

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

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In the Matter of: :
: :
Application of Hidden Valley :
Utility Services, LP - Water; :
Application of Hidden Valley :
Utility Services, LP - Wastewater.:
For approval to offer, render, :
furnish, or supply water and :
wastewater services to the public :
in Hidden Valley, PA. :
: :
Public Input Hearing :
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Docket Nos. A-210117
A-230101

DOCKETED
OCT 27 2004

Pages 62 through 138 Summit Highlands Room
1 Craighead Drive
Hidden Valley, Pennsylvania

DOCUMENT

Thursday, October 7, 2004
Met, pursuant to notice at, 7:00 p.m.

BEFORE: JOHN H. CORBETT, JR., Administrative Law Judge

APPEARANCES:

CHARLES DANIEL SHIELDS, Esquire
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265
(For the Commission)

ERIN L. GANNON, Esquire
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, Pennsylvania 17101-1923
(For the OCA)

CARL J. ENGLEMAN, JR, Esquire
1105 Berkshire Boulevard, Suite 300
Wyomissing, Pennsylvania 19610-1200
(For Hidden Valley)

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE JOHN CORBETT:

1 We're on the record at this time. This is the time and
2 place that the Pennsylvania Public Utility Commission
3 has set aside for a public input hearing on the
4 applications of Hidden Valley Utility Services, LP at
5 Dockets Nos. A-210117 and A-230101. My name is John
6 Corbett. I am the Administrative Law Judge that the
7 Commission has assigned to preside over the hearings in
8 this case and to render an initial decision for the
9 Commission to consider.

12 At this time I want to introduce to you
13 some of the people involved in this case. To my far
14 left, to your right, is Carl Engleman who represented
15 Hidden Valley Utility Services, LP. To my far right,
16 to your far left is Charles Daniels Shields from the
17 Office of Trial Staff for the Commission. To my
18 immediate right is Erin Gannon from the Office of
19 Consumer Advocate.

20 I want to take a minute or two now to
21 summarize for you what this case is about. The present
22 applications were filed as a direct result of an
23 agreement to settle a complaint that Angela and David
24 Boyter filed with the Commission against Hidden Valley
25 Resort. Through these applications Hidden Valley

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700 Lisburn Road
Camp Hill, Pennsylvania 17011

1-800-334-1063

717-761-7150

1 Utility Services, LP seeks Commission approval to begin
2 to offer, render, furnish or supply water and
3 wastewater service to the public in Hidden Valley
4 Pennsylvania.

5 Six individuals have filed complaints
6 against these applications. These individuals are
7 Edwin C. Miller, Jack Martino, Jr., Douglas Brown, John
8 Fiesta, Richard Brown and Edward MacKenzie. Angela and
9 David Boyter intervened in this action as has the
10 Office of Consumer Advocate. The Commissions Office of
11 Trial Staff filed a protest to these applications.
12 Hidden Valley Resort LP and Hidden Valley Foundation
13 Incorporated have been made indispensable parties to
14 this action.

15 On August 5, 2004 the parties and I held
16 a pre-hearing conference. During which we developed a
17 litigation schedule and the parties agreed to consider
18 mediation under the auspices of the Commissions
19 mediator Mr. Hurbert Nurick. Due to the apparent
20 success so far of that mediation process most of the
21 parties asked me to suspend the litigation schedule so
22 that they could concentrate their efforts on the
23 mediation. I granted this request and I am now waiting
24 for further word from the parties on the outcome of
25 their mediation.

1 Now the one litigation item that we did
2 not suspend during the mediation process is tonight's
3 public input hearing because we felt it was important
4 to obtain your thoughts on these applications. The
5 purpose of the public input hearing this evening is to
6 obtain the testimony of those persons who claim to have
7 an interest in the subject matter of this case. The
8 Commission wants to hear from those people most
9 affected by the current applications. Those customers
10 within the proposed service territory of Hidden Valley.
11 I am interested in hearing from you of hearing what you
12 have to say about these applications.

13 Your testimony will have a direct
14 bearing on any settlement the parties may propose for
15 this case or if the parties are unable to achieve a
16 settlement the Commission will consider your testimony
17 when deciding the merits of these applications.
18 Evidentiary hearings may be held in the State Office
19 Building in Pittsburgh if the medication is
20 unsuccessful. During those hearings the applicant as
21 well as the other parties will testify and they may
22 respond to the testimony we hear this evening. I have
23 one note of caution however. If you choose to testify
24 tonight you will not be allowed to testify at any
25 future evidentiary hearing. Each party is entitled to

1 only one bite of the apple.

2 As I stated if the mediation is
3 unsuccessful in achieving a settlement hearings will be
4 held, the record will close and I will submit a
5 decision to the Commission within 90 days of the close
6 of the record. The Commission may take several months
7 after that to consider these applications.

8 With that background let me ask any of
9 the individuals whom I introduced earlier whether they
10 wish to make a statement before proceeding further with
11 this hearing. Mr. Shields, do you wish to make an
12 opening statement?

13 MR. SHIELDS: Good evening, folks. As
14 the Judge indicated my name is Charles Daniel Shields.
15 My title is prosecutor with the Commissions Office of
16 Trail Staff. The Judge has given you some of the
17 history let me just add to that by saying he is indeed
18 correct you have Angie and David Boyter there to thank
19 for the PUC assuming jurisdiction. After we received
20 their complaint and Angie rang by boss, the chief
21 prosecutor the OTS filed a complaint. We got involved
22 in the proceeding. We got the folks from Hidden Valley
23 down and after a little browbeating got them to agree
24 to file these particular applications, which is now
25 before the Judge.

1 In this proceeding if you were to come
2 to the hearings if we have evidentiary hearings you
3 wouldn't see this type of set up. You would see the
4 Judge up front of course and the attorneys down at the
5 attorney's tables. We merely set it up this way. This
6 isn't a panel; you're speaking to the Judge. We're
7 merely parties here to the proceeding and we're
8 entitled to ask you questions. They're usually not
9 difficult questions. A lot of the questions that I ask
10 and the Office of Consumer Advocate asks are follow-up
11 questions so that we can pin down your testimony.

12 The Judge is absolutely correct that we
13 can and have used, the Office of Trial Staff and the
14 Office of Consumer Advocate, can and have used
15 testimony countless times, countless numbers of
16 testimony at different public input sessions like this
17 to sway both the Administrative Law Judge hopefully and
18 the Commission regarding particular items about
19 service. That's what usually comes up in public input
20 sessions, about service.

21 Now, the Judge also mentioned that we
22 are having a mediation process. There is some progress
23 in the mediation. We have not settled the case.
24 Neither I nor the Office of Consumer Advocate would
25 ever settle a case before we had an opportunity to hear

1 from you folks at public input sessions. Obviously,
2 this is tremendous attendance. It looks like we're
3 going to have a lot of good interesting input and
4 hopefully we'll have some intelligent questions to ask
5 you to follow up. If we do in-fact come to a --- in
6 the subsequent mediation, if we do in-fact come to some
7 sort of settlement you have my word and you can rest
8 assured to the extent that there are service complaints
9 that stand unresolved. If there are the types of the
10 things that are going to affect the rates to be
11 established in this proceeding. If there are topics
12 that you bring up tonight that are going to effect the
13 tariff provisions that provide for service, that
14 provide for responses to questions that you have to the
15 utility, which is going to be established and is going
16 to be under the jurisdiction of this commission at the
17 end of the proceeding.

18 Judge, thanks for the opportunity to
19 speak and we look forward to your comments.

20 JUDGE CORBETT: Thank you. Ms. Gannon?

21 MS. GANNON: Thank you. As the Judge
22 indicated my name is Eric Gannon. I'm here on behalf
23 of the Office of Consumer Advocate. We are part of the
24 Attorney General's Office in Pennsylvania. If you
25 would like some more information about our office there

1 are some pamphlets on the table by the door. It just
2 gives you a little bit more background about all the
3 different things that we do.

4 In this case specifically, we have
5 gotten involved on behalf of residential customers. We
6 have two experts who are here with me tonight who are
7 helping us work on the case. We have engineer Terry
8 Fought who is helping. If you have any specific issues
9 about service that you'd like to speak with him about
10 during a break or at the end of the hearing I encourage
11 you to do so. Also with me is Marilyn Kraus, who is an
12 accountant with the Office of Consumer Advocate who is
13 helping us look at the rates.

14 As the Judge mentioned not only is the
15 company here to get certificated to be a regulated
16 public utility they have also proposed to set rates,
17 which are higher than the rates that are currently
18 being charged to customers for water and wastewater
19 service. So we are looking at that as well. I would
20 encourage you to testify. I know that a number of
21 people have signed up. If you haven't signed up please
22 consider doing so. The information that you get onto
23 the record that is recorded here tonight very much
24 helps us in the proceeding. It is something that we
25 can look back on as we go through the case and it is

1 something that is a formal part of the record in this
2 case.

3 I think that's all. If you have any
4 questions for me I'd be happy to talk with you at a
5 break or after the hearing and thank you for this great
6 attendance. We appreciate you being here.

7 JUDGE CORBETT: Thank you. Mr.
8 Engleman?

9 MR. ENGLEMAN: Thank you, Your Honor.
10 Ladies and gentlemen, my name is Carl Engleman. I
11 represent Hidden Valley Utility Services. Thank you
12 very much for coming tonight.

13 One of the things that Hidden Valley
14 Utility Services has been made aware of are some
15 service and operational issues that surround discolored
16 water, the color of tea if you will, that some
17 customers have been experiencing. Now the reason that
18 this occurs is basically it's an operation and a
19 utilization issue of the system. You have a system
20 here that serves over 1,000 units and has just over 120
21 full time customers or full time residents.

