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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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In the Matter of: : Docket Nos.  
Investigation of W.P. Water Co, Inc. : I-00070114  
and W.P. Sanitary Co, Inc. :  
Pursuant to Section 529 of the :  
Pennsylvania Public Utility Code.  
Application of W.P. Sanitary Company, Inc, d/b/a Washington Park Sanitary Company. : A-230550F2000  
Public input hearing. :

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Pages 1 through 128 Hearing Room 1  
Wyoming County Courthouse  
1 Courthouse Square  
Tunkhannock, Pennsylvania  
Wednesday, October 10, 2007

Met, pursuant to notice at 7:00 p.m.

BEFORE: EMBER S. JANDEBEUR,  
Administrative Law Judge

APPEARANCES:

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## INDEX TO TESTIMONY

	<u>WITNESS:</u>	<u>DIRECT TESTIMONY</u>	<u>CROSS</u>
1			
2			
3	Donald Clamser	21	--
4	By Ms. Gannon	--	25
5	By Mr. Brown	--	30
6	James Niskey	35	--
7	By Ms. Gannon	--	42
8	By Ms. Wong	--	46
9	By Mr. Brown	--	48
10	Freda Coolbaugh	50	--
11	By Ms. Wong	--	52
12	By Mr. Brown	--	53
13	Claire Darling	55	--
14	By Ms. Gannon	--	57
15	Dennis MacDonald	59	--
16	By Ms. Gannon	--	63
17	By Mr. Brown	--	66
18	Kathy Sylvester	67	--
19	By Ms. Wong	--	69
20	By Ms. Daviston	--	71
21	By Mr. Brown	--	72
22	Eleanor Stoudt	74	--
23	By Ms. Gannon	--	76
24	By Mr. Brown	--	78
25			

## INDEX TO TESTIMONY

	<u>WITNESS:</u>	<u>DIRECT TESTIMONY</u>	<u>CROSS</u>
3	Bob Boock	79	--
4	By Ms. Wong	--	82
5	By Ms. Daviston	--	83
6	Frank Arieta	84	--
7	By Ms. Gannon	--	92
8	David Miller	96	--
9	By Ms. Wong	--	98
10	By Mr. Brown	--	100
11	By Ms. Wiedt	--	101
12	Gary Pharr	103	--
13	By Ms. Gannon	--	105
14	Harry Harris	106	--
15	By Ms. Gannon	--	109
16	By Mr. Brown	--	114
17	Michael Loy	115	--
18	By Ms. Gannon	--	117
19	Karen Thoren	119	--
20	By Ms. Gannon	--	121
21	By Mr. Brown	--	122

22

23

24

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P-R-O-C-E-E-D-I-N-G-S

ADMINISTRATIVE LAW JUDGE EMBER JANDEBEUR:

This is the time and place that the Pennsylvania Public Utility Commission has set aside for a public input hearing on the Washington Park Water Company and Washington Park Sanitary Company at Docket Number I00070144 and Application Docket A230550 Folder 2000.

As you can see by the nameplate in front of me, I am Ember Jandebaur. And I am the here to preside over the hearings in this case and to render a recommended decision for the Commissioners to consider, should mediation fail.

Now, I'm not sure if all of you in the room are aware that these issues are undergoing mediation as we speak. I also don't know if you're aware or not that I have no knowledge of what goes on in that mediation and that is as is supposed to be.

Should mediation be successful, it will settle without going through full hearings and litigation in front of me.

If mediation is not successful, then they are stuck with me and it goes to full hearing. And what that means is examination of witnesses, cross examination of witnesses. Documents can be put into the record.

1           And at the end of all of that, all of the  
2 parties have to submit a brief to me. There will be an  
3 opportunity to for reply briefs. And at the end of all  
4 of that, I render a decision.

5           So, we will all be very hopeful that  
6 mediation is successful and able to negotiate a  
7 settlement that everybody can live with.

8           Let me take just a minute to give you  
9 some of the particulars, procedural particulars what  
10 brings us here tonight.

11           On February 27th of this year, Washington  
12 Park Sanitary Company filed an application to abandon  
13 service. And I gave that docket to you, A-230550F2000.

14           Protests from the application were filed  
15 by the Office of Consumer Advocate, who are sitting to  
16 my left; the Pennsylvania Department of Environmental  
17 Protection, who is involved with mediation and not  
18 sitting in front of us here and also Washington  
19 Township, who the attorney, the solicitor for the  
20 township also is not up here this evening. But those  
21 entities filed protests to that application.

22           On June 6th of this year, the Consumer  
23 Advocate filed a petition at Docket P00072313 for the  
24 Commission to institute a proceeding to order the  
25 acquisition of Washington Park Water and Washington

1 Park Sanitary.

2 This is a process under the Public  
3 Utility Code. It is a step process, under Section 529.  
4 I put at the front of the room that entire section.  
5 And on the top of the sheet of paper, says in bold  
6 print, Section 529.

7 I did not make a copy for everybody.  
8 It's tough reading. I suspect most of the copies out  
9 there will end up in the garbage. Just so you  
10 understand what a 529 proceeding is, that was put in  
11 front of you.

12 Both of these related dockets, the  
13 abandonment docket and the ability of the Commission to  
14 order a company to acquire Washington Park Water and  
15 Washington Park Sanitary are both in mediation, as I  
16 mentioned.

17 If successful, it will be resolved  
18 without me being any more involved with it than I am  
19 this evening.

20 Now, so you also understand, there is not  
21 a time element to the mediation. Obviously, they are  
22 proceeding as quickly as they can. As I'm sure all of  
23 you are aware, these are very complex issues. And the  
24 companies that are exploring whether or not to acquire  
25 Washington Park Water or Washington Park Sanitary are

1 also exploring all of these complex issues.

2 So, there's not a time limit on the  
3 mediation process. And, again, the judge is kept out  
4 of the loop on purpose, so I remain neutral. Should it  
5 come in front of me, I don't know anything that goes on  
6 in mediation. And that's the way it is supposed to be.

7 Tonight's public input hearing, so that  
8 you, the customers of the Washington Park Water and  
9 Washington Park Sanitary can specifically tell the  
10 Commission what your thoughts are about this 529  
11 proceeding.

12 If you are not a customer or not a  
13 potential customer, moving into that area of Washington  
14 Park Water and Sanitary, then you probably should not  
15 be here.

16 If you are a customer or you're planning  
17 to move into the area, then you should be here and you  
18 should tell me your thoughts.

19 Now, that's the background of what's  
20 going on in the case. Now, what we're going to do  
21 before we go forward, so that you know who is sitting  
22 in front of you, I'm going to go down the table and go  
23 up the table and I'm going to introduce who is here,  
24 and then I'm going to go back to the end of the Table  
25 and ask them if they would like to make a statement on

1 behalf of whomever they are here representing.

2           So, to my far left, your far right is  
3 Erin Gannon. She is a consumer advocate attorney.  
4 Next to her is Darlene Wong, also a consumer advocate  
5 attorney.

6           Next to her is Rhonda Davidson with the  
7 Law Bureau with the PUC. Next to me is Chris Brown,  
8 also with the Law Bureau, PUC. I put in the  
9 background, because I didn't have a name tag for her,  
10 Patricia Wiedt, also with the law Bureau.

11           Mr. Kresge, as most of you probably know.  
12 Tom Niesen is also with one of attorneys with one of  
13 the water companies that is interested in what is going  
14 on with the proceedings.

15           I'm going to go back and ask each of them  
16 to give you a brief explanation of who they are and why  
17 they're here and why you care that they're here. So,  
18 Erin.

19           MS. GANNON: My name is Erin Gannon, as  
20 the Judge mentioned. I'm an attorney with the Office  
21 of Consumer Advocate. We're a part of the Attorney  
22 General's Office. And we represent primarily  
23 residential customers before the Public Utility  
24 Commission.

25           I count about 80 people here tonight. I

1 can't thank you enough for coming. Your job is not  
2 over. I'd like as many as of you as possible to  
3 testify on the record, under oath, to give the  
4 Commission and to give the Judge any information that  
5 you think is relevant regarding the service that you  
6 receive from Washington Park Water Company and  
7 Washington Park Sanitary Company.

8 It's very important that we have a formal  
9 record in this case. That's what we can use going  
10 forward. And this is your opportunity to make yourself  
11 heard.

12 Again, I thank you so much for coming.  
13 If you have any questions, I'll be here after the  
14 hearing, as will Darlene. Also, I apologize, but I  
15 don't have my brochures from the office with me.

16 However, many of you received our  
17 bulletin about the public input. They have our  
18 toll-free number and our website. Also, Miss Seidel,  
19 from the township has also volunteered, if you contact  
20 her, she will get you in touch with us as well. Thank  
21 you for coming and I really appreciate it.

