**BEFORE THE**

**PENNSYLVANIA PUBLIC UTLIITY COMMISSION**

Pennsylvania Public Utility Commission (water) : R-2018-3003558

Aqua Large Users Group : C-2018-3004981

Office of Consumer Advocate : C-2018-3004331

Office of Small Business Advocate : C-2018-3004941

Pennsylvania American Water Company : C-2018-3004425

Albert Bowman : C-2018-3004648

Darren Distasio : C-2018-3004318

Lee Euard : C-2018-3004097

Kenneth Ferguson : C-2018-3005174

Byron Goldstein : C-2018-3004375

Jordan Goretti : C-2018-3004270

James Grace : C-2018-3005207

Carl & Kathy Haybedian : C-2018-3004896

Denise Johnson : C-2018-3005123

Robert Kreisich : C-2018-3004901

Donald Labranche : C-2018-3004988

Robert Leupold : C-2018-3004690

Links at Gettysburg Master Assoc. : C-2018-3004912

Joseph Lorusso : C-2018-3004381

Marilyn Marbo : C-2018-3004631

Masthope Mountain Community Property Owners : C-2018-3005067

Stephen & Janice McHenry : C-2018-3004991

Paul Nice : C-2018-3005287

Dony Pierre : C-2018-3005077

Robert Shafer : C-2018-3004884

Brian Sheppard : C-2018-3004748

:

v. :

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Aqua Pennsylvania, Inc. (water) :

:

and :

:

Pennsylvania Public Utility Commission :

(wastewater) : R-2018-3003561

Office of Consumer Advocate : C-2018-3004333

Office of Small Business Advocate : C-2018-3004939

Grace Bowes : C-2018-3005069

Ralph & Lauretta Camardelli : C-2018-3004563

Joseph & Karen Calvacca : C-2018-3005327

Cedar Knoll Builders : C-2018-3004985

Thomas Davis : C-2018-3004694

Thomas Davis : C-2018-3004695

Stephen DeLeo : C-2018-3005322

Darren Distasio : C-2018-3004324

Donald & Linda Dudjak : C-2018-3005091

Colleen Essick : C-2018-3005295

Phyllis Genauer : C-2018-3004693

Sylvia Habacker : C-2018-3005320

Carl & Kathy Haybedian : C-2018-3004912

Arnold Kring : C-2018-3004662

Donald Labranche : C-2018-3004987

Robert Leupold : C-2018-3004692

Links at Gettysburg Master Assoc. : C-2018-3004913

Tammy Livziey : C-2018-3005220

Michael Luciano : C-2018-3004856

David Marano : C-2018-3005016

Masthope Mountain Community Property Owners : C-2018-3005079

Donna May : C-2018-3005014

James May : C-2018-3005015

Janice & Stephen McHenry : C-2018-3004989

Ben Mroz : C-2018-3004531

Paul Nice : C-2018-3005295

Jacqueline Pasquini : C-2018-3005153

Scott Peterson : C-2018-3005130

Rafael Rodriguez : C-2018-3005235

Robert Shafer : C-2018-3004883

Susan Siensa : C-2018-3004923

Carroll Stroh : C-2018-3005150

John Stull : C-2018-3004389

Carey & Sandra Terrell : C-2018-3004938

Wayne Weismandel : C-2018-3005132

:

v. :

Aqua Pennsylvania Wastewater Inc. :

**PREHEARING ORDER #2**

An Initial Call-In Prehearing Conference was scheduled in these cases for Friday, September 28, 2018, at 10:00 a.m. The prehearing conference convened telephonically with the calling information provided on the Notice. The parties that participated addressed the evidentiary hearings schedule, modifications to procedural rules, and other administrative matters for these proceedings. This order documents what was discussed at the prehearing conference.

1. History
2. Water

On August 17, 2018, Aqua Pennsylvania, Inc. (Aqua or Water Company) filed with the Pennsylvania Public Utility Commission (PUC or Commission) Tariff Water – Pa. P.U.C. No. 2, which provides an increase in total annual operating water revenues of approximately $66.3 million or approximately 15.39%.

