



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
November 30, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re:	C-20055305	C-20055316
	C-20055317	C-20055318
	C-20055319	C-20055320
	C-20055321	C-20055324
	C-20055346	C-20055374
	C-20055392	C-20055406
	C-20055417	C-20055470
	C-20055494	C-20055509

(SEE ATTACHED LIST)

C-20055305 - Vincent Horvath v. Utilities, Inc. - Westgate
C-20055316 - Sandy & Victor Berkey v. Utilities, Inc. - Westgate
C-20055317 - Richard & Juliette Laury v. Utilities, Inc. - Westgate
C-20055318 - Parveen & Pramila Gupta v. Utilities, Inc. - Westgate
C-20055319 - Armando Villani v. Utilities, Inc. - Westgate
C-20055320 - Anthony A. Strobel v. Utilities, Inc. - Westgate
C-20055321 - Elaine D. Hokenson v. Utilities, Inc. - Westgate
C-20055324 - George J. Raykos v. Utilities, Inc. - Westgate
C-20055346 - Mr. & Mrs. John Horvath v. Utilities, Inc. - Westgate
C-20055374 - Jeffrey B. Benner v. Utilities, Inc. - Westgate
C-20055392 - Floyd & Dolores Kennedy v. Utilities, Inc. - Westgate
C-20055406 - Lisa & David Balash v. Utilities, Inc. - Westgate
C-20055417 - Donald Wertman v. Utilities, Inc. - Westgate
C-20055470 - Kria & Joe Saveri v. Utilities, Inc. - Westgate
C-20055494 - Frederick M. Ronca v. Utilities, Inc. - Westgate
C-20055509 - Office of Consumer Advocate v. Utilities, Inc. - Westgate

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial Hearing
Date: Wednesday, February 1, 2006
Time: 10:00 a.m.

**DOCUMENT
FOLDER**

DOCKETED
DEC 15 2005

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130

Presiding: Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Jones
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



McNees Wallace & Nurick LLC
attorneys at law

ADAM L. BENSHOFF
DIRECT DIAL: (717) 237-5298
E-MAIL ADDRESS: ABENSHOFF@MWN.COM

January 12, 2006

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Bldg.
1400 West Spring Garden Street
Philadelphia, PA 19130

**VIA EMAIL AND
FEDERAL EXPRESS**

Re: Joint Application of Penn Estates Utilities, Inc., et al.; Docket Nos. A-210072F0003, et al.; and Vincent V. Horvath, et al. v. Utilities, Inc.-Westgate; Docket Nos. C-20055305, et al.

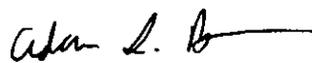
Dear Judge Jones:

Enclosed are an original and three (3) copies of the Answer in Opposition to Office of Consumer Advocate's Request for Hearing in Utilities, Inc.-Westgate's Service Territory on behalf of Penn Estates Utilities, Inc.; Utilities, Inc. of Pennsylvania; Utilities, Inc.-Westgate; and Utilities, Inc., concerning the above-referenced proceeding.

As evidenced by the attached Certificate of Service, copies have been served upon the parties in this proceeding. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
James P. Dougherty
Susan E. Bruce
Adam L. Benschoff

**DOCUMENT
FOLDER**

Counsel to Penn Estates Utilities, Inc.,
Utilities, Inc. of Pennsylvania, Utilities, Inc.,
Westgate, and Utilities, Inc.

SEB:mas

Enclosures

c: Certificate of Service

James J. McNulty, Secretary (w/enc.) (via hand delivery)

Ms. Judy Carlson, Bureau of Fixed Utility Services (w/enc.) (via hand delivery)

RECEIVED
2006 JAN 12 11:41:19
SECRETARY'S BUREAU
PA PUC

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VINCENT V. HORVATH	:	DOCKET NOS. C-20055305
SANDY & VICTOR BERKEY	:	C-20055316
RICHARD E. & JULIETTE A. LAURY	:	C-20055317
PARVEEN & PRAMILA GUPTA	:	C-20055318
ARMANDO VILLANI	:	C-20055319
ANTHONY A. STROBEL	:	C-20055320
ELAINE D. HOKENSON	:	C-20055321
GEORGE J. RAYKOS	:	C-20055324
MR. & MRS. JOHN HORVATH	:	C-20055346
JEFFREY B. BENNER	:	C-20055374
FLOYD & DOLORES KENNEDY	:	C-20055392
LISA AND DAVID BALASH	:	C-20055406
KRIS AND JOE SAVERI	:	C-20055470
FREDERICK M. RONCA	:	C-20055494
IRWIN A. POPOWSKY, CONSUMER ADVOCATE	:	C-20055509
<i>Complainants,</i>	:	
v.	:	
UTILITIES, INC.-WESTGATE, <i>Respondent.</i>	:	