22 A lot of the time when you get this tea
23 colored water it's during periods of rather high usage
24 and you have the system being used by a lot of
25 customers at one time. Now Hidden Valley Resort

1 previously and Hidden Valley Utility Services will
2 continue the resorts practice of flushing the mains a
3 number of times per year. Currently the mains are
4 flushed four times per year and that has not alleviated
5 a number of the complaints regarding tea colored water.

6 Therefore, as a matter of protection
7 what Hidden Valley Utility Services has done is that
8 they have contacted a local water quality assurance
9 firm. They have used the buying power of the company,
10 if you will, to guarantee for a period of six months
11 after the petition for Certificate of Public
12 Convenience has been approved by the Public Utility
13 Commission for each customer to be able to purchase
14 installed a particulate water filter to be placed on
15 your individual units at a cost \$149 to the customer.
16 This is well over a 25 percent savings over the normal
17 cost of such a particulate filtration system.

18 These systems --- if you install one of
19 these systems this does not compromise the quality of
20 the water that will be delivered to you from Hidden
21 Valley Utility Services under the Safe Drinking Water
22 Act and under the Public Utility Code. Hidden Valley
23 Utility Services has a duty to provide you safe,
24 adequate and reasonable service and water that meets or
25 exceeds all applicable, maximum contaminate levels that

1 have been set by EPA and DEP respectively. That will
2 not change. The only thing that would change is that
3 you would have the added measure of protection against
4 this tea colored water entering your home and having
5 you being inconvenienced by this.

6 Thank you very much.

7 JUDGE CORBETT: Thank you. This is a
8 legal proceeding tonight and if you wish to ask
9 questions of anyone up here or any of the experts that
10 the OCA has brought tonight you'll have an opportunity
11 either during a break in the hearing or after the
12 hearing to talk to them. The purpose of tonight's
13 hearing is to obtain testimony from you the interested
14 parties to this action. Now, I have received a number
15 of the sign-in sheets that the parties have signed.
16 The room is overflowing. I just want to make sure that
17 everyone who wishes to testify signs in and that way
18 we'll have a record of who wishes to be heard here
19 tonight.

20 Now, as I indicated we've placed the
21 sign-in sheets for people to print their names,
22 addresses and telephone numbers if you wish to speak at
23 this hearing. I'm going to shortly call that list.
24 When called you'll be asked to come forward to testify.
25 The Commissions policy regarding public input hearings

1 gives you three options. The first is that you may
2 testify formally under oath or affirmation and be
3 subject to cross examination. The second option is
4 that you may make an unsworn or unaffirmed statement.
5 Your statement will be off the record and it will not
6 be subject to cross examination. The Court Reporter
7 will not transcribe your statement and I will not
8 consider it in any decision that I write. The third
9 option is that you may provide information to the
10 Commissions Trial Staff or the Consumer Advocate for
11 their possible use at any further evidentiary hearings
12 in this case at their discretion.

13 I strongly urge you to testify under
14 oath so the Commission can review your testimony to the
15 extent it meets the rules of evidence. If you take an
16 oath or affirmation the Court Reporter will transcribe
17 your statement. Your statement will then become a part
18 of the official record of this case. It may be
19 considered by me as well as the Commission in deciding
20 this matter. Now, since you are a witness the
21 attorney's may ask you questions about your testimony.

22 You should not become upset by the questioning or feel
23 that you are under personal attack. Such questioning
24 is entirely normal for this type of legal proceeding.
25 I ask you simply to listen to the questions that are

1 asked of you and that you answer the questions to the
2 best of your ability. If any questions are improper I
3 will let you know.

4 At this time I will call the names of
5 those people who have signed the witness's lists. As I
6 call your name please stand and remain standing until I
7 have called the last name. I will then ask you to take
8 the oath or affirmation of a witness if you wish to
9 testify on the record. Ken Orie, Mark Terdle, Alicia
10 Thompson, Pat Sharkey, Diane Whitcomb, Peter Castelli,
11 Joan Collins, David Knapp, Shawn Griffith, Mary Staley
12 and David Powers.

13 Whereupon,

14 ALL PROSPECTIVE WITNESSES

15 having first been duly sworn, testified as follows:

16 JUDGE CORBETT: Please have a seat. I
17 have a few more observations before I call the first
18 witness. First, if you are reading from a prepared
19 statement and you have an extra copy of your statement
20 with you please give it to the Court Reporter before
21 you testify. Second, this is a legal hearing; everyone
22 who is called to testify is a member of the public.
23 Each witness has the right to give their testimony free
24 from any interruptions, comments from others and the
25 like. If there is any interruption of the witnesses

1 testimony I will recess the hearing until order is
2 restored. Third, to allow as many of you as possible
3 to particulate I may have to impose time limits.
4 Please keep your remarks concise and to the point. If
5 someone before has said what you are going to say you
6 can simply say that you agree with what they said and
7 it will have just as much validity as their previous
8 testimony. Finally, I ask that you confine your
9 remarks to the issues involving these applications for
10 service.

11 If you have any questions about this
12 matter you can talk to the attorneys here after the
13 hearing. If you have another concern about a matter
14 involving Hidden Valley or another utility or the
15 Commission you can call the Commissions Bureau of
16 Consumer Services and let me give you those number now.
17 Those numbers are 1-800-782-1110 or 1-717-783-5187 or
18 you can call the Office of Consumer Advocate at 1-800-
19 684-6560.

20 With that I'll call the fist witnesses
21 for this hearing. What I may do is I may call three
22 witnesses at a time and that way the three witnesses
23 can come up. The first will come to the podium and the
24 other two can have a seat up front and that way it will
25 move things along a little quicker if we can. Thank

1 you. Ken Orie, Mark Terdle, Alicia Thompson. Mr.
2 Terdle you can have a seat hear (indicating) and Ms.
3 Thompson, you can have a seat there (indicating.)
4 Whereupon,

5 KENNETH ORIE

6 having first been previously duly sworn, testified as
7 follows:

8 JUDGE CORBETT: Would you begin, sir, by
9 giving us your full name and spell your last name for
10 the Court Reporter, please?

11 THE WITNESS: My name is Ken Orie, O-R-
12 I-E.

13 JUDGE CORBETT: What is your address,
14 sir?

15 THE WITNESS: 2425 South Ridge Plaza.

16 JUDGE CORBETT: What is your occupation,
17 sir?

18 THE WITNESS: I am a metallurgical
19 engineer.

20 JUDGE CORBETT: For what company, sir?

21 THE WITNESS: A company called ISG
22 Plate, International Steel Group.

23 JUDGE CORBETT: All right. Are you a
24 current customer of Hidden Valley water, wastewater
25 services?

1 THE WITNESS: Yes, sir.

2 JUDGE CORBETT: You may proceed, Mr.
3 Orie. Thank you.

4 DIRECT TESTIMONY

5 THE WITNESS: First I would like to
6 thank the Office of Consumer Affairs for notifying me
7 of this hearing. I otherwise would not have known. I
8 have not had access to any of the documents that were
9 presented to the PUC or anybody else, and actually this
10 afternoon tried to find those documents before 5:00 and
11 no one knew where they were. So that said I have a
12 couple of pass outs that I would like to give the
13 Commission if I may.

14 JUDGE CORBETT: What are these pass
15 outs, sir?

16 THE WITNESS: They are a summary of the
17 private companies providing water and sewer in
18 Pennsylvania with like typographical and geographical
19 similarities to Hidden Valley.

20 JUDGE CORBETT: All right. How many
21 copies of that document do you have, sir?

22 THE WITNESS: Enough.

23 JUDGE CORBETT: For the record we'll
24 have the graph marked as Public Input Hearing Exhibit
25 No. 1 and what appears to be a spreadsheet marked as

1 Public Input Hearing Exhibit No. 2.

2 (Whereupon, the documents were marked as
3 Public Input Hearing Exhibit Nos. 1 and 2 for
4 identification.)

5 THE WITNESS: With your permission, Your
6 Honor, I have several extra copies if anyone in the
7 audience would like a copy.

8 JUDGE CORBETT: All right. You may
9 proceed Mr. Orie.

10 MR. ENGLEMAN: Your Honor, if I may,
11 are objections permitted?

12 JUDGE CORBETT: Yes.

13 MR. ENGLEMAN: To place on the record,
14 Your Honor, Hidden Valley Utility Services would like
15 to object to the admission of the handed exhibits on
16 the grounds that they are not relevant to the present
17 proceeding. The present proceeding here regards the
18 Hidden Valley Utility Services application and the
19 rates that are proposed to be charged by Hidden Valley
20 Utility Services. No other utilities rates are
21 relevant to this proceeding regardless of the
22 characterization the witness has given as to the
23 geographical and system size and/or features.

24 JUDGE CORBETT: All right. The
25 objection is noted and it will be taken under

1 advisement and I'll make a ruling after that record is
2 complete.

3 THE WITNESS: If I may, Your Honor, that
4 information, while I recognize and that will be part of
5 my second question. I recognize that comparative rates
6 are not necessarily the be all and end all of the rate
7 adjustment. They're provided for information for like
8 communities.

9 The first question I have is given that
10 the tax exempt status provided by a municipal authority
11 can you explain, sir, why Hidden Valley chose not to
12 become a municipal authority and it is because you
13 would have had to give up control?

14 JUDGE CORBETT: Okay. Let me explain
15 something, Mr. Orie. In my opening remarks I indicated
16 that we were going to receive this evening testimony
17 from you and the other witnesses who are going to
18 testify here this evening, if you have questions for
19 any of the attorneys, for anyone sitting up here you
20 can ask those questions after the hearing. I know that
21 this may be different than some of the other public
22 meetings that you may have attended in the past but
23 this is a hearing, this is a legal proceeding. These
24 are attorneys up here, I'm a Judge. We are here to
25 hear your testimony. If you have something that you

1 want to tell us about Hidden Valley, the service you
2 receive, the quality of that service, what your
3 concerns are with regard to the applications that are
4 pending before the commission I will be glad to hear
5 that, sir. We are not here to listen to your questions
6 or take questions.

