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June 4, 2013

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd floor
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission v. North Heidelberg Sewer Company
Docket Nos. R-2012-2330877, et al.

Dear Secretary Chiavetta:

On behalf of North Heidelberg Sewer Company, I have enclosed for electronic filing the Motion to Include Application in the Record, in the above-captioned matter.

If you have any questions, please feel free to contact me.

Very truly yours,



Jeffrey A. Franklin

JAF/tlg
Enclosure

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2012-2330877
Office of Consumer Advocate	:	C-2012-2336716
David Marous	:	C-2013-2346871
v.	:	
North Heidelberg Sewer Company	:	

**COMPANY MOTION TO INCLUDE
APPLICATION IN THE RECORD**

TO THE HONORABLE JOEL H. CHESKIS, ADMINISTRATIVE LAW JUDGE:

North Heidelberg Sewer Company (“North Heidelberg” or the “Company”) by its undersigned counsel, respectfully submits pursuant to Section 5.103, 52 Pa. Code § 5.103, this Motion to Include the Company’s Application in the Record of the above captioned matters (“Motion”). The Bureau of Investigation & Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), and David Marous do not object to this Motion. The OCA is attempting to contact the individual Complainants to ascertain the position of each regarding this Motion. The Company respectfully requests that Administrative Law Judge Joel H. Cheskis (“ALJ Cheskis”) admit into the evidentiary record of the above captioned matter the October 23, 2012 filed Company Application and supporting documents. In support of the request, the Company states as follows:

1. On October 23, 2012, North Heidelberg Sewer Company filed Supplement No. 2 to Tariff Sewer-Pa. P.U.C. No. 1, to become effective January 1, 2013, containing proposed

changes in rates, rules and regulations calculated to produce \$106,139 in additional revenues, based upon the experienced level of operations in the historic test year ending June 30, 2012 (“Application”).

2. Complaints have been filed against the proposed rate increase by the Office of Consumer Advocate (C-2012-2336716), Walter Eckhoff (C-2012-2330916), Dennis Scianna (C-2012-2340430), and David Marous (C-2013-2346871). Also, the Bureau of Investigation & Enforcement entered an appearance.

3. By Order entered December 20, 2012, at Docket No. R-2012-2330877, the Commission instituted an investigation to determine the lawfulness, justness, and reasonableness of the proposed rates, rules and regulations. The Order directed the Office of Administrative Law Judge to assign the matter to an ALJ for Alternative Dispute Resolution, if possible, or to schedule such hearings as are necessary for the ALJ to render a Recommended Decision. Pursuant to 66 Pa. C.S. § 1308(d), the filing was suspended by operation of law until August 1, 2013.

4. North Heidelberg agreed to participate in the Commission’s Alternative Dispute Resolution and subsequently tariff supplements evidencing the extensions of the suspension period until October 1, 2013 were filed with the Commission and served on the parties.

5. The case was assigned to ALJ Cheskis. Cynthia Lehman was assigned as mediator. On February 5, 2013, a Prehearing Conference was conducted by ALJ Cheskis.

6. Following the Prehearing Conference, the parties entered into a mediation session seeking to achieve a settlement of the issues in the case. Participating in the mediation session were the Company, OCA, I&E, David Marous, and Dennis Scianna. Although those parties

were not able to come to an agreement at the mediation session, the same parties continued settlement discussions through phone calls and emails, resulting in the Joint Petitioners agreeing to the terms and conditions set forth therein. All of the listed parties were included on emails and notified of all phone calls. Except to the extent specifically set forth therein, the Joint Petitioners acknowledge that, while they have not sought, nor would they be able, to agree upon the specific rate case adjustments presented in North Heidelberg's rate increase filing, they are in full agreement that adoption of each and every term and condition of the Settlement is in the best interest of North Heidelberg's customers and North Heidelberg and, therefore is in the public interest. Complainant Dennis Scianna did not join in the Settlement.

7. On May 28, 2013, a Joint Petition for Settlement of All Issues In Rate Proceeding ("Joint Petition") was submitted by the Company, I&E, OCA, and David Marous. The parties submitted that the Joint Petition was in the public interest and should be adopted without modification. The Company, I&E, and OCA filed with the Joint Petition Statements in Support of the Joint Petition.

8. On May 28, 2013, ALJ Cheskis issued an Order establishing a deadline for the filing of objections to the Joint Petition.

9. In order to further support the Joint Petition and provide a complete record for the Commission, the Company hereby requests that the Company's Application be entered in the record of this proceeding. I&E, OCA, and David Marous do not object to this Motion. The Company and OCA have contacted the other individual Complainants seeking the position of each regarding this Motion. This Motion is being filed presently to avoid delay in consideration of the Joint Petition.

WHEREFORE, for all of the foregoing reasons, North Heidelberg Sewer Company moves that the Company's Application be made a part of the record of this proceeding.

Respectfully submitted,

North Heidelberg Sewer Company

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Dated: June 4, 2013