DOCUMENT
FOLDER

RECEIVED
2006 JAN 12 PM 4:19
SECRETARY'S BUREAU

JOINT APPLICATION OF PENN ESTATES UTILITIES, INC., WATER AND WASTEWATER DIVISIONS, UTILITIES, INC. OF PENNSYLVANIA, AND UTILITIES, INC., WESTGATE DIVISION, FOR APPROVAL OF A STOCK TRANSFER LEADING TO A CHANGE IN CONTROL OF THEIR PARENT CORPORATION, UTILITIES, INC.:	:	DOCKET NOS. A-210072F0003; A-230063F0003; A-230013F0004; AND A-210093F0002
---	---	---

ANSWER IN OPPOSITION TO
OFFICE OF CONSUMER ADVOCATE'S
REQUEST FOR HEARING IN
UTILITIES, INC.-WESTGATE'S SERVICE TERRITORY

TO THE HONORABLE, ADMINISTRATIVE LAW JUDGE ANGELA T. JONES:

1. Late on Friday, January 6, 2006, Penn Estates Utilities, Inc. ("PEUI"), Utilities, Inc. of Pennsylvania ("UIP"), and Utilities, Inc.-Westgate ("Westgate") (collectively, "Joint Applicants"), were served by the Office of Consumer Advocate ("OCA") with a request to hold hearings within the Westgate service territory in the following dockets: 1) Docket Nos. A-210072F0003, A-230063F0003, A-230013F0004, and A-210093F0002 ("Application Dockets"); and, 2) Docket Nos. C-20055305, *et al.* ("Complaint Dockets"). Joint Applicants respectfully answer in opposition that OCA's request for such hearings with respect to the Application Dockets must be firmly denied.

2. OCA's request for hearings within the Westgate service territory is a veiled attempt at not a second, but now a third bite at the consolidation apple. OCA filed its original Motion to Consolidate the above-referenced docket with the fifteen separate Formal Complaints in Horvath, et al. v. Utilities, Inc.-Westgate, Docket Nos. C-20055305 *et al.* ("Westgate Customer Complaint Docket"), on October 17, 2005. In Your Honor's Prehearing Order, dated November 22, 2005, OCA's Motion to Consolidate was, in no uncertain terms, denied.

3. During the Prehearing Conference on December 15, 2005, OCA again raised the issue of joint hearings, and hearings in the Westgate service territory. Once again, Your Honor explicitly and firmly denied OCA's request, noting that the issue of consolidation had already been settled. OCA now enters this request for hearings in the Westgate service territory, without consultation with the Joint Applicants, and in seemingly blatant and flippant disregard of Your Honor's prior rulings. OCA's continued insistence on delaying this Joint Application proceeding, now requesting an extension in the evidentiary record to February 1, 2006, has become a waste of the Commission's resources and a waste of ratepayer dollars.

4. As this issue has already been decided, Joint Applicants respectfully request that OCA's request for hearings within the Westgate service territory in the above-referenced

Application Dockets (Docket Nos. A-210072F0003, A-230063F0003, A-230013F0004, and A-210093F0002) be yet once again firmly and unequivocally denied.

5. Joint Applicants respectfully request that OCA's request for hearings within the Westgate service territory in the pending Complaint Dockets at PaPUC Docket Nos. C-20055305, *et al.*, be addressed by Your Honor and all interested Parties at the forthcoming February 1, 2006, Prehearing Conference scheduled for that docket.

WHEREFORE, Penn Estates Utilities, Inc., Utilities, Inc. of Pennsylvania, and Utilities, Inc.-Westgate respectfully request that the Commission deny the Office of Consumer Advocate request for hearings in the Utilities, Inc.-Westgate service territory in the Application Dockets (Docket Nos. A-210072F0003, A-230063F0003, A-230013F0004, and A-210093F0002).

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



James P. Dougherty
Susan E. Bruce
Adam L. Benshoff
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Ph. (717) 232-8000
Fax (717) 237-5300

Counsel to Joint Applicants, Penn Estates Utilities, Inc.; Utilities, Inc. of Pennsylvania; Utilities, Inc.-Westgate; and Utilities, Inc.