7 THE WITNESS: All right. Then I will
8 phrase my questions in the form of testimony in that I
9 believe number one, that Hidden Valley has not acted
10 financially responsible or managerially responsible by
11 not choosing to become a municipal authority in
12 administering public water and sewer at a tremendous
13 tax disadvantage. I would say that the rates that are
14 proposed are --- borderline, not only highest in the
15 state probably highest in the country.

16 I would say that it is not my
17 understanding that Hidden Valley has not contracted or
18 subcontracted any consultants specializing in water or
19 wastewater infrastructure in an attempt to minimize
20 operating costs or make operations more efficient.
21 Ergo, the rates that they have proposed are very highly
22 out of line. I guess that's all I can say at this
23 point.

24 JUDGE CORBETT: Okay. Mr. Shields, do
25 you have any Cross Examination?

1 MR. SHIELDS: Yes, I do, Judge. Just a
2 couple questions.

3 CROSS EXAMINATION

4 BY MR. SHIELDS:

5 Q. Mr. Orie, what is the current municipality that
6 governs Hidden Valley, if you know?

7 A. I do not think a municipality governs Hidden
8 Valley. It's my understanding that Hidden Valley
9 provides utility services as a de facto utility.

10 Q. No. I guess what I meant is ---.

11 A. This is Jefferson Township, Somerset County.

12 Q. If you know what percentage of Jefferson
13 Township does the Hidden Valley land cover?

14 A. I do not know.

15 MR. SHIELDS: That's all I have, Judge.
16 Thanks.

17 JUDGE CORBETT: Ms. Gannon?

18 MS. GANNON: Yes, Your Honor.

19 CROSS EXAMINATION

20 BY MS. GANNON:

21 Q. Just to clarify, are you a full time or a part
22 time resident of Hidden Valley?

23 A. I am a part time resident hopefully to be a full
24 time resident.

25 MS. GANNON: That's all. Thank you.

1 JUDGE CORBETT: Mr. Engleman?

2 MR. ENGLEMAN: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. ENGLEMAN:

5 Q. Mr. Orie, are you familiar with the requirements
6 for the set up and operation of a municipal authority?

7 A. Only somewhat.

8 Q. What is the extent of your knowledge as to those
9 requirements?

10 A. Counsel that I have.

11 Q. So your testimony is that you received advice of
12 counsel that Hidden Valley Utility Services could
13 become a municipal authority?

14 A. That's correct.

15 Q. But you have no other independent basis for that
16 knowledge?

17 A. I am not a municipal engineer, no.

18 MR. ENGLEMAN: No further questions.

19 JUDGE CORBETT: Thank you, Mr. Orie,
20 thank you very much.

21 THE WITNESS: Do I have rebuttal?

22 JUDGE CORBETT: Yes, you do, sir.

23 THE WITNESS: Do you have any reason to
24 doubt what I say, sir.

25 JUDGE CORBETT: Again, Mr. Orie, I know

1 you're not an attorney but we're not here to answer
2 questions, sir. If you want to give testimony we'll
3 allow you to do that, sir.

4 THE WITNESS: Fine.

5 JUDGE CORBETT: Thank you very much.
6 Thank you for coming.

7 Mark Terdle.

8 Whereupon,

9 MARK TERDLE

10 having first been previously duly sworn, testified as
11 follows:

12 JUDGE CORBETT: Would you begin please
13 by giving us your full name, sir?

14 THE WITNESS: Mark Terdle.

15 JUDGE CORBETT: Would you spell the last
16 name for the Court Reporter, please?

17 THE WITNESS: T-E-R-D-L-E.

18 JUDGE CORBETT: Where do you reside, Mr.
19 Terdle?

20 THE WITNESS: My address is 2328 South
21 Ridge Drive here at Hidden Valley.

22 JUDGE CORBETT: What is your occupation?

23 THE WITNESS: I'm a Certified Public
24 Accountant.

25 JUDGE CORBETT: Who is your employer?

1 THE WITNESS: I'm self-employed.

2 JUDGE CORBETT: Okay. I take it by your
3 part time residence here that you are a customer now of
4 Hidden Valley Water Service?

5 THE WITNESS: Yes. I'm a full time
6 resident by the way.

7 JUDGE CORBETT: Okay. Full time
8 resident?

9 THE WITNESS: Yes.

10 JUDGE CORBETT: Thank you. You may
11 proceed, sir. You may give us your testimony.

12 DIRECT TESTIMONY

13 THE WITNESS: My testimony primarily
14 concerns the proposed rate increases. I did not
15 prepare anything so I may ramble a little bit but I'll
16 try to get to the point. I feel that everyone should
17 participate equally in the cost of the water. All the
18 residents and the resort. At this point in time the
19 resort owns 71 units as part of the homeowners
20 association. As of June 30th, there was over \$47,000
21 of water bills that were unpaid to the water company
22 from those units. I'm not sure whether these numbers
23 are factoring into the proposed rate changes but I feel
24 that when you separate the Hidden Valley Utility
25 Services versus Hidden Valley Resort the resort should

1 be treated as a customer just like anyone else. The
2 resort should be forced to pay their bills and those
3 numbers should be factored in to any potential rate
4 increases.

5 At the same time whenever we or any
6 other resident builds a home we're charged a tap-in
7 fee. The resort builds several homes each year and I
8 can't say this for sure but my inclination is that no
9 tap-in fees are being paid in to the proposed utility
10 service. Now, that's probably too new to know but
11 those are my concerns. There is an expanding
12 infrastructure and a decaying infrastructure. There
13 are revenues available for the enhancement of that
14 infrastructure and there is a revenue sharing issue as
15 far as who is receiving water and who is paying for the
16 water. Those are primarily my concerns and I'd like
17 those issues factored into a potential rate increase.

18 JUDGE CORBETT: Thank you, sir. Mr.
19 Shields?

20 MR. SHIELDS: I have no questions,
21 Judge.

22 JUDGE CORBETT: Ms. Gannon?

23 MS. GANNON: No questions, thank you.

24 CHAIRMAN MCNULTY: Mr. Engleman?

25 CROSS EXAMINATION

1 BY MR. ENGLEMAN:

2 Q. Mr. Terdle, what is your --- what's the basis of
3 your assertion that there are unpaid bills from Hidden
4 Valley Resort outstanding to Hidden Valley Foundation.

5 A. I said of June 30th. I am the chairman of the
6 Foundation Audit Committee. This afternoon I reviewed
7 the independent audit of the Foundation, which bills
8 and collects the water bills from all residence and
9 remits monies to the resort when they're collected.
10 That assertion was from the independent auditors hired
11 by the Foundation to review the water bills and to
12 issue their opinion on the financial statements.

13 Q. Thank you, sir. As far as the tap-in fees, you
14 said that you couldn't say for sure as to whether tap-
15 in fees were paid by Hidden Valley Resort?

16 A. That's true.

17 Q. Okay. So ---.

18 A. My concern isn't whether they've been paid in
19 the past or not. My concern is that in the future that
20 they be paid along with any other resident who may
21 decide to build a home here.

22 Q. Do you know whether the proposed rates actually
23 call for tap-in fees?

24 A. No, I don't. I just wanted to bring it to the
25 committee's attention that they should.

1 MR. ENGLEMAN: No further questions,
2 Your Honor.

3 JUDGE CORBETT: Okay. Anything further
4 then, Mr. Terdle?

5 THE WITNESS: No.

6 JUDGE CORBETT: Thank you very much,
7 sir, for coming.

8 Alicia Thompson.

9 Whereupon,

10 ALICIA THOMPSON
11 having first been previously duly sworn, testified as
12 follows:

13 JUDGE CORBETT: Would you begin please
14 by giving us your full name and spell your last name
15 for the Court Reporter, please?

16 THE WITNESS: Alicia Thompson,
17 T-H-O-M-P-S-O-N.

18 JUDGE CORBETT: What is your address,
19 please?

20 THE WITNESS: My address is 1614
21 Snowfield Court here at Hidden Valley. I'm a full time
22 resident.

23 JUDGE CORBETT: What is your occupation?

24 THE WITNESS: Sales and marketing.

25 JUDGE CORBETT: For what product or what

1 employer?

2 THE WITNESS: Seven Springs Mountain
3 Resort Real Estate.

4 JUDGE CORBETT: Okay. Are you a current
5 customer of Hidden Valley?

6 THE WITNESS: Yes, I am.

7 JUDGE CORBETT: Okay. Would you give us
8 your statement, please?

9 DIRECT TESTIMONY

10 THE WITNESS: I've been a home owner
11 here for over 15 years and a full time resident for the
12 past three years. The issues that I have had with the
13 water department include my washing machine filling
14 with mud and numerous mud showers, which I refer to as
15 spa treatments. Water pressure drops and numerous
16 service interruptions especially in the past couple
17 years since I've been here full time.

18 My concerns have to do with the
19 infrastructure. Whether it was installed and/or
20 whether it is being maintained properly. Whether the
21 monies were going where they were supposed to have been
22 going all this time. Are we paying for these
23 inadequacies twice? Another concern that I had is the
24 rate increase. I analyze my personal bill as a single
25 person household my average usage is 4500 gallons per

1 quarter and my bill would increase from \$111.25 to
2 \$187.36 and that would represent a 60 percent increase.

3 I think that is pretty exorbitant.

4 I'm concerned about the impact that this
5 will also have on property values here as well.

6 Finally, I was concerned or questioning whether all
7 various options have been considered including the
8 establishment of a municipal water authority.