22 MR. BROWN: My name is Kriss Brown with  
23 the Public Utility Commission Law Bureau. In this  
24 particular role, we're the prosecutory staff. We're  
25 the PUC's law firm, so to speak, Law Bureau.

1           We're here to prosecute this case, to  
2 assist in getting the evidence in that we need to get  
3 the result that's best for the public and also the  
4 utilities that are involved in this, both W.P. and  
5 other named utilities.

6           We are looking for all the information  
7 you can provide. You're the ones that live this day in  
8 and day out. We need that information, so we know what  
9 truly is going on here. Thank you.

10           JUDGE JANDEBEUR: Mr. Kresge.

11           MR. KRESGE: Carl Kresge, Washington Park  
12 Water, Washington Park Sanitary Company. I have to  
13 start out by saying, folks, I'm sorry you didn't have  
14 enough water this summer. I didn't cause the drought.

15           I've drilled the fourth well in the field  
16 this summer, 800 feet. Got about anywhere from 10 to  
17 15 gallon a minute. Maybe some sulfur in there, down  
18 and around Debbie Drive, maybe notice some sulfur in  
19 the odor. That is what it is.

20           I tested the water with all the resource  
21 samples and nothing wrong with it, except the odor is  
22 there. It's terrible.

23           I hope with well number 3 back on line,  
24 that -- well number 3 was put -- was taken off line  
25 about three weeks ago, on a Sunday, when it failed.

1 And we did put number 4 on line, the new well.

2 The problem with the new well was it had  
3 just received an emergency permit from DEP. And we did  
4 that that Sunday afternoon.

5 All of the wells are not producing the  
6 water that they did years ago. Well number 1 is down  
7 to 11 gallons a minutes. That's normally a  
8 20-gallons-a -minute well.

9 Well number 2, 800 feet deep, down to 2  
10 gallon a minute. Well number 3 is down to 8 and a half  
11 gallons a minute when it failed.

12 I had done an 8-hour run on well number  
13 4, prior to placing it in service, and did a new source  
14 test. That's about 26 to \$2,800.00 worth of testing to  
15 the laboratory to find out whether or not the water was  
16 suitable to use. And it is.

17 Only problem is, we find that, evidently,  
18 pumping on it a little heavier is putting it in some  
19 service in an emergency situation. Remember, it's not  
20 a boil water advisory. I try to keep telling you  
21 folks, this is not a boil water advisory.

22 It has to be. I'm not going to lift that  
23 until I find we have good enough service to be able to  
24 do that. And we don't have it.

25 With the four wells that we have, it's

1 hard to keep enough water in the pipes for you folks to  
2 use. Folks on the higher elevations are going to  
3 experience quicker outage.

4 I have made a water outlet at the upper  
5 pumphouse available. There are two faucets outside the  
6 building. I mentioned to you in a letter and I have a  
7 picture of it.

8 You can use potable water, is there.  
9 Pictures, you can look at it. Seems as though the  
10 township has placed a water buffalo there. And I would  
11 tell you to be very cautious from using it. First off,  
12 the sign on the tank says, potable water only.

13 Potable water, by the dictionary, says  
14 you can drink it. Do not drink. Do not drink. I'm  
15 concerned that it shows mix whatever. Please don't  
16 drink the water, because it's contaminated with a fecal  
17 count so bad that you can't count it. I had it tested.

18 At the same time, that particular day,  
19 when there was a complaint of the sulfury smell or a  
20 yucky smell, it came to me through the DEP, which  
21 didn't tell me where the complaint was, okay, I had to  
22 go there, because another person called who gave me her  
23 name. We went there and took a test of the water to  
24 find out that her sample was no problem.

25 It's on the letter. So, if you have a

1 copy of the water buffalo, please don't drink. Tell  
2 your neighbors, kids, don't drink it. That water is  
3 contaminated heavily with fecal too numerous to count  
4 was the laboratories amount to count.

5 Miss Millworth has no contamination in  
6 her water, that same day, when she told me she had an  
7 odor in the water. Now, I cannot come to a house where  
8 I don't know where it is and fix something. It's kind  
9 of hard.

10 I've been in this business for sixty  
11 years. I'm 70 years old. And at ten years of age,  
12 going with my father with the water well and pump  
13 business. And I know this business up and down, in and  
14 out.

15 JUDGE JANDEBEUR: Mr. Kresge, ask you to  
16 stop for just a minute. I need you just to do an  
17 introduction. You're testifying. I want you to do  
18 brief introduction.

19 MR. KRESGE: if there's any questions  
20 later on, glad to answer them. Thank you, Your Honor.

21 JUDGE JANDEBEUR: Not a problem.  
22 Mr. Niesen.

23 MR. NIESEN: My name is Tom Niesen. I'm  
24 an attorney. My client is Aqua Pennsylvania. Aqua  
25 Pennsylvania is a large water company supplies water

1 service throughout the Commonwealth of Pennsylvania,  
2 also has a subsidiary company that provides some sewer  
3 service in the Commonwealth.

4 Aqua Pennsylvania is one of three  
5 companies that the Public Utility Commission has  
6 directed to be a part of this proceeding as a potential  
7 acquirer of the Washington Park Water System.

8 JUDGE JANDEBEUR: Thank you, Mr. Niesen.  
9 Okay. Now, I placed a sign-in sheet on this table. I  
10 assume that if you wish to testify in this proceeding,  
11 that you have signed in.

12 If you have not, please come down and  
13 sign in now, because I won't be able to call your name  
14 if it's not on the list.

15 Now, Miss Gannon mentioned to you  
16 briefly, that she would like you to testify under oath,  
17 and I would like to explain more fully.

18 The Commission, in a public input  
19 hearing, has three options for you. Option Number 1 is  
20 that you testify under oath or affirmation that you're  
21 going to tell me the truth and the whole truth.

22 And what that means is that the court  
23 reporter behind me is going to take down every word you  
24 say. And if this goes to litigation, I can use what  
25 you say because it is part of the record.

1           Even if it doesn't go to litigation, it  
2 means that any of the parties here at the table can get  
3 that transcript and look at what you say and use that  
4 in their mediation proposals or whatever, okay, in the  
5 mediation the mediation process.

6           So, the best way for you to be useful to  
7 yourselves and the PUC is to testify under oath.  
8 That is your option number 1.

9           The second option is that you do not  
10 testify under oath or affirmation. You simply come up  
11 here and tell us your thoughts. And I skipped one  
12 thing. Let me go back to option number 1. Part of  
13 option number 1, when you're done testifying, if any of  
14 the individuals at the table, including myself, have a  
15 question about your testimony, we will ask you.

16           Now, there won't be any inappropriate  
17 questions because, if there were, I would not allow  
18 that question to be asked. And I would ask that you  
19 understand that when you're asked questions, it doesn't  
20 mean that we are trying to put you on the spot or  
21 anything of that. It means we're trying to understand  
22 fully what you say.

23           So, if you testify under oath, you are  
24 subject to questions by anybody here on the panel.  
25 Okay.

1           Now I'm going going to option number 2.,  
2   You're not testifying under oath or affirmation. You  
3   are just speaking to us informally. The court reporter  
4   is not going to take down what you say at all. And,  
5   therefore, when we go back and look at the record,  
6   anyone here at the table looking at the transcript,  
7   myself, the Commissioners, what you say will not  
8   appear. And I guarantee we won't remember what you  
9   said. Okay.

10           So, that is not as useful to us. It's  
11   not as useful to you. But if any people would prefer  
12   to testify that way, that's your call. It's a personal  
13   decision.

14           Option number 3 is, when we're all  
15   finished with this evening's hearings, if you wish to  
16   speak to the Law Bureau or the Office of Consumer  
17   Advocate, you can speak to them privately afterwards.  
18   And you also have their telephone numbers listed on the  
19   number of items that I put on the two podiums up here.

20           those are your three options. Okay.  
21   Miss Gannon, if you wouldn't mind, because I can't get  
22   out, if you would get the list for me.

23           So, now we're actually going to start  
24   with the hearing portion of it. And I'm going to  
25   assume that everybody that is on the list wishes to

1 testify under oath or affirmation.

2 And, so, each person I'm going to go  
3 through a litany. State your name. I'm going to ask  
4 you to spell it. And I'm going to ask you your home  
5 address. And I'm going to ask you if you're employed.  
6 And you can tell me if you're employed, who you're  
7 employed by. If you're retired, tell me you're  
8 retired. And then I'm going to ask you for your  
9 testimony.

10 And I'm going to walk down through this.  
11 Looks like we have about 20 people testifying,  
12 actually, about 19 people testifying.

13 So, assuming that I gave 10 minutes to  
14 each person, that would be 109 minutes. I suspect you  
15 all aren't going to want to hang around for 109  
16 minutes.

