



June 25, 2021

VIA E-FILING

Jonathan P. Nase

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

Re: TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY UTILITY SERVICES, L.P. – WATER, DOCKET NO. C-2014-2447138

TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY UTILITY SERVICES, L.P. – WASTEWATER, DOCKET NO. C-2014-2447169

JOINT STIPULATION FOR THE ADMISSION OF ADDITIONAL EVIDENCE

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is a Joint Stipulation for the Admission of Additional Evidence. All parties to this proceeding are being served as shown on the attached Certificate of Service.

Please contact me if you have any questions regarding this filing. Thank you.

Sincerely,

COZEN O'CONNOR

BY: Jonathan P. Nase
Counsel for *Hidden Valley Utility Services, L.P.*

JPN:kmg

Enclosures

cc: Honorable Katrina L. Dunderdale
Per Certificate of Service
James M. Kettler

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447138
	:	
Hidden Valley Utility Services, L.P. – Water	:	
	:	
and	:	
	:	
Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447169
	:	
Hidden Valley Utility Services, L.P. – Wastewater	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Joint Stipulation for the Admission of Additional Evidence**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

DUE TO THE COVID-19 EMERGENCY, SERVICE IS BEING MADE VIA E-MAIL ONLY:

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Terry L. Fought
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foughtbusiness@gmail.com
Consultant for
Office of Consumer Advocate

DATED: June 25, 2021



Jonathan P. Nase, Esquire
Counsel for *Hidden Valley Utility Services, L.P.*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Katrina L. Dunderdale**

Tanya J. McCloskey, Acting Consumer Advocate :
v. : Docket No. C-2014-2447138
Hidden Valley Utility Services, L.P. – Water :

and

Tanya J. McCloskey, Acting Consumer Advocate :
v. : Docket No. C-2014-2447169
Hidden Valley Utility Services, L.P. – Wastewater :

**JOINT STIPULATION FOR THE ADMISSION
OF ADDITIONAL EVIDENCE**

Hidden Valley Utility Services, L.P. (“HVUS”), the Office of Consumer Advocate (“OCA”), and the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement (“I&E”) (hereinafter, collectively referred to as the “Stipulating Parties”), file this “Joint Stipulation for the Admission of Additional Evidence” (“Stipulation”) in the above-captioned proceeding.¹ In support of the Stipulation, the Stipulating Parties represent as follows:

¹ Counsel for OCA has discussed this Stipulation with the other active parties to this proceeding (Robert J. Kollar, CPA, Kellie A. Kuhleman, and Sharon Howard-Frieri), and is authorized to represent to the Administrative Law Judge that they have no objection to the Stipulation.

I. Background

1. In the Sixth Post-Hearing Order, Administrative Law Judge Katrina L. Dunderdale (the “ALJ”) reopened the record in this proceeding. The Sixth Post-Hearing Order and the Seventh Post-Hearing Order admitted evidence into the record. The record remains open to receive evidence of significant factual developments since the evidentiary hearings in this matter.

II. Stipulation

2. The Stipulating Parties hereby jointly stipulate to the admission into the evidentiary record of the following documents (the “Additional Evidence”):

a. The sixty-day status report filed by HVUS, on May 14, 2021 (without attachments, which are not pertinent to the issues in this case), **Attachment A**;

b. The Supplemental Detailed Status Report of HVUS, filed on June 10, 2021, **Attachment B**;

c. The Certificate of Occupancy issued for the water treatment plant constructed by HVUS, **Attachment C**;

d. The Pennsylvania Department of Environmental Protection (“DEP”) permit for the operation of the water treatment plant constructed by HVUS, **Attachment D**; and

e. The Notice of Water Line Flushing to be posted at the local post office and distributed to residents of the community by the Hidden Valley Foundation, Inc. **Attachment E**.

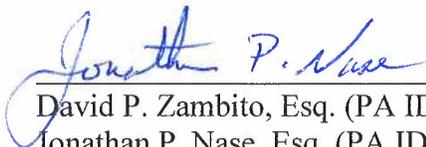
III. Order Granting Joint Stipulation

3. Attached hereto as **Attachment F** is a proposed “Order Granting Joint Stipulation for Admission of Additional Evidence” for consideration by the Presiding Officer.

IV. Request for Relief

WHEREFORE, HVUS, OCA, and I&E respectfully request that the Honorable Administrative Law Judge Katrina L. Dunderdale approve this Stipulation and admit the Additional Evidence into the record in this proceeding on the terms and conditions set forth in this Stipulation.

