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Dale Sattar  
504 Marian court  
Conshohocken, PA 19428

January 30, 2011

Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P. O. Box 3265  
Harrisburg, PA 17105

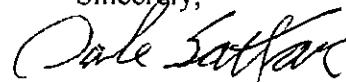
Re: Docket No. C- 2010-2169756  
Dale Sattar V. Aqua Pennsylvania, Inc.  
Reply Brief of Dale Sattar

Dear Secretary Chiavetta:

Enclosed for filing is the Reply Brief of Dale Sattar in the above-captioned matter.

As indicated on the Certificate of Service, a copy of the Reply Brief of Dale Sattar has been provided to Aqua Pennsylvania, Inc (Respondent).

Sincerely,



Dale Sattar

CC: Honorable Ky Van Nguyen  
Reger Rizzo & Darnall LLP

## WHAT THE CASE IS ABOUT

There Are many aspects of the Aqua Pennsylvania, Inc. (Aqua) customer service charge that are unfair, unjust, unreasonable and outrageous. I am performing a public service by pointing these out to you, the Pennsylvania Public Utility Commission (PUC). I am appealing to your sense of fairness, what is right, and in the interest of the public to change and/or amend the existing law to rectify that. The following are some examples:

**A** – A typical monthly statement from Aqua was submitted as Exhibit C-4. The customer service charge is shown as \$17.56. The water consumption charge is shown as \$4.79. The customer service charge is  $(17.56 \text{ divided by } 4.79)$  3.67 times higher than the cost of water. There are many many residential customers that are in the same situation – that is the cost of service charge is several times higher than the cost of their water consumption. **Do you consider this fair and reasonable?**

Consider that you go to a restaurant and order a meal for \$10. A service charge of \$36.7  $(3.67 \times 10)$  is added to your bill (for serving you the food) for a total charge of \$46.7. How would that make you feel? You are not going to that restaurant again? But what if that was the law of the land and no matter what restaurant you go to you must pay 3.67 times the cost of food for service charge. **What do you think of the regulatory body that made or approved that law?** In this example you might give up, completely, to ever again to go to a restaurant and cook at home. But with Aqua one does not have any other option and all one can do is take up the matter with the regulatory body that made or approved the law and hope that they can see the law is *not reasonable* and is unjust and they do something about it.

If the PUC amend the law, as an example, that the service charge can not be higher than the cost of water for those whose cost of water consumption is less than the service charge, it would be somewhat, more fair. Therefore, in the example of going to a restaurant, one must pay no more than 100% per cent of the cost of food for the service charge. It may, still, be not fair or reasonable, but it is not as bad as paying almost four (4) times more than the cost of food.

There is also another disadvantage with the current law. There is no incentive for one to conserve water. If an effort is made to conserve water by 10%, the charge for water consumption becomes  $4.79 - 4.79 \times 10\% = 4.31$ . The total charge would be  $\$17.56 + \$4.31 = \$21.87$ . The savings for conserving water by 10% becomes  $22.35$   $(17.56 + 4.79)$  minus  $21.87$  divided by  $22.35 = 2\%$ . As you can see if one conserves our water resource by 10%, the savings in the total cost is only 2%. But if the law is amended, again as an example, that the service charge can not be higher than the charge for water consumption, then the savings for conserving 10% water becomes  $9.58$   $(4.79 + 4.79)$  minus  $8.62$   $(4.31 + 4.31)$  divided by  $9.58 = 10\%$ . Now there is a direct ratio between the rate of conserving water and the cost associated it with.

**B** – The current monthly service charge, as shown on Exhibit C-3, is \$17.56. This amount for reading the meter and issuing a bill is excessive and outrageous. Outrageous because Peco's customer charge is \$5.32, see Exhibit C-4, and Peco is not known for low prices. Since currently Aqua issues a monthly bill for the water, after reading the meter, it is expected that they get compensated for their effort. But if they do not do it on a monthly basis, and say they do it on a once a year basis, then Aqua does not have to be compensated for work not performed. There would be a great amount of savings for the residents who choose to pay Aqua a large sum of money, as a bond, in advance for the whole year. Aqua would have the benefit of getting paid for the whole year in advance. The customers who choose to apply for this option save the monthly service charge. At the end of the year, Aqua can deduct the charge for the water from the payment made in advance and issue a credit for the balance because the money advanced to Aqua would be greater than the anticipated charge. The cycle starts anew by making advance payment to Aqua for the next year. If the calculation of the water consumed must be on a monthly basis, the water consumed for the year can be divided by twelve (12) to obtain a monthly rate of consumption. **This is a very viable way of saving customers who elect to pay Aqua for the whole year in advance the outrageous monthly service charge.**

**C** – The Complainant purchased the property at 504 Marian court on March 4, 2009. The first Aqua bill is submitted as Exhibit C-1 and shows a customer charge of \$26.71 for the month of March and part of the month of April with no water consumption ( 0 gallons ). The place was vacant until May of 2010 (because the previous house owned took much longer to sell). Exhibit C-2 shows that the first month that there was any water consumption was March of 2010 when 100 gallons was consumed for the whole month (3.3 gallons per day). The service charge paid in 2009 and 2010 up to the month of March when there was a little water consumption is \$26.71 (partial monthly service charge for March and April of 2009) +15.71 (monthly customer charge at the time) times 11 (months for May 2009 to March 2010) = \$199.52. **About \$200 was paid to Aqua while the place was vacant with no water consumptions ( 0 gallons ) for absolutely nothing. Does PUC consider this fair and just?**