17 So, let's do it this way. If the person  
18 before you has said exactly what you wish to say,  
19 simply come up, and under oath or affirmation, say the  
20 gentleman or the woman before me said exactly what I  
21 wish to say. I would say the same thing. And we'll  
22 move right through this as quickly as we can and get  
23 everybody on the record. Fair enough?

24 (Chorus of yeas).

25 JUDGE JANDEBEUR: It's good when you tell

1 me, yes. Okay. Donald Clamser. Sounds like you've  
2 got a nice voice to carry. Would you raise your right  
3 hand?

4                   **Whereupon, DONALD CLAMSER,** having been  
5 duly sworn, testified as follows:

6                   JUDGE JANDEBEUR: Now, your address is?

7                   THE WITNESS: 18 Joan Drive, Washington  
8 Park.

9                   JUDGE JANDEBEUR: Very good. And are you  
10 employed, sir?

11                   THE WITNESS: Yes, I am.

12                   JUDGE JANDEBEUR: And what do you do?

13                   THE WITNESS: I'm a vending maintenance  
14 person.

15                   JUDGE JANDEBEUR: And you are a customer  
16 of Washington Park?

17                   THE WITNESS: I have been a customer for  
18 30 some years.

19                   JUDGE JANDEBEUR: And those entities,  
20 both the water and sanitary?

21                   THE WITNESS: That's correct.

22                   JUDGE JANDEBEUR: Very good. Give me  
23 your testimony if you would, sir.

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**DIRECT TESTIMONY**

THE WITNESS: I'd like to give you a little bit of history of some of the background of Washington Park Water Company.

When we first -- my wife and I first moved into Washington Park, a gentleman by the name of Tom Biga was running the system for Mr. Kresge.

We never even knew who Mr. Kresge was until after Tom quit. As the homes were being built and more problems occurred in cold weather, Tom gave his services an end.

On New Year's Day, froze his tail off, him and his son, trying to fix a leak going into the building. And that was the end. Then we got to meet Mr. Kresge.

And over the time, Mr. Kresge and I had many conversations and many going back and forth. But Mr. Kresge has always been one who tells the story one way, but it's not really the true way. It's his way.

When Kitner Modular bought the development, Mr. Kresge was so happy that he was going to be able to hook up more people to his system that he went and made an agreement with them concerning providing the services for each home without any financial remuneration for it, as long as they put in

1 the lines and everything.

2 And as they came on board, he would start  
3 to collect a fee. Shortly after that, I believe a  
4 state law was passed allowing the utilities to charge  
5 \$250.00 per home coming on line.

6 Well, Mr. Kresge now wanted to change the  
7 agreement and Mr. Kitner said, no. We have an  
8 agreement. It's in writing and I'm going stick to it.

9 So, you can almost tell every time that a  
10 new home went up that you were going to have water  
11 problem following that new home went up.

12 When it came to start to building homes  
13 on Joan Drive, where I live, two homes were put up.  
14 But then they could not be connected or sold, because  
15 the sewer system wasn't effective.

16 And, so, new tanks had to be put in the  
17 ground to handle the additional flow before anyone can  
18 be connected. This also hinted to myself, building a  
19 new home on that same street. I had lived on Karen  
20 Drive prior and then sold that home and built a home on  
21 Joan Drive.

22 And for a long time, the building was  
23 held up because of the fact that tanks even arrived but  
24 they were not getting put in the ground quickly.

25 And Mr. Kitner was telling me that he

1 told Mr. Kresge that if he don't put those tanks in,  
2 he'll do it himself. Whether that would be true or  
3 not, I don't know. But that's what I was told.

4 But, finally, the tanks were put in and  
5 we proceeded. But every home that went up, every time  
6 one went up, the water went down. And Mr.  
7 Kresge kept telling everybody, it's all the homes being  
8 connected to the water system that's causing the  
9 pressure to go down. But nothing was done to correct  
10 it.

11 So, this has been going on for a long  
12 time. This past summer has been worst in all the time  
13 that I've been in Washington Park.

14 This year, I refused to cut my grass,  
15 trim my flowers or do anything around the outside of  
16 the house to cause me to sweat, because I'm on-call 24  
17 hours a day.

18 I cannot go out to somebody's place of  
19 business and fix their equipment, looking like a slob  
20 or smelling like I was working all day.

21 Needless to say, my home has suffered on  
22 the exterior and interior, because of the fact that you  
23 can't clean if you don't have water. You can almost  
24 guarantee by 8:00 in the morning, through the summer,  
25 you had no water.

1                   We are one of the higher homes in the  
2 development. And we are the first to lose the water  
3 pressure. We can go through upstairs, downstairs to  
4 the slop sink downstairs and grab some water before we  
5 lose the last of it. But this has been going on for so  
6 long.

7                   Things that I read in the paper sometimes  
8 irritate me. Last summer, an article was in the paper  
9 quoting Mrs. Kresge as saying that if God would have  
10 gave us more rain, this would not be a problem with the  
11 sewer system.

12                   I immediately wrote back that had we been  
13 given the water that we're paying for, we would have  
14 used enough water that the sewer system would have  
15 worked properly.

16                   I know, for a long time, people outside  
17 the park have complained about odor coming from our  
18 sewer plant. So, this is not something that just  
19 happened.

20                   But my question to the PUC is, why has  
21 this been allowed to go on this long, that nothing has  
22 been done for the sake of the people who the water goes  
23 by as it's coming out, to now find out it's not working  
24 at all.

25                   I feel that, as the property owner in

1 Washington Park, we have been sold short because  
2 somebody had been listening to the tune of Mr. Kresge  
3 for too long. And this has got to come to an end,  
4 because nobody can live and function properly with the  
5 way the water conditions are now.

6 There are some homes that have water all  
7 the time, but the pressure is not there to give them a  
8 good flow.

9 We, at the top, including all the  
10 apartments along the main road, lose the pressure  
11 instantly, first thing in the morning. And then  
12 doesn't come back until late at night, if you're lucky.  
13 That's my testimony.

14 JUDGE JANDEBEUR: Thank you, sir. Stay  
15 one moment.

16 (Applause.)

17 JUDGE JANDEBEUR: Questions?

18 **CROSS EXAMINATION**

19 BY MS. GANNON:

20 Q. I apologize, because you're first, so we need  
21 to make sure everything is clear. I want to follow up  
22 on some things that you said.

23 You mentioned both in the past and  
24 currently having water problems and water pressure  
25 problems?

1 A. Right.

2 Q. Can you describe specifically when the problems  
3 occur; how frequently, is it every day, once a week,  
4 once a month? Be more specific about the length of the  
5 problems and whether it's an outage or just loss of  
6 pressure?

7 A. It is every day, after -- after your neighbors  
8 start to get up and do their thing, that you can see  
9 your water pressure go down.

10 Sometimes you have to stay in the shower  
11 for 45 minutes just trying to rub the soap off the body  
12 so you can get out.

13 Q. And how long does the low pressure last?

14 A. All day, until late at night. If you're lucky,  
15 you start to get a little water coming back after 11:00  
16 at night.

17 Q. And you said you have problems with showering.  
18 When you said that you didn't want to do anything  
19 outside to sweat, that's because you wouldn't be able  
20 to take a shower when you --

21 A. When I get called out to go on the road.

22 Q. Other than showering, do you have any problems  
23 with the things you need do every day in your home?

24 A. I bought a power washer over two years ago. I  
25 used it in the month of May. And I have never been

1 able to use it since because, if I use it, I'm only  
2 hurting myself, my family and all the other people who  
3 are at the same height that I am at.

4 Q. Do you experience outages or just low pressure?

5 A. Outages.

6 Q. How often do outages occur?

7 A. They were occurring every weekend. And during  
8 the week, we were all out, so I can't talk during the  
9 day. But every Saturday morning and Sunday, you lose  
10 your water. And you're without it all day.

11 Q. Is that year-round or recently?

12 A. It's been -- this is the worst year, this year,  
13 but it's been going on for about three years, on and  
14 off, until the last year, it got real bad and this year  
15 it got real bad.

16 Q. I believe you said you live at a higher  
17 elevation in the development?

18 A. Yes. And I will add that, at one point in  
19 time, many years ago, I offered Mr. Kresge the ability  
20 to put a well on my property because we were at a high  
21 point, which would make it easier for water to go  
22 downhill and put a tower, if he wanted, I'll live with  
23 a tower in my back yard, the water pressure would be  
24 good. All I want is free water and plenty of water.  
25 He said he would never do that. So, it wasn't that he

1 couldn't do it, he wouldn't do it.

2 Q. Do you have -- you mentioned a sewer system a  
3 few times. I wanted to make sure what you were talking  
4 about. With the sewer system, do you have any concerns  
5 about that?

6 A. I have a concern that some day it's going to  
7 cease to function. And then we're all going to be in  
8 trouble.

9 Q. Why do you have that concern?

10 A. Why? Because if something happens to the  
11 system and he refuses to fix it, like he refused at  
12 times to fix the water, you know, it would all back  
13 uphill and eventually going to come into my basement.