Respectfully submitted,



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Jonathan P. Nase, Esq. (PA ID 44003)
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(717) 703-5892

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Counsel for *Bureau of Investigation and Enforcement*

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(717) 783-5048

Counsel for *Office of Consumer Advocate*

IV. Request for Relief

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Respectfully submitted,



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(717) 783-5048

Counsel for *Office of Consumer Advocate*

IV. Request for Relief

WHEREFORE, HVUS, OCA, and I&E respectfully request that the Honorable Administrative Law Judge Katrina L. Dunderdale approve this Stipulation and admit the Additional Evidence into the record in this proceeding on the terms and conditions set forth in this Stipulation.

Respectfully submitted,

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/s/ Erin L. Gannon

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Counsel for *Office of Consumer Advocate*

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(717) 783-6170

Counsel for *Bureau of Investigation and Enforcement*

ATTACHMENT A

**SIXTY-DAY STATUS REPORT FILED BY HIDDEN VALLEY UTILITY SERVICES,
L.P., ON MAY 14, 2021 (WITHOUT ATTACHMENTS)**



May 14, 2021

VIA E-FILING

Jonathan P. Nase

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Direct Fax 215-372-2340

jnase@cozen.com

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor – Filing Room
Harrisburg, PA 17120

**Re: TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY
UTILITY SERVICES, L.P. – WATER, DOCKET NO. C-2014-2447138**

**TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY
UTILITY SERVICES, L.P. – WASTEWATER, DOCKET NO. C-2014-2447169**

**HIDDEN VALLEY UTILITY SERVICES, L.P. – STATUS REPORT ON COMPLIANCE WITH
ORDER ENTERED JANUARY 18, 2018 AND RECONSIDERED MAY 3, 2018**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the 60-day status report required by Ordering Paragraph No. 17 of the Commission's Order in the above-referenced matters.¹

Ordering Paragraph 15 includes the following requirement: "Hidden Valley Utility Services, L.P. shall also provide an annual update of telephone service numbers which includes copies of bills for telephone service so that customers are able to reliably contact Hidden Valley Utility Services, L.P." Customer bills include two telephone numbers. Redacted copies of bills for the past year for the first number ((814) 443-0825) are enclosed. This number has been in continuous service during the past year.

The second number included on customer bills ((877) 523-8181) has also been in continuous service during the past year. This number is an answering service and copies of bills are attached. When the answering service receives a call, a message is relayed to a cell phone number for an HVUS employee. Proof of payment of the bills for this cell phone is also enclosed.

Finally, in April 2018, a toll-free number was obtained for HVUS ((833) HVUS-800). This number has been in continuous service since its acquisition. Proof of payment of these bills is also attached.

All parties to this proceeding are being served as shown on the attached Certificate of Service.

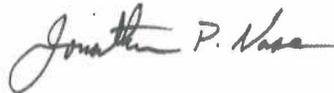
¹ The March 2021 status report of Hidden Valley Utility Services, L.P. ("HVUS") was due on March 15, 2021, but was filed early, along with the Detailed Status Report required by Administrative Law Judge Dunderdale's Sixth Post-Hearing Order. The instant status report is being filed on the normal sixty-day schedule (*i.e.*, sixty calendar days after March 15, 2021).

Rosemary Chiavetta, Secretary
May 14, 2021
Page 2

Please contact me if you have any questions regarding this filing. Thank you.

Sincerely,

COZEN O'CONNOR



By: Jonathan P. Nase
Counsel for *Hidden Valley Utility Services, L.P.*

JPN:kmg
Enclosure

cc: Hon. Katrina L. Dunderdale
Per Certificate of Service
Paul Diskin, Director, Bureau of Technical Utility Services
James Kettler

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447138
	:	
Hidden Valley Utility Services, L.P. – Water	:	
	:	
and	:	
	:	
Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447169
	:	
Hidden Valley Utility Services, L.P. – Wastewater	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **May 2021 Status Report**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

DUE TO THE COVID-19 EMERGENCY, SERVICE IS BEING MADE VIA E-MAIL ONLY:

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Consultant for
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DATED: May 14, 2021



Jonathan P. Nase, Esquire
Counsel for *Hidden Valley Utility Services, L.P.*

**Hidden Valley Utility Services, L.P (“HVUS”) Compliance Timeline
per May 3, 2018 PUC Order on Reconsideration in
Docket Nos. C-2014-2447138 and C-2014-2447169**

