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February 17, 2012

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**VIA FEDERAL EXPRESS**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

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

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Dear Secretary Chiavetta:

Enclosed for filing, please find an original and three copies of the Answers of Aqua Pennsylvania, Inc. to: (1) the Motion of Robert W. Curtius to Dismiss Objections and to Compel Answers to *Interrogatories*; and (2) the Request of Robert Curtius for an Extension of the Deadline for the filing of Direct Testimony in the above-referenced matter.

Please time stamp the extra copy of these Answers and return to us in the envelope provided.

As indicated on the enclosed Certificate of Service, copies have been served on Administrative Law Judges and all parties of record.

Sincerely,



Thomas P. Gadsden

TPG/tp

c:     Per Attached Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION** :

**DOCKET NO. R-2011-2267958**

**V.** :

**AQUA PENNSYLVANIA, INC.** :

**ANSWER OF AQUA PENNSYLVANIA, INC.  
TO THE REQUEST OF  
ROBERT W. CURTIUS  
FOR AN EXTENSION OF THE DEADLINE  
FOR THE FILING OF DIRECT TESTIMONY**

On February 15, 2012, Aqua Pennsylvania, Inc. ("Aqua" or the "Company"), was served by the Office of Consumer Advocate with a copy of a letter, dated February 14, 2012, that reportedly was sent by Mr. Robert W. Curtius, an active party pro se complainant in the above-docketed matter, to Administrative Law Judges Jones and Heep (the "ALJs"). In his February 14, 2012 letter, Mr. Curtius "withdrew" an earlier letter sent to the ALJs regarding various procedural issues and made the following request:

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.

Aqua respectfully submits that Mr. Curtius' requested extension should be denied for several reasons. First, in their January 20, 2012 Prehearing Conference Order, the ALJs described the rights and obligations of "active" parties and stated at page 5:

8. Each active participant should submit written testimony conforming to the requirements of 52 Pa. Code ¶5.412(e) and exhibits with respect to these rate case proceedings. Prepared written testimony must be served on the administrative law judges

and each active participant on a date established at the prehearing conference.

Thus, at the January 30, 2012 Prehearing Conference, when Mr. Curtius advised the ALJs that he elected active party status, he implicitly agreed to abide by the procedural schedule developed in concert by the parties and the specific filing dates memorialized by the ALJs in their Prehearing Order #2, issued on February 3, 2012.

Second, Mr. Curtius has failed to provide any reasonable basis, i.e. any “good cause”, for being excused from complying with the filing deadlines applicable to all other active parties. While Mr. Curtius alludes to the need to “obtain and evaluate discovery,” the fact is that Mr. Curtius waited until January 27, 2012 to serve his interrogatories on the Company. That delay should not now be utilized as justification for his requested extension of the due date for filing direct testimony. Moreover, even though the Company has objected to certain of Mr. Curtius’ interrogatories, it has responded, in whole or in part, to all of his questions and, in the process, has provided him with an extensive amount of current and historic data.

Third, Mr. Curtius’ proposed extension, if granted, would severely disrupt the orderly processing of this rate investigation. Mr. Curtius has asked that he be allowed to file his direct testimony four weeks late, or on March 16, 2012. There is simply no way that this request could be accommodated and the existing litigation schedule retained without seriously jeopardizing the due process rights of the Company and the other active parties.

The Company recognizes that Mr. Curtius is not a lawyer and that he may not be familiar with the Commission’s rules and regulations. Nonetheless, if he is unable to file his direct testimony in accordance with the schedule established by the ALJs, the answer is not to change that schedule to the detriment of the other parties. Rather, Mr. Curtius should be forced to cede

his active party status and provided the opportunity to testify, if he so chooses, at one of the public input hearings to be held in early March.

Respectfully submitted,



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Counsel for Aqua Pennsylvania, Inc.

Dated: February 17, 2012

**VERIFICATION**

I, William C. Pack, hereby state that the facts set forth in the attached Answer 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: February 17, 2012

William C. Pack

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