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November 16, 2012

eFile

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

Re: Alice Ann Belmonte-Gates v.
Pennsylvania-American Water Company
Docket No. F-2012-2332589

Dear Secretary Chiavetta:

On behalf of Pennsylvania-American Water Company, I am filing the Company's Preliminary Objections of Pennsylvania-American Water Company to the Complaint filed by Alice Ann Belmonte-Gates. Also accompanying the Preliminary Objections are my Notice to Plead, Notice of Appearance and Certificate of Service. These documents are permitted to be filed electronically.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Susan Simms Marsh
Corporate Counsel

Enclosures

cc: Certificate of Service

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALICE ANN BELMONTE-GATES,	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2012-2332589
	:	
PENNSYLVANIA-AMERICAN WATER	:	
COMPANY,	:	
Respondent	:	

NOTICE TO PLEAD

TO: *Alice Ann Belmonte-Gates*

You are hereby notified to file a responsive pleading to the attached Preliminary Objections within ten (10) days from the date of service of the objection. All pleadings 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



Susan Simms Marsh
Corporate Counsel
Pa. Attorney I.D. 44689
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Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, PA 17033
717-533-5000

Dated: November 16, 2012

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALICE ANN BELMONTE-GATES,	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2012-2332589
	:	
PENNSYLVANIA-AMERICAN WATER	:	
COMPANY,	:	
Respondent	:	

**PRELIMINARY OBJECTIONS OF
PENNSYLVANIA-AMERICAN WATER COMPANY TO THE
COMPLAINT FILED BY ALICE ANN BELMONTE-GATES**

NOW COMES Respondent, Pennsylvania-American Water Company (“PAWC” or “Respondent”), by and through its undersigned attorney, files these Preliminary Objections, pursuant to 52 Pa. Code § 5.101(a), specifically 52 Pa. Code § 5.101 (a)(1) – “Lack of Commission jurisdiction” and 52 Pa. Code §5.101 (a)(3) – “Insufficient specificity of a pleading.” In support thereof, PAWC avers as follows:

I. INTRODUCTION

In these Preliminary Objections, PAWC seeks a ruling that the Formal Complainant served on PAWC on November 6, 2012 (“Formal Complaint”), by Alice Ann Belmonte-Gates (“Complainant”) is requesting relief awarded by federal courts to which the Pennsylvania Public Utility Commission (“Commission”) lacks subject matter jurisdiction. Additionally, PAWC seeks a ruling that there is insufficient specificity in the Formal Complaint. Specifically, the Formal Complaint does not plead with sufficient specificity the facts on which any claim for relief can be granted and to which PAWC can respond for purposes of preparing an Answer and ultimately its defense. As a result, PAWC does not have sufficient notice as to the nature of the

allegations against it and cannot adequately respond. Therefore, the Preliminary Objections should be granted dismissing the Formal Complaint, unless the Complainant files an Amended Formal Complaint that is plead with sufficient specificity on the issues the Commission has jurisdiction.

II. FACTUAL BACKGROUND

1. On November 6, 2012, the Commission served on PAWC the Formal Complaint filed by Complainant.

2. Complainant failed to identify any utility at Paragraph 2 of the Formal Complaint. Furthermore, Complainant failed to select one utility as instructed in the Formal Complaint at Paragraph 3. Instead, Complainant selected six (6) utilities and combined issues into one (1) Formal Complaint.

3. As requested in Paragraph 4(A) of the Formal Complaint, Complainant failed to explain, "in general," her complaint. Instead, Complainant has attached a two-page, single-spaced, incoherent document against several utilities, copy attached as Attachment 1.

4. As requested in Paragraph 4(B) of the Formal Complaint, Complainant failed to plead with sufficient specificity the facts of her complaint. More specifically, Complainant notes that the facts are "ALL DOCUMENTED WITH JUDGE C. MURPHY AND THE DA! DOJ ERIC HOLDER ATTORNEY GENERAL ERIC SCHNEIDERMAN EEOC MILTON MAYO JR. JUDICIAL WATCH JEFF LIONS."

5. The Commission lacks subject matter jurisdiction to grant the relief sought by the Complainant written in Paragraph 5 of the Formal Complaint. It appears that the Complainant is seeking a decision by a federal court to resolve her issues.