Several parties have filed documents to date regarding the water tariff filing as shown below:

|  |  |  |  |
| --- | --- | --- | --- |
| Action | Docket No. | Party Name | Date filed |
| Complaint[[1]](#footnote-1) | C-2018-3004270 | Jordan Goretti | 8/24/28 |
| Complaint | C-2018-3004318 | Darren Distasio | 8/28/18 |
| Complaint | C-2018-3004331 | Office of Consumer Advocate (OCA) | 8/28/18 |
| Complaint | C-2018-3004375 | Byron Goldstein | 8/28/18 |
| Complaint | C-2018-3004381 | Joseph Lorusso | 8/29/18 |
| Complaint | C-2018-3004425 | Pa. American Water Co. (PAWC) | 8/31/18 |
| Complaint | C-2018-3004631 | Marilyn Marbo | 9/10/18 |
| Complaint | C-2018-3004648 | Albert Bowman | 9/12/18 |
| Complaint | C-2018-3004648 | Robert Leupold | 9/14/18 |
| Complaint | C-2018-3004748 | Brian Sheppard | 9/17/18 |
| Complaint | C-2018-3004884 | Robert Shafer | 9/21/18 |
| Complaint | C-2018-3004896 | Carl & Kathy Haybedian | 9/21/18 |
| Petition to Intervene |  | Treasurer Lake Property Owners Association (TLPOA) | 9/25/18 |
| Complaint | C-2018-3004901 | Robert Kreisich | 9/24/18 |
| Complaint | C-2018-3004912 | The Links at Gettysburg Master Assoc. c/o Coyd Vance (LGMA) | 9/24/18 |
| Complaint | C-2018-3004941 | Office of Small Business Advocate (OSBA) | 9/26/18 |
| Complaint | C-2018-3004981 | Aqua Large Users Group (Aqua LUG) | 9/27/18 |
| Complaint | C-2018-3004988 | Donald Labranche | 9/26/18 |
| Complaint | C-2018-3004991 | Janice McHenry | 9/26/18 |

|  |  |  |  |
| --- | --- | --- | --- |
| Action | Docket No. | Party Name | Date filed |
| Petition to Intervene |  | Coalition of Affordable Utility Service and Energy Efficiency in PA (CAUSE-PA) | 9/28/18 |
| Petition to Intervene & Complaint | C-2018-3005067 | Masthope Mountain Community Property Owners Council (MMPOC) | 10/1/18 |
| Complaint | C-2018-3005077 | Dony Pierre | 9/25/18 |
| Complaint | C-2018-3005097 | Lee Euard | 9/26/18 |
| Complaint | C-2018-3005123 | Denise Johnson | 10/1/18 |
| Complaint | C-2018-3005207 | James Grace | 10/3/18 |
| Complaint | C-2018-3005174 | Kenneth Ferguson | 10/5/18 |
| Complaint | C-2018-3005287 | Paul Nice | 10/9/18 |

On August 29, 2018, the OCA filed a Notice of Appearance of Christine Hoover, Esquire and Phillip Demanchick, Esquire.

On August 29, 2018, the Commission’s Bureau of Investigation and Enforcement (I&E) filed the Notice of Appearance of Carrie Wright, Esquire.

By entered Order dated September 20, 2018, the Commission instituted a formal investigation to determine the lawfulness, justness and reasonableness of the Water Company's existing and proposed rates, rules and regulations. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d), Aqua Tariff Water – Pa. P.U.C. No. 2 was suspended by operation of law on September 20, 2018 until May 16, 2019, unless otherwise directed by Commission Order.

1. Wastewater

On August 17, 2018, Aqua Pennsylvania Wastewater, Inc. (APW or Wastewater Company), filed with the Commission Tariff Sewer – Pa. P.U.C. No. 2 to become effective October 16, 2018. This tariff would increase the Wastewater Company’s total annual operating revenues for wastewater service by approximately $5.4 million or 40.14%.

