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March 14, 2012

Ember Jandebaur, Administrative Law Judge
PA Public Utility Commission
Room 317 Scranton State Office Bldg.
100 Lackawanna Ave.
Scranton, PA 18503

Re: Utility Workers Union of America System Local
537 v. Pennsylvania-American Water Company
Docket No. C-2012-2287204

Dear ALJ Jandebaur:

I am in receipt of the letter to you from Susan Simms Marsh, counsel for Pennsylvania-American Water Company, dated March 13, 2012, in the above-referenced proceeding. While I share counsel's willingness to assist Your Honor in any way possible, I must object to her apparent attempt to supplement her Motion to Dismiss.

The Commission's regulations regarding motions are quite clear on this point. Section 5.103 of the regulations requires: "A motion must set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority upon which it relies." 52 Pa. Code § 5.103(a). This provision of the regulations is mandatory, as denoted by use of the word "must." The Commission's regulations do not permit moving parties to file supplements to a motion that would expand upon the grounds and authorities relied upon in the motion. Indeed, doing so would be prejudicial to the rights of answering parties who have a right to know the full basis for a motion before filing an answer to the motion. This is particularly important for parties like my client who must pay for outside counsel to represent them.

Thus, while I share Ms. Marsh's willingness to assist Your Honor in this matter, I respectfully submit that the parties should not be permitted to provide Your Honor with grounds or authorities beyond those set forth in the Motion to Dismiss and Answer.

The document was filed electronically with the Commission on this date.

Sincerely,


cc: Susan Simms Marsh and Seth A. Mendelsohn
Rosemary Chiavetta, Secretary

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served this day a true copy of Letter to Ember Jandebour, Administrative Law Judge, upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Susan Simms Marsh, Corporate Counsel
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Dated: March 14, 2012



Scott J. Rubin
*Counsel for Utility Workers Union of
America System Local 537*