9 JUDGE CORBETT: Does that conclude your
10 statement then, Ms. Thompson?

11 THE WITNESS: That's it.

12 JUDGE CORBETT: How many persons are in
13 your household?

14 THE WITNESS: One.

15 JUDGE CORBETT: Okay. Mr. Shields, do
16 you have a Cross Examination?

17 MR. SHIELDS: I know the OCA will,
18 Judge, but I'll ask just a couple questions.

19 CROSS EXAMINATION

20 BY MR. SHIELDS:

21 Q. Ms. Thompson, the service interruptions that you
22 mentioned over the last couple years. Is there any
23 correlation of time of year, are they bunched together,
24 are they periodic? Is there any further classification
25 or clarification you can provide as to when they've

1 occurred? How about the numbers of times?

2 A. Usually when I'm getting ready to go to work. I
3 don't really know.

4 Q. Just a ball park, in the last three years how
5 many service interruptions have you had, ballpark?

6 A. Probably three or four. One lasted three days.

7 Q. When you say three or four you mean over that
8 three year period?

9 A. Yes.

10 MR. SHIELDS: That's all I have, Judge.
11 Thanks.

12 JUDGE CORBETT: Ms. Gannon?

13 MS. GANNON: Thank you.

14 CROSS EXAMINATION

15 BY MS. GANNON:

16 Q. Ms. Thompson, just to get further clarification,
17 you had mentioned having mud in your washing machine?

18 A. Yes.

19 Q. Can you explain in a little more detail what
20 that means?

21 A. It means that my whites load that was in there
22 was no longer white when it got done. It filled with
23 water and it was ---.

24 Q. How often does that happen, or has that
25 happened?

1 A. Lately it has been improved. In the last few
2 months I'd have to say it has been improved but up
3 until that time again, I can't pinpoint it to a
4 particular time, service, etcetera. The only thing
5 that I can pinpoint to usage is the drop in water
6 pressure which does occur holiday weekends, high usage.

7 Q. Where is your home located geographically? Is
8 it at a higher location?

9 A. It is. It is --- I'm near the water tower or
10 the water tank.

11 MS. GANNON: Thank you.

12 JUDGE CORBETT: Mr. Engleman?

13 MR. ENGLEMAN: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. ENGLEMAN:

16 Q. Ms. Thompson, just further clarification about
17 your washing machine filling up with mud and mud
18 showers. Was this discolored water or were there ---?

19 A. Well, there are definitely suspended
20 particulates in it.

21 Q. But it wasn't as if your washing machine
22 actually filled up with a solid mass?

23 A. It was not a solid mass, no. It would be
24 something that I would consider non-potable though.

25 MR. ENGLEMAN: Thank you, nothing

1 further.

2 JUDGE CORBETT: Anything further, Ms.
3 Thompson?

4 THE WITNESS: No.

5 JUDGE CORBETT: Thank you very much for
6 coming.

7 THE WITNESS: Thank you for allowing me
8 the opportunity.

9 JUDGE CORBETT: All right. I'll call
10 the next three witnesses. Pat Sharkey, come to the
11 podium. Diane Whitcomb and Peter Castelli have a seat
12 up front.

13 Whereupon,

14 PATRICE SHARKEY
15 having first been previously duly sworn, testified as
16 follows:

17 JUDGE CORBETT: Would you begin please
18 by giving us your full name and spell your last name
19 for the Court Reporter, please?

20 THE WITNESS: My name is Patrice
21 Sharkey, S-H-A-R-K-E-Y.

22 JUDGE CORBETT: What is your address?

23 THE WITNESS: 34 Craighead Drive.

24 JUDGE CORBETT: And that's in Hidden
25 Valley?

1 THE WITNESS: Yes, it is.

2 JUDGE CORBETT: What is your occupation?

3 THE WITNESS: I'm retired.

4 JUDGE CORBETT: Before you retired what
5 did you do for a living?

6 THE WITNESS: I taught high school
7 physical education.

8 JUDGE CORBETT: Okay. Are you a full
9 time resident?

10 THE WITNESS: I'm part time. I would
11 like to be full time.

12 JUDGE CORBETT: I take it that by the
13 fact that you are a part time resident you are a
14 customer of Hidden Valley?

15 THE WITNESS: Yes, I am.

16 JUDGE CORBETT: All right. You may give
17 us your statement, please.

18 DIRECT TESTIMONY

19 THE WITNESS: I am very much concerned.
20 I agree with the woman who spoke earlier that there is
21 muddy debris in the water. Tea would be an
22 understatement. It's so orange and rusty looking that
23 it's discolored the toilets; it's discolored the
24 shower, the tub. Shower curtains have to be thrown
25 away because they can't be cleaned. I can't launder my

1 clothes at Hidden Valley. I have to take them home. I
2 have to bring in water every time we're up here and
3 then I have to try and calculate how many gallons of
4 water I will need to offer people that come to my home.
5 How many times will I make coffee? How many times
6 will I offer somebody a glass of water?

7 So those are the kinds of things that I
8 have to plan for a weekend. When I spoke with Glen
9 Fodder a number of years ago about the orange water he
10 told me that the water lines at Hidden Valley in the
11 older section were so old that they would sag in the
12 areas of the ground because of settling and the areas
13 that had sagged the pipes had dipped down. The water
14 of course would lay in those lower sections and that
15 was the reason that the water was orange. Because the
16 rust was in the bottom parts of those like dips in the
17 pipe and when there was usage it would eventually start
18 to wash out the orange that was laying in the bottom of
19 the pipes.

20 Now my concern is, is it only something
21 that's in the older part of Hidden Valley? Is it in
22 everybody's water? It sounds like it might be. Will
23 this rate increase benefit us by getting new pipes, new
24 infrastructures, I guess. Those are my concerns. I
25 know that I can't drink the water. I can't wash with

1 it. I can't do laundry with it. It takes me twice as
2 much water to try and clean my facilities once I'm
3 here. Would I like to be full time, yes, but I don't
4 think I can afford to carry in that much water. I
5 don't even know how I would try to figure out how much
6 I would need in a week.

7 JUDGE CORBETT: Thank you. You
8 mentioned someone's name. I believe it was Glen
9 Fodder?

10 THE WITNESS: Yes.

11 JUDGE CORBETT: Can you tell us first of
12 all who is this individual?

13 THE WITNESS: Glen was in charge of the
14 water department here at Hidden Valley when I spoke
15 with him about it and my hot water tank was also ruined
16 because of the orange sediment in it.

17 JUDGE CORBETT: When did you have this
18 conversation with Mr. Fodder?

19 THE WITNESS: That would have been
20 probably about three years ago.

21 JUDGE CORBETT: Is Mr. Fodder still
22 employed with Hidden Valley?

23 THE WITNESS: I believe he's vice
24 president of Hidden Valley. Now I don't believe he is
25 part of the water department. I'm not really sure of

1 the actual structure of the Hidden Valley family.

2 JUDGE CORBETT: Okay. Thank you. Have
3 you completed your statement?

4 THE WITNESS: Yes, I have.

5 JUDGE CORBETT: Okay. Mr. Shields, you
6 may Cross Examine.

7 CROSS EXAMINATION

8 BY MR. SHIELDS:

9 Q. Ms. Sharkey, the conditions you described about
10 your water, could you tell us is that all the time,
11 some of the time, is there --- first of all is it all
12 the time?

13 A. Yes, it is all the time.

14 MR. SHIELDS: Then that relieves of me
15 asking any further questions. Thank you. That's all I
16 have, Judge.

17 JUDGE CORBETT: Ms. Gannon?

18 CROSS EXAMINATION

19 BY MS. GANNON:

20 Q. Ms. Sharkey, with regard to your hot water tank
21 that you said was ruined ---?

22 A. Yes.

23 Q. How was it ruined by the water?

24 A. The amount of sediment was so deep in it that it
25 had clogged up the bottom filament, you know the

1 electric element.

2 MS. GANNON: Thank you. That's all.

3 JUDGE CORBETT: All right. Mr.

4 Engleman?

5 MR. ENGLEMAN: No questions, Your Honor.

6 JUDGE CORBETT: Anything further then,

7 Ms. Sharkey?

8 THE WITNESS: Nothing.

9 JUDGE CORBETT: Thank you very much for
10 coming.

11 THE WITNESS: Thank you.

12 JUDGE CORBETT: Diane Whitcomb.

13 Whereupon,

14 DIANE WHITCOMB

15 having first been previously duly sworn, testified as
16 follows:

17 JUDGE CORBETT: Would you begin please
18 by giving us your full name?

19 THE WITNESS: Diane Whitcomb,

20 W-H-I-T-C-O-M-B.

21 JUDGE CORBETT: Where is your address,
22 ma'am?

23 THE WITNESS: 1310 Westridge Drive here
24 at Hidden Valley.

25 JUDGE CORBETT: What is your occupation?

1 THE WITNESS: I'm a nurse practitioner.

2 JUDGE CORBETT: Okay. Are you a full or
3 part time resident?

4 THE WITNESS: I'm a full time resident.

5 JUDGE CORBETT: I take it then that you
6 are a customer of Hidden Valley?

7 THE WITNESS: Yes.

8 JUDGE CORBETT: Would you give us your
9 statement, please?

10 DIRECT TESTIMONY

11 THE WITNESS: I came tonight because I
12 am very concerned about the quality of the water. The
13 things that the other people talked about with the
14 brownness the sediment --- we purchased a townhouse on
15 Pine Court. At that time all of the commodes and sinks
16 had been stained from years of this sediment. I could
17 not again do laundry, although I tried. The brownness
18 of the water was very unpredictable. It could even be
19 that the wash water was clear and the rinse water was
20 brown.

21 When we moved to Westridge we had a
22 filtration system put in because of the concerns that
23 we had had before with the brown water. I have with me
24 tonight, Your Honor, the filter that was on for three
25 months. We were not there for almost the last month.

