



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

ISSUED: April 2, 2007

R-00061390 et al  
C-20065909  
C-20065917  
C-20065947  
C-20065948  
C-20065982  
C-20066050

## DOCUMENT FOLDER

JAMES P MELIA ESQUIRE  
K&L GATES  
MARKET SQUARE PLAZA  
17 NORTH 2<sup>ND</sup> STREET  
HARRISBURG PA 17101

Pennsylvania Public Utility Commission et al  
v.  
Clean Treatment Sewage Company

TO WHOM IT MAY CONCERN:

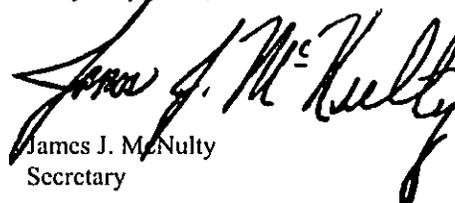
Enclosed is a copy of the Recommended Decision of Administrative Law Judge Ember S. Jandebeur. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2<sup>ND</sup> FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within twenty (20) days** of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

Replies to exceptions, if any, must be served on the Secretary of the Commission, in the manner described above, **within ten (10) days** of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Recommended Decision shall include the page number(s) of the cited section of the decision. All timely filed exceptions and replies thereto will be attached to the decision for consideration at Public Meeting. Late filed exceptions and/or late filed replies might not be considered by the Commission.

Very truly yours,

  
James J. McNulty  
Secretary

Encls.  
Certified Mail  
Receipt Requested  
MH

See attached list for additional parties of record.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-00061390

And

Betty and Al Gratrix	:	R-00061390C0001
Vilma Hernandez	:	R-00061390C0002
William and Sharon Moesch	:	R-00061390C0003
Kenneth T. and Catherine Green	:	R-00061390C0004
Benjamin T. Ahern	:	R-00061390C0005
Stefano Dimaiolo	:	R-00061390C0006
Cynthia Turner	:	R-00061390C0007
Dale M. and Joanne Finnigan	:	R-00061390C0008
Oliver Brig	:	R-00061390C0009
Nicholas Barbella	:	R-00061390C0010
Donna O' Grady	:	R-00061390C0011
Thomas O' Grady	:	R-00061390C0012
Jack Reustle	:	R-00061390C0013
David T. Richardson	:	R-00061390C0014
Helen Schankereli	:	R-00061390C0015
Harry Rahner	:	R-00061390C0016
Carole Tacheo	:	R-00061390C0017
Rudolph & Lita Domino	:	R-00061390C0018
Mark and Rachel Meola	:	R-00061390C0019

Stephen Sutter	:	C-20065909
Rita Hopler	:	C-20065917
William G. Brown	:	C-20065947
Mary and Richard Hanel	:	C-20065948
Helen and Erwin Schankereli	:	C-20065982
Theresa Dimeo	:	C-20066050

And

Office of the Consumer Advocate

v.

Clean Treatment Sewage Company

**DOCUMENT  
FOLDER**

**DOCKETED**  
APR 02 2007

## RECOMMENDED DECISION

Before  
Ember S. Jandebeur  
Administrative Law Judge

### HISTORY OF THE PROCEEDINGS

On March 17, 2006, Clean Treatment Sewage Company filed Supplement No. 6 to their tariff to become effective May 17, 2006. The matter was assigned to me on May 24, 2006. A Telephone Hearing Notice was mailed to the parties on that same date, scheduling an Initial Telephonic Pre-Hearing Conference for May 31, 2006. On May 31, 2006, the Initial Pre-Hearing Conference was held. In attendance were James Melia, Esq. for Clean Treatment Sewage Company (CTSC), Erin Gannon, Esq. on behalf of the Office of Consumer Advocate (OCA), James Ferari, Esq. on behalf of Cynthia Turner, a formal complainant, and the following formal complainants: William G. Brown, Theresa Dimeo, Stefano Dimaiolo, Oliver Brig, Kenneth T. and Catherine Green, Stephen Sutter, Vilma Hernandez, Benjamin T. Ahern, Rita Hopler, Erwin and Helen Schankereli, Dale M. and Joanne Finnigan. The following formal complainants did not attend: Betty and Alfred Gratrix, William and Sharon Moesch, Mary and Richard Hanel, and Nicholas Barbella. John Jr. and Vera Armona withdrew their formal complaint.

At the Pre-Hearing Conference, CTSC explained that their request for a rate increase related to the issue of who would bear the burden of purchasing, installing and maintaining grinder pumps on customer lines. It was determined during the telephone conference that CTSC would make a determination whether they wished to continue with the requested rate increase or withdraw the request. On June 21, 2006, CTSC voluntarily suspended the application of the rate request increase until February 15, 2007. On June 21, 2006, CTSC voluntarily suspended the application of the rate request increase until May 17, 2007. On October 13, 2006, CTSC voluntarily suspended the application of the rate request increase until

August 14, 2007. On January 9, 2007, CTSC voluntarily suspended the application of the rate increase until November 14, 2007.

Finally, on January 23, 2007, CTSC filed a Praecipe to Withdraw Tariff Supplement and a separate status report. On January 31, 2007, OCA filed an Answer to the Praecipe.

### FINDINGS OF FACT

1. CTSC provides sewage treatment services to residential customers in Marcel Lake Estates, Delaware Township, Pike County, Pennsylvania.
2. The proposed tariff increase relates to requiring customers to install and maintain grinder pumps.
3. CTSC filed several voluntary suspensions of the effective date of the proposed tariff increase while they explored alternatives.

### DISCUSSION

It is prudent to let CTSC finish its own investigations and allow CTSC to withdraw its filing until the company is prepared to go forward. OCA filed an Answer to the Praecipe and supports CTSC's request to withdraw its Tariff Supplement Number 6. To hold public input hearings, evidentiary hearings, and have the parties use all of the litigation tools needed to prepare for such hearings when CTSC is not ready, wastes Commission, formal complainants, intervenors and CTSC time and resources; therefore, withdrawal is in the public interest.

In its Answer, OCA stated, "withdrawal of the filing does not resolve the underlying issues, which include the need for improvements to the wastewater system and the DEP moratorium on new connections. These issues will need to be addressed by the Company

and, during that process, the OCA strongly encourages CTSC to improve the quality and frequency of communication with its customers.” It is important to remember that rate cases are not reviewed in a vacuum. From one filing to the next, the Commission reviews past, current, and the anticipated future of the utility company including any service issues before approving a request.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties in this proceeding.
2. It is in the public interest to allow CTSC to withdraw its tariff supplement.

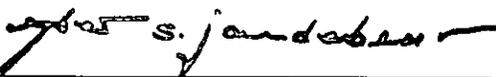
ORDER

THEREFORE,

IT IS RECOMMENDED:

1. That the Commission approve the Withdrawal of Tariff Supplement filed at R-00061390 and mark closed the formal complaints filed at C-0001 through C-0019 and the formal complaints of Stephen Sutter at C-20065909, Rita Hopler at C-20065917, William G. Brown at C-20065947, Mary and Richard Hanel at C-20065948, Helen and Erwin Schankereli at C-20065982, and Theresa Dimeo at C-20066050.

Date: March 15, 2007

  
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Ember S. Jandabeur  
Administrative Law Judge