Therefore, PAWC has not filed an Answer or any other pleading in response to the Complaint based on 52 Pa. Code § 5.101 (e)(1) which provides “If a preliminary objection regarding insufficient specificity in a pleading is filed, an answer is not required until further directed by the presiding officer of the Commission.”

III. LACK OF COMMISSION JURISDICTION

The Public Utility Code provides the Commission with the authority to regulate the rates and services of public utilities doing business in the Commonwealth of Pennsylvania. Moreover, the Commission’s jurisdiction is limited to matters involving the reasonableness, adequacy and sufficiency of public utility services regulated by the Commission, which appear to not be at issue in the instant Formal Complaint. The relief sought by the Complainant and notations within her attachment, see Attachment 1, seek, among other relief, justice for her rights and/or privileges secured or protected by the Constitution or laws of the United States. Resolution of the Complainant’s claims depend upon no rule or regulation predicated upon the peculiar expertise of the Commission, no agency policy, nor question of agency policy with regard to the provision of water service to the Complainant.

Therefore, the Commission is not empowered to award the relief requested by Complainant in Paragraph 5 of the Formal Complaint and the Formal Complaint should be dismissed for lack of subject matter jurisdiction.

IV. INSUFFICIENT SPECIFICITY OF A PLEADING

Pursuant to 52 Pa. Code § 5.22(a)(5), the contents of a formal complaint must set forth “A clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation.” The Complainant, in lieu of detailing her

dispute with PAWC, attaches a two-page, single-spaced, document against several utilities. The notations provided in the two page document included, among other statements, reference to “Writ of Mandamus,” “Trial by Jury of Evidentiary Facts,” “Medical Mal Practice Abuses,” “Algorithm Internet Default Abuse” and “Fraud of Consent.” Furthermore, the Complainant references in Paragraph 4B of the Formal Complaint that any important and relevant facts or documents regarding the issue of the Formal Complaint as being “ALL DOCUMENTED WITH JUDGE C. MURPHY AND THE DA! DOJ ERIC HOLDER ATTORNEY GENERAL ERIC SCHNEIDERMAN EEOC MILTON MAYO JR. JUDICIAL WATCH JEFF LIONS.” PAWC is not familiar with these individuals, the capacities they allegedly represent and the legal authority granted to each individual. Furthermore, PAWC does not have access to this information.

Therefore, PAWC is unable to adequately respond to the Formal Complaint as filed and cannot respond in such a way as to comply with the following requirements:

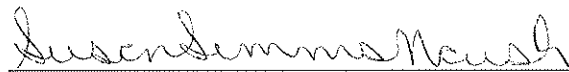
1. 52 Pa. Code §5.61(b)(3): “Admit or deny specifically all material allegations of the complaint.”
2. 52 Pa. Code §5.61(b)(4): “State concisely the facts and matters of law relied upon.”

V. CONCLUSION

WHEREFORE, for the foregoing reasons, PAWC respectfully request that the Commission grant its Preliminary Objections and such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: November 16, 2012



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COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
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ALICE ANN BELMONTE-GATES,	:	
Complainant	:	
	:	
v.	:	DOCKET NO. F-2012-2332589
	:	
PENNSYLVANIA AMERICAN WATER	:	
COMPANY,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the *Preliminary Objections of Pennsylvania-American Water Company to the Complaint of Alice Ann Belmonte-Gates* upon the party and in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA UPS Overnight Delivery:

Alice Ann Belmonte-Gates
1007 North Forrest Avenue
West Norristown, PA 19401

VIA U.S. Postal Service - Certified Mail:

Alice Ann Belmonte-Gates
P.O. Box 1216
Norristown, PA 19401

The above-referenced Preliminary Objections were electronically filed on the Pennsylvania Public Utility Commission's eFiling system.

Dated this 16th day of November, 2012



Susan Simms Marsh
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Pa. Attorney I.D. 44689
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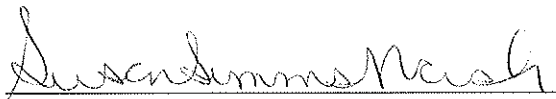
COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the matter of:

Re: Alice Ann Belmonte-Gates v.
Pennsylvania-American Water Company
Docket No. F-2012-2332589

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Respondent, Pennsylvania-American Water Company. I am authorized to accept service on behalf of said party. I am already receiving or have access to a copy of each document issued by the Pennsylvania Public Utility Commission in this matter and do not on the basis of this notice require an additional copy.



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Corporate Counsel
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