



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWINA. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

November 28, 2007

ORIGINAL

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED
2007 NOV 28 PM 3:46
PA PUC
SECRETARY'S BUREAU

Re: Pa. Public Utility Commission
v.
Total Environmental Solutions, Inc.,
Treasure Lake Water Division
Docket No. R-000724950001

Dear Secretary McNulty:

Enclosed for filing please find an original and three copies of the Formal Complaint and Public Statement of the Office of Consumer Advocate in the above-referenced proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely yours,

Shaun A. Sparks
Assistant Consumer Advocate
PA Attorney I.D. #87372

Enclosures
cc: Office of Special Assistants
Office of Administrative Law Judge
96471.doc

DOCUMENT
FOLDER

BA

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

R-000 72493 C0001

1. COMPLAINANT

Irwin A. Popowsky, Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Dauphin County
(717) 783-5048
(717) 783-7152 (fax)

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2. UTILITY NAME

Total Environmental Solutions, Inc. Treasure Lake Sewer Division

3. TYPE OF UTILITY

Sewer

DOCUMENT
FOLDER

DOCKETED
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4. COMPLAINT

- A. On October 31, 2007 Total Environmental Solutions Inc. – Treasure Lake Sewer Division (TESI or Company) filed Supplement No. 3 to Tariff Wastewater - Pa. P.U.C. No. 4, to become effective December 30, 2007. The Company, by filing this tariff supplement, seeks Commission approval of rates and rate changes that would increase the level of rates that it charges for providing service to its ratepayers.
- B. If the proposed tariff supplement becomes effective, the Company will benefit from an opportunity to recover an estimated annual increase in its base rate revenues of \$286,615. This represents an approximate 29.49%

increase in the Company's annual revenues. For the average customer this would produce an approximate 37% increase the customer charge, from \$18.00 to \$24.70, and along with the 2,000 gal/mo allowance, an approximate 37% increase in usage rates from \$5.17 to \$7.09 above the 2,000 gal/mo allowance. For a ¾ inch service line customer using 5,000 gallons per month this would amount to an increase from \$33.51 per month to \$45.97 or \$12.46 per month.

- C. The Company serves approximately 1,982 usage customers and 3,454 availability customers in Sandy Township, Clearfield County.
- D. The Consumer Advocate is empowered to represent the interest of Pennsylvania consumers before the Pennsylvania Public Utility Commission, pursuant to Act 1876-161 of the General Assembly, as amended, 71 Pa. Stat. Ann §§ 309-1 et seq.
- E. A preliminary examination of the Company's rate increase request indicates that the Company's present rates and proposed charges, increases and changes in rates, rules and regulations contained within the request are or may be unjust, unreasonable, and in violation of law; will or may allow the Company an opportunity to recover an excessive rate of return in its utility property investment, in violation of the Public Utility Code; will or may discriminate against certain customers; will or may compensate the Company for providing inadequate service to some or all

of its customers; and otherwise may be contrary to sound ratemaking principles and public policy.

5. RELIEF

The Consumer Advocate respectfully requests that the Commission take the following actions:

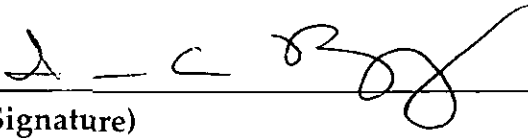
- A. Suspend and investigate the operation of the proposed Supplement, pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d);
- B. Consolidate all complaints filed against the proposed increase;
- C. Hold full evidentiary hearings examining the reasonableness of the Company's current rates and its proposed increases in rates;
- D. After providing the public with adequate notice, hold public input hearings in the Company's service territory, in order to provide its customers with an opportunity to be heard on the record;
- E. Deny any changes contained in the proposal which cannot be fully justified by the Company, or which otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy;
- F. Grant such other relief, which the Commission may deem to be necessary and proper.

6. VERIFICATION AND SIGNATURE

Verification:

I Irwin A. Popowsky, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my

knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



(Signature)

November 27, 2007
(Date)

7. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name Christine Maloni Hoover, Attorney I.D. 50026
Shaun A. Sparks, Attorney I.D. 87372

Street 555 Walnut Street, 5th Floor

City Harrisburg State PA Zip 17101-1923

Area Code/Phone Number (VOICE) 717-783-5048
(FAX) 717-783-7152

(E-Mail) choover@paoca.org; ssparks@paoca.org

PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the PUC involving the proposed rate increase requested by Total Environmental Solutions Inc. – Treasure Lake Sewer Division (TESI or Company) to become effective December 30, 2007. TESI serves approximately 1,982 usage customers and 3,454 availability customers in Sandy Township, Clearfield County.

The objective of the Consumer Advocate in filing a Formal Complaint in this matter is to protect the interests of the Company's customers. The Consumer Advocate will seek to ensure that TESI is permitted to implement only a level of rates that is fully justified and in accordance with sound ratemaking principles. The Consumer Advocate will strive to prevent the Company from collecting from ratepayers all alleged costs that cannot be justified, or are unreasonable or unduly discriminatory, or otherwise violative of the Public Utility Code. The Consumer Advocate submits that the Company's current rates and the rates sought by the Company may be unjustifiable and unlawful based upon information filed by TESI in support of its claim.

Under the Company's proposal, the average customer would experience an approximate 37% increase the customer charge, from \$18.00 to \$24.70, and along with the 2,000 gal/mo allowance, an approximate 37% increase in usage rates from \$5.17 to \$7.09 above the 2,000 gal/mo allowance. For a ¾ inch service line customer using 5,000 gallons per month this would amount to an increase from \$33.51 per month to \$45.97 or \$12.46 per month.

The Consumer Advocate will investigate the Company's proposed rates and request that the PUC deny all proposed increases or changes which are not proven to be justified, reasonable and in accordance with sound ratemaking principles.

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission
v.
Total Environmental Solutions, Inc.
Treasure Lake Water Division
Docket No. R-00072493

I hereby certify that I have this day served a true copy of the foregoing document, Formal Complaint and Public Statement of the Office of Consumer Advocate, 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 28th day of November, 2007.

SERVICE IN PERSON

Office of Trial Staff
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17105

Bureau of Fixed Utility Services
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17105

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PA PUC
SECRETARY'S BUREAU

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

November 30, 2007

T SNISCAK C BURGRAFF J MILLER ESQS
HAWKE MCKEON & SNISCAK LLP
100 NORTH TENTH STREET
PO BOX 1778
HARRISBURG PA 17105

RE: PA PUC vs Total Environmental Solutions, Inc.
Docket Number R-00072493C0001

Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by the Office of Consumer Advocate.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,

James J. McNulty

James J. McNulty
Secretary

DOCKETED
NOV 29 2007

(SEAL)

Certified Mail
Return Receipt Requested

**DOCUMENT
FOLDER**

ss

BA