14 Q. Have you reported your concerns to Mr. Kresge?

15 A. Mr. Kresge and I have communicated back and  
16 forth many times. Last summer, he spent a good time in  
17 my driveway talking to me and my sister and my wife And  
18 going over the same old hashy stuff. It's always  
19 politician's fault, that one's fault.

20 A good example is the one of the wells  
21 that came on line, he put a well on line, but because  
22 he didn't have it permitted properly or something else,  
23 he had to take it off line. He don't follow the rules.  
24 He also started that with the fourth well.

25 Because in the letter he just sent to us,

1 he commented that he was supposed to have somebody from  
2 the PUC point out where to put the well. But Because  
3 he's been doing it so long and knows so well, he put  
4 the well in himself and that's a problem now with the  
5 politician's office.

6 So, they may let him use that fourth well  
7 for a period of time. But if the situation isn't  
8 corrected and they try to penalize him by making him  
9 shut it off, we are the ones that are going to get  
10 penalized.

11 Q. I have a couple more questions. Are you aware  
12 of the boil water advisory that's in effect?

13 A. I am because my sister calls me continually and  
14 keeps me updated on what's going on, if I'm not home  
15 when things go on.

16 Q. Did you receive any direct notice?

17 A. No, I didn't, not until the last letter that he  
18 sent out.

19 Q. Have you been drinking the water?

20 A. I've been drinking the water, but I have a  
21 whole house system filter on there to protect us.

22 Q. Last question is, do you have to buy any  
23 alternative water when you have low pressure outages?

24 A. I've been very lucky. My company has been  
25 giving us cases of water to take home.

1 MS. GANNON: That's all I have. Thank  
2 you very much for your testimony.

3 CROSS EXAMINATION

4 BY MR. BROWN:

5 Q. One question for you. You said you testified  
6 here, the last time you found out about the boil water  
7 advisory only recently or --

8 A. When my sister called me after the fact that  
9 there was a boil advisory.

10 Q. Do you know when that was?

11 A. And I didn't physically get a letter until the  
12 last thing that he sent out about having a boil  
13 advisory.

14 Q. What date was that, that he sent out the  
15 letter, if you recall?

16 A. There was one this weekend that came in the  
17 mail that he put out to everybody encouraging them to  
18 be here tonight. And one other communication prior to  
19 that, maybe about three weeks ago or so.

20 Q. Okay. When you have a problem with the water,  
21 do you contact Mr. Kresge and let him know about it?

22 A. In the early days, when I used to call Mr.  
23 Kresge and he didn't want to hear anybody, the phone  
24 would go beep, beep, beep, beep, beep.

25 And on a couple of occasions, I had his

1 mother's phone number and called and asked her to call  
2 him to tell him to call me.

3 Q. They don't answer the phone or there's no  
4 answering machine?

5 A. There's a lot of times that, supposedly, the  
6 answering machine is full and it won't take any more  
7 messages.

8 Q. You said you used to do that?

9 A. Yes.

10 Q. What do you do now?

11 A. I gave up with calling Mr. Kresge because I do  
12 not want to get into a fist fight with Mr. Kresge. But  
13 there are times when it gets real bad when you don't  
14 have water, and he's in high heaven in Wilkes-Barre  
15 with water.

16 Q. Is that because he's not responsive to your  
17 requests?

18 A. He don't want to hear it any more, because he's  
19 heard enough.

20 Q. Talked about you had lived in another location  
21 in Washington Park?

22 A. Right, a lower elevation.

23 Q. And when -- if you don't mind me asking when  
24 you moved from the old location to the new one?

25 A. I bought the home I'm in now in 1990.

1 Q. And was that before or after Tom Biga?

2 A. It was before Tom -- no, I think Tom had  
3 already given up the water by then. So, it was after  
4 Tom quit and Mr. Kresge was involved.

5 Q. Okay. Did you have, from 1990 until about  
6 three years ago about 2004, correct me if I'm wrong,  
7 did you have as much problem with the water?

8 A. There had been problems over the whole time,  
9 but not as bad as it is now. Might be an occasional  
10 water heater and the water problem there. But this has  
11 been getting worse, getting real bad now. Because now  
12 you got to realize, there's two more rows down behind  
13 that have come on line.

14 Q. When did those come on line?

15 A. Over the last couple of years.

16 MR. BROWN: Your Honor, just for  
17 procedural matters, I want to clarify. Mr. Kresge is  
18 represented by counsel. His counsel is not here. I  
19 ask he not be permitted to except for -- I object to  
20 him cross-examining the witnesses.

21 JUDGE JANDEBEUR: That's an issue. I  
22 don't know why Mr. Kresge's attorneys are not here.  
23 Washington Park Water and Sanitary are both  
24 incorporated. They must be represented by counsel.  
25 Therefore, Mr. Brown is absolutely correct in

1 objecting to Mr. Kresge cross-examining as if you were  
2 counsel. Therefore, I'm sorry, I can't let you.

3 MR. KRESGE: Can I make a statement?

4 JUDGE JANDEBEUR: I will allow you to  
5 give a statement at the end of the hearing as well.  
6 Will that work? I think that would be the fairest.

7 It also helps us move forward, because I  
8 think if we allow Mr. Kresge to go forward, we'll be  
9 here all night. Mr. Niesen, any questions from your  
10 end?

11 MR. NIESEN: No, Your Honor.

12 JUDGE JANDEBEUR: Okay. Thank you, Mr.  
13 Clamser. Before you go, let me confirm for the court  
14 reporter, C-l-a-m-s-e-r.

15 THE WITNESS: C-l-a-m-s-e-r.

16 (witness left the stand)

17 JUDGE JANDEBEUR: James Niskey. Raise  
18 your right hand.

19 **Whereupon, JAMES NISKEY**, having been duly  
20 sworn, testified as follows.

21 JUDGE JANDEBEUR: And N-i-s-k-e-y.

22 THE WITNESS: That's correct.

23 JUDGE JANDEBEUR: 102 Washington Park  
24 Road?

25 THE WITNESS: That's the building I own.

1 JUDGE JANDEBEUR: Are you employed?

2 THE WITNESS: I am a landowner and a  
3 landlord, apartment building located in Washington  
4 Park.

5 JUDGE JANDEBEUR: Okay. Are you retired?

6 THE WITNESS: According to IRS, I am, but  
7 I'm not, no.

8 JUDGE JANDEBEUR: The reason that I have  
9 to ask is this, we are required to abide by the public  
10 input statutory, that why's we're asking.

11 THE WITNESS: Self-employed.

12 JUDGE JANDEBEUR: Self-employed. Thank  
13 you. You said both of your apartment homes are  
14 customers of --

15 THE WITNESS: I have one apartment home,  
16 102 Washington Park Road.

17 JUDGE JANDEBEUR: And, now, I'm going to  
18 let you all know that there is a court reporter in the  
19 room and that he is going to want to take still  
20 photographs. If you object to that, I will ask that he  
21 not. If not, I will allow him to take still  
22 photographs. And you may still see yourself in the  
23 morning paper.

24 THE WITNESS: Doesn't bother me.

25 JUDGE JANDEBEUR: If you would give me

1 your testimony, sir.

2 JUDGE JANDEBEUR: Did I swear you in?

3 THE WITNESS: Yes.

4 JUDGE JANDEBEUR: They're trying to  
5 confuse me.

6 DIRECT TESTIMONY.

7 THE WITNESS: I am the owner of the at  
8 102 Washington Park Road, Washington Township, Wyoming  
9 County, Pennsylvania. It is a building of brick  
10 construction with concrete floors and has six,  
11 two-bedroom apartments.

12 Each of those apartments is connected to  
13 a water main which goes or is connected to the main  
14 street main from Washington Park Water and the sanitary  
15 system also receives our effluent.

16 I am also the owner of the property as  
17 disclosed earlier about rusty water tanks containing  
18 water, parked on my parking lot.

19 I asked the township to do that, most  
20 recently, about ten days ago after not having water for  
21 the entire weekend in our building. It was very  
22 difficult to live in that building with full toilets.

23 And the township was very amicable in  
24 getting that tanker to me that afternoon, on a Monday  
25 afternoon, so our tenants can at least put water down

1 the commodes.

2 We didn't have any water to drink or  
3 flush our commodes with. It was their rescue that  
4 saved the health and welfare of my tenants. We are one  
5 of the high apartments that Mr. Clamser talked about  
6 earlier.

7 And we have been without water probably  
8 16 days a month since before Memorial Day, mostly on  
9 the weekends. Memorial Day Weekend was a horrible  
10 scene, as was Labor Day and as was 4th of July.

11 In my discussions with Office of consumer  
12 advocate and the PUC, we -- I permitted an instrument  
13 to be attached to the water system in our building, on  
14 the ground floor, that would record pressures of the  
15 water in that supply line every five minutes.