**D** – There is a separate customer charge for reading the meter for the fire service sprinklers in addition to the customer charge for reading the meter for the water consumption. The meter for the fire service sprinklers would register a reading for gallons of water used, only, if there was a fire. Since the over-whelming majority of homes do not have a fire, the residents should not pay a customer charge for the reading of the meter for the fire service sprinklers. **They pay this customer charge for absolutely nothing. There should be a customer charge, only, if there was a fire and the meter showed water has been used.**

**E** – The Plymouth Township, where the Complainant's residence is located, requires sprinklers system but they do not require a separate water line from the street with associated hardware ( such as check valves, control valves, isolation valves, meters, ETC)

which adds thousands of Dollars to the cost of building a house or condo. Exhibit C-5 is a letter from Plymouth Township indicating that "separate water lines for fire service sprinklers are an Aqua Water Company requirements, not Plymouth Township." At the hearing and again in the Main Brief Aqua argues, in vain, that "This requirement is driven by safety policy as it allows for termination of water service while not compromising the safety of the resident or the structure." I am a retired Registered Professional Mechanical Engineer in the State of Pennsylvania. **Aqua can have one meter for both lines, the water consumption and fire protection, so that there would be only one customer charge instead of two (2), as the case is now, and have a control valve downstream of the fire protection line so that they can terminate the water service and not the fire protection line and thus not compromise any safety.**

Aqua has presented two (2) kind of arguments, both at the hearing and in the Main Brief. These arguments are repeated over and over and over.

The first kind ranges between absurd, laughing arguments, and insulting the intelligence of the reader including the Complainant. As an example, in order to reject the viable idea of the Complainant regarding reading the meter once a year in order to save on the outrageous monthly customer charge, Aqua "expert witness" argued at the hearing and it is stated in Aqua's Main Brief "Common problems such as leak or defective toilet flap could go undetected for several months and lead to inordinately higher bills and wasted consumption." Let's think for a moment about this statement. 1) - The water consumption reflected in Aqua's monthly statement for anyone is not precisely the same every month. It varies from month to month and sometimes greatly because of many factors. 2) - If there is a small leak or minor problem with the toilet flap, the Aqua's monthly water consumption, as stated, because varies from month to month, would not give a clue to anyone that there is a leak. 3) - If there is a major leak or the water in the toilet is constantly running because of the flap malfunction, it would be a joke that the way it is discovered is when one receives the monthly statement from Aqua. The arguments that the monthly statement is necessary to be issued every month in order to detect a leak is made, repeatedly, on pages 2, 4, 9, 10, and 12 of the Aqua's Main Brief. Another example is the statement (on page 12) of Aqua's Main Brief that "The Commission wants customers to be able to know what is going on with respect to the usage and not be saddled with a large catch-up bill." The customers who choose to pay in advance for a year are volunteering to do that and therefore are not going to be saddled with a large bill because they have already paid in advance.

And yet another example is the statement on page 12 of the Aqua's Main Brief that "Aqua requires the domestic water and fire service to be separate to eliminate cross connection and the possibility of contamination." This is an absurd statement and does not make any sense at all because: 1) - both lines come from the same source so why cross connection would contaminate the water 2) - the pipe line for the water consumption of all customers and all the houses that feed the kitchen where people get their water to drink and cook is the same pipe line that feeds all the toilets in the house and no one has any concern about contamination and 3) - the lines have check valves - a check valve allows water or fluid to go forward but can flow backward.

The second kind of arguments is about what is in the tariff and therefore is the law. If the law is unfair, unreasonable, and unjust, the tariff must be amended to rectify that.

The Complainant defines stealing as money taken from him and not getting back anything in return. Aqua has been stealing from the Complainant. Unfortunately they are licensed to steal. For example, the Complainant paid Aqua about \$200 for absolutely nothing, when his residence was vacant, for just customer charge with no water consumption ( 0 gallons ), in other words he got nothing in return. According to Aqua, it is in the tariff that the customer charge must be paid even if there is no water consumption which is quite unfair and unjust. Aqua has also been stealing every month with their outrageous amount of customer charge even when there is water consumption. Aqua charges the Complainant \$17.56 every month for customer charge (about 4 times the cost of water used) when Peco's customer charge is only \$5.32.

Both at the hearing and also in the Main Brief, Aqua, in great detail, described the qualifications of Mary McFall Hopper, Esquire. On page 11, states "Mary McFall Hopper, Esquire is employed by Respondent and competent to testify regarding Respondent's approved tariff, Respondent's residential billing practice, the Commission's rate making process, and the Public Utility Code as it applies to the parties in this proceeding." On page 14, states "Aqua's testimony consisted of its expert witness who is well qualified to render an expert opinion on Aqua's tariff, Commissions regulations and the rate making process." At the hearing Aqua stated as part of Ms. Hopper's qualification that she worked for many years for Peco doing the same thing. When the Complainant questioned Ms. Hopper as to why Peco's customer charge is \$5.32 as opposed to Aqua's \$17.56, the response was that "she is not qualified to answer that".

Aqua has a gold mine by taking an outrageous amount of money from all customers for customer charge every month. They are not going to give that up easily. **As the Complainant has witnessed at the hearing and now in Aqua's Main Brief, they would adhere to any means including untrue statements and invalid arguments to protect their gold mine. If the Public Utilities Commission wants to serve the interest of the public, then the tariff must be revised and/or amended to rectify the items discussed in this Brief that are unfair, unreasonable, and unjust.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person in accordance with the requirements of § 1.54.

VIA FIRST CLASS MAIL

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Center, 13<sup>th</sup> Floor  
2929 Arch Street  
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Dated January 30, 2011

Sincerely,



Dale Sattar

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