

July 10, 2013

**VIA Electronic Filing**

Rosemary Chiavetta, Esq.  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building – 2 North  
P.O. Box 3265  
Harrisburg, PA 17105

**Re: Docket No. C-2013-2369043  
Arnetta Archer Minto v. Aqua PA  
Preliminary Objections of Aqua PA**

Dear Ms. Chiavetta:

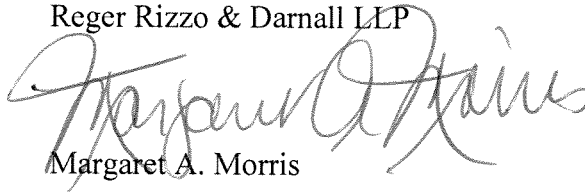
Enclosed for filing is the Preliminary Objections of Aqua Pennsylvania, Inc. (“Aqua”) to the Complaint of Arnetta Archer Minto in the above referenced proceeding.

As indicated on the Certificate of Service, a copy of Aqua’s Preliminary Objections has been served on the complainant in the manner indicated.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/mam  
Enclosures

CC: Arnetta Archer Minto [w/enc.]  
Mary McFall Hopper, Esq., Aqua Pennsylvania [w/enc.]

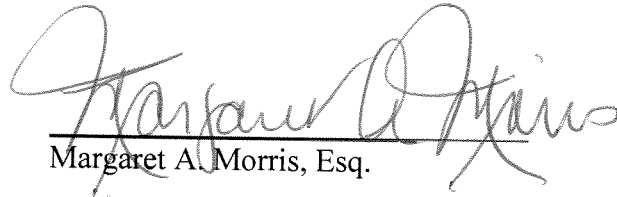
**Re: Docket No. C-2013-2369043  
Arnetta Archer Minto v. Aqua PA  
Preliminary Objections of Aqua PA**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person on the attached service list, *via* 1<sup>st</sup> Class Mail, in accordance with the requirements of §1.54 (relating to service by a participant).

Arnetta Archer Minto  
651 Briarcliff Road  
Upper Darby, PA 19082

Dated: July 10, 2013

  
Margaret A. Morris, Esq.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ARNETTA ARCHER MINTO :  
v. : Docket No. C-2013-2369043  
AQUA PENNSYLVANIA INC. :

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.101, you are hereby notified that, if you do not file a written response answering the enclosed Preliminary Objections of Aqua Pennsylvania, Inc. within ten (10) days from service of this notice, the facts set forth by Aqua Pennsylvania, Inc. in the Preliminary Objections may be deemed to be true, whereby requiring no other proof. All pleadings, such as an Answer to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Aqua Pennsylvania, Inc., Margaret A. Morris and where applicable the Administrative Law Judge presiding over the issue.

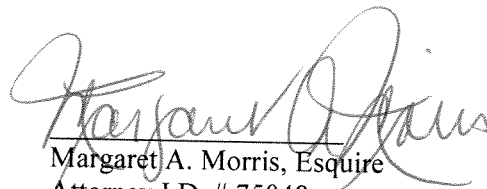
**File with:**

Rosemary Chiavetta, Esq.  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building – 2 North  
P.O. Box 3265  
Harrisburg, PA 17105

**With a copy to:**

Margaret A. Morris, Esq.  
Reger Rizzo & Darnall, LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104

Dated: July 10, 2013



Margaret A. Morris, Esquire  
Attorney I.D. # 75048  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (voice)  
(215) 495-6600 (fax)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Counsel for Aqua Pennsylvania, Inc.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ARNETTA C. ARCHER MINTO	:	
	:	
v	:	Docket No. C-2013-2369043
	:	
AQUA PENNSYLVANIA, INC.	:	

**PRELIMINARY OBJECTIONS**

TO: The Pennsylvania Public Utility Commission

AND NOW COMES, Aqua Pennsylvania, Inc. (Respondent or Company), by its attorneys and pursuant to 52 Pa. Code § 5.101, files these Preliminary Objections to the Formal Complaint of Arnetta C. Archer Minto, in the above captioned proceeding. In support thereof, Respondent states as follows:

1. This proceeding involves the Formal Complaint of Arnetta C. Archer Minto (Complainant) served on June 13, 2013 at Docket No. C-2013-2369043. The Complainant alleges that there is a safety or quality problem with the water being provided by Respondent to the public. She makes this allegation on behalf of herself and her neighbors. Complaint at ¶¶ 4 and 5. A copy of the Complaint is provided as Attachment A.

2. Complainant is a residential customer in the Company's Main Division. She alleges that the water has caused medical problems for herself and other customers.

