



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY, PLEASE
REFER TO OUR FILE

February 17, 2012

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

Re: Pennsylvania Public Utility Commission v.
Aqua Pennsylvania, Inc.

Docket No. R-2011-2267958

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PA P.U.C.
SECRETARY'S BUREAU

Dear Judge Jones and Judge Heep:

The following consists of the Bureau of Investigation and Enforcement's ("I&E") response to the correspondences of Robert Curtius dated February 3, 2012, February 12, 2012, and February 14, 2012.

At the Prehearing Conference held on January 30, 2012, Administrative Law Judges Angela T. Jones and Darlene D. Heep (the "ALJs" or "Your Honors"), ruled that evidentiary hearings in the instant case would be held in Harrisburg, Pennsylvania.¹ Mr. Curtius' first correspondence states his belief that the result of this ruling is to deny him the right to participate in this case. While Mr. Curtius' subsequently withdrew that correspondence, he renewed it once again on February 14, 2012.

First, it should be noted that it is well within the ALJ's purview to determine the location of hearings in rate proceedings as well as other matters.² In the instant proceeding the ALJs invited on the record comments from all parties present at the prehearing conference including Mr. Curtius.³ Further, an extensive off the record conversation regarding location of the hearings was held.⁴ Based on the information provided during the extensive discussions, the ALJs determined that hearings should be held in Harrisburg. The result of this ruling was memorialized in the ALJs Prehearing Conference Order #2 on pages 4-5. The ongoing nature of Mr. Curtius' objection to the

1 Prehearing Conference Tr. at 14-15, Prehearing Conference Order #2, pp. 4-5.
2 52 Pa. Code § 5.212.
3 Prehearing Conference Tr. at 12-15.
4 Prehearing Conference Tr. at 14.

hearing location has not introduced any new or material facts or evidence that would constitute the grounds on which to change the ALJs' ruling.

Further, in his most recent correspondence dated February 14, 2012, Mr. Curtius requests a four week extension of time to provide his direct testimony. At this late juncture, a four week extension prejudices all parties involved. Due to the timing of his request, all other parties will have provided their direct testimony before the ALJs will have ruled on Mr. Curtius' objection. The time frame of a rate case is largely guided by statute and these cases must be decided with a specified amount of time. To allow one party a four week extension to provide direct testimony would jeopardize the balance of the procedural schedule. If needed, Mr. Curtius also has the option to provide testimony at any of the scheduled Public Input Hearings.

To be clear, I&E does not object to making accommodations for Mr. Curtius so he can participate in this case. However, the ruling on location of hearings made by Your Honors was made in full accordance with pertinent Commission regulations and I&E see no reason to change that ruling; nor does I&E believe a four week extension of time for Mr. Curtius to file his testimony is warranted.

Sincerely,



Carrie B. Wright

Prosecutor

Bureau of Investigation and Enforcement

PA Attorney I.D. #208185

CBW/edc

cc: Parties of Record

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Correspondence** dated February 17, 2012, either personally, by first class mail, electronic mail, express mail and/or by fax upon the persons listed below, in accordance with the requirements of § 1.54 (relating to service by a party):

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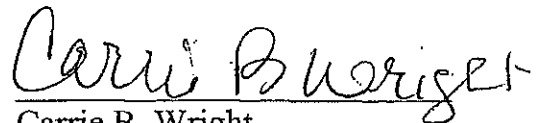
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