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
1-19-18	HVUS will pay all electric and telephone bills timely and execute forms authorizing Penelec to provide monthly billing and payment information for HVUS accounts to the OCA.	15.	HVUS is paying all electric and telephone bills timely. On May 9, 2018, HVUS authorized Penelec to provide monthly billing and payment information for HVUS account to the OCA
1-19-18	HVUS will have a spare pump and motor available for Well No. 1 within 72 hours of the primary pump and motor becoming inoperable.	22.	HVUS has confirmed with its supplier that pumps and motors necessary for well #1 can be available within 72 hours of notice.
1-19-18	HVUS will maintain an operable, installed second high lift pump.	24.	The second high lift pump is installed and operational. The pump was installed in Dec. 2014, and a new electric check valve was installed in February 2015. Therefore, the second high lift pump has been operational since February 2015.
1-19-18	HVUS will provide an annual update of telephone service numbers, including copies of bills, so that customers can reliably contact HVUS.	15.	Customer bills include the following working telephone numbers for HVUS: (814) 443-0825 (877) 523-8181. In addition, in April, 2018, HVUS obtained the following toll-free number, which was listed in the customer notice of its rate increase in R-2018-3001306 and R-2018-3001307: (833) HVUS800

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
			<p>On May 18, 2018, HVUS provided a copy of phone bills from the previous year to verify compliance.</p> <p>On July 16, 2019, HVUS provided its annual update of telephone service numbers to the Commission, including copies of bills.</p> <p>On May 15, 2020, HVUS provided its annual update of telephone service numbers to the Commission, including copies of bills.</p> <p>Attached to this status report are HVUS’s phone bills to verify compliance during the last year.</p>
3-19-18	HVUS will consult with OCA re modifications to its consumer bills.	12.	A new invoice format was sent to the OCA on March 15, 2018. The OCA made recommendations, which were adopted by HVUS.
3-19-18	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the January 18, 2018 order.	17.	HVUS attempted to file on March 19, 2018, but used the wrong docket numbers. The status report was re-filed on April 11, 2018.
4-18-18	<p>HVUS will file with the Commission a report from an engineer regarding its water system, including a schedule to replace/test customer meters to obtain compliance by April 30, 2019. Copies are to be provided to TUS and OCA within 14 days of receipt.</p> <p>If the means to address iron and manganese is treatment of water from Wells 1 and 2, HVUS</p>	6, 7 and 23	<p>The engineer’s report was filed with the Commission on April 18, 2018. A copy was provided to TUS and OCA that same day.</p> <p>With regard to water meter testing and replacement, 52 Pa. Code § 65.8 requires periodic testing of water meters. HVUS is in compliance with this regulation.</p> <p>HVUS has purchased a water treatment plant to address the iron and manganese in the water. On March 9, 2020, the Pennsylvania Department of Environmental Protection</p>

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
	will install instrumentation to control the on/off cycle of Well 2. ¹		("DEP") issued a public water supply permit authorizing the construction of the water treatment plant. HVUS has obtained a county minor land development approval from Somerset County and a building permit. All construction has been completed except certain asphalt paving, which is scheduled for May 28, 2021. A certificate of occupancy should then be issued. HVUS's engineer anticipates submitting an application for an operating permit from DEP by May 21, 2021. HVUS management is meeting on-site, bi-weekly, with a subcommittee of the Board of Directors of the Hidden Valley Foundation, Inc., regarding the status of the project. The construction will include the installation of instrumentation to control the on/off cycle of Well 2.
4-18-18	HVUS will file with the Commission a report from an engineer regarding its wastewater system. Copies are to be provided to TUS and OCA within 14 days.	9. and 10.	The report was filed with the Commission on April 18, 2018. A copy was provided to TUS and OCA that same day.
4-18-18	HVUS will modify its billing practices to ensure that all bills are compliant with Commission rules, regulations and orders. A copy of the revised bill form is to be submitted to the PUC for review by BCS and TUS.	12. and 13.	A revised bill was submitted to BCS and TUS on April 18, 2018. On April 24, 2018, BCS provided recommendations, which HVUS agreed to implement. HVUS notified the OCA of BCS's recommendations and HVUS's agreement to implement them.

¹ The Commission's Order is unclear when HVUS is required to install the instrumentation.