1 When we came home and turned on the water it was brown.
2 Tea is an understatement. I realize we can't put this
3 into words (witness displays water filter.) This
4 filter three months ago was pure white. I do not know
5 what is in here. I don't know if it is a substance
6 that can harm us. If it is something we can or cannot
7 take into our bodies and be healthy. That's my
8 statement for tonight.

9 JUDGE CORBETT: Okay. Thank you. Mr.
10 Shields?

11 MR. SHIELDS: Thank you, Judge.

12 CROSS EXAMINATION

13 BY MR. SHIELDS:

14 Q. Ms. Whitcomb, would you accept the
15 characterization of that filter as being milk chocolate
16 colored?

17 A. I think it is closer to dark chocolate.

18 Q. Thank you for the clarification and I agree with
19 you. I'd like to pin down, you said that filter was in
20 for three months and I thought I heard you say that you
21 folks weren't in the house the last month?

22 A. We've not been in the house last month. It has
23 been used on two weekends.

24 Q. So that' really represents two months?

25 A. A two to two and a half month usage, yes. There

1 are only two people in the house.

2 Q. What is the circumference of that filter, if you
3 know, just ballpark? It looks to be about what, three
4 inches?

5 A. Four. You're welcome to it if you want it.

6 Q. Thank you, but I've taken many back before. How
7 often during the course of the year would you change
8 that filter normally?

9 A. Well, I'm going to start changing it a lot more
10 often. I had been changing it every three months. I
11 think I'm going to back up to every one or two months.
12 The filter, I buy the better filter. These are \$25
13 each filter and that's at Lowe's, not to give them the
14 business but that's the Lowe's price.

15 Q. There is a disparity in those filters. How in
16 your opinion does that filter improve the quality of
17 the water, if it does?

18 A. In my new home at the moment, we've been there
19 since December; my white commodes have not yet turned
20 brown.

21 Q. Are you experiencing the same discoloration even
22 with that filter?

23 A. Today I did when I turned the --- well, the
24 other day when we came home it did when I turned the
25 water on. When the filter gets to where it needs to be

1 cleaned, yes, then we have that same muddy water.

2 Q. How about when the filter is new?

3 A. When the filter is new the water appears to be
4 clean.

5 Q. Thank you very much, Ms. Whitcomb.

6 MR. SHIELDS: That's all I have, Judge.

7 JUDGE CORBETT: Thank you. Ms. Gannon?

8 MS. GANNON: Thank you.

9 CROSS EXAMINATION

10 BY MS. GANNON:

11 Q. Just to clarify. You had said that the filter
12 was in for a period of three months, how many days were
13 you here using water during that three month period?

14 A. Two full months and then our home was used two
15 weekends this last month.

16 Q. Thank you. Where is the filter installed?

17 A. The filter is installed in the basement where
18 the water comes in, then it goes through the meter,
19 then the filter, then the water either goes into the
20 cold water or into the hot water tank.

21 MS. GANNON: That's all. Thank you.

22 JUDGE CORBETT: Mr. Engleman?

23 MR. ENGLEMAN: No questions, Your Honor.

24 JUDGE CORBETT: Thank you, Ms. Whitcomb
25 for coming in. Thank you very much. Mr. Castelli?

1 Whereupon,

2

PETER CASTELLI

3 having first been previously duly sworn testified as
4 follows:

5

DIRECT TESTIMONY

6 THE WITNESS: My name is Peter Castelli,
7 C-A-S-T-E-L-L-I. I live in Hidden Valley at 2306 South
8 Ridge. I'm a diagnostic radiologist at Somerset
9 Hospital and I have pretty much the same complaint as
10 the last two. Homeowners, I have the filters that I
11 brought changed every month, and they're ten micron
12 filters. I change them religiously between 20 and 25
13 days, sometimes 30 days and they're always the same
14 color, maybe darker.

15 We definitely stain your skin; you stain
16 everything in the house that comes in contact with the
17 water. I have a fifth filter, which I didn't bring
18 that I had to put in front of my reverse osmosis
19 because I didn't believe that the filters were
20 adequately cleaning the water for my family to drink.
21 So I use reverse osmosis for drinking water and cooking
22 with the other water. That fifth filter had to be put
23 on the reverse osmosis system because the reverse
24 osmosis system would clog even with these four filters
25 that I change every 25 days. So that filter has to be

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1 changed also each month.

2 I believe that the service that we're
3 receiving at Hidden Valley isn't adequate. I just
4 don't think it is right for human consumption. I'm
5 concerned for my family. I think everybody in this
6 room is concerned for their loved ones. I think that
7 for the money that we're paying, you know, we love the
8 resort, we love our lives here. We'd like to live
9 healthily here and I'm concerned from that standpoint.

10 JUDGE CORBETT: How many persons are in
11 your household, Dr. Castelli?

12 THE WITNESS: It varies. I have
13 children in college and then my wife and the children
14 aren't home in the summer. So during the summer months
15 it's me and during the regular year it can be anywhere
16 between four of us in the household to six.

17 JUDGE CORBETT: Thank you. Mr. Shields?

18 MR. SHIELDS: I'd be interested in
19 seeing the filters, Judge.

20 JUDGE CORBETT: All right.

21 THE WITNESS: Let me make a donation.
22 If you'd like to throw them out afterwards you
23 certainly may. I have plenty of those and I can get
24 plenty of them for you every 25 days.

25 CROSS EXAMINATION

1 BY MR. SHIELDS:

2 Q. The one I'm holding up that is milk chocolate,
3 is that representative of the other filters?

4 A. All four that are in the bag look like that.
5 That's probably --- they've been worse.

6 Q. You said they're ten micron filters; is that
7 right?

8 A. Ten microns.

9 Q. On the reverse osmosis filter that you
10 mentioned, you said it clogs. Is it sediment that
11 clogs with or ---?

12 A. Same as that. It's sediment and whatever iron
13 or whatever chemical or element that makes it that dark
14 and that thick. It's almost like --- I wouldn't say
15 it's a syrup but I would definitely say that there is a
16 high degree of --- it's thick and it's inspissated
17 meaning it's very tenacious. That it's not something
18 that would flow easily. It would be --- well, I guess
19 we could say a little syrupy.

20 Q. So it inhibits the process itself is what you're
21 saying?

22 A. Yes, it does. It clogs the reverse osmosis
23 filters so I had to put a fifth filter other than those
24 four right in front of the reverse osmosis unit. That
25 has allowed me to only change the reverse osmosis

1 filters every two months, which is about six times more
2 frequent than I'm supposed to.

3 MR. SHIELDS: That's all I have. Thank
4 you.

5 JUDGE CORBETT: All right. Ms. Gannon?

6 MS. GANNON: I don't have any questions,
7 thank you.

8 JUDGE CORBETT: Mr. Engleman?

9 CROSS EXAMINATION

10 BY MR. ENGLEMAN:

11 Q. Mr. Castelli, you stated that you believe the
12 water is unfit for human consumption; is that correct?

13 A. Well, I said I hope everybody can have a health
14 life drinking the water and I'm concerned about their
15 health. I'm concerned about the water. That's what I
16 said, and I say that without having any official power
17 to document that the water is unhealthy other than what
18 I can show you tonight.

19 Q. So you haven't performed any water tests on the
20 water in your system, or the water that you're getting
21 in your home?

22 A. I have not had a chemical analysis of the water.
23 All I have is my filters.

24 Q. Do you have any idea whether the water meets or
25 exceeds any maximum contaminant levels?

1 A. I don't have any scientific data to base my
2 comments. I only have the filters and the frequency
3 that I have to change them.

4 Q. So your testimony is based on the appearance of
5 the water only not physical and chemical properties of
6 the water?

7 A. Absolutely correct.

8 MR. ENGLEMAN: Thank you. No further
9 questions.

10 JUDGE CORBETT: Thank you, Doctor. I'll
11 call the next three witnesses, Jean Collins, David
12 Knapp and Shawn Griffith.

13 Whereupon,

14 JEAN COLLINS

15 having first been previously duly sworn testified as
16 follows:

17 JUDGE CORBETT: Ms. Collins, would you
18 begin by giving your full name and spell your last name
19 for the Court reporter, please?

20 THE WITNESS: Yes. My name is Jean
21 Collins, C-O-L-L-I-N-S. What I have to say is
22 basically what ---.

23 JUDGE CORBETT: Just a second. A few
24 preliminaries first.

25 THE WITNESS: 1562 Snowfield Drive.

1 JUDGE CORBETT: That is in Hidden Valley
2 here?

3 THE WITNESS: Yes.

4 JUDGE CORBETT: What is your occupation?

5 THE WITNESS: I am retired.

6 JUDGE CORBETT: Before you retired how
7 were you employed?

8 THE WITNESS: I was employed by the
9 United Steel Workers of America International
10 Headquarters.

11 JUDGE CORBETT: Okay. Are you a full or
12 part time resident of Hidden Valley?

13 THE WITNESS: Part time.

14 JUDGE CORBETT: So you are a customer of
15 Hidden Valley?

16 THE WITNESS: Yes.

17 JUDGE CORBETT: Okay. You may give us
18 your statement, please.

19 DIRECT TESTIMONY

20 THE WITNESS: My statement is basically
21 the same as the two people before me. We have just had
22 a water filter installed it will be a week Friday,
23 tomorrow. The plumber said that the filter should be
24 changed every three to four weeks. As of Sunday I had,
25 which was two days later, the water was completely

1 rusty. I called Hidden Valley on Monday and they said
2 they were flushing the lines, which is basically what I
3 think they say they do. It's very sporadic. Sometimes
4 you flush a toilet or take a shower and it's clear,
5 relatively clear, and sometimes it's rusty. I refer to
6 it as rusty. I've had the same problems with laundry.
7 We have been in this townhouse for --- it will be a
8 year in November. We've replaced two toilets and two
9 faucets because of the pitting and the discoloration in
10 then through the years from the water. That's
11 basically my statement.

