

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Section 529 Investigation of :  
North Heidelberg Sewer Company : I-2018-3001161

**PREHEARING MEMORANDUM OF  
NORTH HEIDELBERG SEWER COMPANY**

North Heidelberg Sewer Company (“NHSC”), pursuant to the Prehearing Conference Order issued on June 27, 2018, by Administrative Law Judge Steven K. Haas, submits the following Prehearing Memorandum in the above-captioned matter.

**I. Counsel**

NHSC is represented by:

Sean M. Cooper (#320940)  
Cooper Law PLLC  
PO Box 312  
Elizabethtown, Pennsylvania 17022  
P: 717.559.5291 | F: 855.559.5292  
[sean@cooperlawpa.com](mailto:sean@cooperlawpa.com)

**II. Service List**

Attorney Cooper is authorized to accept service on behalf of NHSC. Hard copy documents may be served to Attorney Cooper at the address listed above. NHSC also consents to electronic service; electronic documents should be sent to the email address listed above.

**III. Issues and NHSC’s Position**

On February 9, 2018, the Pennsylvania Public Utility Commission (“Commission”) entered an order directing the Bureau of Investigation and Enforcement (“BI&E”) to investigate whether the Commission should order a capable public utility to acquire

NHSC's wastewater system, pursuant to 66 Pa. C.S. §529. The matter is now before ALJ Haas for review and adjudication.

BI&E has the burden of proof under §529(i) to establish a prima facie case that NHSC's wastewater system should be acquired by a larger utility. Should BI&E establish a prima facie case, NHSC has the burden to prove its ability to provide "adequate, efficient, safe and reasonable service at just and reasonable rates."

NHSC contends that its technical operations have resulted in adequate, efficient, safe, and reasonable service and facilities for its customers for the duration of its ownership of the wastewater system. As such, NHSC's evidence and testimony are expected to be limited to these issues, and cross-examination and rebuttal of evidence presented by BI&E and the other parties in this matter.

#### **IV. Witnesses**

NHSC has not yet determined its exact witness list at this time. A definite witness list will be circulated to ALJ Haas and all parties in this matter as soon as possible.

NHSC expects to call the following witness:

*Joseph M. Aichholz, Jr.*

Mr. Aichholz is the Chief Executive Officer of NHSC. His current address is 107 Clubhouse Drive, Bernville, Pennsylvania, 19506. His telephone number is (484) 599-2377. Mr. Aichholz will likely testify regarding the following items: alleged violations of statutory and/or regulatory standards, alleged instances of a failure to comply with orders of the Department of Environmental Protection and/or the Public Utility Commission, alternatives to acquisition, NHSC's ability to furnish and maintain adequate, efficient,

safe, and reasonable service and facilities in the future, and other issues relevant to this matter.

**V. Litigation Schedule**

NHSC agrees to work with ALJ Haas and all parties to develop a reasonable litigation schedule. NHSC is willing to consider an expedited discovery period.

**VI. Settlement**

NHSC is willing to participate in settlement discussions in this matter.

Respectfully submitted,

Date: 7/13/2018



Sean M. Cooper  
Cooper Law PLLC  
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Elizabethtown, PA 17022  
P: 717.559.5291 | F: 855.559.5292  
[sean@cooperlawpa.com](mailto:sean@cooperlawpa.com)  
*Attorney for NHSC*

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**CERTIFICATE OF SERVICE**

I, Sean M. Cooper, certify that on July 13, 2018, I served the foregoing Prehearing Memorandum to the parties whose names appear below, via the means listed for each party.

**VIA ELECTRONIC MAIL AND 1<sup>st</sup> CLASS MAIL**

The Honorable Steven K. Haas  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
sthaas@pa.gov

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street Forum Place, 5th Floor  
Harrisburg, PA 17101-1923  
choover@paoca.org

Elizabeth R. Triscari  
Assistant Small Business Advocate  
300 North Second Street  
Suite 202  
Harrisburg, PA 17101  
etrascari@pa.gov

Tori L. Giesler  
FirstEnergy  
2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001  
tgiesler@firstenergycorp.com

Carrie B. Wright  
Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
carwright@pa.gov

Susan Simms Marsh  
Pennsylvania American Water Company  
800 North Hersheypark Drive  
Hershey, PA 17033  
Susan.Marsh@amwater.com

Thomas T. Niesen  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
tniesen@tntlawfirm.com

John D. Hollenbach  
VP and General Manager  
Suez Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111  
john.hollenbach@suez-na.com

Date: 7/13/2018



Sean M. Cooper  
Cooper Law PLLC  
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