

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT FOLIO

THE GLEN AT TAMIMENT PROPERTY
OWNERS ASSOCIATION

v

PENNSYLVANIA UTILITY COMPANY

C-20030137

DOCKETED
AUG 14 2003

**INTERIM ORDER
SETTING RESOLUTION CONFERENCE**

On or about April 21, 2003, The Glen at Tamiment Property Owners Association ("Complainant") filed a complaint against Pennsylvania Utility Company ("Respondent"), at the above-captioned Docket Number. On or about July 16, 2003, Respondent filed an answer to the complaint.

Based upon a review of the information contained in this material, I direct the parties to attempt to resolve this matter themselves. Respondent shall contact Complainant no later than August 14, 2003, to set a time, date and place for Respondent and Complainant to hold a conference about resolving the case. The conference must take place no later than August 28, 2003, unless this is not possible.

Within ten (10) days following the conference, Respondent shall file a short report with Bruce Bigelow ("Mediator"), setting forth:

- (a) The time, date and place of the conference;
- (b) Who participated for each party;
- (c) A statement whether a full resolution, including withdrawal of complaint, was achieved, and, if not, whether the parties consent to have this case set for mediation by the mediation staff of the Commission, and
- (d) A statement of any issues which have been resolved, if a full resolution was not achieved

The Commission encourages mediation if the parties cannot reach an agreement through the resolution conference. Mediation is an informal process in which the parties attempt to resolve the case with the help of a mediator. The mediator is a neutral staff member of the Commission who does not give advice, make a decision, or represent any party. Instead, the mediator assists the parties in their efforts to come to an agreement.

If the parties do not reach an agreement on their own, and do not consent to mediate, they are entitled to have a hearing. A hearing is a formal process where a Commission administrative law judge will review the case and make a decision to resolve it.


If it is not possible to have the conference by the date set for that purpose, Respondent shall file a report with the Mediator, on or before ten (10) days following the conference due date, giving the reason(s) why the due date could not be met.

In either situation, a report must be filed with the Mediator by the applicable due date set forth above.

If you have any questions, you should contact the Mediator. His address and phone number are

Mediator Bruce Bigelow
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5413
Email: bbigelow@state.pa.us

Date: July 31, 2003


ROBERT A. CHRISTIANSON
Chief Administrative Law Judge

#387236

AMENDED Complaint

C-20030137

DOCKETED

SEP 29 2003

DOCUMENT FOLDER

Formal Complaint Form
Pennsylvania Public Utility Commission

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number:

Name The Glen at TAMIMENT Property Owners Association

Street/P.O. Box 285 The Glen Apt # _____

City TAMIMENT State PA Zip 18371

County PIKE Area Code/Home Phone _____
Area Code/Work Phone 570-588-5000

2. Name of company your complaint concerns: PENNSYLVANIA Utility Company

3. What is your complaint? (Use additional paper if need more space).

SEE ATTACHED

4. What do you want the Public Utility Commission to do about your complaint?
(Use additional paper if need more space).

SEE ATTACHED

RECORDED
03 SEP - 5 AM 8:47
SECRETARY'S BUREAU

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Joseph J. Bellantoni Pres. of The Glen POA. 8/31/03
Signature Date

Alan D. Juman V.P. of the Glen POA 8/31/03
Continued on next page

Re: The Pennsylvania Utility Company

Complainant: The Glen at Tamiment Property Owners Association
235 The Glen
Tamiment, PA 18371

#3 Amended Complaint.

The Respondent did not meet with us (The Glen Property Owners Association) on or before August 28, 2003 as set out in the Interim Order dated July 31, 2003 (copy attached).

The Pennsylvania Utility Company did not have an approved tariff on file for water service.

The Pennsylvania Utility Company did not have an approved tariff on file for sewer service.

The Pennsylvania Utility Company charged all end-users \$1000 for their water meter

The Pennsylvania Utility Company charged all end-users \$3000 for their sewage pumps

Owners pay for the maintenance and repair of the sewage pumps.

#4 What we want the PUC to do.

Since there is no rate on file, The Pennsylvania Utility Company had no legal right to charge for water and sewer. We want every payer to be refunded what they have paid per year, the amount of \$539, for the statutory four year period of limitation, that is, \$2156 per homeowner

We want homeowners to be refunded the amount that they paid for their water meter and sewage pumps

We want The Pennsylvania Utility Company to accept the responsibility for the repair and maintenance of the meters and pumps.