16 This was done during the month of July.  
17 I have a graph of that. I'm sure Mr. Larry Lash, who  
18 is the professional engineer with the PUC has the  
19 original document of that.

20 But, Your Honor, I tell you that this is  
21 the graph, and there's quite a few pages of it.  
22 You're welcome to review it if you'd like.

23 But it shows water pressure running  
24 between 40 and 50 pounds and then all of a sudden  
25 dropping to zero or 4 pounds or 5 pounds. And it would

1 stay that way for a period of time.

2 Four pounds on a ground level of my  
3 building does not permit the third floor level to have  
4 any water. As a matter of fact, it sucks air.

5 We've lost hot water heaters, because air  
6 sucks back into the hot water heater, emptying the hot  
7 water heater. Electric comes on and burns out the  
8 element in the hot water heater.

9 We have not had good service. As I wrote  
10 to Mr. Kresge some time ago, our water service is, at  
11 best, very, very, very poor.

12 We are the storage, if you will, probably  
13 of any water for the folks in the lower level of the  
14 development and they don't have any water. So,  
15 obviously, we can't have them.

16 But I not only fought Mr. Kresge. I have  
17 criticism of the PUC. This is not -- Mr. Kresge may  
18 appreciate this, but, the PUC in 1995, by order,  
19 ordered Mr. Kresge and Washington Park Water Company to  
20 install meters and to install an additional -- or a  
21 storage tank.

22 At that point, there were less than the  
23 170 some homes that are there. 56 homes that are there,  
24 probably 50 or 60 at that time. And it was a smaller  
25 tank required. But we never got that tank. And we

1 never got the meters.

2 So, I really feel that the PUC just let  
3 it happen 12 years ago that we were destined to be  
4 forgotten about. And I'm very critical of that.

5 Mr. Kresge certainly has an obligation to  
6 supply us, for the cost that he charges us, which is  
7 reasonable, for that water supply.

8 I have no outside hose bibs on our  
9 building. We do not allow hoses to be used on our  
10 building. We don't wash cars. They don't water the  
11 lawn.

12 Unfortunately, some folks feel, in part  
13 of the development, that that is something they're  
14 entitled to. They wash driveways and wash cars when we  
15 don't have water.

16 And I've talked to a couple of those  
17 people, when our tenants were sitting empty. And I  
18 understand Mr. Kresge's problem. But it all goes back  
19 to supply.

20 Last item I'd like to mention to you is,  
21 by the way, I agree with Mr. Clamser's testimony  
22 verbatim. I am very, very concerned and may not be in  
23 the realm of the PUC, with this number 3 and number 4  
24 well that Mr. Kresge talked about in his statement.

25 I visited that site today. There's no

1 sign saying it's private property, no trespassing.  
2 There is a well truck there and another piece of  
3 excavating equipment.

4 And there's a batch of piping on the  
5 ground, steel piping which is corroded to the point of  
6 probably water passing to the size of your little  
7 finger. Can't put much water out.

8 Evidently pulled out of well 3. Put line  
9 4 on line, tied into well number 3, to supply water,  
10 fortunately, so we would have some but done with a  
11 temporary electrical hook-up, that is dastardly  
12 dangerous, high voltage, runs across the ground, held  
13 together with wire nuts and is not protected from a  
14 young person who might venture on that property which  
15 is unfenced.

16 And I'd hate to see a kid get  
17 electrocuted. I think that's a possibility with the  
18 way that situation is today. I would caution people  
19 who live in that area with children that, you know,  
20 this is something they need to handle and the right  
21 authorities in the township and the State need to enter  
22 in and stop that kind of practice going on.

23 This is going on for several weeks. This  
24 is not only today. Your Honor, I would be glad to  
25 answer any questions.

1 JUDGE JANDEBEUR: Thank you. Mr Niskey,  
2 do you want to submit that document into the record?

3 THE WITNESS: If it's not being submitted  
4 by Mr. Lash, I was under the supposition that it was.  
5 I'd be glad to. I cannot validate it. I'm not an  
6 engineer.

7 I can validate that the instrument was  
8 placed on my piping by me with Mr. Lash supervising,  
9 and was removed also by me, with Mr. Lash supervising.

10 And with my knowledge, this is what I saw  
11 in the trunk of his car when he brought that report up  
12 and laptop and was printed at a later date. This is a  
13 duplicate of that.

14 JUDGE JANDEBEUR: It's your call. It's  
15 not mine.

16 THE WITNESS: Certainly glad to do that.  
17 If Mr. Lash from the PUC is not going to do that.

18 JUDGE JANDEBEUR: Mr. Lash has not signed  
19 in, so I don't expect him to testify.

20 MR. BROWN: Your Honor, Mr. Larry Lash,  
21 he's one of the engineers with the Pennsylvania Public  
22 Utility Commission. He's in the back, if you can stand  
23 up, Larry.

24 Point of clarification, Your Honor,  
25 testimony submitted by Larry Lash, if litigation goes

1 forward will proceed with, does include some of that.

2 JUDGE JANDEBEUR: That document?

3 MR. BROWN: That documentation. Again,  
4 if Mr. Niskey wishes to introduce it, that's fine.

5 THE WITNESS: Can I ask Mr. Lash a  
6 question?

7 JUDGE JANDEBEUR: He has submitted  
8 testimony in the litigation already, which is what his  
9 counsel is saying. It's truly your call, if you want.

10 THE WITNESS: Would you not see that, am  
11 I correct, if you settle?

12 JUDGE JANDEBEUR: If it goes through  
13 mediation successfully, that is correct, I will not see  
14 it.

15 THE WITNESS: I would like to submit  
16 this, with the understanding that if Mr. Lash wishes to  
17 withdraw it, I mean, it's not my report. It was given  
18 to me by Mr. Lash.

19 JUDGE JANDEBEUR: That's fine. If you  
20 would, if you'd hand it up to the table for me, please.  
21 Questions?

22 (Niskey Exhibit Number 1 was marked and  
23 admitted in evidence.)

24 MS. GANNON: Yes, Your Honor.

25

## CROSS EXAMINATION

1  
2 BY MS. GANNON:

3 Q. Thank you, Mr. Niskey. You indicated that you  
4 had written a letter to Mr. Kresge at one point. Could  
5 you tell me, is that the only communication you had  
6 with Mr. Kresge about a concern about the water?

7 A. No. I've been in verbal contact with Mr.  
8 Kresge on several occasions, most of the time through  
9 the answering machine.

10 Q. You also mentioned that you have frequent  
11 outages. How long does an outage typically last for  
12 your and your tenants?

13 A. Anywhere from an hour to 48 hours.

14 Q. You been mentioned low pressure. Could you  
15 describe for us what low pressure means?

16 A. It means that the ground floor has less than 4  
17 pounds of water and will get a trickle the size of a  
18 lead pencil and the top floor will suck air.

19 Q. Has the problems with the water, the lack of  
20 water, affected you financially?

21 A. Well, it has affected me financially on two  
22 counts. One, the loss of tenants and loss of income  
23 from those tenants.

24 I've had a total of two apartments empty  
25 for total of two months each during this last nine

1 months. More than that, however, it financially  
2 affects me, I've got to do something to get pressure to  
3 my tenants or I might as well sell the building and  
4 close it.

5 And I attempted to get a permit to drill  
6 a well to supply my building water from on my site,  
7 which was denied by the township supervisors. And I  
8 understand that.

9 Don't have a lot of fault with that. I  
10 know they are under constraints by law with that  
11 situation. I've got to put some type of a holding  
12 pressure tank in my building, 500 to 800 gallons,  
13 something in that range for six apartments, that will  
14 take water from the system that I'm purchasing from  
15 W.P. Water and store at a pressure with a check valve  
16 so it doesn't go back into the system to supply the  
17 houses at the lower level and then allow me to pump it  
18 the top floor to get reasonable pressure.

19 That's very expensive. Today, I had an  
20 engineer in from Eastern Pennsylvania Supply. And  
21 we're talking about a \$5,000.00 investment. That's a  
22 lot of money, which I don't feel I should have to do.  
23 I'm buying the services and I'm held hostage because I  
24 can't drill a well and put my own service in.

25 So, it's affecting me on several matters

1 in that respect. And the notice of boil advisory is --  
2 has not affected me from someone getting ill at this  
3 point. They are missing the -- we haven't known about  
4 the boil advisory, except by WNEP TV, if we're watching  
5 or most recent in a letter, sent out October 3rd,  
6 saying there's a boil advisory on.

7                   Unfortunately, and I have tested the  
8 water, they found it to be fine from a bacterial  
9 standpoint. But that's scary. We don't know if  
10 something goes out and to the 150 some homes in the  
11 community.

12 Q.           You mentioned that two of your apartments are  
13 empty. Do you have reason to believe that's because of  
14 the well?

