

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
	:	
v.	:	Docket No. C-2014-2447138
	:	
Hidden Valley Utility Services, L.P. – Water	:	
	:	
	:	
Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
	:	
v.	:	Docket No. C-2014-2447169
	:	
	:	
Hidden Valley Utility Services, L.P. – Wastewater	:	
	:	

**PREHEARING MEMORANDUM OF
HIDDEN VALLEY UTILITY SERVICES, L.P.**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the Prehearing Conference Order dated April 7, 2015, in the above-referenced proceedings, Respondent Hidden Valley Utility Services, L.P. (“HVUS” or “Respondent”) respectfully submits this Prehearing Memorandum.

I. REPRESENTATION

HVUS’s attorney in this matter is:

Edward G. Lanza, Esq.
THE LANZA FIRM, LLC
P.O. Box 61336
Harrisburg, PA 17106-1336
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HVUS agrees to accept electronic service to the attorney listed above. Hard copies of documents need not be served upon Respondent unless specifically requested.

II. HISTORY OF THE PROCEEDING

On or about October 9, 2014, the Office of Consumer Advocate (“OCA”) filed complaints against HVUS alleging water quality, service, financial and managerial issues with the water and wastewater utility. On or about October 29, 2014, Respondent filed Answers to the OCA’s complaints and denied all substantive claims in the pleadings. The OCA has propounded four (4) sets of interrogatories and requested additional information informally. HVUS has provided responses, and continues to provide responses, to OCA’s discovery requests. The Presiding Officer scheduled a Prehearing Conference in this matter for May 4, 2015.

III. PRESENTLY IDENTIFIED ISSUES

The OCA has raised a number of issues in its Complaints with regard to water quality, service, financial and managerial matters. Respondent disagrees with the OCA regarding the existence, relevance or gravity of some of the issues raised by the OCA. One of the issues in the Complaints, HVUS’s record of payment of its electric bills, has been resolved through a settlement pending Commission approval at Docket No. P-2014-2424858. Issues regarding water quality and wastewater service are being addressed by HVUS in consultation and collaboration with the Pennsylvania Department of Environment Protection (“DEP”). Other issues, such as working capital and earnings are best addressed in the context of rate proceeding and are not appropriately dealt with in the context of a complaint matter.

Respondent respectfully submits that any outstanding legitimate issues raised in the Complaints are amenable to settlement and may not require litigation.

IV. WITNESSES

In the event a hearing in this matter is required, Respondent intends to call James Kettler, President of HVUS and Glen Fodor, Operations Manager. Mr. Kettler's business address is 811 Russell Avenue, Gaithersburg, MD 20879. Mr. Fodor's business address is 1 Craighead Drive, Hidden Valley, PA 15502.

V. LITIGATION SCHEDULE

HVUS is amenable to working with Presiding Officer and the parties in this matter to adopt a reasonable litigation schedule. If hearings are required, HVUS proposes the following:

Settlement Negotiations	May 4, 2015 to June 30, 2015
End of Discovery	June 15, 2015
OCA Direct Testimony	July 8, 2015
Rebuttal Testimony	August 5, 2015
Surrebuttal Testimony	September 2, 2015
Written Rejoinder	September 16, 2015
Evidentiary Hearings	September 30 to October 1, 2015
Main Brief	20 days from receipt of transcripts.
Reply Brief	14 days from service of Main Brief

VI. SETTLEMENT

Respondent is willing to participate in settlement discussions with the parties to narrow or resolve any issues in this matter, and requests that the Presiding Officer allow for a settlement negotiation period in his Prehearing Order.

Respectfully submitted,



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Date: April 30, 2015

Counsel for Respondent
Hidden Valley Utility Services, L.P.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via electronic and/or regular mail:

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Dated: April 30, 2015

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