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Attorney for Complainant,
Arnetta Archer Minto

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ARNETTA ARCHER-MINTO)	
)	PUC DOCKET No.: C-2013-23369043
Complainant,)	
)	
AQUA PENNSYLVANIA, INC.)	
)	
Respondent.)	

**COMPLAINANT, ARNETTA ARCHER-MINTO’S, RESPONSE IN OPPOSITION TO
RESPONDENT, AQUA OF PENNSYLVANIA’S,
MOTION FOR SUMMARY JUDGMENT**

Complainant, Arnetta Archer-Minto, by and through her attorney of record, Gerard K. Schrom, Esquire submits the following response to Respondent, Aqua Pennsylvania, Inc.’s, Motion for Summary Judgment and avers as follows:

1. - 3. Admitted.

4. Admitted in part and denied in part. The allegation is admitted except to the extent that it alleges that (a) “Complainant had advised that she was being represented by Gerard Schrom.” and (b) “Attorney Heslin stated that he was unable to confirm with Mr. Schrom that he was in fact representing complainant.” With regard to (a) On the contrary, by the very terms of the allegation at issue, Plaintiff stated that she was being represented by Mr. Heslin and not by Mr. Schrom and the allegation is consequently denied. With regard to (b) Plaintiff has

insufficient knowledge or information upon which to base any admission or denial of the allegation herein and the allegation is consequently denied.

5. - 6. Admitted.

7. Admitted in part and denied in part. It is admitted that Respondent produced documents to the extent that it did. It is denied that Complainant did not submit all documents relevant to requests she had in her possession.

8. It is admitted only that Defendant propounded interrogatories on October 24, 2013 as well as its First Request for Production of Documents. The remainder of the allegation is denied, to wit: Plaintiff has insufficient knowledge or information upon which to base any admission or denial of the allegation herein to the extent that Defendant alleges that it propounded discovery requests as a result of not having received any documents pursuant to informal discovery requests and the allegation to that extent is consequently denied.

9. Admitted in part and denied in part. It is admitted that Plaintiff provided via fax responses to Discovery requests. It is denied as implied that Plaintiff provided documents solely by fax. On the contrary, Plaintiff also provided a copies of photographs via email in Adobe Acrobat (.pdf) format after Defense counsel contacted Plaintiff's counsel and informed that the faxed photographs did not transmit with any images. By way of further answer, the copy of the response at Attachment 2 fails to represent the material actually delivered by email to Defendant. A true and correct copy of the email and attached photographs is attached hereto as Exhibit A.

10. Admitted in part and denied in part. The allegation is admitted except to the extent that it states that (a) “[i]t was confirmed during oral argument that the sole issue raised in the Formal Complaint concerned water quality”; and (b) “Complainant attempted to orally amend the Complaint to include violations of irrelevant Commission Regulations”. These statements

are denied to the extent that they contain conclusions of law as to the scope of the issues raised (a); and as to the relevancy of the amendments to the Complaint (b).

11. - 15. The allegations contained in the averments referenced are conclusions of law to which no response is required and are consequently denied.

16. Denied as stated. It is admitted only that Complainant alleged, among other things, that Defendant violated provisions of the Commission regulations cited therein. To the extent the allegation omits any other regulations Complainant raised at the time of the hearing, the allegation is denied.

17. - 19. The allegations contained in the averments referenced are conclusions of law to which no response is required and are consequently denied.

20. Denied as stated. It is admitted only that Complainant alleged, among other things, that Defendant violated provisions of the Commission regulations cited therein. To the extent the allegation omits any other regulations Complainant raised at the time of the hearing, the allegation is denied.

21. The allegations contained in the averments referenced are conclusions of law to which no response is required and are consequently denied.

22. Admitted in part and denied in part.

23. - 27. The allegations contained in the averments referenced are conclusions of law to which no response is required and are consequently denied.

WHEREFORE, Complainant, Arnetta Archer-Minto, requests that the Administrative Law Judge DENY Respondent, Aqua Pennsylvania's, Motion for Summary Judgment.

Respectfully submitted,

SCHROM & SHAFFER,

/s/ Gerard K Schrom

Gerard K. Schrom, Esquire
Attorney for Complainant,
Arnetta Archer-Minto

EXHIBIT A