3. The Complainant lacks standing to file or to prosecute the Complaint on her neighbors' behalf.

4. The Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co., A-212285F0046/47 and A-210870F01 (Ordered entered July 9, 1998); William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Re Equitable Gas Co., 76 Pa. P.U.C. 23 (1992); Manufacturers' Association of Erie v. City of Erie - Bureau of Water, 50 Pa. P.U.C. 43 (1976); Waddington v. Pennsylvania Public Utility Commission, 670 A.2d 199 (Pa. Cmwlth. 1995), alloc. denied, 678 A.2d 368 (Pa. 1996) .

5. Requiring a person or entity to have a direct, immediate and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. Pennsylvania Public Utility Commission v. National Fuel Gas Distribution Corp., 73 Pa. P.U.C. 552 (1990).

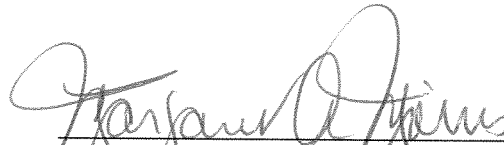
6. Complainant cannot assert a claim on behalf of her neighbors. Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board, 467 A.2d 311 (Pa. 1983).

7. The requested relief based on alleged claims of Complainant's neighbors should be dismissed.

8. The scope of the hearing should be limited to issues/claims exclusively raised by Complainant that directly relates to the water service provided by Respondent to the Property.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. respectfully requests that this Honorable Court, in the absence of a hearing, grant these Preliminary Objections and dismiss the allegations and requested relief which seeks to litigate claims on behalf of Complainant's neighbors as set forth in the Complaint of Arnetta C. Archer Minto in Docket No. C-2013-2369043.

Respectfully submitted,



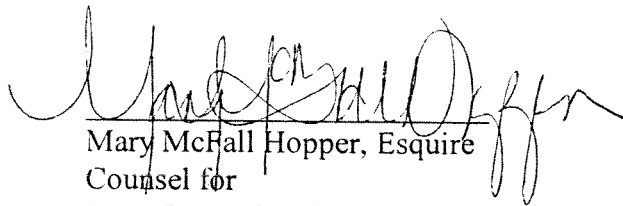
Margaret A. Morris, Esquire  
Attorney I.D. # 75048  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (voice)  
(215) 495-6600 (fax)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Counsel for Aqua Pennsylvania, Inc.

Dated: July 10, 2013

VERIFICATION

I, Mary McFall Hopper, hereby 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 the Company 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).



Mary McFall Hopper, Esquire  
Counsel for  
Aqua Pennsylvania, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
(610) 645-1170

Dated: 7-5-13

**Re: Docket No. C-2013-2369043  
Arnetta Archer Minto v. Aqua PA**

**Attachment A**

**Formal Complaint**

**of**

**Arnetta Archer Minto**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

2013 JUN 10 AM 11:00

SECRETARY'S BUREAU

C-2013-2369043 Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

COPY

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name ARNETTA C. ARCHER MINTO

Street/P.O. Box 651 BRIARCLIFF RD. Apt #

City UPPER DARBY State PA Zip 19082

County DELAWARE

Telephone Number(s) Where We Can Contact You During the Day:

( ) (home) (267) 616-4907 (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 0001742410174241

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

AQUA WATER COMPANY

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- WASTEWATER/SEWER
- GAS
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER
- MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important. IN APRIL 2009 I CALLED AQUA BECAUSE MY WATER WAS BROWN IN COLOR. I CALLED IN MAY 2009 TO REPORT A BAD ODOR IN THE WATER. AQUA CAME OUT AND TOOK SAMPLES. I WAS CALLED BACK AND TOLD MY WATER WAS SAFE TO DRINK. SINCE THEN I HAVE BEEN diagnosed with H-PYLORI ON SEVERAL OCCASIONS AND HAVE BEEN HOSPITALIZED OTHER (explain). A NUMBER OF TIMES BECAUSE OF IT. I DIDN'T KNOW AT THAT TIME IT WAS CAUSED BY THE DIRTY WATER COMING INTO MY HOME. IN MARCH 2013 I HAD THE SAME PROBLEMS WITH BROWN WATER. I CALLED AQUA AND SPOKE WITH A MAS. ANNE DEWYER AQUA WOULD