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
			HVUS used a modified billing format starting with the 3 rd Quarter billing cycle of 2018 and has further modified its bill format for the 2 nd Quarter billing cycle of 2019.
4-18-18	HVUS will modify practices to comply with its tariff, the Code, the Commission’s regulations and orders.	16.	HVUS is constantly modifying its practices to comply with the Code, the Commission’s regulations and orders.
5-18-18	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	The Status Report was filed with the Commission on May 18, 2018.
6-30-18	HVUS will replace 1,500 feet of 3-inch line to the Heights and 1,000 feet of 2-inch line to Valley View.	5.a.	The line to the Heights was completed approximately June 8, 2016. A 6” diameter pipe to Valley View was installed by October 20, 2016. In addition, a loop was constructed at Lake Road, which was completed by November 14, 2016.
6-30-18	HVUS will begin conducting semi-annual customer meetings.	5.b.	A customer meeting was held on May 19, 2018 with approximately 125 customers in attendance. Representatives from the OCA were present at the meeting.
7-17-18	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this Status Report on July 17, 2018.
7-17-18	HVUS will amend any prior reports to the PUC containing incorrect information and ensure that it is filing reports with correct information.	14.	HVUS submitted revised annual PUC reports to the Commission on July 17, 2018. Further corrected reports were filed on or about June 27, 2019 as required by the Commission’s Order at Docket Nos. R-2018-3001306 and R-2018-3001307.

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
9-17-18	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this Status Report on September 17, 2018.
11-16-18	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this Status Report on November 16, 2018.
12-31-18	HVUS will conduct another semi-annual customer meeting.	5.b.	HVUS conducted a semi-annual customer meeting on December 22, 2018.
12-31-18	HVUS will conduct a pressure survey in compliance with 52 Pa. Code § 65.6(d). HVUS shall install booster pumping stations if pressure is inadequate.	22.	HVUS conducted a pressure survey in May, 2018 and another pressure survey in December, 2018. Based on those results, HVUS will not install booster pumping stations.
1-16-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	5.b.	HVUS filed this Status report on January 16, 2019.
1-31-19	HVUS will comply with all recommendations in the engineer's wastewater report.	11.	On January 31, 2019, HVUS's engineer filed a verified status report indicating the tasks that were completed, the tasks that were removed from the engineer's wastewater report (and the reasons for removing each task from the report), and the tasks that remained outstanding. On February 14, 2020, HVUS's engineer filed a verified status report indicating that all remaining items on the engineer's report had been completed.
1-31-19 (or when all repairs required by the	HVUS will file a final status report with copies to the OCA and TUS.	19.	The status reports described in the preceding paragraph were filed with the Commission on the dates indicated and copies were provided to the OCA and TUS.

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
order have been made)			
3-18-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	The required status report was filed on March 18, 2019.
March 31, 2019 or 60 days after the final status report	TUS will investigate the water quality and the water and wastewater services being provided by HVUS. If the repairs have not been made or the water quality is inadequate, OALJ will hold an evidentiary hearing in which the burden of proof will be on HVUS.	20.	TUS staff was scheduled for a site visit in mid-March 2019, but cancelled that visit.
4-18-19	Within 1 year of the date of the engineer’s report on the water system, HVUS will comply with all recommendations in the engineer’s water report.	8.	On October 18, 2018, HVUS filed a Petition for Amendment seeking to modify this deadline. By Opinion and Order entered January 17, 2019, the Commission denied this Petition. HVUS filed a Petition for Review with the Commonwealth Court of Pennsylvania on February 19, 2019, asking the Court to modify the deadline. This appeal was quashed by order of May 15, 2019 and the matter was remanded for hearings. A hearing was held on May 20, 2020, briefs and reply briefs have been filed. With regard to the status of the water treatment plant project, see pages 2-3 above.
5-17-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on May 16, 2019.
6-30-19	HVUS will conduct another customer meeting.	5.b.	This meeting was held on June 8, 2019.

