

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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September 15, 2015

Honorable Jeffrey Watson
Office of Administrative Law Judge
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222

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

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

Dear Judge Watson:

On September 14, 2015, Hidden Valley Utility Services, L.P. (HVUS) submitted a request to modify the litigation schedule in the above-referenced proceedings. The Office of Consumer Advocate (OCA) respectfully requests that HVUS' request for a thirty (30) day extension to respond to Mr. Kollar's direct testimony be denied. The OCA also wishes to clarify certain statements made by HVUS in support of its request.

Mr. Kollar submitted his direct testimony in writing on July 8, 2015, in accordance with the procedural schedule adopted in this proceeding. HVUS had two months to review and respond to Mr. Kollar's testimony – the same amount of time afforded to submit a response to the OCA's expert testimony.

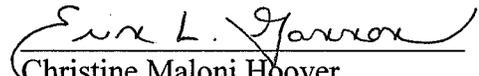
The OCA disagrees with the claim that other parties will not be affected negatively by a modification of the litigation schedule. The delay in hearings and briefing will delay a remedy for HVUS water and wastewater customers, whose complaints are the basis for the OCA's initiation of these proceedings.

The OCA notes that the two prior modifications to the procedural schedule, which were requested by OCA and HVUS to allow the parties to discuss resolution or narrowing of the issues, already extended the time for the Company's rebuttal testimony by thirty (30) days from the original date of August 5 to September 2, 2015.

Further, in order to accommodate this change, the OCA agreed to eliminate the requirement for written rejoinder testimony by the Company. If the Company's request for additional time for rebuttal testimony is granted, the OCA requests that surrebuttal be due two (2) weeks after rebuttal and the Company's written rejoinder be due no later than one (1) week prior to hearings.¹ Thus, if any modification to the procedural schedule is granted, the OCA requests that the three (3) days of evidentiary hearings be re-scheduled no sooner than 3 weeks after the Company's rebuttal testimony is due.

The OCA also requests that it be given opportunity to confirm the availability of its attorneys and witnesses before new hearing dates are established.

Respectfully Submitted,



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Enclosures

cc: PUC Secretary Chiavetta, (letter and Certificate of Service only)
Certificate of Service

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¹ As the party with the burden of proof, the OCA's expert witnesses and Mr. Kollar have the opportunity to submit any responsive testimony (surrejoinder) orally at the evidentiary hearings.

CERTIFICATE OF SERVICE

Re: Tanya J. McCloskey, Acting Consumer Advocate

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I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Letter Opposing HVUS's Request to Modify the Litigation Schedule, 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 15th day of September 2015.

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