

APR 19 2005

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUC

C-20054321

Application of Three-Lane Utilities, Inc. for a Certificate of Public Convenience authorizing it to provide water service to the public in a portion of Westfall Township, Pike County.	:	A-210116
Robert I. Wein	:	C-20054299
Helen M. Ferris	:	C-20054300
Lydia M. Cerciello	:	C-20054301
Grace Turso	:	C-20054302
Ruth E. Harford	:	C-20054303
Anthony & Josephine Bisogno	:	C-20054304
Sandra M. Paul	:	C-20054305
Joseph Goceljak	:	C-20054306
Margaret Mahnke	:	C-20054307
Rose Ann Sirico	:	C-20054308
Rose Ann Doherty	:	C-20054309
Lena Fitzpatrick	:	C-20054310
Caesar & Janete Paternoster	:	C-20054311
Emil & Maria Del Moro	:	C-20054312
Michael & Jeanne Grasso	:	C-20054313
Joseph M. Haggerty	:	C-20054314
Rosemary Sirico	:	C-20054315

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Elizabeth Zabielski	:	C-20054316
Helen Kavalat & Vincent Eger	:	C-20054317
Thomas & Rosalind Nathan	:	C-20054318
Thomas France	:	C-20054319
Ann Marie & Blaze J. Catalano	:	C-20054320
Marc Valentine	:	C-20054321
v.	:	
Three-Lane Utilities, Inc.	:	

PREHEARING CONFERENCE ORDER

In accordance with the provisions of 66 Pa.C S. §333 and 52 Pa.Code §§5 221 through 5.223, an Initial Prehearing Conference has been scheduled in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at 10:00 a.m. on Monday, April 25, 2005, in Hearing Room #3 in the Commonwealth Keystone Building, Harrisburg, Pennsylvania.

2. That pursuant to 52 Pa.Code §1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number,

business telefacsimile number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list.

3. That on or before Monday, April 18, 2005, parties shall file and serve Initial Prehearing Conference memoranda which shall include:

- a.) The information described in Paragraph 2, above.
- b.) A statement regarding the possibility of settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.
- c.) A proposed plan and schedule of discovery.
- d.) Other proposed orders with respect to discovery.
- e.) A proposed schedule for the submission of written testimony, conducting an in-person Hearing, and submission of Briefs.
- f.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony.
- g.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed.
- h.) A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

4. That pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa Code §1.24(b).

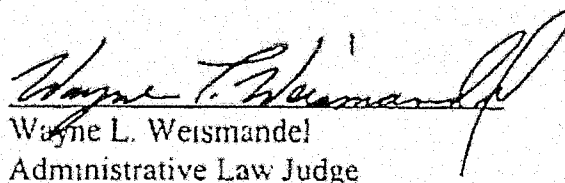
5. That parties shall review the regulation pertaining to prehearing conferences, 52 Pa.Code §5.222, and in particular, subsection (d) which provides, in part:

(d) Participants and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

6. That failure of a party to attend the Initial Prehearing Conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to an order or ruling with respect thereto.

7. That a request for a change of the scheduled Initial Prehearing Conference date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the Initial Prehearing Conference. 52 Pa.Code §1.15(b). Requests for change must be sent to me, with copies to all parties of record. The correct address is: Administrative Law Judge Wayne L. Weismandel, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

Date March 25, 2005


Wayne L. Weismandel
Administrative Law Judge

A-210116 APPLICATION OF THREE LANE UTILITIES INC

ERIN L GANNON ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
5TH FLOOR FORUM PLACE
HARRISBURG PA 17101-1923
717.783.2525

ROBERT V ECKENROD ESQUIRE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
OFFICE OF TRIAL STAFF
COMMONWEALTH KEYSTONE BLDG
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KENNETH ZIELONIS ESQUIRE
STEVENS & LEE
4750 LINDLE ROAD
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ROBERT I WEIN
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MILFORD PA 18337