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
7-16-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on July 16, 2019.
9-16-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on September 16, 2019.
11-15-19	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on November 15, 2019.
12-31-19	HVUS will conduct another customer meeting.	5.b.	This meeting was held on December 21, 2019.
12-31-19	HVUS will conduct a pressure survey in compliance with 52 Pa. Code § 65.6(d). HVUS shall install booster pumping stations if pressure is inadequate.	22.	HVUS conducted a pressure survey during 2019. Based on those results, HVUS will not install booster pumping stations.
1-14-20	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on January 14, 2020.
3-16-20	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on March 16, 2020.
5-15-20	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on May 15, 2020.
6-30-20	HVUS will conduct another customer meeting.	5.b.	HVUS filed a Petition requesting an extension of time to hold this meeting in person, but that Petition was denied. HVUS held a virtual customer meeting on July 15, 2020 due to the COVID-19 Pandemic. In addition, as discussed above, HVUS management is meeting on-site, bi-weekly with a

Task to be completed on or before	Task	Source – Ordering Paragraph	Status
			subcommittee of the Board of Directors of the Hidden Valley Foundation, Inc. regarding the status of the water treatment plant project.
7-14-20	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on July 14, 2020.
9-14-2020	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on September 14, 2020.
11-13-2020	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on November 13, 2020.
12-31-2020	HVUS will conduct another customer meeting.	5.b.	HVUS management met with customers via Zoom on November 18, 2020.
12-31-2020	HVUS will conduct a pressure survey in compliance with 52 Pa. Code § 65.6(d). HVUS shall install booster pumping stations if pressure is inadequate.	22.	HVUS conducted a pressure survey during May, 2020. Based on those results, HVUS will not install booster pumping stations.
1-12-2021	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	HVUS filed this status report on January 12, 2021
3-15-2021	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order.	17.	This status report was filed early, on March 1, 2021.
5-14-2021	HVUS will file a status report with the PUC, the OCA and TUS, on compliance with the May 3, 2018 order	17.	This document is the required status report.
TBD	When HVUS complies with all ordering paragraphs, the Secretary’s Bureau will close the complaint proceedings.	27	

ATTACHMENT B

**SUPPLEMENTAL DETAILED STATUS REPORT OF HIDDEN VALLEY UTILITY
SERVICES, L.P., FILED ON JUNE 10, 2021**



June 10, 2021

VIA E-FILING

Jonathan P. Nase

Direct Phone 717-773-4191

Direct Fax 215-372-2340

jnase@cozen.com

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

Re: TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY UTILITY SERVICES, L.P. – WATER, DOCKET NO. C-2014-2447138

TANYA J. MCCLOSKEY, ACTING CONSUMER ADVOCATE V. HIDDEN VALLEY UTILITY SERVICES, L.P. – WASTEWATER, DOCKET NO. C-2014-2447169

HIDDEN VALLEY UTILITY SERVICES, L.P.'s SUPPLEMENTAL DETAILED STATUS REPORT

Dear Secretary Chiavetta:

On behalf of Hidden Valley Utility Services, L.P. ("HVUS"), enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is a Supplemental Detailed Status Report of Hidden Valley Utility Services, L.P. All parties to this proceeding are being served as shown on the attached Certificate of Service.

Please contact me if you have any questions regarding this filing. Thank you.

Sincerely,

COZEN O'CONNOR

BY: Jonathan P. Nase

Counsel for *Hidden Valley Utility Services, L.P.*

JPN:kmg

Enclosures

cc: Honorable Katrina L. Dunderdale
Per Certificate of Service
Paul Diskin, Director, Bureau of Technical Utility Services
James M. Kettler

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447138
	:	
Hidden Valley Utility Services, L.P. – Water	:	
	:	
and	:	
	:	
Tanya J. McCloskey, Acting Consumer Advocate	:	
	:	
v.	:	Docket No. C-2014-2447169
	:	
Hidden Valley Utility Services, L.P. – Wastewater	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Supplemental Detailed Status Report of Hidden Valley Utility Services, L.P.,** upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

DUE TO THE COVID-19 EMERGENCY, SERVICE IS BEING MADE VIA E-MAIL ONLY:

Christine Maloni Hoover, Esq.
Erin L. Gannon, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
CHoover@paoca.org
EGannon@paoca.org
Counsel for *Office of Consumer Advocate*

Sharon Howard-Frieri
P.O. Box 4126
1174 Gristmill Court
Hidden Valley PA 15502
sharonhoward.frieri@yahoo.com

Robert J. Kollar, CPA and
Kellie A. Kuhleman
1374 Langport Dr.
Pittsburgh, PA 15241
bob@kkacpas.com

Allison Kaster, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
akaster@pa.gov
Counsel for *Bureau of Investigation and Enforcement*

Terry L. Fought
780 Cardinal Drive
Harrisburg, PA 17111
foughtbusiness@gmail.com
Consultant for
Office of Consumer Advocate

DATED: June 10, 2021



Jonathan P. Nase, Esquire
Counsel for *Hidden Valley Utility Services, L.P.*

VERIFICATION

I, James Ketter hereby state that the facts set forth above 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 falsification to authorities).