Dated: January 12, 2006

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

William R. Lloyd, Jr., Esq.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Charles Shields, Esq.
Office of Trial Staff
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Mr. William D. Shrader
Bureau of Fixed Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Mr. H. Edwin Rodrock
Bureau of Fixed Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Jack Hines, Township Manager
West Bradford Township
1385 Campus Drive
Downingtown, PA 19335

Donald A. Mancini, Chairman
Chester County Board of Commissioners
2 North High St., Suite 512
P.O. Box 2748
West Chester, PA 19380-0991

Kenneth R. Myers, Esq.
High, Swartz, Roberts & Seidel LLP
40 East Airy Street
Norristown, PA 19404

Donna M.ASURE, Chairman
Monroe County Commissioners
One Quaker Plaza
Stroudsburg, PA 18360

Larry R. Sebring, Chairman/Supervisor
Stroud Township Board of Supervisors
Stroud Township Municipal Center
1211 North 5th Street
Stroudsburg, PA 18360

Wm. Taylor Wenck, Chairperson
Stroud Township Planning Commission
Stroud Township Municipal Center
1211 North 5th Street
Stroudsburg, PA 18360

Patrick Ross, Chairman
Pocono Township Board of Supervisors
P. O. Box 197
Tannersville, PA 18372

Dianne E. Dusman, Esq.
Office of Consumer Advocate
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-1923

Chester County Board of Commissioners
2 North High Street, Suite 512
P. O. Box 2748
West Chester, PA 19380-0991

Certificate of Service

Page 2

Adam N. Bram, Esq.
PA Department Of Environmental
Protection
Office Of Chief Counsel
2 East Main Street
Norristown, PA 19401

Mr. Frederick M. Ronca
141 Cross Creek Court
Bethlehem, PA 18017

Kris and Joe Saveri
3016 Summer Lane
Bethlehem, PA 18017

Lisa and David Balash
1199 Yorkshire road
Bethlehem, PA 18017

Vincent V. Horvath
2738 Whitewood Road
Bethlehem, PA 18017

Sandy & Victor Berkey
2625 Jacksonville Road
Bethlehem, PA 18017

Richard E. & Juliette A. Laury
1250 Wynnewood Drive
Bethlehem, PA 18017

Parveen & Pramila Gupta
122 Wedgewood Road
Bethlehem, PA 18017

Armando Villani
122 Cross Creek Court
Bethlehem, PA 18017

Anthony A. Strobel
1445 Lane Avenue
Bethlehem, PA 18017

Elaine D. Hokenson
355 Wedgewood Road
Bethlehem, PA 18017

George J. Raykos
1240 Wynnewood Drive
Bethlehem, PA 18017

Mr. & Mrs. John Horvath
1140 Yorkshire Road
Bethlehem, PA 18017

Jeffrey B. Benner
570 Wedgewood Road
Bethlehem, PA 18017


Adam L. Benshoff

Dated this 12th day of January, 2006, in Harrisburg, Pennsylvania.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 17, 2006

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

In Re:	C-20055305	C-20055316
	C-20055317	C-20055318
	C-20055319	C-20055320
	C-20055321	C-20055324
	C-20055346	C-20055374
	C-20055392	C-20055406
	C-20055417	C-20055470
	C-20055494	C-20055509

(SEE LETTER DATED 11/30/05)

C-20055305 - Vincent Horvath v. Utilities, Inc. - Westgate
C-20055316 - Sandy & Victor Berkey v. Utilities, Inc. - Westgate
C-20055317 - Richard & Juliette Laury v. Utilities, Inc. - Westgate
C-20055318 - Parveen & Pramila Gupta v. Utilities, Inc. - Westgate
C-20055319 - Armando Villani v. Utilities, Inc. - Westgate
C-20055320 - Anthony A. Strobel v. Utilities, Inc. - Westgate
C-20055321 - Elaine D. Hokenson v. Utilities, Inc. - Westgate
C-20055324 - George J. Raykos v. Utilities, Inc. - Westgate
C-20055346 - Mr. & Mrs. John Horvath v. Utilities, Inc. - Westgate
C-20055374 - Jeffrey B. Benner v. Utilities, Inc. - Westgate
C-20055392 - Floyd & Dolores Kennedy v. Utilities, Inc. - Westgate
C-20055406 - Lisa & David Balash v. Utilities, Inc. - Westgate
C-20055417 - Donald Wertman v. Utilities, Inc. - Westgate
C-20055470 - Kria & Joe Saveri v. Utilities, Inc. - Westgate
C-20055494 - Frederick M. Ronca v. Utilities, Inc. - Westgate
C-20055509 - Office of Consumer Advocate v. Utilities, Inc. - Westgate

CORRECTED Hearing Notice

This is to inform you that the notice dated November 30, 2005 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections will be double underlined.

Type: Initial Pre-Hearing Conference

Date: Wednesday, February 1, 2006

Time: 10:00 a.m.

Location: In an available hearing room

Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130

Presiding: Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Jones
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File