HELEN M FERRIS
4012 RIVERCREST COURT
MILFORD PA 18337

LYDIA M CERCIELLO
4054 MILFORD LANDING DRIVE
MILFORD PA 18337

GRACE TURSO
4020 RIVERCREST COURT
MILFORD PA 18337

RUTH E HARTFORD
4027 RIVERCREST COURT
MILFORD PA 18337

ANTHONY & JOSEPHINE BISAGNO
4028 RIVERCREST COURT
MILFORD PA 18337

SANDRA M PAUL
4078 CIRCLE COURT
MILFORD PA 18337

JOSEPH GOCELJAK
3007 GREYCLIFF WAY
MILFORD PA 18337

MARGARET MAHNKE
4051 MILFORD LANDING DRIVE
MILFORD PA 18337-9306

ROSE ANN SIRICO
3011 GREYCLIFF WAY
MILFORD PA 18337

LENA FITZPATRICK
1845 HOBART AVENUE
APT 10C
BRONX NY 10461

CEASAR & JANETE PATERNOSTER
4039 SOMERSET COURT
MILFORD PA 18337

EMIL & MARIE DEL MORO
4063 CIRCLE COURT
MILFORD PA 18337

MICHAEL & JEANNE GRASSO
4062 CIRCLE COURT
MILFORD PA 18337

JOSEPH M HAGGERTY
4080 CIRCLE COURT
MILFORD PA 18337

ROSEMARY SIRICO
3004 GREYCLIFF WAY
MILFORD PA 18337

ELIZABETH ZABIELSKI
4072 CIRCLE COURT
MILFORD PA 18337

HELEN KAVALAR & VINCENT EGER
4015 RIVERCREST COURT
MILFORD PA 18337

THOMAS & ROSALIND NATHAN
4040 SOMERSET COURT
MILFORD PA 18337

THOMAS FRANCE
3009 GREYCLIFF WAY
MILFORD LANDING
MILFORD PA 18337

ANN MARIE & BLAZE J CATALANO
4017 RIVERCREST COURT
MILFORD PA 18337

MARC VALENTINE
4059 CIRCLE COURT
MILFORD PA 18337

ROSEMARY SIRICO
3004 GREYCLIFF WAY
MILFORD PA 18337

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4017 RIVERCREST COURT
MILFORD PA 18337

MARC VALENTINE
4059 CIRCLE COURT
MILFORD PA 18337

STEVENS & LEE
LAWYERS & CONSULTANTS

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Harrisburg, PA 17108-1670
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www.stevenslee.com

Direct Dial: (717) 561-5278
Email: kz@stevenslee.com
Direct Fax: (610) 371-7375

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April 5, 2005

ORIGINAL

James J. McNulty
Secretary
PA. Public Utility Commission
Keystone Building
P.O. Box 3265
Harrisburg, PA. 17105-3265

Re: Robert J. Wein, et. al. v. Three Lane Utilities, Inc., Docket Nos. C-20054299, C-20054302, C-20054303, C-20054304, C-20054305, C-20054306, C-20054307, C-20054308, C-20054309, C-20054310, C-20054316, C-200544319, C-20054320 and C-20054321.

Dear Secretary McNulty:

Please find enclosed on behalf of Three Lane Utilities, Inc. an original and three copies of its Answer to Formal Complaint. As indicated by the attached Certificate of Service, a copy has been served upon all parties noted upon the Certificate of Service. Should you have any questions or comments, please contact my office.

Sincerely,

STEVENS & LEE

Kenneth Zielonis
Kenneth Zielonis

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SECRETARY'S BUREAU

cc: Hon. Wayne L. Weismandel

A PROFESSIONAL CORPORATION

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Scranton • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT I. WEIN, ET. AL.

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THREE LANE UTILITIES, INC.

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: Docket Nos. C-20054299, C-20054302,
: C-20054303, C-20054304, C-20054305,
: C-20054306, C-20054307, C-20054308,
: C-20054309, C-20054310, C-20054316,
: C-20054319, C-20054320 and C-20054321
:
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ANSWER TO
FORMAL COMPLAINT

SECRETARY'S BUREAU

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AND NOW COMES, the Three Lane Utilities, Inc. ("Respondent"), and files, pursuant to Section 5.61 of the Pennsylvania Public Utility Commission, ("Commission"), Rules of Practice and Procedure, 52 Pa. Code 5.61, this Answer to Formal Complaint of Robert I. Wein, et. al, ("Complainants"), and in support thereof, avers the following:

1. Denied. By way of further answer, Respondent is without sufficient information to either admit or deny the averments of this paragraph.

2. Denied. By way of further answer, Respondent is without sufficient information to either admit or deny the averments of this paragraph.

3. Denied. By way of further answer, Respondent is without sufficient information to either admit or deny the averments of this paragraph. Strict proof thereof is demanded at any trial hereof.

4. Denied. Respondent is not a public utility.

5. Denied. Paragraph 4 is incorporated herein by reference.

6. Denied. Respondent has filed an application of a Certificate of Public Convenience and Necessity. Contained therein is a schedule of rates. It is denied that such rates are excessive and indeed Respondent intends to prove at any trial hereof that its proposed rate schedule is just and reasonable. It is further denied that Respondent has provided inadequate service. Respondent is not a public utility and thus has no obligation to provide safe and adequate service. Alternatively, while Respondent is not a public utility, if its free service that it has provided were measured against this standard, such free service provided by Respondent would meet that safe and adequate standard. The disruption occurring on January 13, 2005 was the result of the action of a third party over which Respondent had no control. Specifically, said disruption was the direct result of the actions of the third party contractors of the Milford Landing Property Owners' Association (of which Complainants' are members). Finally, it is denied that a boil water advisory was not issued.

