

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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February 14, 2012

Honorable Angela T. Jones
Honorable Darlene D. Heep
Office of Administrative Law Judge
Pa. Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Re: Pa. Public Utility Commission
v.
Aqua Pennsylvania, Inc.
Docket No. R-2011-2267958

Dear Judge Jones and Judge Heep:

Enclosed please find copies of a letter and Motion to Compel in the above-referenced proceeding. The Office of Consumer Advocate serves these documents on behalf of and as a courtesy to Mr. Robert Curtius.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Shaun A. Sparks".

Shaun A. Sparks
Assistant Consumer Advocate
PA Attorney I.D. #87372

Enclosures

cc: Secretary's Office of the PUC
Certificate of Service

153002.doc

Robert Curtius
949 Foss Ave.
Drexel Hill, PA 19026
February 12, 2012

Honorable Angela T. Jones
Honorable Darlene D. Heep
Pennsylvania Public Utility Commission
Office of Administrative Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107

Re: Pennsylvania Public Utility Commission v Aqua Pennsylvania, Inc.
Docket No. R2011-2267958

Dear Judge Jones and Judge Heep:

Thank you for your patience and consideration of my participation in this proceeding. My lack of legal training may require your indulgence. I represent myself only as a customer of Aqua. After review of your Prehearing Order # 2 of February 3, 2012 and discussions with Aqua Pennsylvania, and the Office of Consumer Advocate, I would inform you of the following:

1. I have determined that I will attend the hearings in Harrisburg, at my personal expense. While I will likely attend on only one day to reduce costs, I reserve the right to attend hearings at my discretion. As an active litigant, I will cooperate with other active parties, and expect appropriate consideration in return, to schedule the appearances of witnesses at those hearings to accommodate my participation in the orderly litigation of this proceeding.
2. While I continue to support the basis of my Objection of February 2, 2012, a ruling on that Objection is no longer necessary. I have not and do not seek a level of consideration in the scheduling beyond that due any active Party.
3. I understand that the Aqua Large Users Group requested that it be excused from direct testimony, and that this request has been granted. Similarly, with your approval, I will not file direct testimony on February 17, 2012 and understand this will not jeopardize my active status. I reserve the right to adopt the testimony of other Parties as my own, to submit rebuttal or surrebuttal testimony, and to engage in cross-examination and briefing at my discretion.

Sincerely,

/s/ Robert Curtius

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION:

V

DOCKET NO. R-2011-2267958

AQUA PENNSYLVANIA, INC.

Motion of ROBERT CURTIUS To Compel
And dismiss objections and to compel answers to interrogatories

I hereby request the Presiding Officer dismiss the objections of Aqua and compel that the answers to the interrogatories of Robert Curtius be timely answered.

On February 7, 2012 Robert Curtius was served with Aqua, Objections to Interrogatories that were served on all parties on January 26, 2012 by US Mail. Aqua states that they received the interrogatories on January 27, 2012. Aqua's objections to the interrogatories was served on the parties on February 6, 2012, and received by Robert Curtius on February 7 2012.

Aqua is objecting to the work involved in collecting the information requested stating that it is (1) "Burdensome" and (2) the requested information is not "Relevant". I have been a customer of Aqua for 44 years. Over this period, Aqua has repeatedly increased water rates. In each case, they pleaded that their infrastructure and costs required a rate increase. Aqua has made both infrastructure and costs issues in the current proceeding. This active party has no prior experience with Aqua's costs and requires enough information to be able to engage in a settlement.

I offer the following be considered for Interrogatories No. 1, 2, 4, 5, 8, 10, 12, 13, 14, 15, 17.

Data, when analyzed over short periods of time, have spikes and valleys that distort the information. Had I asked for data month-to-month for a year, the data would be loaded with useless information and the data would not be something that is tracked in the records of the company in the normal course of business.

Aqua's web site details the long history of their being a successful company. They present a history for not just 10, 15 or 20 years, but traces itself back 116 years. This is a great database. Analysis of data over long periods of time is the proven method. A forty-four year period is probably too much of a burden. Ten years is not enough. Twenty years is perfect.

Data of the type requested is not data that has to be created.

Aqua did not complain that they did not have the information, only that they didn't want to provide it. The types of records requested are those that would be kept on electronic media and not have to be created just assembled from existing records with minimum effort.

I offer the following concessions:

1. Several Interrogatories request the information to be provided on a certain data date. This is modified to the extent that any data date within the year is acceptable as long as it is consistent over the 20-year period. (Aqua did not object to the date and this may decrease the effort involved.)
2. Interrogatory No 6. For this item, if the information is not in the possession of Aqua for a period of 20 years, so state and provide the information for the years that are available.
3. Interrogatory No 15. For this item, if the information is not in the possession of Aqua for a period of 20 years so state and provide for 10 years.
4. Interrogatory No 25. If the information requested is not in the possession of Aqua, so state and provide the information for the years that are available.

Sincerely,

/s/ Robert Curtius

Dated: February 12, 2012

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission
v.
Aqua Pennsylvania, Inc.
Docket No. R-2011-2267958

I hereby certify that I have this day served a true copy of the foregoing documents 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 14th day of February 2012.

SERVICE BY E-MAIL AND HAND DELIVERY

Carrie B. Wright, Esquire
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400 North Street
Harrisburg, PA 17101

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

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