Date: June 10, 2021



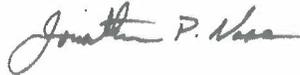
2. HVUS and its outside engineer have submitted documentation to the Pennsylvania Department of Environmental Protection (“DEP”) for the issuance of an “Operations of Facilities” permit. See **Appendix A**.

3. DEP personnel must inspect the water treatment plant, approve it and issue a “Certificate of Facilities” permit before HVUS can place the water treatment plant into service. At this time, it is unknown when DEP will inspect the water treatment plant and issue the permit. When the permit is issued, HVUS will file a copy at this docket.

4. No additional governmental approvals other than those discussed above are necessary for the construction or operation of the water treatment plant.

WHEREFORE, Hidden Valley Utility Services, L.P. respectfully requests that Administrative Law Judge Katrina L. Dunderdale admit this Supplemental Detailed Status Report and Appendix A into the record in these proceedings.

Respectfully submitted,



Jonathan P. Nase, Esquire (PA ID No. 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
Phone: (717) 773-4191
E-mail: jnase@cozen.com
Counsel for *Hidden Valley Utility Services, L.P*

Dated: June 10, 2021

APPENDIX A

Nase, Jonathan

From: Nase, Jonathan
Sent: Wednesday, June 9, 2021 4:11 PM
To: Nase, Jonathan
Subject: FW: Certificate of Construction form and fee

From: Jim Kettler <kettlerjmk@aol.com>
Sent: Friday, May 28, 2021 9:18 AM
To: cmarincic@pa.gov
Cc: timmccllell@pa.gov; bstinebiser@eadsgroup.com
Subject: Certificate of Construction form and fee

****EXTERNAL SENDER****

Ms. Marincic,

Attached is a copy of the Certificate of Completion for Water Supply Permit No. 5619509 and a check for \$50 for submittal. The check and a copy of the Certificate of Completion is being sent to your offices via Fed Ex. with the expectation of delivery on Tuesday June 1 (as Monday is a Federal Holiday and I assume your offices are closed).

All of the other documents have been submitted thru the online portal and this check should complete the submission process for having your office process the Certificate of Construction for review to obtain an operations permit for the new water treatment plant.

If you have any questions or need additional information you can reach me via this email address or by phone at 301-252-7832.

Thank you and have a nice holiday.

Jim Kettler

President

Hidden Valley Utility Services, LP.

121 Craighead Drive, Hidden Valley PA. 15502

Notice: This communication, including attachments, may contain information that is confidential and

ATTACHMENT C

**CERTIFICATE OF OCCUPANCY ISSUED FOR THE WATER TREATMENT PLANT
CONSTRUCTED BY HIDDEN VALLEY UTILITY SERVICES, L.P.**

Jefferson Township, Somerset County

CERTIFICATE OF USE AND OCCUPANCY

Facility Location / Address: 121 Craighhead Drive, Hidden Valley, PA 15502

Permit Number: 2020-1649C-SOM

Design Occupancy Load: 4

Date of Final: 5/28/2021

Owner: Highland Land Investments LLC

Owner Address: 777 Waterwheel Drive, Champion, PA 15622

Permit Holder: Highland Land Investments LLC

Permit Holder Address: 777 Waterwheel Drive, Champion, PA 15622

Use and Occupancy Classification: F1

Construction Type: IIB

Applicable Code: 2015 IBC and all referenced codes as amended by the UCC.

For The Purpose Of: Occupancy of a 32' x 49' Commercial Structure to be Used as a Water Filtration Facility for "Hidden Valley Utilities Services LP" ONLY.

The following special stipulations apply:

- Maintain all Life Safety Equipment, Exits, and placard Occupancy Load in accordance with all applicable codes.
- Emergency lighting, exit signs, and fire extinguishers must be maintained with the applicable code requirements.
- All exits must remain unlocked and unblocked while the structure is occupied.
- Universal Accessibility to all services, goods, events, and functions offered within the Commonwealth of Pennsylvania is a guaranteed civil right. Basic compliance with all provisions of the standard ANSI A117.1 can help to ensure that all of our citizens enjoy access to the goods and services offered within the state. Compliance with the provisions of IBC Chapter 11 and ANSI A117.1 is mandatory. Failure to maintain these features is not permissible.
- Any change of Use, Occupancy and/or Alterations requires additional permitting and approvals.

