



PENNSYLVANIA  
AMERICAN WATER

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March 6, 2012

**VIA E-FILING**

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

*Motion*

**Re: S. Stockton Alloway v. Pennsylv  
Docket No. C-2012-2288383**

Dear Secretary Chiavetta:

On behalf of Pennsylvania American W  
Dismiss and/or Judgment on the Plead  
Stockton Alloway. This is a qualified d  
electronically.

As evidenced by the attached Certificate of Service, the documents  
have been duly served.

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Respectfully submitted,

*Susan Simms Marsh*  
Susan Simms Marsh

Enclosures

cc: S. Stockton Alloway

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PA.P.U.C.  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

S. STOCKTON ALLOWAY, :  
Complainant :  
 :  
v. :  
 :  
PENNSYLVANIA-AMERICAN WATER :  
COMPANY, :  
Respondent :

Docket No. C-2012-2288383

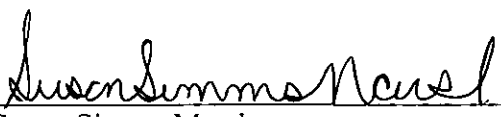
NOTICE TO PLEAD

To: *S. Stockton Alloway*

You are hereby notified to file a written response to the attached within **twenty (20) days** from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Motion within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for Pennsylvania-American Water Company. Failure to respond to this Motion could result in the dismissal of your case.

  
Susan Simms Marsh  
Corporate Counsel  
Pa. Attorney I. D. 44689  
susan.marsh@amwater.com  
Pennsylvania-American Water Company  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033

DATED: March 6, 2012

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

S. STOCKTON ALLOWAY, :  
Complainant :  
v. :  
PENNSYLVANIA-AMERICAN WATER :  
COMPANY, :  
Respondent :

Docket No. C-2012-2288383

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**MOTION TO DISMISS AND/OR JUDGMENT ON THE PLEADINGS**

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Pennsylvania-America Water Company (“PAWC” or “Company”), pursuant to 52 Pa. Code §§5.101(3) and 5.102(a) hereby submits its Motion to Dismiss the Formal Complaint of S. Stockton Alloway (“Complainant”) and/or its Motion for Judgment on the Pleadings in favor of PAWC and against the Complainant. In support thereof, the Company states as follows:

1. On February 15, 2012, the Company was served with Mr. Alloway’s Formal Complaint, which pertains to the rates for wastewater service charged by the Company on and after December 17, 2010. Such rates were authorized by the Commission in its Order entered December 16, 2010 at Docket No. R-2010-2166212, which approved a Joint Petition for Settlement of All Issues in Rate Proceeding (“Joint Petition”) executed by all active parties in that proceeding.

2. The gravamen of the Formal Complaint is that the Complainant is paying a flat rate for wastewater service provided by PAWC. The Complainant further avers that he is a single man and is paying the same flat rate as a household of four or more people. The Complainant is requesting that the Commission adjust his monthly bill to reflect a flat rate which is equal and fair to all customers and household sizes.

3. All rate structure changes incorporated in the Settlement Rates were described in detail in Paragraph No. 8 of the Joint Petition, and the Capacity Reservation Fee

("CRF") was explicitly stated in Paragraph No. 8(e) thereof. Additionally, the tariff supplement containing the Settlement Rates, including the provisions thereof addressing the CRF, was attached to the Joint Petition as Appendix A. Furthermore, the rate structure changes incorporated in the Settlement Rates, including CRF were described in the Recommended Decision of Administrative Law Judge Charles E. Rainey, Jr. issued on November 17, 2010, which recommended that the Joint Petition be approved. As previously stated, the Commission in its December 16, 2010 Order, approved the Joint Petition.

4. The Complainant had the opportunity to actively participate in the proceeding; however, he elected not to file a Complaint in the Company's rate case.

5. A total of four (4) Public Input Hearings were held. Two Hearings were held on August 24, 2010 in Coatesville and two (2) Hearings were held in Parkersburg Borough. Notices regarding the hearings were advertised in the local newspapers.

6. In view of the foregoing, it is clear that the Commission by adoption of the Administrative Law Judge's Recommended Decision, found that the "Settlement strikes an appropriate balance between the Company's interest in recovering the costs of serving customers, and customers' interests in reasonable and affordable rates. I also note that the Settlement states that no service issues pertaining to wastewater service were raised at any of the public input hearings; and that PAWC has sent a letter to all active parties in this case regarding what it has done, or committed to do, to address concerns about clean water service." Settlement at 10-11, ¶ 8(1). "For the reasons set forth below, I find that the Settlement is just and reasonable and in the public interest. I therefore recommend approval of the Settlement in its entirety and without modification." ALJ Recommended Decision, p. 5. Additionally, the Joint Petition was found to be in the public interest. Accordingly, there is no valid basis for the Complaint, which should be dismissed as a matter of law.

THEREFORE, for the reasons set forth above, the Formal Complaint of S. Stockton Alloway should be dismissed with prejudice, or in the alternative, the Commission

should enter a judgment on the pleadings in favor of Pennsylvania-American Water Company and against the Complainant.

Respectfully submitted,



Susan Simms Marsh  
Corporate Counsel  
Pa. Attorney I. D. 44689  
susan.marsh@amwater.com  
Pennsylvania-American Water Company  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033

Dated this 6<sup>th</sup> day of March, 2012.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

S. STOCKTON ALLOWAY,	:	
Complainant	:	
	:	
v.	:	
	:	Docket No. C-2012-2288383
PENNSYLVANIA-AMERICAN WATER	:	
COMPANY,	:	
Respondent	:	

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**CERTIFICATE OF SERVICE**

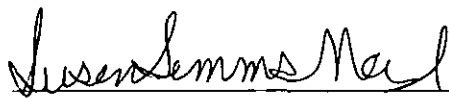
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I hereby certify that I have this day served a true copy of the foregoing document, Pennsylvania American Water's Motion to Dismiss and/or Judgment on the Pleadings upon the participants listed below, in accordance with the requirements of §1.54:

**VIA OVERNIGHT MAIL**

**S. Stockton Alloway  
755 Main Street  
Parkesburg, PA 19365**

Dated this 6<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
Susan Simms Marsh  
Corporate Counsel  
Pa. Attorney I. D. 44689  
susan.marsh@amwater.com  
Pennsylvania-American Water Company  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033

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PENNSYLVANIA  
AMERICAN WATER



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MAILED FROM

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

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