We want The Pennsylvania Utility Company to meet with us in a timely fashion.

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

Mail to:
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

For more information, please contact the Secretary's Bureau at 717-772-7777.

Formal Complaint Form
Pennsylvania Public Utility Commission

Please Print: (you may also type your answers directly onto the form as it appears on your screen)

1. Your name, mailing address and telephone number:

Name The Glen at TAMIMENT Property Owners Association

Street/P.O.Box 235 The Glen Apt # _____

City TAMIMENT State PA Zip 18371

County PIKE Area Code/Home Phone _____
Area Code/Work Phone 570-588-5000

2. Name of company your complaint concerns: The PENNSYLVANIA Utility Comp

3. What is your complaint? (Use additional paper if need more space)

SEE ATTACHED

RECEIVED
03 SEP - 5 AM 8:47
P.A.U.C.
SECRETARY'S BUREAU

4. What do you want the Public Utility Commission to do about your complaint?
(Use additional paper if need more space).

SEE ATTACHED

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Signature Joseph Bellantoni, Pres. Glen at TAMIMENT POA Date _____
Continued on next page

Alan D. Furman 4.10.2003

ALAN D. FURMAN, V.P. Glen at TAMIMENT POA

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

Mail to:
Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

For more information, please contact the Secretary's Bureau at 717-772-7777.

Re: The Pennsylvania Utility Company

Complainant: The Glen at Tamiment Property Owners Association
235 The Glen
Tamiment, PA 18371

Facts:

The Pennsylvania Water Company was given until April 2003 to install meters in the properties of all end users.

Once all the meters are installed, the Utility is given approximately one year to apply for water meter rates based upon usage. This has not been done.

The rate that is applied for is expected to be revenue neutral. That is, the total that the Utility Company collects will be the same as the current total that they collect in quarterly payments, however, each individual payer will pay their allocate share based on usage.

3. What is your complaint?

The company has not installed all the meters. The company has not monitored usage so that they can apply for a rate.

4. What do want the Public Utility Commission to do about your complaint?

Estop the company from applying for or receiving any rate hikes until they comply with the regulation that they install meters and apply for a rate.

Require the company to install the necessary meters, monitor their use and apply for a rate that is revenue neutral. Require that the company charge its end-users based on their actual usage rather than a flat quarterly fee.

Rec'd 9/5/03

COPY

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE GLEN AT TAMIMENT PROPERTY OWNERS ASSOCIATION :
v :
PENNSYLVANIA UTILITY COMPANY :

C-20030137

RECEIVED
03 SEP - 5 AM 8:47
P.A.U.C.
SECRETARY'S BUREAU

INTERIM ORDER
SETTING RESOLUTION CONFERENCE

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Based upon a review of the information contained in this material, I direct the parties to attempt to resolve this matter themselves. Respondent shall contact Complainant no later than August 14, 2003, to set a time, date and place for Respondent and Complainant to hold a conference about resolving the case. The conference must take place no later than August 28, 2003, unless this is not possible.

Within ten (10) days following the conference, Respondent shall file a short report with Bruce Bigelow ("Mediator"), setting forth:

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- (b) Who participated for each party;
- (c) A statement whether a full resolution, including withdrawal of complaint, was achieved, and, if not, whether the parties consent to have this case set for mediation by the mediation staff of the Commission; and
- (d) A statement of any issues which have been resolved, if a full resolution was not achieved.

COPY

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If you have any questions, you should contact the Mediator. His address and phone number are:

Mediator Bruce Bigelow
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5413
Email: bbigelow@state.pa.us

Date: July 31, 2003

Robert A. Christianson
ROBERT A. CHRISTIANSON
Chief Administrative Law Judge

#187228



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

IN REPLY PLEASE
REFER TO OUR FILE

September 29, 2003

C-20030137

JAMES P. MELIA COUNSEL
KIRKPATRICK & LOCKHART LLP
240 NORTH THIRD STREET
HARRISBURG PA 17101-1507

DOCUMENT
FOLDER

DOCKETED
SEP 29 2003

THE GLEN AT TAMMONT PROPERTY OWNERS ASSOCIATION
v.
PENNSYLVANIA UTILITY COMPANY

Dear Sir/Madam:

Attached is copy of an amended complaint filed on behalf of the complainant in the above titled proceeding.