This Certificate of Use and Occupancy verifies that the requirements of the above referenced permit have been met and the project, facility, or portion thereof for which the permit was issued is found to be in compliance with the Pa. Uniform Construction Code {35 P.S. 7210.101 et seq.} and the requirements of this municipality. This approval is for the above stated use and occupancy only. The issuance of this Certificate of Use and Occupancy shall not prevent the Building Code Official or other authorized representative from requiring the correction of any non-conforming or unsafe condition that is discovered after issuance of this Certificate.

Any changes to the above use and occupancy without specific approval of the Building Code Official and the municipality automatically renders this Certificate null and void. The Building Code Official is authorized to suspend or revoke this certificate whenever the certificate is issued in error, on the basis of incorrect information supplied or where it is determined that the use and/or occupancy is in violation of any ordinance, regulation, or provisions of Code {35 P.S. 7210.101 et seq.} Occupancy of this facility or the permitted portion thereof is not authorized without full compliance with all additional municipal ordinances and regulations.



R. Clem Malot, MCP

Building Code Official – Cert. # 656

6-2-21

Date

ATTACHMENT D

**PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT FOR THE OPERATION OF THE WATER TREATMENT PLANT**



Southwest Regional Office

James Kettler, President
Hidden Valley Utility Services, LP
811 Russell Avenue, Suite 302
Gaithersburg, MD 20879

Re: Public Water Supply
Operation Permit No. 5619509
Public Water Supply ID 4560049
Jefferson Township
Somerset County

Dear Mr. Kettler:

We are pleased to enclose Water Supply Permit Number 5619509 for the operation of the water treatment plant (Filtration Building) at the Hidden Valley Resort including: a pre-chlorination chemical feed system; raw water tank; raw water pumps; greensand filtration system; backwash holding tank; associated waterline and appurtenances; replacement pump in Well No. 1; variable frequency drive panel for Well No. 2; and upgraded system controls and telemetry equipment. This permit is issued in response to photos of the completed project received on June 8, 2021. The Department authorized the use of photos in lieu of an on-site inspection.

Please note that the issuance of this operation permit means that your original construction permit issued for this project is no longer valid. If you need to make any modifications, additions, or corrections to this facility you will need to apply for a new construction permit.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions concerning this matter, please contact Amanda Sommer at amsommer@pa.gov or by phone at 412-442-4124.

Sincerely,

Renee Diehl

Renee Diehl
Program Manager
Safe Drinking Water Program

cc: The EADS Group, Inc.
Cambria Office
Region File



Southwest Regional Office

**BUREAU OF SAFE DRINKING WATER
PUBLIC WATER SUPPLY PERMIT
SPECIAL CONDITIONS**

Permit No. 5619509

HIDDEN VALLEY UTILITY SERVICES, LP

Water treatment plant (Filtration Building) at the Hidden Valley Resort including: a pre-chlorination chemical feed system; raw water tank; raw water pumps; greensand filtration system; backwash holding tank; associated waterline and appurtenances; replacement pump in Well No. 1; variable frequency drive panel for Well No. 2; and upgraded system controls and telemetry equipment.

Jefferson Township
Somerset County

- A. Each GreensandPlus iron and manganese filter tank is limited to a maximum flow rate of 60 gallons per minute (gpm). The three tanks in parallel, with one filter on standby, will provide for a total maximum flow rate of 180 gpm.
- B. The surface loading rate of the GreensandPlus filtration system is limited to 3.0 gpm/ft².
- C. The filter media for iron and manganese removal is GreensandPlus with an anthracite cap.
- D. The following chemical is permitted to be used at the Filtration Building:

Chemical	Purpose	Feed Point
12.5% Sodium Hypochlorite	Pre-Chlorination/Oxidation	Raw water line prior to raw water tank

- E. Hidden Valley Utility Services, LP shall analyze samples of the raw and entry point water for iron and manganese monthly. The monthly samples shall be analyzed using an appropriate calibrated field analytical test kit. The monthly results shall be maintained on-site and made available to the Department on request.