12 JUDGE CORBETT: Okay. Mr. Shields?

13 MR. SHIELDS: I have no questions,
14 Judge.

15 JUDGE CORBETT: Ms. Gannon?

16 MS. GANNON: If I could just have a
17 minute.

18 JUDGE CORBETT: Sure.

19 CROSS EXAMINATION

20 BY MS. GANNON:

21 Q. Ms. Collins, you said that you called the
22 company when you most recently had the rusty problem?

23 A. Yes.

24 Q. That problem was after having a filter installed
25 two days before?

1 A. Friday the filter was installed and Sunday
2 morning we took mud showers.

3 Q. And the company said that they were flushing the
4 lines?

5 A. Yes. This filter was supposed to be good for
6 roughly a month.

7 MS. GANNON: That's all I have. Thank
8 you.

9 JUDGE CORBETT: Mr. Engleman?

10 MR. ENGLEMAN: No questions, Your Honor.

11 JUDGE CORBETT: Thank you very much, Ms.
12 Collins, for coming in.

13 THE WITNESS: Thank you.

14 JUDGE CORBETT: Mr. Knapp?

15 Whereupon,

16 DAVID KNAPP

17 having first been previously duly sworn testified as
18 follows:

19 JUDGE CORBETT: Would you begin please
20 by giving us your full name and spell your last name
21 for the Court Reporter, please?

22 THE WITNESS: My name is David Knapp,
23 K-N-A-P-P.

24 JUDGE CORBETT: What is your address,
25 sir?

1 THE WITNESS: 410 Imperial Road.

2 JUDGE CORBETT: That's here at Hidden
3 Valley?

4 THE WITNESS: Hidden Valley,
5 Pennsylvania.

6 JUDGE CORBETT: Are you a full or part
7 time resident?

8 THE WITNESS: Part time.

9 JUDGE CORBETT: What is your occupation,
10 sir?

11 THE WITNESS: I'm retired.

12 JUDGE CORBETT: Before you retired what
13 did you do, sir?

14 THE WITNESS: I was a corporate officer
15 of Westinghouse Electric Corporation.

16 JUDGE CORBETT: Okay, sir. You may give
17 us your statement, please.

18 DIRECT TESTIMONY

19 THE WITNESS: My wife and I have been
20 residents of --- or have owned property at Hidden
21 Valley for 20 years and over the years I've written
22 letters or complained to the Hidden Valley Water
23 Service. I went through my file and I found one letter
24 dated 1994. I have others but I just couldn't find
25 those.

1 I have two real issues. The first is
2 what I consider to be the exorbitant rates we pay for
3 water. Currently we're paying \$30 a quarter for a
4 facility fee and \$18 per thousand for usage. Now my
5 home community we used to pay three tenths of a cent
6 and while I know --- you cautioned Mr. Orie that
7 comparisons aren't relevant I think they are.

8 I took the time to check the rates at
9 Seven Springs, which is a resort as the crow flies
10 maybe five miles from here. I made a quick
11 calculation. At Seven Springs for 10,000 gallons a
12 quarter, which is probably family usage representative
13 of family usage it would cost you \$8.80 per 1000
14 gallons. At Hidden Valley the same usage per quarter
15 would cost you \$21 per 1000 gallons of usage. I think
16 that is a huge disparity.

17 Secondly, my wife and I have had the
18 same experience with what counsel terms a tea water. I
19 would say it's a black tea more often than it is green
20 tea. I didn't bring any filters but we have the same
21 filters that the Doctor uses at his home, and we get
22 the same result. We change them at least once a
23 quarter. It's interesting over the course of the 20
24 years we've lived here or been here at least in the
25 summer or part time we've had the quote, brown water on

1 average maybe twice a summer. This year it has been
2 seven times. We've called Glen Fodder who is in
3 charge of the water service and I think almost every
4 occasion and to his credit he always answers the call.
5 We don't always get clean water immediately and what
6 we do is run the faucets to try to run it out and
7 generally that helps, but it's also not easy on the
8 pocketbook. We're paying one and eight tenth cents per
9 gallon for that water we're wasting simply to clean the
10 system.

11 Those are my two concerns. The rate
12 which we pay and the fact that we're not getting clean
13 water as we would hope.

14 JUDGE CORBETT: Does that conclude your
15 statement, sir?

16 THE WITNESS: That's my statement, yes.

17 JUDGE CORBETT: Thank you. Mr. Shields?

18 MR. SHIELDS: Thank you, Judge.

19 CROSS EXAMINATION

20 BY MR. SHIELDS:

21 Q. Mr. Knapp, the seven times you referenced when
22 you had discolored water this summer can you give us a
23 general idea what the duration was for each of those
24 occurrences?

25 A. Oh, gosh, duration. I'd say it would range from

1 one hour to three or four hours.

2 MR. SHIELDS: That's helpful. That's
3 all I have, Judge. Thanks.

4 JUDGE CORBETT: Okay. Ms. Gannon?

5 MS. GANNON: Thank you.

6 CROSS EXAMINATION

7 BY MS. GANNON:

8 Q. Do you know how much the filters cost that you
9 replace every quarter?

10 A. You know, I really don't. They're the same
11 filters, the ten micron that was given as testimony. I
12 don't know what those cost.

13 Q. How many filters do you have installed, just the
14 one?

15 A. Yes. We just have one filter.

16 Q. When you have a clean or new filter installed do
17 you still have the problems with the tea colored water?

18 A. Yes.

19 Q. You still have it?

20 A. Yes. Incidentally we had a filter replaced last
21 week and we've since had quote, brown water.

22 MS. GANNON: That's all I have. Thank
23 you.

24 JUDGE CORBETT: Mr. Engleman?

25 MR. ENGLEMAN: No questions, Your Honor.

1 JUDGE CORBETT: All right. Thank you,
2 Mr. Knapp. Thank you very much, sir for coming in.
3 Shawn Griffith.

4 Whereupon,

5 SHAWN GRIFFITH
6 having first been previously duly sworn, testified as
7 follows:

8 JUDGE CORBETT: Would you begin sir by
9 giving us your full name and spell your last name for
10 the Court Reporter, please?

11 THE WITNESS: My name is Shawn Griffith,
12 G-R-I-F-F-I-T-H.

13 JUDGE CORBETT: All right. Where do you
14 live, Mr. Griffith?

15 THE WITNESS: 36 Craighead, Hidden
16 Valley.

17 JUDGE CORBETT: What is your occupation,
18 sir?

19 THE WITNESS: I'm an attorney.

20 JUDGE CORBETT: You're not an attorney
21 with any firm that is participating in this case?

22 THE WITNESS: No. I'm self employed.

23 JUDGE CORBETT: Okay. Are you a full or
24 part time resident of Hidden Valley?

25 THE WITNESS: Full.

1 JUDGE CORBETT: So you are a customer of
2 Hidden Valley?

3 THE WITNESS: I am.

4 JUDGE CORBETT: Okay. Would you give us
5 your statement, please?

6 DIRECT TESTIMONY

7 THE WITNESS: I'm here to comment on
8 pricing generally and then secondly specifically as it
9 correlates to our very poor quality of water. First I
10 think that utilities should be available in pretty
11 close comparison with those around. I think that there
12 would an industry standard set by the municipalities
13 nearby, especially Seven Springs and the idea that we
14 pay two and a half times as much is I think outrageous.

15 Now specifically as to our quality of
16 water as it corresponds to the price that we pay I
17 think I can reiterate what many people have said. The
18 few times that I have washed my laundry here, I usually
19 don't because it does stain my laundry and so I
20 actually stopped using my washer. I shower every other
21 day at my grandmothers house because often times, in
22 fact, all the time my water is discolored and I
23 consider that a great euphemism. Also I consider tea
24 colored a euphemism, but that's beside the point.

25 So every other day I shower --- I won't

1 drink it. I don't know if it is fit for human
2 consumption but I'm not willing to consume it because
3 it is always at least rusty. Sometimes clumpy for lack
4 of a better word. Like it comes out instead of flowing
5 --- there are several times --- I've only lived here
6 four months and at least three or four times during the
7 day where I didn't have any water service. So turn a
8 knob or flush a toilet or whatever and there was no
9 water. I would say that averaged at least once a month
10 because like I said I've only lived here four months.

11 In my opinion we're not being served the
12 benefit of our bargain. We're paying for a service
13 that isn't there and when it is there it's such poor
14 quality that we can't use it. We can't use it for our
15 laundry, don't want to drink it and probably shouldn't.
16 Don't want to shower in it, probably shouldn't. In my
17 opinion until it's clean it should be free to us, let
18 alone raising the rates. Also, where as I appreciate
19 you folks looking into a filtration system if that
20 would actually remedy our dirty water, which judging by
21 the other peoples filters I think it would be a band
22 aid rather than a cure. But if that would actually
23 remedy our problem I think that should be free to us
24 rather than \$150 a pop. That's my statement.

25 JUDGE CORBETT: Thank you. Mr. Shields?

1 MR. SHIELDS: Thank you, Judge.

2 CROSS EXAMINATION

3 BY MR. SHIELDS:

4 Q. Mr. Griffith, on the occasions where you
5 mentioned approximately once a month since you've been
6 there for four months what is the duration of time
7 where you don't have any water at all?

8 A. Three or four hours.

9 MR. SHIELDS: That's all I have, Judge.

10 JUDGE CORBETT: All right. Ms. Gannon?

11 MS. GANNON: No questions. Thank you.

12 JUDGE CORBETT: Mr. Engleman?

13 MR. ENGLEMAN: No questions, Your Honor.

14 JUDGE CORBETT: Thank you very much, Mr.
15 Griffith for coming in. Thank you. I'll call the last
16 two witnesses who have signed in, Mary Staley and David
17 Powers. Come forward Ms. Staley. I'll have to testify
18 from the podium.