Such answer as you desire to make to the amended complaint should be filed in this Office and served upon the complainant within twenty days from receipt of this letter.

Very truly yours,

James J. McNulty
Secretary

cc: ALJ - w/copy of amended complaint
OTS - w/copy of amended complaint

KSB

RJP

Kirkpatrick & Lockhart LLP

Payne Shoemaker Building
240 North Third Street
Harrisburg, PA 17101-1507
717 231 4500
www.kl.com

ORIGINAL

October 14, 2003

VIA HAND DELIVERY

James P. Melia
717 231 5842
Fax: 717 231 4501
jmelia@k.com

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: The Glen at Tamiment Property Owners Association v. Pennsylvania Utility
Company, Docket No. C-20030137

Dear Secretary McNulty:

Enclosed for filing please find an original and three copies of the Answer of
Pennsylvania Utility Company to the Amended Complaint filed by The Glen at
Tamiment Property Owners Association.

Copies of this Answer have been served on all parties to this matter as indicated on the
enclosed Certificate of Service.

Very truly yours,


James P. Melia

JPM/cem
Enclosures

cc: Service List (w/Enclosures)

DOCUMENT
FOLDER

SECRETARY'S BUREAU

2003 OCT 14 PM 3:25

RECEIVED

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HA-137753 v1 0605250-0801

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Glen at Tamiment Property
Owners Association

v.

Pennsylvania Utility Company

ORIGINAL
Docket No. C-20030137

CERTIFICATE OF SERVICE

I hereby certify that I have this day served true and correct copies of the foregoing Answer upon the individuals listed, in accordance with the requirements of Section 1.54 (relating to service by a participant).

Via First Class Mail

Joseph Bellantoni
President
The Glen at Tamiment Property Owners Association
235 The Glen
Tamiment, PA 18371

Kirkpatrick & Lockhart LLP
240 North Third Street
Harrisburg, PA 17101-1507
(717) 231-4500
(717) 231-4501 (Fax)
jmelia@kl.com


James P. Melia

Counsel for Pennsylvania Utility
Company

Dated: October 14, 2003

SECRETARY'S
BUREAU

2003 OCT 14 PM 3:25

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

The Glen at Tamiment Property
Owners Association

v.

Pennsylvania Utility Company

Docket No. C-20030137

SECRETARY'S BUREAU

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ANSWER TO
AMENDED COMPLAINT

AND NOW COMES, Pennsylvania Utility Company, by its counsel Kirkpatrick & Lockhart LLP, and herein files its Answer to the Amended Complaint of The Glen at Tamiment Property Owners Association ("Complainant") and further states as follows:

1. On or about April 21, 2003, Complainant filed its Initial Complaint at the above docket number. On or about July 16, 2003, Respondent Pennsylvania Utility Company ("Respondent") filed an Answer to the Initial Complaint. Respondent's Answer was filed beyond the required 20-day response period due to its failure to obtain the Initial Complaint in a timely manner.

2. Respondent admits allegations contained in paragraphs 1 and 2 of the Amended Complaint with reference to the name, address of Complainant and other pertinent information. Respondent also admits that the name of the utility against whom the concerns of Complainant are directed is Pennsylvania Utility Company.

3(a). With regard to the allegations contained in paragraph 3 of the Amended Complaint, Respondent admits in part and denies in part all of the allegations as further

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FOLDER

DOCKETED
OCT 15 2003

explained. Respondent admits that it did not meet with Complainant by the August 28, 2003 date as set out in the Interim Order directing that such a conference be convened. Respondent was unable, due to other pressing matters, to schedule a meeting with Complainant's representatives prior to August 28, 2003. However, Respondent did attempt to contact Complainant's representative on two separate occasions by phone and once in person after August 28th and was told that Complainant's Board of Directors would not be available until sometime in the month of October. Since that time, a meeting has been scheduled for October 22, 2003 at The Glen to discuss the issues contained in both the Initial Complaint and the Amended Complaint.