- F. Raw water samples shall be obtained prior to treatment and analyzed once per quarter by a Department accredited laboratory for iron and manganese. The accredited laboratory shall report the monitoring results to the Department using Code “R” for Raw Monitoring.
- G. Finished water samples shall be obtained at the entry point to the distribution system and analyzed once per quarter by a Department accredited laboratory for iron and manganese. The accredited laboratory shall report the monitoring results to the Department using Code “S” for Special Monitoring.
- H. The following pumps are permitted to be used at the Hidden Valley Resort:

Pump	Pump Type	Number of Pumps	Design Point	Rated Motor Power
Well No. 1	Submersible	1	300 gpm	25 HP
Raw Water	Vertical, multi-stage	4	90.3 gpm	5 HP
Pre-Chlorination	Chemical Metering Pump	2	8 gallons per hour (0.13 gpm)	44 watts

ATTACHMENT E

**NOTICE OF WATER LINE FLUSHING TO BE POSTED IN THE
LOCAL POST OFFICE AND DISTRIBUTED TO RESIDENTS OF THE
COMMUNITY BY THE HIDDEN VALLEY FOUNDATION, INC.**

NOTICE OF WATER LINE FLUSHING

The Water Filtration Facility became operational on Thursday, June 17, 2021. We are now ready to do another round of water line flushing, beginning Monday, June 28, 2021. Flushing will continue until completed on or about Friday, July 2, 2021.

Monday - Highland Condos
Alpine Woods
North Summit

Tuesday - Ridgeview Road
H. V. Estates (Old H.V.)
Lakeview
Tailor Way

Wednesday - Eagles Ridge
Westview
Westridge
Heights
Valleyview

Thursday - Powder Ridge
Timbercrest
Snowfield
Hightop Drive

Friday - Stonewood
South Ridge

All homes may expect low pressure and discolored water for most of the day during main line flushing in your area.

Thank you for your patience.

Glenn P. Fodor
Hidden Valley Utility Services LP

ATTACHMENT F

**FORM OF ORDER GRANTING THE JOINT
STIPULATION FOR THE ADMISSION OF ADDITIONAL EVIDENCE**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya J. McCloskey, Acting Consumer Advocate :
v. : Docket No. C-2014-2447138
Hidden Valley Utility Services, L.P. – Water :

and

Tanya J. McCloskey, Acting Consumer Advocate :
v. : Docket No. C-2014-2447169
Hidden Valley Utility Services, L.P. – Wastewater :

**ORDER GRANTING JOINT STIPULATION
FOR ADMISSION OF EVIDENCE**

On June 25, 2021, Hidden Valley Utility Services, L.P. (“HVUS”), the Office of Consumer Advocate (“OCA”) and the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement (“I&E”) (collectively, the “Stipulating Parties”) filed a “Joint Stipulation for the Admission of Additional Evidence” (“Stipulation”) in the above-captioned proceeding. The Stipulating Parties represented that the other active parties to the case, Sharon Howard-Frieri, Robert J. Kollar, CPA and Kellie A. Kuhleman do not object to the Stipulation. A copy of the Stipulation (with Appendices) is attached as **Attachment 1**.

Each of the Stipulating Parties requested that the Additional Evidence, attached to the Stipulation as Appendices A-E, be admitted into the evidentiary record, subject to the terms and conditions set forth therein.

As this request is reasonable, it will be granted.

THEREFORE, IT IS ORDERED:

1. That the Stipulation, filed on June 25, 2021, is APPROVED; and
2. That the following documents are admitted into the evidentiary record:
 - a. The sixty-day status report filed by Hidden Valley Utility Services, L.P., on May 14, 2021 (without attachments, which are not pertinent to the issues in this case), which will be marked **Hidden Valley Post Hearing Exhibit 4**;
 - b. The Supplemental Detailed Status Report of Hidden Valley Utility Services, L.P., filed on June 10, 2021, which will be marked **Hidden Valley Post Hearing Exhibit 5**;
 - c. The Certificate of Occupancy issued for the water treatment plant constructed by Hidden Valley Utility Services, L.P., which will be marked **Hidden Valley Post Hearing Exhibit 6**; and
 - d. The Pennsylvania Department of Environmental Protection permit for the operation of the water treatment plant constructed by Hidden Valley Utility Services, L.P., which will be marked **Hidden Valley Post Hearing Exhibit 7**.
 - e. The Notice of Water Line Flushing to be posted at the local post office and distributed to residents of the community by the Hidden Valley Foundation, Inc., which will be marked **Hidden Valley Post Hearing Exhibit 8**.

Date: _____

Katrina L. Dunderdale
Administrative Law Judge

APPENDIX 1

**JOINT STIPULATION FOR THE
ADMISSION OF ADDITIONAL EVIDENCE**