

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY
Consumer Advocate

February 15, 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:

Please find attached hard copies of the January 25, 2012 Interrogatories of Robert Curtius and the February 6, 2012 Objections of Aqua Pennsylvania, Inc. to the same.

Also find attached the February 14, 2012 letter of Mr. Curtius directed to Judge Jones and Judge Heep.

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 14, 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

Reference (A) Phone discussion Judge Jones/Curtius of February 13, 2012.

Dear Judge Jones and Judge Heep:

The purpose of this letter is:

1. As discussed during reference (A) I had some misinformation and therefore withdraw my letter of February 12, 2012 in its entirety.
2. I am requesting an extension of approved time to provide my Direct Testimony for an additional period of four weeks. This is due to the extended time needed to obtain and evaluate discovery. I note that the Prehearing Conference Memorandum of Robert Curtius page 2 Item 3 discussed this problem.

Sincerely,

S Robert Curtius

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :

V : DOCKET NO. R-2011-2267958

AQUA PENNSYLVANIA, INC :

INTERROGATORIES OF
ROBERT CURTIUS

Pursuant to 52 Pa. Code 5.341, Robert Curtius hereby propounds the following Interrogatories to Aqua Pennsylvania, Inc. to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer in behalf of the company. Each interrogatory is to be verified by the responding witness in accordance with 52 Pa. Code 5.342(a)(6).

Dated: January 25, 2012

Instructions

- 1) These interrogatories shall be construed as a continuing request. The respondent is Obligated to change, supplement and correct all answers to interrogatories to Conform to available information, including such information as first becomes Available to the Respondent after the answers hereto are filed.
- 2) Restate the interrogatory immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term "Aqua Pennsylvania Inc." Aqua" or "the Company" or "you" or "Philadelphia Suburban Water Company" as used herein includes Aqua Pennsylvania, Inc, its attorneys, agents, employees, contractors, or other representatives.
- 6) Provide verification by the responsible witness that all facts contained in the response are true and correct to the best of the witnesses' knowledge and belief.
- 7) As used herein the word "document" or "workpaper" includes, but not limited to, the original and all copies in whatever form, stored or contained in or on whatever media, or medium including computerized memory, magnetic tape, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
 - A) notations of any sort concerning conversations, telephone calls, meetings or other communications;
 - B) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys.
 - C) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.

Interrogatories of Robert Curtius

1. Request you provide the total number of feet of water pipes owned by Aqua within the State of Pennsylvania, on December 31 in each of the last 20 years (1991-2011).
2. Request you provide the total number of feet of water pipes replaced by Aqua within the State of Pennsylvania as of December 31 in each of the last 20 years.
3. Request you provide the total number of feet of water pipe scheduled to be replaced by Aqua within the State of Pennsylvania during 2012.
4. Request you provide the total number of feet of water pipes installed by Aqua to service new customers within the State of Pennsylvania as of December 31 in each of the last 20 years.
5. Request you provide the total number of new customers that were added due to the additional piping installed within the State of Pennsylvania as of December 31 in each of the last 20 years.
6. Please provide the cost savings in each of the last 20 years that Aqua has had due to the installation of electronic meter-reading devices in the State of Pennsylvania. In years prior to the installation, provide the cost of meter reading and indicate which method of reading was used.
7. For many years, my Aqua bills were due every three months. Please provide an analysis of why the bill is now due each month and the date that the change was made. If this produced a savings to Aqua, state the dollar amount per year.
8. Please provide the number of executives and the total of executive salaries for each of the past 20 years. Include the cost of pensions, and non-cash items such as stock or any transfer of value.
9. Please explain how the costs of executive salaries are distributed among the various divisions of Aqua.
10. Please provide the total non-executive labor cost of Aqua employees and total salaries within the State of Pennsylvania in each of the last 20 years. Indicate if the costs include employee benefits.
11. Please provide the total contractor cost (non-Aqua employees) within the State of Pennsylvania for each of the last 20 years.
12. Please provide the after tax income of Aqua in the State of Pennsylvania in each of the last 20 years.

13. Please provide the total number of total Pennsylvania customers as of December 31 in each of the past 20 years.
14. Please provide the dollar value of services provided to Aqua divisions outside Pennsylvania for each of the past 20 years, and explain how these are reconciled on your books.
15. Has Aqua exported any water from Pennsylvania in the past 20 years? If "yes", indicate how many gallons in each of the past 20 years. If "yes" indicate if the water was treated prior to leaving the state. If "yes", who is financially benefiting from exporting water? If "yes" was compensation paid to Pennsylvania or any resident of the state?
16. Please provide the date when Philadelphia Suburban Water Co. became Aqua.
17. Please state the total dollar amount spent on the purchase of new Aqua equipment (Example: pumps, service vehicles, buildings, dams, etc) for use in the State of Pennsylvania in each of the last 20 years. If any of the equipment is used for both in-state operations and out-of-state operations, state the method of distributing costs between profit centers.
18. Please provide a list of any new water sources within the State of Pennsylvania that will come on line within the next 5 five years and explain why the need is required.
19. Please provide the Aqua water rates that are in effect throughout Pennsylvania. If rates are different in any area, explain why.
20. Please state if the "fracking" to produce natural gas in Pennsylvania has increased the cost of making drinking water safe to consume. If so, how much have costs increased due to this practice?
21. Does Aqua provide any water to service "fracking" operations? If so, at what rate do these people pay?
22. Please provide a statement of any measures that Aqua has employed or plans to employ to ensure that "fracking" operations do not infringe on the quality of our water supply.
23. Does Aqua have any knowledge of Pennsylvania water that is affected by "fracking" and if so explain.
24. I consistently receive advertisements from Homeserve whose paper and envelope have the AQUA logo printed in the upper corner. It appears as though they are getting information and support from Aqua. Does Aqua sell or give away personal information to these people and how are you affiliated?
25. We currently pay a DSIC charge of 7.5 percent of the combined customer charge, and usage charge. What would this percentage be under Aqua's proposed rate increase? Please provide the DSIC in effect in each of the last 20 years.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	
	:	
	:	DOCKET NO. R-2011-2267958
v.	:	
	:	
AQUA PENNSYLVANIA, INC.	:	