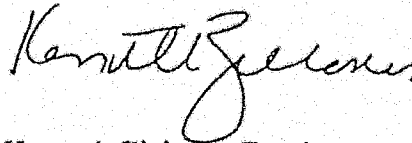
7. Denied. This averment is not a factual matter that can be either admitted or denied.

8. Denied. This averment is not a factual matter which can be either admitted or

denied

WHEREFORE, the Respondent, Three Lane Utilities, Inc, respectfully requests the Commission to dismiss the Formal Complaints of Robert I. Wein, et. al. and to deny any requests for relief contained therein.

Respectfully submitted,



Kenneth Zielonis, Esquire
STEVENS & LEE
4750 Lindle Road
Harrisburg, PA 17108

Dated: April 5, 2005

Attorneys for Three Lane Utilities, Inc.

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT L. WEIN, et al.

v.

THREE LANE UTILITIES, INC.

Docket Nos. C-20054299, et al.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2005, I have served true and correct copies of Three Lane Utilities, Inc.'s ANSWER TO FORMAL COMPLAINT upon the persons set forth below by first class mail, postage prepaid, or by hand delivery or by facsimile transmission:

Lena Fitzpatrick
1845 Hobart Ave. Apt. 10C
Bronx, NY 10461

Elizabeth Zabielski
4072 Circle Court
Milford, PA 18337

Thomas France
3009 Greycliff Way
Milford, PA 18337

Grace Turso
4020 Rivercrest Court
Milford, PA 18337

Sandra M. Paul
4078 Circle Court
Milford, PA 18337

Rose Ann Sirico
3011 Greycliff Way
Milford, PA 18337

Anthony and Joseph Bisogno
4028 Rivercrest Court
Milford, PA 18337

Robert I. Wein
3023 Greycliff Way
Milford, PA 18337

Rose Ann Doherty
4058 Circle Court
Milford, PA 18337

Ruth E. Harford
4027 Rivercrest Court
Milford, PA 18337

Margaret Mahnke
4051 Milford Landing Drive
Milford, PA 18337

Marc Valentine
4059 Circle Court
Milford, PA 18337

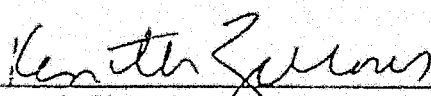
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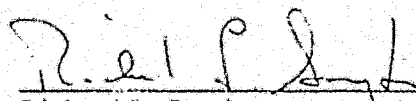


Kenneth Zielonis

VERIFICATION

I, Richard L. Snyder, President of Three Lane Utilities, Inc., 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 falsifications to authorities).

Date: 3/31/05


Richard L. Snyder

Matamoras Municipal Authority
304 Pennsylvania Avenue
Matamoras, PA 18336
9:00 AM – 3:00 PM
(570) 491-2715, Fax (570) 491-9911

April 11, 2005

The current rates of Matamoras Municipal Authority Water Company are as follows:

Basic Fee - \$32.40 quarterly

\$3.50 per each thousand gallons used (paid quarterly also)

These prices are subject to change.

Matamoras Municipal Authority

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SECRETARY'S OFFICE

4059 Circle Court
Milford Landing
Milford, PA 18337
April 11, 2005

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

To Whom It May Concern:

I am writing in response to my case with Three Lane Utilities, C-20054321, and the Initial Prehearing Conference. I would like to provide a statement of possible settlement with them and a letter documenting the current water rates for our nearest, adjacent community - Matamoras, PA - with whom we share telephone numbers and cable service.

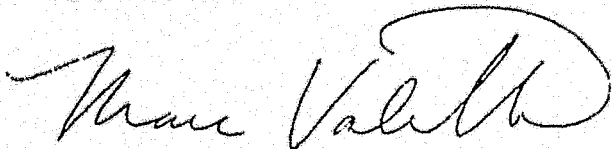
Let me first state that I am not opposed to paying a fair and reasonable price for use of the well and water here at Milford Landing, but I am appalled at the monthly rate of \$55 or \$660 a year being sought by Three Lane Utilities, Inc. As to a possible settlement, I would agree to the following: to grant Three Lane Utilities, Inc. a Certificate of Public Convenience with the current rate of \$55 per quarter per house at Milford Landing with the timely installation of water meters to be no more than two years. After the meter installation the rate would reflect individual home use at a rate approved by the PUC to match, not exceed, the going rate for the community of Matamoras as provided at that time.

Included with this letter is a copy of a letter documenting the current water charges for the community of Matamoras, PA, our nearest neighbor, for comparison of fair charges here at Milford Landing.

Thank you for your time and assistance in resolving this situation.

Sincerely,

Marc Valentine



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SEP 08 2005

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