

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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August 18, 2015

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

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

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

Dear Secretary Chiavetta:

Attached for filing is the Response of the Office of Consumer Advocate to the Answer of Hidden Valley Utility Services, L.P. Opposing the Petition to Intervene of Robert J. Kollar and Kellie A. Kuhleman in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully,

A handwritten signature in black ink, appearing to read "La M. B.", written in a cursive style.

Lauren Burge
Assistant Consumer Advocate
PA Attorney I.D. 311570
E-Mail: LBurge@paoca.org

Attachment
cc: ALJ Jeffrey A. Watson
Certificate of Service
211405

CERTIFICATE OF SERVICE

Re: Tanya J. McCloskey, Acting Consumer Advocate

v.

Hidden Valley Utility Services, L.P. - Water

Docket No. C-2014-2447138

Tanya J. McCloskey, Acting Consumer Advocate

v.

Hidden Valley Utility Services, L.P. - Wastewater

Docket No. C-2014-2447169

I hereby certify that I have this day served a true copy of the foregoing document, Response of the Office of Consumer Advocate to the Answer of Hidden Valley Utility Services, L.P. Opposing the Petition to Intervene of Robert J. Kollar and Kellie A. Kuhleman, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 18th day of August 2015.

SERVICE BY E-MAIL ONLY

Edward G. Lanza, Esquire
P.O. Box 61336
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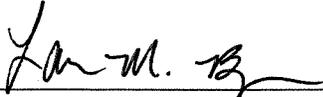
SERVICE BY E-MAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

Paige Macdonald-Matthes
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Robert J. Kollar and Kellie A. Kuhleman
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket Nos. C-2014-2447138
	:	C-2014-2447169
Hidden Valley Utility Services, L.P. –	:	
Water and Wastewater	:	

RESPONSE OF THE OFFICE OF CONSUMER ADVOCATE
TO THE ANSWER OF HIDDEN VALLEY UTILITY SERVICES, L.P.
OPPOSING THE PETITION TO INTERVENE OF
ROBERT J. KOLLAR AND KELLIE A. KUHLEMAN

In response to the Answer of Hidden Valley Utility Services, L.P. to the Petition to Intervene of Robert J. Kollar and Kellie A. Kuhleman filed on August 17, 2015 in the above-captioned proceedings, the Office of Consumer Advocate (OCA) provides the following information.

I. INTRODUCTION

The Petition to Intervene of Robert J. Kollar and Kellie A. Kuhleman in the above-referenced proceedings was filed on July 10, 2015. Administrative Law Judge Jeffrey A. Watson issued an Interim Order on August 5, 2015 providing 10 days for the parties to provide a response to the Petition to Intervene. On August 17, 2015, Hidden Valley Utility Services, L.P. (HVUS) filed its Answer to the Petition to Intervene in which it opposed the intervention of Mr. Kollar and Ms. Kuhleman, who are HVUS customers. The Office of Consumer Advocate (OCA) now provides this Response to the HVUS Answer in that the HVUS Answer improperly utilizes the OCA's enabling statute to argue against the Petition to Intervene. If necessary,

please consider this Response as a Motion for Leave to Reply to the Company's Answer pursuant to 52 Pa. Code § 5.103.

II. RESPONSE TO THE HVUS ANSWER TO THE PETITION TO INTERVENE

In its Answer, HVUS argues *inter alia* that because the OCA initiated and is an active participant in these complaint proceedings, the interests of all consumers are already represented and thus Mr. Kollar's and Ms. Kuhleman's Petition should be denied. This argument improperly states the OCA's statutory role. The OCA represents the general consumer interest. The OCA does not directly represent Mr. Kollar and Ms. Kuhleman and, as such, their individual interests are not already represented in these proceedings in a manner that would preclude them from intervening.

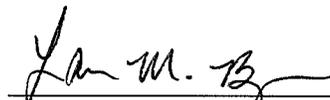
The OCA submits that its participation in this proceeding cannot serve as a bar to the participation of other interested parties. To deny standing based on the participation of the OCA would directly violate the "savings" clause of the OCA's enabling statute. Section 309-6 specifies that, "[n]othing contained herein shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court." 71 P.S. § 309-6; South River Power Partners, L.P., v. Pa. P.U.C., 673 A.2d 422, 426 (Pa. Commw. 1996) (holding that the participation of the OCA does not presume that the interests of all of a utility's consumers are adequately represented in a hearing before the Commission); Pa. P.U.C. v. Peoples Natural Gas Co. LLC, Docket No. R-2012-2285985, Interim Order (May 10, 2012). It is settled law that parties may not be excluded from a proceeding for the reasons that the Company advances here – namely that the OCA is participating in that same proceeding. HVUS is in error on this point, and the Commission should reject the Company's argument. Mr. Kollar and Ms. Kuhleman

have demonstrated that they are parties with a direct interest in this proceeding whose individual interests are not already represented and, as to which, may be bound by the action of the Commission. 52 Pa. Code §5.72(a)(3). As such, their Petition to Intervene should be granted.

III. CONCLUSION

For the forgoing reasons, the OCA respectfully requests that the Petition to Intervene of Robert J. Kollar and Kellie A. Kuhleman be granted.

Respectfully Submitted,



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Dated: August 18, 2015

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