**OBJECTIONS OF AQUA PENNSYLVANIA, INC.
TO THE INTERROGATORIES OF ROBERT CURTIUS**

Pursuant to 66 Pa. C.S. §333(d) and 52 Pa. Code §5.342, Aqua Pennsylvania, Inc. (AP or the Company) hereby objects to Interrogatory Nos. 1-2, 4-6, 8, 10-15, 17 and 25 served by active party, Robert Curtius (Curtius) on January 26, 2012. AP has discussed its objections with Mr. Curtius, and believes that an amicable resolution might be achieved. These objections are being filed so that AP will not waive its right to object, given the deadline for written objections under 52 Pa. Code §5.342(e).

In further support of its Objections, AP states as follows:

1. On November 18, 2011, AP filed Supplement No. 115 to Tariff Water – Pa. P.U.C. No. 1 and accompanying supporting data requesting a general base rate increase.
2. On January 25, 2012, Mr. Curtius mailed a set of interrogatories numbered 1 through 25, which was received on January 27, 2012. A copy is attached as Appendix A. These interrogatories seek, *inter alia*, information regarding the Company’s plant additions, number of customers, revenues, and operating expenses over the past twenty (20) years.
3. Interrogatory Nos. 1, 2 and 4 ask for information concerning the number of feet of water pipes owned, replaced and installed by AP in “each of the last 20 years.” AP objects to

providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding water pipe investment from 1998 to 2011. The production of any additional information should not be required.

4. Interrogatory Nos. 5 and 13 ask for information regarding the number of customers “for each of the last 20 years.” AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding the Company’s number of customers provided in its Annual Report filed with the Commission in 1990 and 2010. The information regarding growth in the number of AP’s customer over the past 20 years, requested by Interrogatory No. 13, can be derived from pages 883 (1990) and 60 (2010) of those Annual Reports. Additionally, the Company is willing to furnish information regarding the number of new customers added due to additional installed piping for the past three years. The production of any additional information should not be required.

5. Interrogatory No. 6 asks for the “cost savings” to AP from the “installation of electronic meter-reading devices” in “each of the last 20 years.” AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding meter reading costs prior to and after the switch to electronic meter reading in 2003. The production of any additional information should not be required.

6. Interrogatory Nos. 8, 10-12, and 14 ask for information regarding operating expenses, including “executive salaries”, “non-executive labor cost” and “contractor cost” as well as operating revenues “for each of the last 20 years.” AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding the Company’s operating expenses and revenues for the past three years. In addition, the Company will provide the pertinent portions of the 1990 and 2010 Annual Reports filed with the Commission regarding executive salaries, non-executive labor cost, contract cost and net income. The production of any additional information should not be required.

7. Interrogatory No. 15 asks for information regarding the number of gallons of water exported from Pennsylvania by the Company “in each of the last 20 years.” AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding the Company’s water exports for the past ten years. The production of any additional information should not be required.

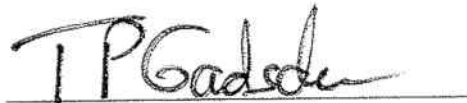
8. Interrogatory No. 17 seeks information on the cost of new equipment, including “pumps, service vehicles, buildings and dams” for use by the Company in Pennsylvania for “each of the last 20 years”. AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; and (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case. AP is willing to furnish information regarding the Company’s equipment

expenditures provided in its Annual Report filed with the Commission in 1990 and 2010. The information regarding growth in plant over the past 20 years, requested by Interrogatory No. 17, can be derived from pages 801-802 (1990) and 18 (2010) of those Annual Reports. The production of any additional information should not be required.

9. Interrogatory No. 25 asks for the DSIC charge in effect "for each of the last 20 years." AP objects to providing the requested information because: (1) the production of such data for an historic 20-year period would be unduly burdensome; (2) the requested information for a period as long as 20 years is not relevant or material to the matters at issue in this case; and (3) the DSIC was not implemented until January 1, 1997. AP is willing to furnish information regarding the Company's DSIC charge from 1997 to the present.

WHEREFORE, for the foregoing reasons, the objections of Aqua Pennsylvania, Inc. to Curtius Interrogatory Nos. 1-2, 4-6, 8, 10-15, 17 and 25 should be granted.

Respectfully Submitted



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Counsel for Aqua Pennsylvania,
Inc.

Dated: February 6, 2012

APPENDIX A

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

Interrogatories of Robert Curtius

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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 forgoing document 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 15th day of February 2012.

SERVICE BY E-MAIL AND HAND DELIVERY

Carrie B. Wright, Esquire
Bureau of Investigation & Enforcement
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17101

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

Kimberly A. Joyce, Esquire
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19101

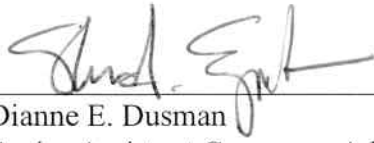
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