To date, the following parties have filed regarding the wastewater tariff filing:

|  |  |  |  |
| --- | --- | --- | --- |
| Action | Docket No. | Party Name | Date filed |
| Complaint | C-2018-3004324 | Darren Distasio | 8/27/18 |
| Complaint | C-2018-3004333 | OCA | 8/28/18 |
| Complaint | C-2018-3004389 | John Stull | 8/29/18 |
| Complaint | C-2018-3004531 | Ben Mroz | 9/4/18 |
| Complaint | C-2018-3004563 | Ralph & Lauretta Camardelli | 9/10/18 |
| Complaint | C-2018-3004662 | Arnold Kring | 9/11/18 |
| Complaint | C-2018-3004692 | Robert Leupold | 9/14/18 |
| Complaint | C-2018-3004693 | Phyllis Genauer | 9/14/18 |
| Complaint | C-2018-3004694 | Thomas Davis | 9/14/18 |
| Complaint | C-2018-3004695 | Thomas Davis | 9/14/18 |
| Complaint | C-2018-3004856 | Michael Luciano | 9/21/18 |
| Complaint | C-2018-3004883 | Robert Shafer | 9/21/18 |
| Complaint | C-2018-3004912 | Carl & Kathy Haybedian | 9/21/18 |
| Complaint | C-2018-3004913 | LGMA | 9/24/18 |
| Complaint | C-2018-3004923 | Susan Siensa | 9/24/18 |
| Complaint | C-2018-3004938 | Carey & Sandra Terrell | 9/24/18 |
| Complaint | C-2018-3004985 | Cedar Knoll Builders | 9/24/18 |
| Complaint | C-2018-3004987 | Donald Labranche | 9/26/18 |
| Complaint | C-2018-3004989 | Janice & Stephen McHenry | 9/26/18 |
| Complaint | C-2018-3004939 | OSBA | 9/26/18 |
| Petition to Intervene |  | CAUSE-PA | 9/28/18 |
| Complaint | C-2018-3005014 | Donna May | 9/27/18 |
| Complaint | C-2018-3005015 | James May | 9/27/18 |
| Complaint | C-2018-3005016 | David Marano | 9/27/18 |
| Petition to Intervene & Complaint | C-2018-3005079 | MMPOC | 10/1/18 |
| Complaint | C-2018-3005069 | Grace Bowes | 10/1/18 |
| Complaint | C-2018-3005091 | Douglas & Linda Dudjak | 10/1/18 |
| Complaint | C-2018-3005130 | Scott Peterson | 10/1/18 |
| Complaint | C-2018-3005132 | Wayne Weismandel | 10/1/18 |
| Complaint | C-2018-3005220 | Tammy Livziey | 10/1/18 |
| Complaint | C-2018-3005235 | Rafael Rodriguez | 10/1/18 |
| Complaint | C-2018-3005150 | Carroll Stroh | 10/3/18 |
| Complaint | C-2018-3005153 | Jacqueline Pasquini | 10/3/18 |
| Complaint | C-2018-3005288 | Paul Nice | 10/9/18 |
| Complaint | C-2018-3005295 | Colleen Essick | 10/9/18 |
| Complaint | C-2018-3005327 | Joseph & Karen Calvacca | 10/9/18 |
| Complaint | C-2018-3005320 | Sylvia Habecker | 10/9/18 |
| Complaint | C-2018-3005322 | Stephen DeLeo | 10/9/18 |

On August 29, 2018, the OCA filed a Notice of Appearance of Christine Hoover, Esquire and Phillip Demanchick, Esquire.

On August 29, 2018, the Commission’s Bureau of Investigation and Enforcement (I&E) filed the Notice of Appearance of Carrie Wright, Esquire.

By entered Order dated September 20, 2018, the Commission instituted a formal investigation to determine the lawfulness, justness and reasonableness of the APW's existing and proposed rates, rules and regulations. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d), APW Tariff Sewer – Pa. P.U.C. No. 2 was suspended by operation of law on September 20, 2018 until May 16, 2019, unless otherwise directed by Commission Order.

