

COMMONWEALTH OF PENNSYLVANIA



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November 20, 2019

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

RE: Tanya J. McCloskey, Acting Consumer Advocate

v.

Hidden Valley Utility Services, L.P. - Wastewater
Docket No. C-2014-2447169

Tanya J. McCloskey, Acting Consumer Advocate

v.

Hidden Valley Utility Services, L.P. - Water
Docket No. C-2014-2447138

Dear Secretary Chiavetta:

Pursuant to Ordering Paragraph 26 of the Commission's Opinion and Order entered May 3, 2018 (May 2018 Order) in the above-referenced dockets, the Office of Consumer Advocate (OCA) submits this letter notifying the Commission that Hidden Valley Utility Services, L.P. (HVUS) has failed to comply with certain deadlines specified in the May 2018 Order.

The May 2018 Order includes detailed timeframes for HVUS to bring its water and wastewater service into compliance with Commission regulations. Ordering Paragraph 26 provides that "in the event that [HVUS] fails to comply with any of the time deadlines directed in these Ordering Paragraphs, the Office of Consumer Advocate shall notify the Secretary of the Commission and the Director of the Commission's Bureau of Investigation and Enforcement within thirty days of the missed deadline." Per Ordering Paragraph 27, such a notice will trigger a separate proceeding pursuant 66 Pa. C.S. § 529.

HVUS submitted an engineer's report dated April 16, 2018 as required by Ordering Paragraphs 6, 7, 9, and 10 of the May 2018 Order. However, HVUS has now missed the deadlines in the May 2018 Order requiring that it comply with the recommendations of the engineer's report regarding

water service within one year of the date of the report. Ordering Paragraph 8. Further, the May 2018 Order also required HVUS to comply with the engineer's recommendations regarding wastewater service by January 31, 2019. Ordering Paragraph 11. By this letter, the OCA is notifying the Commission that HVUS has failed to comply with these deadlines.

Although it has been more than thirty days since HVUS missed these deadlines, the OCA did not previously submit a letter due to HVUS's pending appeal before Commonwealth Court at 187 C.D. 2019 challenging the compliance deadlines at issue here. The Commission initially issued an Opinion and Order in this proceeding on January 18, 2018. HVUS filed a Petition for Clarification on February 2, 2018, and the OCA filed an Answer to the Petition for Reconsideration on February 12, 2018. The Commission entered an Opinion and Order on the HVUS Petition for Clarification on May 3, 2018 (the May 2018 Order discussed herein). On October 18, 2018, HVUS submitted a Petition for an Amendment of the Opinion and Order issued on May 3, 2018. The OCA filed an Answer to the Petition for Amendment on October 29, 2018, and the Commission issued an Opinion and Order regarding the Petition on January 17, 2019. Subsequently, HVUS filed its Petition for Review with Commonwealth Court on February 19, 2019. On May 15, 2019, the Petition for Review was quashed and the record remanded to the Commission with direction that "a hearing will be held forthwith before the Commission regarding the sufficiency of both the engineer's report and the previously ordered one-year compliance deadline." Memorandum Opinion at 10-11. The OCA awaited further hearings as directed by Commonwealth Court, but now submits this letter out of an abundance of caution.

The OCA respectfully requests that further hearings be scheduled as required by the Orders discussed above, and a separate proceeding be initiated pursuant to 66 Pa. C.S. § 529 as required by the May 2018 Order.

Respectfully Submitted,



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Enclosures:

cc: Richard Kanaskie, Director, Bureau of Investigation and Enforcement
Certificate of Service

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CERTIFICATE OF SERVICE

Tanya J. McCloskey, Acting Consumer Advocate :
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v. : Docket Nos. C-2014-2447138
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Hidden Valley Utility Services, L.P. – : C-2014-2447169
:
Water and Wastewater :
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I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Letter Requesting Scheduling of Further Hearings, 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 20th day of November 2019.

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