



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

October 4, 2023

VIA EMAIL AND eSERVICE

TO ALL PARTIES OF RECORD:

RE: Tanya J. McCloskey, Acting Consumer Advocate
v.
Hidden Valley Utility Services, L.P - Wastewater
Docket Number C-2014-2447169

Tanya J. McCloskey, Acting Consumer Advocate
v.
Hidden Valley Utility Services - Water
Docket Number C-2014-2447138

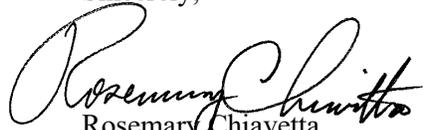
On October 30, 2019, Jonathan Nase of Cozen O'Connor (Requester), representing Hidden Valley Utility Services – Water and Wastewater (HVUS) filed a Right to Know (RTK) request under the Pennsylvania Right to Know Law with the Secretary of the Pennsylvania Public Utility Commission. The Commission responded on December 6, 2019, partially denying the request. The Secretary attached both the RTK request and the Commission's response to the above dockets and served all parties of record to cure any possible ex parte communications prohibited by Section 334(c) of the Public Utility Code.

On December 30, 2019, the Requester filed a timely appeal to the Commission's RTK response with the Pennsylvania Office of Open Records (OOR). The Commission responded to the appeal on January 13, 2020. On March 20, 2020, the Commission submitted at OOR's request a privilege/exemption log identifying the exempted records of Parts 1 and 3 of Mr. Nase's request. Then on April 9, 2020, OOR stayed the appeal due to the pandemic emergency. On March 5, 2021, OOR inquired for an update to continue the appeal proceeding. The Commission responded on March 12, 2021, and Mr. Nase responded on March 18, 2021.

On April 26, 2022, the OOR issued its Final Determination ordering the Commission to disclose certain records which the Commission argued as exempt (notes and working papers at 65 P.S. Section 67.708(b)(12) and pre-decisional deliberations at 65 P.S. Section 67.708(b)(10)). The Commission appealed the OOR Final Determination to the Commonwealth Court of Pennsylvania on May 25, 2022, specifically challenging 32 records ordered to be disclosed. On September 8, 2023, the Commonwealth Court issued its Opinion affirming the OOR's Final Determination.

Therefore, since these docketed proceedings are still pending before the Commission, and to cure any possible ex parte communications prohibited by Section 334(c) of the Public Utility Code, I am serving this Secretarial Letter, along with a copy of the Court's Opinion issued September 8, 2023, to all Parties of Record in the above captioned complaint cases and placing both on the dockets of these cases.

Sincerely,


Rosemary Chiavetta
Secretary of the Commission

Enclosures

CC: All Parties of Record to Dockets C-2014-2447169 and C-2014-2447138
Administrative Law Judge Katrina Dunderdale