1. Water and Wastewater

On September 10, 2018, Aqua filed a motion to consolidate (Motion) the Joint Application of Aqua Pennsylvania, Inc and Superior Water Co. Inc., for approval of merger at Docket No. A-2018-3004108 and the Joint Application of Aqua Pennsylvania, Inc. and Superior Water Co. Inc. at Docket No. A-2018-3004109, for the abandonment of the Superior service territory that will be merged. To date, the Motion is unopposed. The undersigned Administrative Law Judges (ALJs) will rule on the Motion by separate Order.

On September 11, 2018, Christine Soares, Esquire, filed a Notice of Appearance for PAWC.

On September 18, 2018, Sharon Webb, Esquire, filed a Notice of Appearance for the OSBA.

By Hearing Notice dated September 21, 2018, a Call-in Telephonic Prehearing Conference was scheduled in this matter. The Hearing Notice indicated that the case was assigned to ALJs Angela T. Jones and F. Joseph Brady.

A Prehearing Conference Order (PCO) dated September 21, 2018 was served on the parties of record. The PCO instructed the parties to propose a procedural schedule and to address

other administrative matters regarding these proceedings. The PCO directed the parties to file their prehearing memoranda by no later than noon on Thursday, September 27, 2018.

On September 26, 2018, Michael W. Hassell, Esquire and Garrett Lent, Esquire, filed a Notice of Appearance for Aqua Pennsylvania Inc., and Aqua Wastewater, Inc.

On September 27, 2018, Attorney Soares filed her withdrawal of Appearance in both the Aqua and APW proceedings.

The following parties were in attendance at the prehearing conference:

1. Aqua and APW
   1. Anthony DeCusatis, Esquire
   2. Michael Hassell, Esquire
   3. Garrent Lent, Esquire
   4. Alexander Stahl, Esquire
2. Aqua-LUG

Matthew Garber, Esquire

1. I&E

Carrie Wright, Esquire

1. OCA
   1. Christine Hoover, Esquire
   2. Phillip Demanchick, Esquire
   3. Mr. Moore
2. OSBA

Sharon Webb, Esquire

1. PAWC
   1. Susan Marsh, Esquire
   2. David Zambito, Esquire
2. LGMA

Coyd Vance

1. CAUSE-PA

John Sweet, Esquire

1. TLPOA

C.J. Zwick, Esquire

1. Pro-Se
   1. Mr. Goretti
   2. Mr. Kring
   3. Mr. Leupold
   4. Mr. Lorusso
2. Intervention

The Petition to Intervene filed by TLPOA was not objected to by Aqua or APW or any other party. The Petition is granted by the ordering paragraph below.

The Petitions to Intervene filed by MMPOC and CAUSE-PA remain pending.

1. Active Participants

The following parties filed prehearing memoranda and are considered active participants to these proceedings:

1. Aqua LUG;
2. Aqua & APW;
3. I&E;
4. LGMA
5. OCA;
6. OSBA;
7. PAWC; and
8. TLPOA.

MMPOC filed a letter dated October 4, 2018, requesting that it be treated as an active participant in these proceedings. That request is conditionally granted subject to any timely objection to its filed Petition to Intervene.

Other parties participated in the Prehearing Conference but did not file a prehearing memorandum and have not filed a written document for treatment as an active participant. Consequently, these parties will be treated as inactive participants as outlined in our Prehearing Conference Order dated September 21, 2018.

LGMA has not filed evidence of appropriate representation through a Notice of Appearance. LGMA is cautioned that if you are a partnership, limited liability company, company, 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 these proceedings. See 52 Pa.Code §§ 1.21 and 1.22. 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). LGMA is to provide a Notice of Appearance on or before November 20, 2018.

1. Modification to Discovery

I&E and OCA proposed modifications to discovery rules found at 52 Pa.Code § 5.321 *et seq.* The modifications were similar with OCA providing some additions. After some discussion the following rules were agreed upon to be implemented in these proceedings:

A. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories. Discovery propounded after 12:00 noon on a Friday or the day before a holiday will be deemed served on the next business day for purposes of determining the due date of the responses.

B. Objections to interrogatories will be communicated orally within three (3) days of service; unresolved objections in writing within five (5) days of service of interrogatories.

C. Propounding parties will file motions to dismiss objections and/or direct the answering of interrogatories within three (3) business days of service of written objections.[[2]](#footnote-2)

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) business days of service of such motions.

E. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within seven (7) calendar days.

F. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

G. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of the request.

1. Advertising Public Input Hearings

OCA requested that the Water and Wastewater Companies be directed to extensively advertise public input hearings including the use of social media and the Water and Wastewater Companies’ website in addition to traditional newspaper notices. OCA also requested that the other parties involved in the proceeding be permitted to review these public input announcements prior to their publication and distribution and have input into which publications the ads are placed.

Counsel for the Water and Wastewater Companies opposed the use of their websites for advertising public inputs. Counsel stated there is no precedent to use such media and the request may impede cost and efficiency because of involving IT for such communication.

OCA rebutted that social media was used in *Pa. Pub. Util. Comm’n v. Duquesne Light Co.,* Docket No. R-2018-3000124 *et. al. (Duquesne Light Co.).* The public utility in *Duquesne Light Co.* did not oppose use of social media for publication of public input hearings. The frequency of publishing the notice in *Duquesne Light Co.* was once per week for the two weeks prior to the scheduled public input hearings.

We find that there is considerable public interest in these proceedings as evidenced by the number of *pro se* Complaints filed. As there is substantial public interest, we believe public input hearings should be held in the Companies’ service territories. See

52 Pa.Code § 69.321 (Commission’s policy on public input hearings in rate proceedings). We find that operating public input hearings warrant effective communication to the public through diversified media.

We do not find the opposition by the Water and Wastewater Companies persuasive. We find that providing notice on the Companies’ social media with the same frequency that was used in *Duquesne Light Co.,* should not be difficult.Thus, the requests of OCA are granted. The Companies are to use social media in addition to newspaper publications for advertising the public input hearings. All other aspects of the OCA requests regarding publication of public input hearings are granted as there was not opposition.

1. Schedule of Public Input Hearings

OCA was granted until close of business on October 2, 2018, to submit a proposal for public input hearings. The ALJs received by email on October 2, 2018, a proposal from OCA that scheduled seven (7) public input hearing to take place between November 13th and November 16th, 2018. There was no objection to the proposed schedule presented by OCA.

OCA’s proposed schedule is adopted with the modification that the Smart Hearing scheduled for November 16, 2018 will begin at 10:00 a.m., rather than 1:00 p.m.

The Office of Administrative Law Judge (OALJ) is currently working in conjunction with the OCA to secure the locations for the dates and times proposed. All parties will receive Hearing Notices with the approved dates, times and locations for each public input hearing.

1. Service on Active Participants

The Water and Wastewater Companies, I&E and OSBA will accept electronic service followed by hard copy service by first class mail. The undersigned ALJs will accept electronic service if followed by first class mail. Our email addresses are:

ALJ Jones – [angeljones@pa.gov](mailto:angeljones@pa.gov)

ALJ Brady – [fbrady@pa.gov](mailto:fbrady@pa.gove)

OSBA requests hard copy by first class mail served on its witness. PAWC requests hard copies served on Attorney Zambito and Attorney Marsh.

1. Witness Matrix

The ALJs requested that counsel for the Water and Wastewater Companies present a witness matrix no later than 2 business days prior to the evidentiary hearings. If there are questions about this request, please contact the ALJs directly.

1. Procedural Schedule

Subject Date

Rate Filing August 17, 2018

Prehearing Conference September 28, 2018

Public Input Hearings November 12-16, 2018

I&E Witness Direct November 15, 2018

Complainant/Intervernor November 20, 2018

Direct Testimony

Supplement Direct Re: Public Inputs November 27, 2018

Rebuttal Testimony Addressing I&E December 13, 2018

Rebuttal Testimony December 19, 2018

Surrebuttal Testimony Addressing I&E January 4, 2019

Surrebuttal Testimony January 8, 2019

Oral Rejoinder Outline Addressing I&E January 9, 2019

Oral Rejoinder Outline January 11, 2019 by noon

Evidentiary Hearing I&E Witness January 11, 2019 1:00 p.m.

