th Fl. Forum Place City: Harrisburg State: PA Zip: 17101 | Office of Consumer Advocate Fax Number: 717 783 7152 |
| * Charles Daniel Shields Telephone: 717-787-1976 | P.O. Box 3265 City: HBG State: PA Zip: 17105-3265 | Office of TRIAL STAFF Fax Number: 717-772-2677 |
| * Allison Curtin Telephone: (717) 783-7998 | P.O. Box 3265 City: Harrisburg State: PA Zip: 17005 | Office of Trial Staff Fax Number: |
| * Carl Engleman Telephone: (610) 372-4761 | 1105 Berkshire Blvd. Suite 330 City: Wyomissing State: PA Zip: 19610 | Hidden Valley Utility Services Hidden Valley Resour Fax Number: (610) 372-4177 |
| * Harold Walker Telephone: 610 650 8101 | Gannett Fleming City: _____ State: _____ Zip: _____ | HVR Fax Number: 610 650 8190 |

DEC 27 2004
 PA. P.U.C.
 SECRETARY'S BUREAU

Check this box if additional parties or counsel of record appear on back of form.

| Name and Telephone Number | Address | | | Appearing for |
|---------------------------|-------------------------------------|-------|-------|------------------------|
| *Angie + David Boyter | 3914 Mac Alpine Rd Ellicott City | | | self |
| | City | State | Zip | |
| | | MD | 21042 | |
| Telephone: 4104651444 | E-mail Address: boyter@sprynet.com | | | Fax Number: 4104651444 |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |
| | City | State | Zip | |
| Telephone: | E-mail Address: | | | Fax Number: |

OTHER PERSONS IN ATTENDANCE

Case Name:

Docket No.:

| Name and Telephone Number | Address | Reason for attending |
|---|---|--------------------------|
| * TERRY L FOUGHT Telephone: 717-566-7298 | 780 CARDINAL DRIVE City: HARRISBURG State: PA Zip: 17111 | CONSULTANT w/OCA |
| Telephone: 717-566-7298 | E-mail Address: TLFENGIR@AOL.COM | Fax Number: 717-566-7298 |
| * MARILYN KRAUS Telephone: 717-783-5048 | 555 WALNUT ST. City: HBG State: PA Zip: 17101 | OCA |
| Telephone: 717-783-5048 | E-mail Address: mkraus@paoca.org | Fax Number: 717-783-7152 |
| * GLENN FODOR Telephone: | 1 CRAIGHED DL. City: HIDDEN VALLEY State: PA Zip: 15502 | HVUS |
| Telephone: | E-mail Address: | Fax Number: |
| * [Signature] Telephone: | 1 CRAIGHED DL. City: HIDDEN VALLEY State: PA Zip: 15502 | |
| Telephone: | E-mail Address: | Fax Number: |
| * [Signature] Telephone: | 1 CARDINAL DRIVE City: HIDDEN VALLEY State: PA Zip: 15502 | HVUS |
| Telephone: | E-mail Address: | Fax Number: |
| * Ed Miller Telephone: 814-444-8161 | 203 IMPERIAL RD BOX 4143 City: HIDDEN VALLEY State: PA Zip: 15502 | HV FOUNDATION |
| Telephone: 814-444-8161 | E-mail Address: PWD3PWD3@AOL.COM | Fax Number: |
| * Jack L. Mautino Jr Telephone: 814-445-6482 | 2308 South Ridge Dr. P.O. BOX 4345 City: HIDDEN VALLEY State: PA Zip: 15502 | H.V. FOUNDATION |
| Telephone: 814-445-6482 | E-mail Address: JMAUTINO@STARGATE.NET | Fax Number: |

DATE: March 31, 2005

SUBJECT: A-210117,A-230101

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Secretary *KB*

**DOCUMENT
FOLDER**

Application of Hidden Valley Utility Services, L.P. for approval to begin to offer, render, furnish or supply water and wastewater service to the public in Hidden Valley, Pennsylvania

Attached is a copy of a Joint Petition for Settlement of Hidden Valley Utility Services, L.P. and Office of Trial Staff, et al, filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

ksb

DOCKETED

JUN 6 2005

RJP

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

Applications of Hidden Valley Utility Services, L.P.

A-210117 (Water) and A-230101 (Wastewater)

Report of Mediator

DOCKETED
AUG 25 2005

Mediation sessions were held on August 30, September 21, and December 21, 2004. The following persons attended one or more of the sessions:

Hidden Valley Utility Services, L.P.—Carl Engleman, Jr., counsel; Harold Walker of Gannett Fleming; Thomas Beemiller; Glenn Fodor; John Scanlan

Office of Trial Staff -- Charles Daniel Shields, Esquire; Allison Curtin, Esquire; Bob Plonski; Janet Markovich; Gary Yocca; David Keim; Joseph Kubas; Kevin Deardorff

Office of Consumer Advocate—Christine Hoover, Esquire; Erin Gannon, Esquire; Dianne Dusman, Esquire; Marilyn Kraus; Terry Fought


Hidden Valley Resort, L.P.—Carl Engleman, Jr., counsel

Hidden Valley Foundation, Inc.—Jack Mautino; Ed Miller; John Fiesta
(These persons also attended on behalf of themselves as individuals.)