3(b). Respondent denies the allegations in paragraph 3 of the Amended Complaint with regard to it not having an approved tariff on file for water and wastewater service. Respondent did file with the Commission, on or about May 15, 2002, a tariff for provision of water service. This tariff has been in effect since June 1, 2002. On or about May 15, 2002, Respondent filed a tariff with the Commission for its wastewater service. Respondent was told by the Bureau of Fixed Utility Services that its wastewater tariff would be held in abeyance pending revisions to the Commission's Standard Tariff Requirements for small wastewater utilities. Those revisions were, for whatever reason, never communicated back to Respondent. However, a tariff was submitted to the Commission and has been in the possession of the Commission since May 15, 2002, albeit in draft form. This tariff did conform, in all respects, to the Commission's Model Wastewater Tariff as provided to Respondent. On or about September 29, 2003, per directive of the Bureau of Fixed Utility Services, Respondent did file a final wastewater tariff with the Commission.

3(c). Respondent admits that, prior to its receipt of its Certificate of Public Convenience on March 29, 2002, Respondent may have charged some of its customers for water meters. However, since receipt of its Certificate, over 95% of the customers have received meters installed at their residences, for which no charge has been assessed to those customers. Respondent further contends that its charges to those customers who are required to install grinder pumps for the processing of sewage is an appropriate charge pursuant to Commission practice. It should be noted that most large wastewater utilities, including Pennsylvania American Water Company, routinely charge their customers for grinder pumps if that equipment is necessary for the safe processing of sewage. Further answering, Respondent contends that it is proper for Respondent to charge its customers for the maintenance and repair of those grinder pumps.

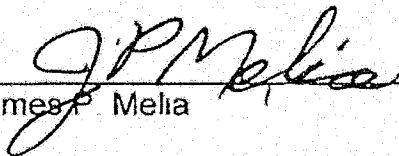
4(a). Respondent denies Complainant's allegation that it had no legal right to charge for water and wastewater service. The rates which are currently on file are those rates which were charged to customers prior to Respondent's receipt of its Certificate of Public Convenience. Further, lawful tariffs have been on file either officially or, at least, within the possession of the Bureau of Fixed Utility Services since being directed to file same by the Commission. As such, no refunds are appropriate or legally justified under the circumstances.

4(b). Respondent denies that any refunds are necessary or appropriate for amounts paid for either water meters or sewage grinder pumps. Customers are not currently charged for the installation of a water meter and maintenance and responsibility of this equipment is the responsibility of Respondent. As for sewage grinder pumps, the cost for purchase and installation of this equipment as well as its

maintenance and repair is appropriately the responsibility of the customer pursuant to standard Commission practice. As such, no refunds for this equipment are either necessary or legally justified.

WHEREFORE, for all of the foregoing reasons, Pennsylvania Utility Commission respectfully requests that the Complaint of The Glen at Tamiment Property Owners Association be denied for the reasons stated herein.

Respectfully submitted,


James P. Melia

Kirkpatrick & Lockhart LLP
240 North Third Street
Harrisburg, PA 17101-1507
(717) 231-4500
(717) 231-4501 (Fax)
jmelia@kl.com

Counsel for Pennsylvania Utility
Company

Dated: October 14, 2003

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2003 OCT 14 PM 3:25
PENNSYLVANIA
SECRETARY'S BUREAU

Kirkpatrick & Lockhart LLP

Payne Shoemaker Building
240 North Third Street
Harrisburg, PA 17101-1507
717 231 4500
www.kl.com

October 15, 2003

ORIGINAL

VIA HAND DELIVERY

James P. Melia
717 231 5842
Fax 717 231 4501
jmelia@kl.com

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

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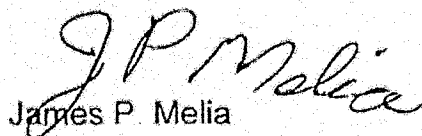
Re: The Glen at Tamiment Property Owners Association v. Pennsylvania Utility Company, Docket No. C-20030137

Dear Secretary McNulty:

On October 14, 2003, Pennsylvania Utility Company filed its Answer to the Amended Complaint of The Glen at Tamiment Property Owners Association. Unfortunately, that Answer was not filed with the appropriate affidavit. Enclosed please find an original and three copies of an affidavit of Pennsylvania Utility Company which should be entered into the file in support of the Answer.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,


James P. Melia

JPM/cem
Enclosures

cc. Service List (w/Enclosure)

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2003 OCT 15 PM 3:26
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P.U.C.

BTL

HA-137840 v1 0605250-0801

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

The Glen at Tamiment Property
Owners Association

v.