19 Whereupon,

20 MARY STALEY

21 having first been previously duly sworn testified as
22 follows:

23 JUDGE CORBETT: Would you begin by
24 giving us your full name and spell your last name for
25 the Court Reporter, please?

1 THE WITNESS: Mary Staley, S-T-A-L-E-Y.

2 JUDGE CORBETT: Where do you live, Ms.
3 Staley?

4 THE WITNESS: We're at 1303 Westridge.

5 JUDGE CORBETT: That is in Hidden
6 Valley?

7 THE WITNESS: That's in Hidden Valley.

8 JUDGE CORBETT: What is your occupation?

9 THE WITNESS: I am a teacher naturalist
10 right now.

11 JUDGE CORBETT: Okay. Are you a full
12 time or part time resident of Hidden Valley?

13 THE WITNESS: Full time.

14 JUDGE CORBETT: So I take it that you
15 are a customer of Hidden Valley Water Service?

16 THE WITNESS: Certainly.

17 JUDGE CORBETT: All right. Would you
18 give us your statement, please?

19 DIRECT TESTIMONY

20 THE WITNESS: We have lived in this
21 house at 1303 Westridge since the fall of 1988, 16
22 years, year round. We're currently using our fourth
23 hot water heater, electric, in that time. However, the
24 house was built in '84 so it had four years of use
25 before we came on one of the hot water heaters.

1 JUDGE CORBETT: Would you try to keep
2 your voice up a little bit so that people in the back
3 can here. Okay?

4 THE WITNESS: Okay. We're --- in case
5 they didn't hear this we're on our fourth hot water
6 heater since the house was built in 1984, although
7 we've only owned since '88. We do think and have
8 thought from the start that the cost is excessive. We
9 actually, because the cost is so high we've tried
10 various water saving devices on the faucets and the
11 showers. I brought a sample of what comes through,
12 which is not a color solution, this is a little
13 different. Our water saving attachments so to speak,
14 which are added on to --- you replace what is already
15 on the faucet with a water conserving attachment. They
16 get filled with a mineral deposit of some kind that I
17 have called Glen Fodder about. That was probably three
18 years ago that I did speak with him about it.

19 He told me this is something that they
20 had coated the inside of the pipes with in order to
21 neutralize the acidity of the water, which was
22 evidentially a method to neutralize the low ph high
23 acidity. If you'd like to see these little deposits
24 that clog our ---.

25 JUDGE CORBETT: You can pass that over

1 to Mr. Shields.

2 THE WITNESS: It helps to put it over a
3 dark --- over the 16 years that we've lived here we
4 have noticed that the quality of the water has
5 declined. I don't know what reason there might be but
6 I notice an increasing amount of chlorine in the water.
7 The only times that we actually have had colored water
8 has been after I believe a pipe has broken. I usually
9 call about it and often times in the winter there are
10 frozen broken pipes in the Hidden Valley community and
11 so the water would be turned off for those repairs and
12 then when it was turned back on again we would get this
13 very dark brown water that we need to flush out.

14 Other times would be when our house
15 water to replace a hot water heater when you turn your
16 entire household water off at the main valve, turning
17 it back on again I have to go around to every faucet
18 and bleed them to get rid of the brown. Although we do
19 have stained shower curtains and there is --- it's an
20 orange stain and we have orange, a general orange stain
21 in our tubs and toilets. However it is removable, it
22 isn't permanent.

23 So as the others have mentioned the
24 rates if they're due to be increased to the amount that
25 we understood was proposed by the Hidden Valley water

1 folks that would take our water --- at current rates we
2 pay about \$64 a month although we get quarterly bills.

3 At the suggested rates we would be paying \$93 almost
4 \$94 dollars at the proposed rates that we heard both
5 from the Hidden Valley Homeowners Foundation Office and
6 from the Office of Consumer Advocates. We heard from
7 both those places. I called to ask, what are the
8 proposed rates.

9 That's --- well, I do have one further
10 thing. If the lines are flushed on a regular basis I
11 would suggest that the residents of Hidden Valley be
12 notified in advance so that they would know this brown
13 water is coming. I don't really think we in our house
14 in Westridge have as much problem as many other people
15 do, but I see in the Somerset County Daily American
16 that Berlin or Meyersdale or any number of little towns
17 in Somerset County they give their residents a notice
18 that the water will be off or they will be flushing the
19 lines on a certain date. That's the end of my
20 statement.

21 JUDGE CORBETT: Mr. Shields, any Cross?

22 MR. SHIELDS: Just a wee bit, Judge.

23 CROSS EXAMINATION

24 BY MR. SHIELDS:

25 Q. Ms. Staley, you mentioned the fact that you've

1 noticed an increase in chlorine?

2 A. I have definitely.

3 Q. Can you tell us approximately how long ago that
4 began?

5 A. I would say I began noticing the smell of the
6 chlorine probably three years ago and I know that some
7 people are advised that as soon they can smell the
8 chlorine maybe they ought to start filtering their
9 water that they drink. But as of now we're drinking
10 and using water unfiltered.

11 Q. Just so I'm clear. Is it your testimony that
12 you've never ever received notice of a flushing?

13 A. I have never ever received notice of a flushing.
14 MR. SHIELDS: Thank you. That's all I
15 have, Judge.

16 JUDGE CORBETT: Thank you. Ms. Gannon?

17 MS. GANNON: Thank you.

18 CROSS EXAMINATION

19 BY MS. GANNON:

20 Q. You had mentioned that after there's been a
21 water interruption that you would experience the rusty
22 water; is that correct?

23 A. Yes.

24 Q. How frequent are interruptions?

25 A. They're frequent in the winter. How frequent

1 I'm sure it varies by winter. The last two winters
2 have been very cold and I think perhaps there were more
3 interruptions, but also we had a new building that went
4 in next --- we're in a townhouse building and a new
5 townhouse building was built next door to ours further
6 along the line. We had some turning off and turning on
7 probably with the plumbing that was put into their.
8 Those buildings were --- Diane Whitcomb in fact lives
9 in one of those new units. They started living in them
10 last winter.

11 Q. When you say that there were more interruptions
12 during the last two winters approximately how many
13 interruptions did you experience?

14 A. I haven't documented the number of
15 interruptions.

16 Q. Just approximately.

17 A. I would say maybe four or five throughout the
18 coldest months.

19 Q. How often would those interruptions last?

20 A. You know, they might be four or five hours. I
21 usually called the homeowners office and find out. Or
22 they will call me actually. The homeowners foundation
23 office has called I think people who live here year
24 round and said the water will be off. I've received a
25 few phone calls like that over the years.

1 Q. When they have called what has been the
2 explanation for the water being off?

3 A. Oh, that a pipe is broken or a repair is being
4 done or something they're working with the water system
5 in some way.

6 MS. GANNON: Thank you.

7 JUDGE CORBETT: Mr. Engleman?

8 CROSS EXAMINATION

9 BY MR. ENGLEMAN:

10 Q. Ms. Staley, you stated that there were
11 approximately four to five interruptions. Was that
12 four to five interruptions the last two winters, each
13 of the last two winters?

14 A. Oh, I'm sorry. Probably per winter.

15 Q. So it was per winter and not per month?

16 A. Oh, no, per winter. That's a total guesstimate.

17 Q. You stated you would receive some discolored
18 water after a service interruption?

19 A. Yes.

20 Q. What was the duration of each event of this
21 colored water if you know?

22 A. Not more than I could just run the water for two
23 or three minutes and be rid of. At each faucet though
24 throughout the house.

25 Q. So it would be two or three minutes at each

1 faucet?

2 A. Yes. It's like there's this one onslaught of
3 color in the water and then I get rid of it and then
4 it's gone.

5 MR. ENGLEMAN: Thank you very much.
6 Nothing further, Your Honor.

7 JUDGE CORBETT: Thank you for coming,
8 Ms. Staley.

9 THE WITNESS: Thank you.

10 JUDGE CORBETT: Mr. Powers.

11 Whereupon,

12 DAVID POWERS

13 having first been previously duly sworn testified as
14 follows:

15 JUDGE CORBETT: Would you begin by
16 giving us your full name and spell your last name for
17 the Court Reporter, please?

18 THE WITNESS: David Powers, P-O-W-E-R-S.

19 JUDGE CORBETT: Where do you live, Mr.
20 Powers?

21 THE WITNESS: 4 Lakeview Drive.

22 JUDGE CORBETT: Where is that located?

23 THE WITNESS: Hidden Valley.

24 JUDGE CORBETT: Are you a full time or
25 part time resident?

1 THE WITNESS: Full time.

2 JUDGE CORBETT: What is your occupation,
3 sir?

4 THE WITNESS: Medical sales rep.

5 JUDGE CORBETT: Okay. So I take it you
6 are a customer of Hidden Valley water?

7 THE WITNESS: Yes.

8 JUDGE CORBETT: You may give us your
9 statement, sir.

10 DIRECT TESTIMONY

11 THE WITNESS: My testimony would be
12 concerning actually what we're discussion the rate
13 increase. My main concern is if the service that we
14 are getting now is in poor quality and as you can hear
15 the testimony from everybody behind me how it justifies
16 actually an increase from what it is actually presently
17 right now.

18 The quality issue is concerning me a
19 great deal. I just had a daughter and I have photos to
20 show you since actually Wednesday of this week till
21 present I have been giving my daughter a bath and I
22 have pictures that it is totally brown putting her in
23 the bathtub. Now maybe when you fill up that water
24 glass you can't tell but when you fill up a bathtub,
25 you fill up a pot it is definitely evident.

1 This was a very big concern of mine. So
2 I notified the DEP to come in to test the water. After
3 he came in and I have water samples from when there is
4 heavy silt in the water that could not even penetrate
5 through a filter that I brought in. A friend of mine
6 gave me a filter for the faucet and to revert back
7 everybody that has these filters I feel bad for them.
8 Not only do they have to pay high rates for water but
9 they have to go out and buy and pay for a plumber to
10 hook up the system, a filtration system and filters
11 beyond the high prices they're paying and they still
12 can't get good quality of water.