15 A.           That's the reason they asked to be let out of  
16 the lease. I couldn't hold them in. They had small  
17 children under the age of 3.

18                   We should have not only water service for  
19 domestic use, but we should have enough water supply  
20 for standpipe or whatever means, so we can have fire  
21 hydrants. That would be a great financial savings to  
22 all of us because the rates are so much higher and we  
23 don't have fire hydrants located throughout the  
24 development.

25 Q.           Mr. Niskey, where do you reside?

1 A. I reside at 17 Wood Cliff Drive, Dallas,  
2 Pennsylvania.

3 Q. You don't live in Washington Park. How do you  
4 become aware of any water pressure problems?

5 A. My tenants all have my telephone number. My,  
6 cell phone, reach me at 2:00 in the morning or  
7 whatever. I'm there about just every other day and I  
8 witnessed it myself, yes.

9 Q. And how often would you say you get calls from  
10 your tenants?

11 A. One tenant calls me about every day. He's on  
12 the top floor.

13 Q. Do you have any concerns regarding the  
14 wastewater system?

15 A. I have been to the wastewater system. I  
16 haven't had any problems with the wastewater system. I  
17 don't see what goes out the pipe. Certainly, from all  
18 I understand, not up to a present operating code.  
19 Certainly something that I'm not happy with, if we're  
20 dumping raw sewer untreated effluent in the Susquehanna  
21 River.

22 Q. Is your apartment building located near to the  
23 treatment plants?

24 A. No. We are at the opposite end of the  
25 development.

1 MS. GANNON: Thank you.

2 JUDGE JANDEBEUR: Miss Wong.

3 CROSS EXAMINATION

4 BY MS. WONG:

5 Q. Mr. Niskey, if you could please describe IN a  
6 little bit more detail, a picture -- Mr. Niskey, could  
7 you please describe a little more fully to give us a  
8 visual picture of what you meant when you were talking  
9 about exposed pipes by wells 3 and 4? I want to be  
10 clear because I know you were talking on one hand about  
11 electrical wires and on the other hand about pipes.  
12 Could you just sort of paint the picture about what you  
13 saw?

14 A. You drive down past on the street, public  
15 street by those two wells, which are probably 15 feet  
16 back, 20 feet back off the drive paved off the street,  
17 you'll see two vehicles.

18 One is parked near well number 3 and well  
19 number 4, which was just drilled is to the left of that  
20 about 100 feet, 150 feet away. And said he drilled  
21 about 800 feet. I don't know what the other well was.

22 Number 3 was in service. But number 3  
23 had been taken out of service and the piping has been  
24 pulled out of the well. I would say, from what's  
25 stacked there, probably about 800 feet of the pipe.

1 Pipe is corroded, almost closed from the standpoint of  
2 ever being able to pump any water out of it.

3 It's at least half the diameter of its  
4 original diameter. It's closed that much. So, I doubt  
5 you can get much out of it.

6 I don't know about the new well. But  
7 it's in operation, and it's connected by wire,  
8 electrically charging the pump in that new well number  
9 4, with wire that's laid, just strewn across the  
10 ground, with a great big reel of wire sitting there  
11 next to it.

12 And that wire is coming off of a power  
13 pole box, feeding high voltage to it. Must be 240  
14 volts, at least, and connected by wire nuts. Easily  
15 tampered with, laying on the ground.

16 I don't think it's code and certainly is dangerous.

17 Q. So, when you were talking about exposed wire,  
18 did you also see exposed waterline?

19 A. Well, the water pipe runs across the same top  
20 of the ground by the electrical lines, because it  
21 hasn't been buried. Runs across the top and has  
22 friction tape wrapped around it and so forth.

23 The wells are not protected. If I wanted  
24 to go in there and sabotage a well, it would be very  
25 easy to do. All I have to do is walk in and dump down

1 the well.

2 MS. WONG: Thank you for clarifying that.

3 CROSS EXAMINATION

4 BY MR. BROWN:

5 Q. How long have you owned the building?

6 A. 20 years, plus.

7 Q. I know you said you agree with Mr. Clamser?

8 A. Mr. Clamser. He and I talked many times and  
9 also with the township supervisors and also with folks  
10 from DEP and PUC.

11 Q. So, for clarification, for confirmation as  
12 well, that you've experienced the same problems over  
13 the whole time period or just the last three years?

14 A. Occasionally, before the last two years, we  
15 would, like, once or twice, during the year, go out of  
16 water and have low water pressure, because of a pump  
17 malfunctioned or something of that nature seems to be.

18 One time, I think someone had a waterline  
19 break when we were out of water for a day or two, had  
20 to be repaired. But we usually have low water  
21 pressure, not completely out. Now we're sucking air  
22 back.

23 Q. How long has that been happening?

24 A. That's been going on the last year and a half.  
25 This year, it's absolutely horrendous, starting back in

1 March. It's a chance you'll have -- more of a chance  
2 you'll have no water than you would have water.

3 Q. Have you had any equipment problems, such as  
4 hot water heaters being damaged because of this?

5 A. We replaced three hot water heaters since May  
6 on the top two floors.

7 Q. Why did you have to replace them?

8 A. They were burned up, the elements burned out in  
9 them. And we could not remove the elements. They were  
10 corroded into the tank to the point that we couldn't  
11 just change out the elements. It was not worth the  
12 struggle.

13 We just took them all out. They were  
14 empty of the water at the time. So, we just took them  
15 out. When we put them in, also put check valves in so  
16 they can't backdrain.

17 Q The elements burned because of no water?

18 A. Yeah, exposed to the air in the tank, which was  
19 -- in other words, the water didn't cool them and  
20 popped immediately.

21 MR. BROWN: Thank you.

22 JUDGE JANDEBEUR: Mr. Niesen.

23 MR. NIESEN: No questions, Your Honor.

24 JUDGE JANDEBEUR: Thank you very much.

25 (witness left the stand.)

1 JUDGE JANDEBEUR: I think this is Freda  
2 Coolbaugh. Did I say that correctly?

3 MS. COOLBAUGH: Freda, Coolbaugh.  
4 F-r-e-d-a, C-o-o-l-b-a-u-g-h. One Washington Park  
5 Drive.

6 JUDGE JANDEBEUR: Are you employed?

7 MS. COOLBAUGH: No. Retired for 7  
8 years.

9 JUDGE JANDEBEUR: And are you a customer  
10 of Washington Park Water?

11 THE WITNESS: 27 years.

12 JUDGE JANDEBEUR: Would you raise your  
13 right hand?

14 **Whereupon, FREDA COOLBAUGH, having been**  
15 **duly sworn, testified as follows:**

16 **DIRECT TESTIMONY**

17 THE WITNESS: I have a note, the boil  
18 advisory, I have a paper was put on June the 9th. Has  
19 never been taken off that I know of. I have a copy of  
20 it.

21 I live on the upper end. Jay Metzger's  
22 apartment is over here. I live on the other end in a  
23 single house. Quick as running out of water as  
24 anybody.

25 I can tell when I turn on the faucet

1 whether I'll be able to wash or do anything. Lots of  
2 days, by 10 or 11:00, I can't run my dishwasher. I  
3 don't run the washer and dryer. I don't want to burn  
4 them up.

5 We've had this problem ongoing. We went  
6 to the township and had a meeting prior to this. And  
7 we had bitched that before well 3 was even drilled,  
8 that before any more homes was put in, we wanted more  
9 water supply, better water supply.

10 Did no good. And they still kept putting  
11 the homes in. And the more homes that's been added,  
12 the worst it gotten. We haven't had water on every  
13 weekend this entire summer. I have not. This entire  
14 summer on every weekend, it's out.

15 Because everybody is home, washing and  
16 drying on the lower part. And we're on the upper, and  
17 we're just done. That's why we have zoning, which was  
18 never taken into consideration, because before you let  
19 all these houses come into a park, somebody should look  
20 at how much water can be supplied, can the sewer system  
21 handle it. This isn't being done here. And that's why  
22 we're in this mess we're in today.

23 JUDGE JANDEBEUR: Is that it?

24 THE WITNESS: Yep.

25 JUDGE JANDEBEUR: Questions?

## CROSS EXAMINATION

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BY MS. WONG:

Q. Could you specify how you became aware of the  
boil water advisory?

A. I have a letter.

Q. Okay. You did say that.

A. Um-hum.

Q. And have you contacted the company about the  
outages?

A. He's my first call.

Q. And what did you learn when you talked to --

A. He's never been nasty to me. Thank me. The  
day of the lightning, the last one, lightning had  
struck. I figured that's what happened. We had a bad  
storm. Never been Nasty. I can honestly say that,  
when I call him.

But my problem is, this has been going on  
-- Don Clamser, when I called the PUC over 10 years  
ago, this has been an ongoing thing.