Pennsylvania Utility Company

Docket No. C-20030137

DOCKETED

OCT 17 2003

AFFIDAVIT

DOCUMENT

I, Jan Springman, being duly sworn according to law, depose and say that I am Controller of Tamiment Resort & Conference Center and Pennsylvania Utility Company; that I am authorized to and do make this affidavit for it; and that the facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information, and belief, and I expect the said Tamiment Resort & Conference Center to be able to prove the same at any hearing hereof.

Jan Springman

Jan Springman
Controller

Tamiment Resort & Conference Center
and Pennsylvania Utility Company

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OCT 15 PM 3:27
SECRETARY'S BUREAU

Sworn and subscribed before me
this 30 day of June, 2003.

Virginia Petri
Notary Public

Notarial Seal
Virginia Petri, Notary Public
Lehman Twp., Pike County
My Commission Expires June 21, 2004
Member, Pennsylvania Association of Notaries

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TM
40

The Glen at Tamiment Property
Owners Association

v

Pennsylvania Utility Company

Docket No. C-20030137

CERTIFICATE OF SERVICE

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

Via First Class Mail

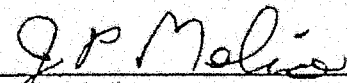
Joseph Bellantoni
President
The Glen at Tamiment Property Owners Association
235 The Glen
Tamiment, PA 18371

SECRETARY'S BUREAU

2003 OCT 15 PM 3:27

RECEIVED

Kirkpatrick & Lockhart LLP
240 North Third Street
Harrisburg, PA 17101-1507
(717) 231-4500
(717) 231-4501 (Fax)
jmelia@kl.com


James P. Melia

Counsel for Pennsylvania Utility
Company

Dated: October 15, 2003

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DOCKETED

DEC 29 2003

DATE: December 10, 2003

SUBJECT: The Glen at Tamiment Property Owners Association v.
Pennsylvania-American Water Company; C-20030137

TO: Commission Document Folder

FROM: Bruce Bigelow
Mediator

DOCUMENT

The above-captioned case is still undergoing mediation-process review and progress reports are being made.

pc: OALJ file

DATE: May 3, 2004

SUBJECT: The Glen at Tamiment Property Owners Association v.
Pennsylvania-American Water Company
C-20030137

TO: Commission Document Folder

FROM: Bruce Bigelow
Mediator



The above-captioned case is still undergoing mediation-process review and progress reports are being made.

pc: OALJ file
form #457243



The

Glen at Tamiment POA

ORIGINAL

235 The Glen
Tamiment, PA 18371
(570) 588-5000
(570) 588-5100 fax

BTL

February 11, 2005

James J McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg., 2nd Floor
400 North Street
Harrisburg, PA 17120

Re: The Glen at Tamiment Property Owners Association v. Pennsylvania Utility
Company, Docket No. C-20030137

Dear Secretary McNulty:

Please be advised that The Glen at Tamiment Property Owners Association has
decided to withdraw its complaint against Pennsylvania Utility Company based on
satisfactory resolution of outstanding issues. I appreciate this matter be closed.

If you have any questions, please contact me.

Very truly yours

Joseph Bellantoni

cc: Jan Springman
James P. Melia, Esquire

**DOCUMENT
FOLDER**

DOCKETED
MAY 07 2005

RECEIVED
2005 FEB 17 AM 2:15
SECRETARY'S BUREAU

20

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: February 23, 2005

SUBJECT: C-20030137
The Glen at Tamiment Property Owners Association v. Pennsylvania Utility
Company

TO: Wanda Zeiders
Docket Management

FROM: Ona Lester, ALJ Support Staff
Office of Administrative Law Judge

On February 17, 2005, a Petition for Leave to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: Mediator Bruce Bigelow
Beth Plantz
Case File

DOCUMENTED
MAR 22 2005

DOCUMENT
FOLDER



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

June 2, 2005

IN REPLY PLEASE
REFER TO OUR FILE

C-20030137

THE GLEN AT TAMIMENT PROP OWNERS ASSOC.
JOSEPH BELLANTONI
235 THE BLEN
TAMIMENT PA 18371

GLEN AT TAMIMENT PROP OWNERS ASSOC.

VS

PENNSYLVANIA UTILITY COMPANY

BTL

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

DOCKETED
JUN 06 2005

nvl
cc: All parties of Record
ALJ

**DOCUMENT
FOLDER**