13 To fast forward here. The DEP came back
14 --- it tested the water. On that present day there was
15 no harm to anybody to drink it, but he was very
16 concerned to the fact of what he found in the water.
17 So he called me and said he was initiating a full scale
18 investigation asking for tests and everything for
19 everybody to make sure the facility was up to part so
20 to speak. I have not heard what happened to those
21 results of what he requested but I was glad that he
22 came down and responded to our request because we were
23 very concerned about it.

24 That situation is very concerning to me
25 especially when you have a child. Especially when

1 you're trying to give them a bath and you look down and
2 it's just atrocious. I consistently have to drain my
3 hot water tank to try to save the hot water tank from
4 all the sludge and everything that accumulates in it.
5 No sludge comes in. It's a matter of over a period of
6 time it is created. So there is a lot of maintenance
7 here for the price that they're asking us. I mean our
8 time is money as everybody in this room. So not only
9 do we have our added daily activities and chores but we
10 have to maintain a water system in our house that is
11 just not putting a filter on and be done with it and
12 change it every six months. This is something for
13 people that come up on the weekends that they come up
14 twice a month and they have to change their filter.
15 Imagine for us people that live here all year round
16 what I have to do to make sure everything is safe for
17 my family. That's my statement.

18 JUDGE CORBETT: Mr. Powers, you
19 mentioned that DEP representative came out to
20 investigate your water service. When did that occur,
21 sir?

22 THE WITNESS: I think, and please don't
23 hold me to this, maybe four or five months ago.

24 JUDGE CORBETT: Would you happen to know
25 the name of the DEP representative?

1 THE WITNESS: Not off hand. I have the
2 card in the house.

3 JUDGE CORBETT: All right.

4 THE WITNESS: He was male.

5 JUDGE CORBETT: Well, that narrows it
6 down a little bit. Have you received any further
7 reports from the DEP?

8 THE WITNESS: He sent a letter stating
9 the fact of what he was requesting from Hidden Valley.

10 JUDGE CORBETT: All right. Mr. Shields,
11 do you have any Cross Examination?

12 MR. SHIELDS: Just to note, Judge, you
13 anticipated my one question.

14 CROSS EXAMINATION

15 BY MR. SHIELDS:

16 Q. Mr. Powers, if I give you my card could you give
17 me a call or send me the name of that fellow from DEP,
18 please?

19 A. Yes.

20 MR. SHIELDS: That's all I have.
21 Thanks, Judge.

22 JUDGE CORBETT: All right. Ms. Gannon?

23 CROSS EXAMINATION

24 BY MS. GANNON:

25 Q. I just want to clarify. When you have problems

1 with the water I know you've said that it is brown, is
2 that constant?

3 A. Put it this way, I've kept track of it on a
4 monthly basis for a while and it was more than half of
5 the days out of a month that the water was brown tea
6 colored. Now granted on some days I don't fill up the
7 bathtub but like just for instance just this week if
8 you fill up a glass it's kind of unnoticeable but when
9 you fill up a bathtub it's very noticeable.

10 Q. I believe you stated that you don't have a
11 filter, an in-line filter installed in your house?

12 A. No, I do not.

13 Q. You have been using something on the faucet?

14 A. Yeah. I had a friend bring one of those adapter
15 faucets.

16 Q. Do you drink the water?

17 A. No. I go down and get water and pay for
18 additionally.

19 MS. GANNON: That's all. Thank you.

20 JUDGE CORBETT: Mr. Engleman?

21 MR. ENGLEMAN: I need to object to the
22 characterization of the DEP employee's testimony as
23 hearsay. The employee isn't here to testify himself
24 and he's not been so identified but ---.

25 JUDGE CORBETT: All right. I'll look at

1 the record and I'll make the ruling on that later.

2 CROSS EXAMINATION

3 BY MR. ENGLEMAN:

4 Q. Mr. Powers, did you receive a copy of any water
5 tests that were conducted by DEP?

6 A. No. I did not. He tested the water right in
7 front of me and he said to me that the water coming out
8 of the faucet right now is not --- he said it's not
9 dangerous to drink but the water I had in the jar
10 showing him he was very concerned about. He was also
11 concerned about some levels. I don't know the minerals
12 so to speak. I mean, this guy obviously loves his job
13 because he could tell everything by tasting that water
14 like a wine.

15 Q. You said he tested the water in front of you, do
16 you know what substances were tested for?

17 A. No, I do not. He tested --- he brought his kit
18 in from the car and he tested for x, y and z the
19 standard test I guess that people do. I do not know.

20 Q. Did he take samples back to a lab?

21 A. Correct.

22 Q. He did?

23 A. He took some samples with him.

24 Q. Okay.

25 MR. ENGLEMAN: No further questions,

1 Your Honor.

2 JUDGE CORBETT: All right. Thank you
3 very much, Mr. Powers for coming in, sir. Thank you.
4 I have one additional witness, Celeste Emrick. Would
5 you come forward, please?

6 Ms. Emrick, I do not believe that you've
7 underwent the oath before. Would you raise your right
8 hand to be sworn?

9 Whereupon,

10 CELESTE EMRICK
11 having first been duly sworn, testified as follows:

12 JUDGE CORBETT: Would you begin please
13 by giving us your full name and spell your last name
14 for the Court Reporter, please?

15 THE WITNESS: My name is Celeste Emrick.
16 My last name is spelled E-M-R-I-C-K.

17 JUDGE CORBETT: Where do you live, Ms.
18 Emrick?

19 THE WITNESS: My address is 503 Kooser
20 Circle, Hidden Valley. I'm a full time resident and
21 I've been here full time for about six years.

22 JUDGE CORBETT: If you can possibly
23 speak up as loud as you can because the people in the
24 back cannot hear. Okay?

25 THE WITNESS: Yes.

1 JUDGE CORBETT: If you can get a little
2 closer to the microphone. What is your occupation?

3 THE WITNESS: I'm a regional manager for
4 the Pennsylvania Department of Health.

5 JUDGE CORBETT: Did you say you were a
6 full or part time resident?

7 THE WITNESS: I'm a full time resident.

8 JUDGE CORBETT: So you receive water
9 service from Hidden Valley?

10 THE WITNESS: Yes.

11 JUDGE CORBETT: Would you give us your
12 statement, please?

13 THE WITNESS: Yes.

14 DIRECT TESTIMONY

15 THE WITNESS: I would pretty much
16 reiterate what others have said in terms of my concern
17 about the quality of water that we receive, the brown
18 coloration in the water. I notice it in particular
19 because on Saturday and Sunday morning it appears like
20 around 9:30. It seems that after people have gotten up
21 in the morning and showered, made breakfast you can
22 almost where I live set your watch by it. Frequently
23 I'm washing clothes. I end up washing loads of clothes
24 two and three times. I have a filter at the water
25 before the meter and I also have one at the kitchen

1 sink. It does not catch all of the debris or whatever
2 it is that's coming in.

3 I have called the water department. I
4 have written to the Board of Directors at Hidden
5 Valley. Christmas Eve we had an inordinate amount of
6 brown water that came through the water pipes. It
7 probably took --- the water was off most of the day. I
8 would say that it took two hours at least after the
9 water was turned on for us to get water that was at
10 least half way clear. We certainly not able to cook
11 with that water that evening.

12 I am very appreciative of the
13 opportunity to speak to all of you this evening. I
14 also have concern about the rate increase. The water
15 is very costly and the quality of it is very poor. In
16 the six years that I've been here and I've owned my
17 home and came intermittently over the weekends I've
18 also replaced my hot water tank three times in that
19 period of time. I really don't have anything more but
20 I wanted to opportunity to at least address these
21 concerns this evening.

22 JUDGE CORBETT: Thank you.

23 THE WITNESS: Thank you.

24 JUDGE CORBETT: Mr. Shields, do you have
25 any Cross Examination?

1 MR. SHIELDS: No, I do not, Judge.

2 JUDGE CORBETT: Ms. Gannon?

3 CROSS EXAMINATION

4 BY MS. GANNON:

5 Q. Just to clarify, you said that in the morning
6 after people have showered and eaten that's when the
7 rusty or the discolored water increases; is that your
8 statement?

9 A. Yes. That's primarily on Saturday and Sunday
10 mornings because those are the only days that I'm here
11 because I work Monday through Friday.

12 Q. But every week you experience the same thing?

13 A. Yes.

14 MS. GANNON: That's all I have. Thank
15 you.

16 JUDGE CORBETT: Mr. Engleman?

17 MR. ENGLEMAN: No questions, Your Honor.

18 JUDGE CORBETT: Thank you, Ms. Emrick
19 for coming in.

20 THE WITNESS: Thank you.

21 JUDGE CORBETT: Is there anyone else
22 that wishes to testify that I have no called?

23 (No response.)

24 JUDGE CORBETT: Okay. Well, I certainly
25 appreciate those of you who have testified this

1 evening. I appreciate all of you coming out this
2 evening to attend this public input hearing. Your
3 comments and your testimony will be taken most
4 seriously by the parties who are working on this case
5 and I can tell you your comments and your testimony
6 will be most seriously considered by the Commission. I
7 think you all and the hearing is now adjourned. Thank
8 you very much. Have a good safe evening every one.

9 (Whereupon, at 8:30 p.m. the hearing was
10 adjourned.)

11 * * *

12 C E R T I F I C A T E

13 I hereby certify, as the stenographic reporter,
14 that the foregoing proceedings were taken
15 stenographically by me, and thereafter reduced to
16 typewriting by me or under my direction; and that this
17 transcript is a true and accurate record to the best of
18 my ability.

19
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22 By: 

23 Jennifer L. Rader
24
25