

GILBERT L. HAMBERG

ATTORNEY AT LAW

1038 DARBY DRIVE

YARDLEY, PENNSYLVANIA 19067-4519

PHONE / FAX: (215) 321-6909 / Email: ghamberg@verizon.net

LICENSED IN PENNSYLVANIA, NEW YORK, AND LOUISIANA

March 21, 2011

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

Via: First Class U.S. Mail and email: rchiavetta@state.pa.us

Re: Woodside Presbyterian Church v. Pennsylvania American Water Company
Docket No. C-2011-2218955

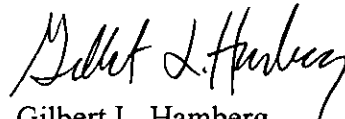
Dear Secretary Chiavetta:

On behalf of Woodside Presbyterian Church, it has decided not to pursue its above-captioned complaint any further, and it wishes to withdrawal its complaint.

Accordingly, enclosed for filing is its Petition For Leave to Withdraw. I am mailing you the original.

Please review and advise if you have any further questions or comments. Thank you.

Respectfully submitted,



Gilbert L. Hamberg
Attorney for Woodside
Presbyterian Church

cc. Susan Simms Marsh, Corporate Counsel (w/ enclosure)
(via first class U.S. Mail and email: susan.marsh@amwater.com)

GLH/

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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WOODSIDE PRESBYTERIAN CHURCH :
Complainant :
v. :
PENNSYLVANIA AMERICAN WATER :
COMPANY, :
Respondent :

DOCKET NO. C-2011-2218955

PETITION FOR LEAVE TO WITHDRAW COMPLAINT

Woodside Presbyterian Church (“Woodside”) hereby submits its instant petition for leave to withdraw its complaint for the following reasons:

1. On January 6, 2011, Woodside filed its Complaint against Pennsylvania American Water Company (“PAWC”).

2. PAWC provides water to Woodside at a 6” meter. In its Complaint, Woodside challenged whether under PAWC’s tariff, Woodside is being charged under the proper rate for its fire sprinkler system.

3. On January 26, 2011, PAWC filed its Answer to the Complaint and raised New Matter.

4. The parties agreed to direct settlement negotiations to resolve the instant dispute. Upon consent of the parties, the PUC has not assigned the matter to an administrative law judge yet and granted Woodside time extensions until March 25, 2011 to file its Reply to PAWC’s Answer and New Matter.

5. The parties have met and conferred. They disagree as to the interpretation of 52 Pa. Code §65.7(d) as to PAWC’s tariff. Woodside contends that through the use of the word “shall”, this regulation prohibits a Pennsylvania water utility from metering fire protection service, including, but not limited to a fire sprinkler system. PAWC contends that its rates, as duly

approved by the PUC in its tariff, prohibits it from providing water, other than on a metered basis, except for: (a) private or public fire hydrant service (Woodside has no fire hydrants); (b) specific existing customers (i.e., 'grandfathered') with fire sprinkler systems installed at a date prior to when Woodside installed its sprinkler system. As Woodside is not a grandfathered customer, it is ineligible for the lower rates for its private fire protection system (as compared with the general rate for water service under which it presently is charged).

6. Under the general rate, Woodside pays a higher monthly minimum or service charge (even if the sprinkler system is not activated) plus a consumption charge for the number of gallons it consumes (if the sprinkler is activated). Under the private fire protection rate, Woodside would pay a lower monthly minimum or service charge and no consumption charge for the number of gallons it consumes (if the sprinkler is activated).

7. Woodside's interpretation of Section 65.7(d) is inconsistent with PAWC's tariff. Twice, Section 65.7(d) states that a water utility *shall* provide a meter for its water customers, *except* for fire protection customers. PAWC did not contest that a customer with a sprinkler system is a fire protection customer; however, a fire sprinkler system does not constitute a fire hydrant.

8. The PUC would have to adjudicate the differences between the parties; namely, how to resolve the apparent inconsistency between PUC-duly authorized tariff provisions and the plain mandate of an independent PUC regulation.

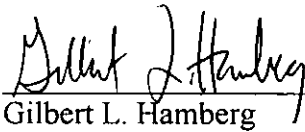
9. Woodside has no persons living at its church; therefore, it is a PAWC commercial customer. Woodside is a church, a not for profit institution. It lacks the financial resources to undertake protracted litigation before an administrative law judge, the PUC, and/or appeal; e.g., to the Pennsylvania Commonwealth Court. Settlement negotiations between the parties raised the prospects of switching the current 6" meter to a 4" meter (monthly service charge is less). To do

so, Woodside would have to expend funds to engage the services of a fire sprinkler engineer to perform calculations and additional analysis to determine whether a 4" meter would suffice for its sprinkler system. Unfortunately, Woodside lacks such funds.

10. Wherefore, Woodside regrettably but realistically has to withdraw its Complaint.

Accordingly, Woodside respectfully requests that the PUC not assign its Complaint to an administrative law judge and dismiss its complaint.

Respectfully submitted,



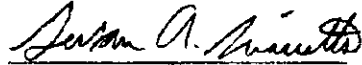
Gilbert L. Hamberg
Pa Attorney I.D. 25461
Ghamberg@verizon.net
1038 Darby Drive
Yardley, PA 19067-4519
Telephone: (215) 321-6909

Attorney for Woodside
Presbyterian Church

Dated: March 21, 2011

VERIFICATION

I, SUSAN SCIARATTA, here by state that the facts above set forth are true and correct (or 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).



Susan Sciaratta
Duly Authorized Representative
Woodside Presbyterian Church

Dated: March 21, 2011

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WOODSIDE PRESBYTERIAN CHURCH :
Complainant :
v. : DOCKET NO. C-2011-2218955
PENNSYLVANIA AMERICAN WATER :
COMPANY, :
Respondent :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document,

Withdrawal of Complaint, upon the participants listed below, in accordance with the requirements

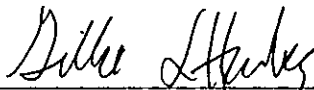
of 52 Pa. Code § 54:

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VIA FIRST CLASS U.S. MAIL & EMAIL

Susan Simms Marsh, Corporate Counsel
Pennsylvania American Water Company
800 Hershey Park Drive
Hershey, PA 17033
Susan.marsh@amwater.com

Dated this 21st day of March 2011.

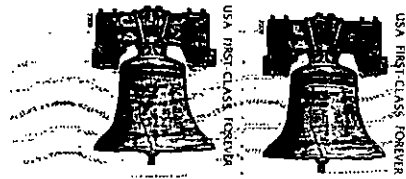


Gilbert L. Hamberg (No. 25461)
1038 Darby Drive
Yardley, PA 19067
(215) 321-6909
Ghamberg_3@msn.com

GILBERT L. HAMBERG
ATTORNEY AT LAW
1038 DARBY DRIVE
YARDLEY, PENNSYLVANIA 19067-4519

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

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