BE CAUSE MY WATER TO TURN BROWN. THAT DIDN'T HAPPEN, SO I CALLED BACK AND SPOKE TO HER SUPERVISOR MS. DEDE KENNEDY. SHE SAID THE PROBLEM WAS IN THE PIPES IN MY HOME. I CALLED A PLUMBING SERVICE THAT I HAVE WHICH IS AFFILIATED WITH AQUA THROUGH A HOMEOWNERS INSURANCE PLAN THAT THEY OFFER TO PROTECT YOUR WATER LINES. THE PLUMBER CAME OUT AND CHECKED THE WATER LINES IN MY HOME AND FOUND THEM TO BE CLEAR. I WAS IN THE PROCESS OF HAVING MY WATER LINES REMOVED, BUT AFTER THE PLUMBER SAID THEY WERE OK I DIDN'T HAVE THAT DONE. WHILE THE PLUMBER WAS AT MY HOME ANNE DEWEYER FROM AQUA ARRIVED AT MY HOME. SHE WAS TOLD BY THE PLUMBER THAT THE WATER LINES IN MY HOME WERE FINE. SHE THEN RETRACTED AQUA'S STATEMENT AND SAID "MS. ARCHER, THIS WAS OUR FAULT THIS OCCURED". SHE GAVE ME A CLAIM NUMBER (62013133) TO CONTACT AQUA. AQUA HAS COME OUT ON SEVERAL OCCASIONS AFTERWARDS AND FLOSHED MY SYSTEM AND MY NEXT DOOR NEIGHBORS.

IN LOOKING AT MY NEIGHBORHOOD, A NUMBER OF HEALTHY YOUNG PEOPLE IN THE AREA HAVE BECOME VERY, VERY ILL. YOUNG MEN HAVE SUFFER STROKES, SOME YOUNG MEN HAVE SUFFERED SKIN PROBLEMS, ONE YOUNG MAN EVEN DIED. SEVERAL FEMALES, MYSELF INCLUDED HAVE SUFFER FROM BACTERIAL VAGINOSIS, OVER AND OVER FROM BATHING IN DIRTY WATER. MY NEIGHBOR HAS LOST HIS ABILITY TO FUNCTION.

I HAVE CONTACTED THE EPA WHO TOOK NO ACTION. BASED ON INFORMATION FROM AQUA. EVEN THOUGH AQUA HAS ADMITTED GUILT AND LIABILITY.

I HAVE ALSO BEEN IN TOUCH WITH ANNE DEWEYER'S SUPERVISOR ON A NUMBER OF OCCASIONS. SHE CAME OUT UNANNOUNCED ALONG WITH MS. ANNE DEWEYER TO MY HOME, TO TREAT MY WATER LINES AND INCLUDING MY NEIGHBORS. MS. KENNEDY INFORMED ME THAT THE PROBLEM CAME FROM THEIR END. THAT'S WHY SHE HAD MY SYSTEM FLOSHED AND HAD ME RUN MY WATER FOR A NUMBER OF DAYS UNTIL THE WATER APPEARED TO BE CLEAR.

RETRACTION: ANNE DEWEYER DID NOT GIVE ME THE CLAIM NUMBER, IT WAS MS. DEDE KENNEDY BUT WHILE THE PLUMBER WAS HERE WITH ANNE DEWEYER SHE INDICATED THAT THE PROBLEM HAS BEEN GOING ON SINCE 2009. SHE THEN MADE A CALL TO HAVE AQUA SERVICE MEN COME OUT TO FLOSH MY WATER LINES. I'VE ALSO CONTACTED UPPER DARRY ... HEALTH DEPT. AS WELL AS MI STATE REPRESENTATIVE MARGO DAVIDSON.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I would like the P.U.C. to CONTACT AQUA AND REQUIRE THEM to inform my NEIGHBORS of what OCCURED during the TIME FRAME INVOLVED FROM 2009 - 2013 AND MAKE SURE AQUA FOLLOWS UP AND RESOLVES THE PROBLEM IN THEIR SYSTEM BEFORE MORE OF MY NEIGHBORS BECOME SICK, BECAUSE THEY ARE UNAWARE OF THE PROBLEM AND DANGER. DURING THIS TIME SEVERAL PEOPLE HAVE DIED IN THE WALNUT PARK AREA AND SOME ARE STILL HAVING HEALTH ISSUES BECAUSE OF THE UNKNOWN SITUATION.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection from Abuse

Has a court granted a "Protection from Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES   
NO

If your answer to the above question is "yes," attach a copy of the current Protection for Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES   
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES   
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name GARY HESLIN ESQUIRE

Street/P.O. Box 2834 COTTMAN AVE

City Philadelphia State PA Zip 19149

Area Code/Phone Number 215-332-0300

E-mail Address (if known) \_\_\_\_\_

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You **must** sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you **do not sign** the Formal Complaint, the PUC **will not accept** it.

**Verification:**

I ARNETTA ARCHER-MINTO, hereby 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).

Arnetta Archer-Minto                      6-4-13  
(Signature of Complainant)                      (Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

**10. Filing**

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
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Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

