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June 30, 2014

Ms. Rosemary Chiavetta
Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Nydia Figueroa v. Bethlehem Township
Complaint Docket: C-2014-2402920**

Dear Ms. Chiavetta:

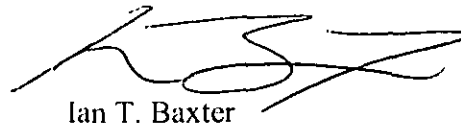
Please be advised that my office is the Solicitor for Bethlehem Township. In that regard, enclosed please find an original and one copy of each of the following documents to be filed with your office relative to the above-captioned matter.

1. Respondent's Preliminary Objections to Complainant's Formal Complaint; and
2. Bethlehem Township's Answer and New Matter.

Kindly time-stamp the copies and return them to me in the envelope provided.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours



Ian T. Baxter

ITB:klk

Enclosures

cc: Nydia Figueroa (w/enclosures)
Melissa Shafer, Township Manager (w/enclosures)

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

NYDIA FIGUEROA

Complainant

v.

**BETHLEHEM TOWNSHIP
(WASTEWATER)**

Respondent

Complaint Docket

No: C-2014-2402920

NOTICE

TO: NYDIA FIGUEROA
3970 Washington Street
Bethlehem, PA 18020

TAKE NOTICE:

You are hereby noticed that a responsive pleading to these Preliminary Objections is required to be filed within ten (10) days of the date of service of these Preliminary Objections pursuant to 52 Pa. Code § 5.101. Failure to comply with this requirement could have negative implications in the prosecution of your claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northampton County Lawyer Referral Service
155 S. 9th Street, Easton, PA 18042
(610) 258-6333

BROUGHAL & DeVITO, LLP



IAN T. BAXTER, ESQUIRE

Attorney I.D.: 314981

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Bethlehem, PA 18018

(610) 865-3664

(610) 865-0969 *facsimile*

Attorney for Respondent

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

NYDIA FIGUEROA

Complainant

v.

**BETHLEHEM TOWNSHIP
(WASTEWATER)**

Respondent

Complaint Docket
No: C-2014-2402920

**RESPONDENT'S PRELIMINARY OBJECTIONS TO COMPLAINANT'S FORMAL
COMPLAINT**

Respondent, Bethlehem Township, by and through its counsel Broughal & DeVito, L.L.P., files these Preliminary Objections to Plaintiff's Complaint as follows:

Preliminary Objection for Lack of
Jurisdiction of the Commission

1. Upon information and belief, Complainant, Nydia Figueroa, is an adult individual whose residence is located at 3970 Washington Street, Bethlehem, Northampton County, Pennsylvania 18020.
2. Upon information and belief, Complainant's residence is wholly situated in the municipality of Bethlehem Township.
3. Respondent, Bethlehem Township, is a First Class Township, organized pursuant to Pennsylvania's First Class Township Code.
4. Respondent provides wastewater services entirely within its municipal boundaries, and bills according to water consumption records supplied to it by the City of Bethlehem,

Bethlehem Water Department, the entity responsible for the water utility.

5. Pennsylvania's Public Utility Code provides: “[o]nly public utility service being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to regulation and control by the commission as to rates.”


6. Respondent, Bethlehem Township, does not furnish wastewater services beyond its corporate limits.

7. The Pennsylvania Public Utility Commission (“PUC”) does not have regulatory control over the rates charged by Respondent Bethlehem Township.

8. 52 Pa. Code § 5.101 permits the filing of Preliminary Objections on the basis of the Commission's Lack of Jurisdiction.

WHEREFORE, the Pennsylvania Public Utility Commission must decline to exercise jurisdiction over the Complaint, and likewise dismiss all claims against the Respondent.

BROUGHAL & DeVITO, LLP



IAN T. BAXTER, ESQUIRE

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Attorney for Respondent

VERIFICATION

I, STEVE HUNSBERGER, do hereby verify that the statements made in the foregoing Respondent's Preliminary Objections to Complainant's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification of authorities.

Date: _____

Steven J. Hunsberger

STEVEN HUNSBERGER
2014.06.25 16:52:07
-04'00'

Steve Hunsberger

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