Q. When you say ongoing, can you give a time frame  
here, how many years?

A. Ever since I first moved to the park, I learned  
I have two shelves downstairs that are full of gallon  
water bottles.

Q. Could you give me an idea when you do have

1 water, how does it taste?

2 A. I don't drink it. I don't drink the water.

3 Q. Does it have any odor?

4 A. Other than chlorine, when they put the  
5 chlorine, I can tell that.

6 Q. And what is the appearance of the water?

7 A. It's okay. When we had the trouble and we went  
8 to the township before all these other homes were put  
9 in, I took my own water down to Kirby Health Center and  
10 had it run. And it was okay.

11 JUDGE JANDEBEUR: Anything?

12 **CROSS EXAMINATION**

13 BY MR. BROWN:

14 Q. Couple of questions. You say Mr. Kresge is nice  
15 to you when you call him?

16 A. Never been nasty to me, no.

17 Q. That's good. Does he answer every time? Are  
18 you able to get ahold of him?

19 A. I would say most of the time. I think they  
20 know it's me calling. They have caller I.D.

21 Q. And you're talking about you had a meeting with  
22 the township talking about --

23 A. We had a meeting at the township building.  
24 When we got -- before phase 3 went in, which is all  
25 these homes that have been added, we have two wells

1 when I first moved there. And then they put in 3, well  
2 3. Well, it's still not enough water for phase 3 of  
3 the development.

4 Q. When was that? Was there a hearing before the  
5 township?

6 A. It's wasn't a hearing. It was a township board  
7 meeting.

8 Q. Okay. When was that? Do you recall?

9 A. I'd have to ask Lori. I don't know the exact  
10 date.

11 Q. Do you have a -- could you give me a time  
12 frame, five years ago?

13 A. About five.

14 Q. Okay.

15 A. And nobody stopped them. We wanted to stop  
16 Kitner from putting homes in, stop them. Maybe if we  
17 put the pressure on him, then maybe they'll do  
18 something about the water. He just keeps slopping them  
19 in.

20 JUDGE JANDEBEUR: Mr. Niesen, any  
21 questions?

22 MR. NIESEN: No.

23 JUDGE JANDEBEUR: Thank you very much.

24 (witness left the stand.)

25 JUDGE JANDEBEUR: Clair Darling. Raise

1 your right hand.

2                   Whereupon, **CLAIRE DARLING**, having been  
3 duly sworn by the Judge, testified as follows:

4                   JUDGE JANDEBEUR: Address.

5                   THE WITNESS: 12 Goose Run Road. We're  
6 in the country.

7                   JUDGE JANDEBEUR: And are you employed.

8                   THE WITNESS: Yes. I work for Jonah  
9 Custom Frames.

10                  JUDGE JANDEBEUR: And are you a customer  
11 of both?

12                  THE WITNESS: No.

13                  JUDGE JANDEBEUR: You are not?

14                  THE WITNESS: I am not. I live directly  
15 behind the sewer plant. And I get all of the smell and  
16 all of the stuff in the creek that runs directly beside  
17 the house that I live in.

18                  JUDGE JANDEBEUR: And your testimony,  
19 please.

20                                   **DIRECT TESTIMONY**

21                  THE WITNESS: We moved in. We rent the  
22 property. And we moved in back in March. And I had no  
23 idea that there was a problem until we started moving  
24 in and there's like this stink.

25                                   And when it rained, it went away. And we

1 thought, okay, this is a temporary thing. And more  
2 weather came, and I cannot open my windows in my house  
3 at all because the smell is so bad, especially on the  
4 weekends or holidays, it just reeks.

5 I can't go outside and work in the yard  
6 or anything, because the smell is so bad. This creek  
7 that runs alongside of our property, it has nothing  
8 living in it. There's no tadpoles. There's no frogs.  
9 There's nothing. There isn't even a mosquito in it.

10 And the water constantly has this  
11 milkiness to it and it's slimy on the rocks. It's  
12 like, if any child were to go in there and play, I'll  
13 guarantee they would be sick and probably hospitalized.

14 And the land, the people -- we thought  
15 about buying the property from the owner. But unless I  
16 know this problem is going to be solved, I don't want  
17 to buy it. I don't want to be stuck with a property  
18 that I can't use.

19 And I know that the landlord that I rent  
20 from, she prior, for a year and a half, has tried to  
21 sell this property before we rented it. And three  
22 times the sales fell through because the people went  
23 there and they smelled the stink from the sewer plant.  
24 That's all.

25 JUDGE JANDEBEUR: Do you have a name of

1 the creek?

2 THE WITNESS: No. I don't even know if  
3 it has a name.

4 JUDGE JANDEBEUR: Okay. Stay one second.  
5 Questions?

6 CROSS EXAMINATION

7 BY MS. GANNON:

8 Q. You said you moved in in March, March 2007?

9 A. Yep.

10 Q. And why do you associate the smell or the  
11 concern with the treatment plant?

12 A. Oh, you can tell it's sewer. It smells just  
13 like sewer.

14 Q. Have you ever explored the stream to know where  
15 it goes?

16 A. Yeah. My son, at one point, took a walk back  
17 and he said because it's right at the very back of the  
18 property of the two-acre property that we live on, and  
19 he said there was raw sewage right there coming out of  
20 the pipe into this creek.

21 Q. How far is your -- you said two acres. How far  
22 is your home that you're renting?

23 A. We're in the front of the two acres. It's a  
24 long property.

25 MS. GANNON: That's all I have. Thank

1 you.

2 JUDGE JANDEBEUR: Other questions?

3 MR. NIESEN: No questions, Your Honor.

4 JUDGE JANDEBEUR: Thank you.

5 (witness left the stand.)

6 JUDGE JANDEBEUR: Dennis MacDonald.

7 MR. MACDONALD: M-a-c-D-o-n-a-l-d.

8 JUDGE JANDEBEUR: Address?

9 MR. MACDONALD: 104 Washington Park Road,  
10 Apartment building that I own.

11 JUDGE JANDEBEUR: Do you live in  
12 Washington Park Township?

13 MR. MACDONALD: No. I live in Clarks  
14 Summit.

15 JUDGE JANDEBEUR: Okay. And your home  
16 address?

17 MR. MACDONALD: 1017 Fairfield Circle,  
18 Clarks Summit.

19 JUDGE JANDEBEUR: And are you employed?

20 MR. MACDONALD: Yes, I am.

21 JUDGE JANDEBEUR: And your employment is?

22 MR. MACDONALD: Procter and Gamble.

23 JUDGE JANDEBEUR: And if you would raise  
24 your right hand for me.

25 **Whereupon, DENNIS MACDONALD, having been**

1 duly sworn, testified as follows.

2 JUDGE JANDEBEUR: Go ahead, Mr.  
3 MacDonald.

4 DIRECT TESTIMONY

5 THE WITNESS. I have an apartment  
6 building at 104 Washington Park Road. Has six units in  
7 it. Total of 13 residents.

8 I started receiving numerous phone calls  
9 around May 16th of this year, '07, regarding low water  
10 pressure or no water pressure. I contacted Mr. Kresge.

11 And he said that what was happening was a  
12 lot of people are washing their cars and, in  
13 particular, filling their swimming pools. The problem  
14 just persists. Right now, it continues every weekend  
15 as Mr. Niskey stated. And I don't want to repeat a lot  
16 of what he said.

17 But no water pressure on the weekends, in  
18 particular. Some days go two days without water. Some  
19 of my tenants have told me that the water pressure does  
20 not come back until midnight.

21 They come home and unable to take showers  
22 after work. I get numerous phone calls. I have no  
23 recourse other than depending on Mr. Kresge to repair  
24 the system.

25 I wanted to, in particular, just some of

1 the notes, statements that I received from my tenants,  
2 Julio Torres, he stated that he lives on the second  
3 floor. I noticed that the water will shut off, lose  
4 pressure at random and gave the specific dates in this  
5 instance; May, 3rd, 4th and 5th.

6 The water -- and this is how he stated  
7 it, the water was shut off. And we could not take any  
8 showers or wash dishes during this time. We had to go  
9 to our in-laws to bathe.

10 On May 19th and 20th, the water pressure  
11 was extremely low to the point it was no use. It was  
12 shut off. It was also off on, let's see, the first and  
13 second floors.

14 And he just summarized and said, the  
15 problem just continues. You'll leave early in the  
16 morning, get home late and there's no water to take a  
17 shower.

18 Mr. Torres has since moved out because he  
19 just could not take the aggravation any more. One of  
20 my other tenants, Jennifer Davenport and Christine Law,  
21 we've been experiencing water problems for several  
22 months, such as very little pressure or no water at  
23 all. Some of the recent dates we know are; May 15th,  
24 16th, 25th, 26th, and June 2nd.

25 It seems to vary on when the outages will

1 occur. Very inconvenient not be being able to wash  
2 dishes, shower, flush the toilet and also interferes  
3 with cooking meals.