David and Angie Boyter

On April 1, 2005, I learned that an agreement (entitled “Joint Petition for Settlement of Separate Water and Wastewater Application Proceedings”), signed by all the parties, was sent to Administrative Law Judge John H. Corbett with Mr. Engleman’s forwarding letter, dated March 23, 2005.

The mediation phase of this case has now concluded.


Herbert R. Nurick, Mediator
April 1, 2005

pc: ALJ John H. Corbett, Jr.
All parties of record--see attached

**DOCUMENT
FOLDER**

A-210117 APPLICATION OF HIDDEN VALLEY UTILITY SERVICES, L.P.
FOR APPROVAL TO BEGIN TO OFFER, RENDER, FURNISH OR SUPPLY WATER
SERVICE TO THE PUBLIC IN HIDDEN VALLEY, PENNSYLVANIA

A-230101 APPLICATION OF HIDDEN VALLEY UTILITY SERVICES, L.P.
FOR APPROVAL TO BEGIN TO OFFER, RENDER, FURNISH OR SUPPLY
WASTEWATER SERVICE TO THE PUBLIC IN HIDDEN VALLEY, PENNSYLVANIA

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HARRISBURG PA 17101-1923

CHARLES DANIEL SHIELDS ESQUIRE
PA PUBLIC UTILITY COMMISSION
OFFICE OF TRIAL STAFF
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H DAVID AND ANGELA M BOYTER
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COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 1103 PITTSBURGH STATE OFFICE BUILDING
 300 LIBERTY AVENUE
 PITTSBURGH, PENNSYLVANIA 15222-1210

Telephone: 412 565-3550
 Fax: 412 565-5692

IN REPLY PLEASE
 REFER TO OUR FILE

May 2, 2005

Richard Brown
 1767 Greenfield Terrace
 Hidden Valley, PA 15502

Re: *Applications of Hidden Valley Utility Services, L.P.*
Docket Nos. A-210117 & A-230101

Dear Mr. Brown:

Kindly be advised that Hidden Valley Utility Services, L.P. has filed a Joint Petition for Settlement of this case with the Pennsylvania Public Utility Commission in which the Commission's Office of Trial Staff, the Office of Consumer Advocate and five of the six individual Protestants, Edwin C. Miller, Jack Mautino, Jr., Douglas Brown, John Fiesta and Edward Mackenzie, have joined. These parties have found the proposed settlement to be fair, just and reasonable.

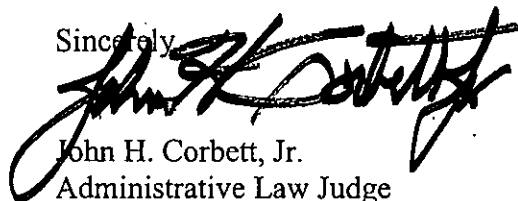
A copy of their joint settlement, together with the supporting statements of the Office of Trial Staff and the Office of Consumer Advocate, is enclosed for your information and convenience. I must now draft a decision recommending to the Commission whether to accept this settlement as in the public interest.

Because you joined with five other individuals and filed a complaint/protest challenging these applications, your protest became a part of this proceeding. As a Protestant, you have the right to comment on the proposed settlement. Due to the time constraints imposed by law, however, I have a limited time to consider this settlement and any comments to it. You must act immediately, if you wish to file such a comment. Otherwise, the proposed settlement will be considered without your input.

Therefore, be advised that you must file any comment on the proposed settlement in writing with the Secretary for the Commission at P.O. Box 3265, Harrisburg, PA 17105-3265 **by Friday, May 13, 2005**. Just as importantly, I must receive a copy of your written comment at 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 **by Friday, May 13, 2005**. Be sure to include the docket numbers of this case on all correspondence. You must also send a copy of your comment to every individual named on the enclosed service list.

I thank you for your time and attention to this matter.

Sincerely,


 John H. Corbett, Jr.
 Administrative Law Judge

RECEIVED
 2005 MAY -4 AM 10: 21
 SECRETARY'S BUREAU

Enclosure

pc: Chief Administrative Law Judge Veronica A. Smith (w/o enclosure)
 Mediator Herbert R. Nurick, Esq. (w/o enclosure)
 All Other Parties of Record (w/o enclosure)
 File Room (w/o enclosure)

KJR

SERVICE LIST: A-210117 & A-230101

Hidden Valley Utility Services, L.P.
One Craighead Drive
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Hidden Valley, PA 15502

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Erin L. Gannon, Esq.
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Harrisburg, PA 17101-1923

Charles Daniel Shields, Esq.
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Herbert R. Nurick
Mediation Coordinator
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
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Hidden Valley, PA 15502

Hidden Valley Foundation, Inc.
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Jack Mautino, Jr.
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Richard Brown
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Douglas Brown
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