

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 29, 2018

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pa. Public Utility Commission, Bureau of  
Investigation and Enforcement  
v.  
Winola Water Company  
Docket No. C-2018-2644592

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Christine Maloni Hoover  
Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50026  
E-Mail: [CHoover@paoca.org](mailto:CHoover@paoca.org)

Enclosures:

cc: Office of Administrative Law Judge  
Chairman Gladys M. Brown  
Vice Chairman Andrew G. Place  
Commissioner John F. Coleman  
Commissioner David W. Sweet  
Commissioner Norman J. Kennard  
Jan H. Freeman, Executive Director  
Bodhan Pankiw, Chief Counsel  
Office of Special Assistants (email only: [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
Bureau of Technical Utility Services (email only)  
Certificate of Service

\*263050

CERTIFICATE OF SERVICE

Re: Pa. Public Utility Commission, :  
Bureau of Investigation and : Docket No. C-2018-2644592  
Enforcement :  
v. :  
Winola Water Company :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 29<sup>th</sup> day of November 2018.

SERVICE BY E-MAIL and INTER-OFFICE MAIL

Michael L. Swindler, Esquire  
Bradley R. Gorter, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL, POSTAGE PREPAID

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Susan Simms Marsh  
Pennsylvania American Water Company  
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Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: November 29, 2018

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pa. Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2018-2644592
	:	
Winola Water Company	:	

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NOTICE OF INTERVENTION OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code Section 5.71(a) and 71 P.S. § 309-4, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Christine Maloni Hoover  
Senior Assistant Consumer Advocate  
PA Attorney I.D. #50026  
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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048

Respectfully submitted,



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Christine Maloni Hoover  
Senior Assistant Consumer Advocate

Dated: November 29, 2018

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Acting Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Notice of Intervention and participate in this proceeding before the Commission involving an *ex parte* emergency order issued in response to a Petition filed by the Bureau of Investigation (I&E) regarding Winola Water Company (Winola or Company)

On November 28, 2018, I&E filed a Petition for an *Ex Parte* Emergency Order related to Winola Water Company. I&E sought an emergency order because the Department of Environmental Protection (DEP) tests revealed lead levels and cadmium levels exceeding the maximum allowable levels in drinking water. Petition at ¶¶ 4-7. On October 5, 2018, DEP issued a Do Not Consume Order directing Winola to issue public notification and to provide an alternative source of potable water within eight hours of receipt of the notification. *Id.* at ¶¶ 8-10. To date, Winola's system is still subject to the Do Not Consume Order, an alternative source of water has not been provided to customers, and customers do not have access to safe drinking water. *Id.* at ¶ 11. I&E requested the Commission act to: (1) initiate a proceeding under 66 Pa. C.S. § 529; (2) ensure that a competent water utility be appointed; and (3) that the utility appointed receiver provide an alternative source of potable water. *Id.* at ¶ 12.

The OCA will participate in this proceeding to protect the interests of Winola customers. The OCA will seek to ensure that a resolution is found that is in accordance with applicable statutes and maintains service to Winola's customers. Winola provides water service to approximately 10 year-round customers and 25 seasonal customers around Lake Winola in Overfield Township, Wyoming County, Pennsylvania.