4 Another tenant of mine, Angela Yachymiak,  
5 for the past several months, my daughter and I have  
6 been experiencing low water pressure in our apartment.  
7 At first, it would happen once a week, usually on  
8 Sunday, and would last most of the day.

9 In May, it increased to two or three  
10 times during the week, also lastly most of the day and  
11 evening. The water pressure gets so low that we cannot  
12 shower, flush our toilet, do our laundry or wash our  
13 dishes. It's extremely inconvenient to have this  
14 happen and not to mention unsanitary.

15 Another tenant, Brittany Sheridan, she  
16 lives on the first-floor apartment. She said my  
17 husband and I have lived in this location for  
18 approximately one year and have experienced numerous  
19 incidents of low or no water pressure.

20 These problems seem to have increased  
21 over the past couple of months. I have not -- I have  
22 not made no specific dates until recently. We  
23 experience very poor water pressure on Memorial Day  
24 Weekend and on Saturday, June 2nd.

25 Also many evenings after work, I come

1 home to very poor water conditions. These conditions  
2 make it nearly impossible to use the dishwasher, take a  
3 shower or flush the toilet or perform other household  
4 tasks.

5                   Finally, Duane and Miranda Marbaker.  
6 They're in apartment number 5. On several days,  
7 weekdays and weekends, we have experienced low water  
8 pressure. On these days, we cannot shower or bathe our  
9 two children, who are two and six weeks old. We cannot  
10 flush our toilet or wash the dishes when this occurs.  
11 There are four people that live in this apartment. And  
12 she just indicated her two children and her husband.

13                   These people are also going out and  
14 buying bottled water. I pay my bill every month to Mr.  
15 Kresge. I've never held back any payments on him. And  
16 it's just not acceptable in this day and age for people  
17 not to have water to flush the toilets, do normal  
18 bathing tasks.

19                   They have to get up and go to work. And  
20 folks are paying rent to the tune of like \$500 a month.  
21 And they have to go to an in-laws or somebody else's  
22 home to shower.

23                   I know Mr. Niskey didn't bring it up. He  
24 actually rented a hotel room and had his tenants go  
25 there to bathe. It's just -- it's been going on for a

1 number of years. I've only been there for 12 years.  
2 This year has been the worst.

3 And I know that PUC has issued an order.  
4 I'm not seeing follow-thru on that part right now.  
5 Supposed to be like 50,000 gallon tank being installed.  
6 I'm sure you folks have that information. Basically,  
7 that's all I have. Questions anybody would like, I  
8 would be happy to answer them.

9 **CROSS EXAMINATION**

10 BY MS. GANNON:

11 Q. You mentioned that you reside in Clarks Summit.  
12 How often are you up here at your apartment building in  
13 Washington Park?

14 A. I go by Monday and Fridays. So, I'm there at  
15 least once a day, those days, Monday and Friday. And  
16 when I've been called, I've come over to the building,  
17 because of low water pressure, also to meet with the  
18 DEP on Memorial Day Weekends.

19 They came from the DEP, as an example,  
20 when that individual arrived and the water pressure was  
21 back up and she said, I really need to be here when the  
22 water pressure is low. Service is low, whether the  
23 pump started to work or whatever, I'm not sure.

24 Q. How often would you say that your tenants call  
25 you to report concerns?

1 A. At least 2 to 3 times a week.

2 Q. And how long has that been going on?

3 A. Since May.

4 Q. A number of the statements from your tenants,  
5 you mentioned dates in May and June. That was 2007?

6 A. Um-hum.

7 Q. And did their complaints, was it limited to  
8 that time period?

9 A. No. Continued up to this time period. There  
10 past weekend, the one tenant did say the water pressure  
11 was better. But other than that, every weekend,  
12 they're always saying there's no water pressure or very  
13 low or none at all.

14 The upstairs apartments basically suck  
15 air. I mean, they open it up and there's no water.  
16 There's just air.

17 Q. You mentioned that one of your tenants moved  
18 out. Have you filled that vacancy?

19 A. Yes, I have.

20 Q. And you talked about a number of problems as a  
21 landlord. Would you say that the problems your tenants  
22 have is an example of what Mr. Niskey testified about  
23 his tenants had?

24 A. Most definitely. I mean, what Mr. Niskey said  
25 is exactly what my folks are telling me.

1 Q. And do you have any concerns regarding the  
2 wastewater system?

3 A. I have not had a problem with that. But the  
4 more I've heard through this gathering tonight, I am  
5 concerned now about it.

6 If there's an issue with it, yes, And I'm  
7 concerned about my investment because if this total  
8 system fails, I have a large investment. And I could  
9 lose a lot of money. I mean, it's a costly venture now  
10 if this is going to fail.

11 Q. Last, with regard to the boil water advisory,  
12 have you been aware of the boil water advisory?

13 A. With the note that I just just received this  
14 past weekend was the first that I was aware of.

15 Q. And, to your knowledge, have you, at the  
16 apartment building, had your tenants been drinking the  
17 water?

18 A. My tenants have been telling me they have not  
19 been drinking the water. They've been buying the  
20 water.

21 Q. And why is that?

22 A. They're afraid to drink it.

23 MS. GANNON: Thank you.

24 JUDGE JANDEBEUR: Anyone else?

25

## CROSS EXAMINATION

1  
2 BY MR. BROWN:

3 Q. Did you have any equipment fail with problems  
4 due to water loss, such as a water heater or anything  
5 like that?

6 A. No. Fortunately, for me, the six hot water  
7 heaters are in the basement. So, they fill, where Mr.  
8 Niskey's, they would stay full because the water  
9 pressure not being able to force it up to the upper  
10 levels. So, maybe in Mr. Niskey's case, they probably  
11 just drained.

12 JUDGE JANDEBEUR: Mr. Niesen?

13 MR. NIESEN: No questions.

14 JUDGE JANDEBEUR: Thank you.

15 (witness left the stand.)

16 JUDGE JANDEBEUR: Kathy Sylvester. Could  
17 you raise your right hand?

18 **Whereupon, KATHY SYLVESTER,** having been  
19 duly sworn, testified as follows.

20 JUDGE JANDEBEUR: Your address.

21 THE WITNESS: 17 Jeanne Drive.

22 JUDGE JANDEBEUR: And are you employed.

23 THE WITNESS: Yes.

24 JUDGE JANDEBEUR: And what do you do.

25 THE WITNESS: I work for Swetland

1 Insurance. I'm an insurance agent.

2 JUDGE JANDEBEUR: You are both Washington  
3 Water and Sanitary, is that correct.

4 THE WITNESS: Yes.

5 JUDGE JANDEBEUR: Go ahead.

6 DIRECT TESTIMONY.

7 THE WITNESS: I have lived in the park  
8 since September of 1993. And I have been having  
9 problems with the water since Thanksgiving Day 1993.

10 Every holiday, you can guarantee you will  
11 not have water. It's a standing joke in my house. If  
12 you flush the toilet and hear it singing, run. Start  
13 filling up the tub. Do what you have to do because  
14 you're out of water.

15 It's funny that I see all these people  
16 here this evening because I will call Mr. Kresge, and  
17 he'll say, nobody else is calling me. It must just be  
18 you. And I'm shocked that there are other people that  
19 have the same problem that I do. This amazes me.

20 Many times I've called Mr. Kresge,  
21 received an answering machine, received a lecture.  
22 Said people are filling their pools, washing their  
23 cars, just as everybody stated before.

24 This is just a rough estimate. I phoned  
25 the PUC 61 times in the last year. I've called Erin

1 Gannon many, many times. I've called Lori almost every  
2 weekend, to the point where nobody wants to hear me any  
3 more.

4 I just get answering machines because  
5 they're tired of it. Mr. Lash and I are on a first  
6 name basis. Almost family, because I call him so many  
7 times because we're out of water.

8 I have purchased water every week for the  
9 last year and a half. It costs me approximately \$99.87  
10 cents a month to purchase water.

11 Now, the weekend before last, on a  
12 Friday, we were out of water. I went down to speak to  
13 Mr. Kresge and just received the pump to put a new pump  
14 in. And he came up to my house to speak to me  
15 afterwards because he could not speak to me then.

16 He told me in no uncertain terms, he will  
17 keep the water going. But he will not do anything to  
18 fix it.

19 MR. KRESGE: That is not.

20 THE WITNESS: It is so. I swore under  
21 oath.

22 MR. KRESGE: That is a lie.

23 THE WITNESS: That is not a lie.

24 JUDGE JANDEBEUR: Continue.

25 THE WITNESS: I've called Pete Frederick

1 from the DEP. Again, had no water this weekend. My  
2 dogs got in the mud last night due to the rainstorm.

3 And when I went to give them a bath to  
4 get the mud off, I couldn't do it. