

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 06/00/00 :  
 2. BUREAU: ALJ :  
 3. SECTION(S): :  
 5. APPROVED BY: : 4. PUBLIC MEETING DATE:  
     DIRECTOR: : 00/00/00  
     SUPERVISOR: :  
 6. PERSON IN CHARGE: : 7. DATE FILED: 05/17/07  
 8. DOCKET NO: C-20077809 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BECKER, RICHARD & MAUREEN

RESPONDENT/APPLICANT: TIMBERLEE VALLEY SANITATION CO

COMP/APP COUNTY: BUTLER

UTILITY CODE: 230068

ALLEGATION OR SUBJECT

COMPLAINANT STATES BEING BILLED FOR SERVICE PRIOR TO SERVICE CONNECTION. THEY WOULD LIKE THE PUC TO HAVE OVERCHARGES REFUNDED WITH INTEREST.

**DOCUMENT  
FOLDER**

**DOCKETED**  
MAY 30 2007

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

C-2007-2809

2 JUN 17 11 3:33

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name RICHARD A. & MAUREEN J. BECKER

Street/P.O. Box 112 TIMBERLEE DRIVE Apt #

City EVANS CITY State PA Zip 16033

County BUTLER

Area Code/HOME Phone 724 865-2298

Area Code/WORK Phone N/A

Utility Account Number 106 TL (from your bill)

PLEASE NOTE THAT I WILL NOT BE AVAILABLE BETWEEN 6/5/07 - 6/25/07

ORIGINAL

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: TIMBERLEE VALLEY SANITATION CO

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE (local, long distance)

8

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other. **BILLED FOR SERVICE  
(explain) PRIOR TO SERVICE CONNECTION**

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

SEE ATTACHED

5. RELIEF

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

SEE ATTACHED

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES  
(includes appeals of BCS determinations)

HAVE SENT A WRITTEN  
REQUEST FOR REFUND

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

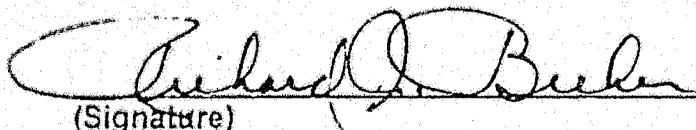
HAVE LEFT MESSAGES. NEVER RETURNED CALLS

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I RICHARD A. BECKER, 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)

5/14/07  
(Date)

9. 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 \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

#### 4.B Facts of Complaint

On or about November 15, 2000, we purchased an undeveloped lot (#106) in the Timberlee Farms housing development, which is served by the Timberlee Valley Sanitation Company (TVSC) for the disposal of wastewater. Beginning with that date, TVSC initiated billing for sewage service at the rate of \$35.00 per month. Upon questioning the appropriateness of such charge since no service was being provided, representatives of the company advised that the charges did apply to undeveloped lots. This charge continued to be billed, which we paid through the planning and construction of a private residence that was completed in late October 2001 and occupied on October 27, 2001. Recently I had the opportunity to obtain a copy of the wastewater tariff covering service for the property named above. Based on the information in this tariff (A-230068) effective April 2, 1997, the charges billed and paid by me during the period when no connection to the sewer system existed were inappropriate.

The rate tariff mentioned above under the section covering the "Schedule of Rates" states: "*The charge per dwelling unit is a flat rate of rate of \$35 per month.*" Dwelling unit is the key word and is defined in Article One as: "*A structure or dwelling intended to be occupied as a whole by one family.*"

Additionally, the tariff also states in Article Two – Sewer Rentals: "*All owners of property in the service area connected to and from which sanitary sewer is discharged into the sewer system of the Company shall pay the Company ...*"

These two statements clearly state that there must be a structure and the structure is to be connected to the system for the sewage rate to be effective. Accordingly any sewage rates billed prior to that period were inappropriate should not have been billed by TVSC.

I contacted TVSC in writing on March 23, 2007 (copy attached), about the inappropriate billing and payment, requesting a refund of \$385.50 representing an 11-month period from 11/15/00 through 11/15/01. The initial date is the date of lot purchase and the later date, according to my records, the date which service connection was completed. On April 16, 2001, TVSC responded to my request via letter (copy attached) with a refund of \$105.00. Their letter explained that the sewer permit and not the sewer connection completion is the date sewerage rates are initiated. While I feel that it is not pertinent, TVSC has not been able to produce the sewer permit. I have also called TVSC requesting to speak to its representative Robert Brennan. My calls have not been returned.

Proper interpretation of the Tariff was not followed by TVSC. Discussion with other residents in the development indicate they have experience the same situation and feel that they also have been over billed for their sewage service prior to connections being made. While I have not been able to confirm, it is my understanding TVSC has discontinued this inappropriate billing practice.

#### 5. Relief

I am requesting that the PUC rule on this issue and direct TVSC to refund to me a total of \$385.50 representing the 11 months paid during the period 11/15/00 and 10/15/01 during which no sewer service was provided. Also TVSC should be directed to review their billing records and make refunds to all customers who have been billed and paid for sewer service during periods when no connection to the system existed.

March 23, 2007

Tricia Brennan  
Timberlee Valley Sanitation Co., Inc  
120 Brennan Lane  
Evans City, PA 16033

Dear Tricia,

It was brought to my attention during discussions with the PA Public Utility Commission (PUC) during the review of the recent proposed rate increase that Timberlee Valley Sanitation Co., Inc (TVSC) had inappropriately charged others and myself for sewage service. This occurred from the time that we had purchased our lot (#106) and the time that the house was ready for occupancy. During this period, November 15, 2000 and October 15, 2001, we were billed and paid the \$35 per month charge for sewage service as billed.

After discussions with the PUC, they suggested that the proper procedure was to advise TVSC of the improper charges and request a refund directly from the company. The charges for sewage service, in accordance with the tariff that was in effect at the time, were to be billed for each dwelling unit. A Dwelling Unit is defined in the Tariff as "A structure or dwelling intended to be occupied as a whole by one family." Applying this definition to our lot, we should not have been billed for sewage service during construction and not until a time when all utilities were connected. Only at this time could the structure be considered usable and the dwelling could be occupied. Based on my records, this occurred on or about October 15, 2001. These charges were questioned at the time, but were informed by TVSC that the sewage tariff was billable from the time the lot was purchased. The PUC does not agree and that the charges billed prior to October 15, 2001 were not in accordance with the approved Tariff.

From November 15, 2000 through October 15, 2001 we were billed and paid TVSC the rate of \$35 per month for a total of \$385.50 as outlined on the attached. Therefore, we are requesting a refund of this amount plus \$73.09 in interest at a very conservative rate of 3.5% through April 1, 2007. I am convinced that when you review TVSC records you will concur and promptly refund the total amount requested of \$458.59.

If you should have any questions, please advise.

Richard A. Becker  
112 Timberlee Drive  
Evans City, PA 16033

**Calculation of the amount due from TVSC for inappropriate sewage billing for the period November 15, 2000 through October 15, 2001 plus interest.**

<u>Check Date</u>	<u>Check</u>	<u>Amount</u>	<u>Period Covered</u>
12/19/00	# 997	\$ 53.00	11/15/00-12/31/00
02/15/01	#1014	\$105.00	01/01/01-03/31/01
05/14/01	#1036	\$105.00	04/01/01-06/30/01
08/19/01	#1065	\$105.00	07/01/01-09/30/01
10/17/01	#1084	<u>\$ 17.50 @</u>	10/01/01-10/15/01
Total Paid		\$385.50	
Interest for 65 ½ Months at rate of 3.5%		<u>\$ 73.09</u>	(3.5% x 385.50 x 5.458 years)
Total refund due		<u>\$458.09</u>	

@ This amount represents ½ month of the total of \$105.00 quarterly amount paid by this check

# Timberlee Valley Sanitation Co., Inc.

120 Brennan Lane  
Evans City, PA 16033  
724-865-2929

April 16, 2007

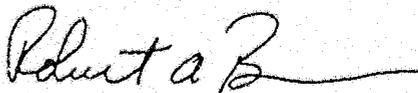
Richard A. Becker  
112 Timberlee Drive  
Evans City, PA 16033

Dear Richard,

Regarding your letter dated March 23, 2007 requesting a refund of sewer service overpayments for the period November 15, 2000 through October 15, 2001, we have reviewed the file and payment history. According to our records you began paying sewer service as of November 15, 2000 and should not have started paying sewer service until February 16, 2001. On February 16, 2001, a sewer permit was issued to allow for construction to begin on your home. A completed dwelling is not a prerequisite to begin billing. Once a sewer permit is issued that sewer plant capacity is reserved for the dwelling and the payment is due. Industry practice is that utilities charge sewer service from the point of issuing a permit. The Timberlee Valley Sanitation Co, Inc tariff does not prevent us from billing for service effective on the permit date.

Accordingly, we are issuing a refund in the amount of \$105.00 for the period November 15, 2000 through February 15, 2001. No interest is due or payable on this amount. We have enclosed a copy of the sewer permit for your records.

Sincerely,



Robert A. Brennan  
Vice President



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: MAY 31, 2007

C-20077809

TIMBERLEE VALLEY SANITATION COMPANY  
120 BRENNAN LANE  
EVANS CITY PA 16033

**DOCUMENT  
FOLDER**

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by RICHARD & MAUREEN BECKER. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

**COMPANY/UTILITY**

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

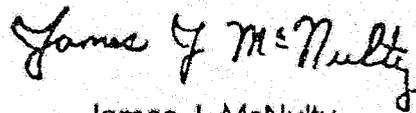
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MAY 31, 2007

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,



James J. McNulty  
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MAY 31, 2007

RICHARD & MAUREEN BECKER  
Complainant

v.

TIMBERLEE VALLEY SANITATION  
COMPANY  
Respondent

Complaint Docket  
No: C-20077809

DOCUMENT  
FOLDER

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: TIMBERLEE VALLEY SANITATION COMPANY

**DOCKETED**  
MAY 30 2007

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

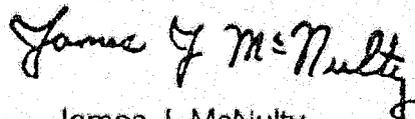
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

# Timberlee Valley Sanitation Co., Inc. ORIGINAL

120 Brennan Lane  
Evans City, PA 16033  
724-865-2929  
Fax 724-865-2124

RECEIVED

June 13, 2007

JUN 13 2007

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> floor  
Harrisburg, Pa. 17120

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Richard Becker complaint  
112 Timberlee Drive Evans City, Pa. 16033

C-20077809

Timberlee Valley Sanitation Co., Inc. issued a Sewer Permit on February 16, 2001, so Mr. Becker could obtain a building permit. The sewer permit was necessary before the building permit could be obtained. Once a sewer permit is issued the sewer plant capacity is reserved for that dwelling and payment is due from that time on. We checked with the other local utility companies to find out what their billing process is. All of them stated that bills are generated as soon as a sewer permit is issued.

Mr. Becker owed sewer bills from February 16, 2001 thru October 19, 2001 which was the time he took possession of his new home. The amount due was 8 months @ \$35.00 per month, which equals \$280.00. He paid Timberlee Valley Sanitation Co., Inc. from November 15, 2000 thru October 19, 2001 \$385.50. On April 16, 2007 Timberlee Valley Sanitation Co., Inc. issued Mr. Becker a check for \$105.00.

Summary:

Mr. Becker paid from 11/15/2000 thru 10/19/01	\$385.50
Less amount he owed 2/16/01 thru 10/19/01	(280.00)
Refund due Mr. Becker	\$105.50
T V S Co., Inc issued Ch#1672 to Mr. Becker	(105.00)
T.V.S. Co., Inc. still owes Mr. Becker	.50

The above amount of .50 will be gladly refunded.

On 11/15/00 Mr. Becker's mortgage company/closing company requested a lien letter for his lot closing. That was why the bills were generated from that date. Timberlee Valley Sanitation Co., Inc. certainly has no intention of miss billing anyone. Once the matter was brought to our attention on March 27, 2007, we rectified the matter immediately.

RJP

DOCUMENT  
FOLDER

DOCKETED  
OCT 20 2007

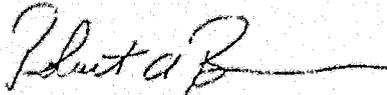
83

**Item #7** Timberlee Valley Sanitation Co., Inc. received his written request March 27, 2007. I sent him a written reply April 16, 2007 with a check for \$105.00. Mr. Becker acknowledged receiving this letter and check. All written and verbal requests were answered in a timely manner.

We at Timberlee Valley Sanitation Co., Inc. work very hard to run a clean and efficient operation and to have satisfied customers. I am sorry there was any miss understanding in this matter.

Thank you for your prompt attention in this matter and have a great day.

Sincerely yours,

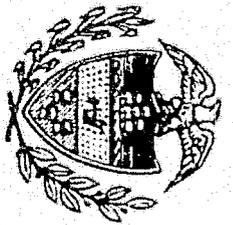


Robert A. Brennan  
Vice-President

Enclosed: Sewer permit dated 2/16/01  
Building permit dated 2/16/01

Certified Mail  
Return Receipt Requested





# BUTLER COUNTY BUILDING PERMIT

RECEIVED

JUN 13 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

MUNICIPALITY ISSUED BY:

Connoq. Twp.

PERMIT NO.: 25549 Stevens Family LOT # 106.

NAME OF APPLICANT: R. A. BECKER

ISSUING OFFICER: Jim Warden

DATE: FEB 16 2001

THIS PERMIT MUST BE DISPLAYED IN PLAIN VIEW DURING CONSTRUCTION PERIOD.

THIS PERMIT EXPIRES: FEB 2003