(telephonic)

Evidentiary Hearings January 14-17, 2019

Initial Briefs February 7, 2019

Reply Briefs February 15, 2019

The Water and Wastewater Companies filed a proposed schedule and supplemented it to accommodate the availability of one witness for I&E. There was no opposition to the schedule as modified, which is presented above. We will adopt the schedule as modified subject to any timely motions otherwise.

THEREFORE;

IT IS ORDERED:

1. That the Petition to Intervene filed by Treasurer Lake Property Owners Association on September 24, 2018, at Docket Nos. R-2018-3003558 and R-2018-3003561 is granted.
2. That the requests by the Commission’s Bureau of Investigation and Enforcement and the Office of Consumer Advocate to modify the discovery rules are granted; which results in the following modifications:
3. Answers to written interrogatories will be served in-hand within ten (10) calendar days of service of the interrogatories. Discovery propounded after 12:00 noon on a Friday or the day before a holiday will be deemed served on the next business day for purposes of determining the due date of the responses.

b. Objections to interrogatories will be communicated orally within three (3) days of service; unresolved objections in writing within five (5) days of service of interrogatories.

c. Propounding parties will file motions to dismiss objections and/or direct the answering of interrogatories within three (3) business days of service of written objections.

d. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) business days of service of such motions.

e. Responses to requests for document production, entry for inspection, or other purposes will be served in-hand within seven (7) calendar days.

f. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

g. Answers to on-the-record data requests will be served in-hand within seven (7) calendar days of the request.

1. That the request of the Office of Consumer Advocate for advertising the public input hearings is granted consistent with the content contained herein.
2. That the schedule of the Office of Consumer Advocate for seven (7) public input hearings to be held from November 12, 2018 through November 16, 2018 is adopted with the modification that the smart hearing on November 16, 2018 is scheduled for 10 a.m.
3. That the supplemental schedule proposed by Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. is adopted as follows:

Subject Date

Rate Filing August 17, 2018

Prehearing Conference September 28, 2018

Public Input Hearings November 12-16, 2018

I&E Witness Direct November 15, 2018

Complainant/Intervernor November 20, 2018

Direct Testimony

Supplement Direct Re: Public Inputs November 27, 2018

Rebuttal Testimony Addressing I&E December 13, 2018

Rebuttal Testimony December 19, 2018

Surrebuttal Testimony Addressing I&E January 4, 2019

Surrebuttal Testimony January 8, 2019

Oral Rejoinder Outline Addressing I&E January 9, 2019

Oral Rejoinder Outline January 11, 2019 by noon

Subject Date

Evidentiary Hearing I&E Witness January 11, 2019 1:00 p.m.

(telephonic)

Evidentiary Hearings January 14-17, 2019

Initial Briefs February 7, 2019

Reply Briefs February 15, 2019

Date: October 12, 2018 /s/

Angela T. Jones

Administrative Law Judge

/s/

F. Joseph Brady

Administrative Law Judge

Pennsylvania Public Utility Commission v. Aqua Pennsylvania, Inc.

Docket Number R-2018-3003558

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MASTHOPE MOUNTIAN COMMUNITY PROPER OWNERS COUNCIL

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LACKAWAXEN PA 18435

**570.685.4790**

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Pennsylvania Public Utility Commission v. Aqua Pennsylvania Wastewater, Inc.

Docket Number R-2018-3003561

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ROBERT SHAFER

218 HONEYCROFT BLVD

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CARL HAYBEDIAN & KATHY HAYBEDIAN

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MATTHEW R ZWICK

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ALEXANDER R STAHL

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THE LINKS AT GETTYBURG MASTER ASSOCIATION

C/O COYD VANCE

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PATRICK CICERO, ESQUIRE

ELIZABETH R MARX, ESQUIRE

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**570.814.7540**

1. All Complaints listed are formal Complaints. [↑](#footnote-ref-1)
2. “C” and “D” refer to business days. A business day does not include Saturday, Sunday or any day the Commission is closed. If service occurs before 12:00 noon on a Friday, then the business day begins on that Friday. If service occurs after 12:00 noon on a Friday, then the business day begins the next day that the Commission is open. [↑](#footnote-ref-2)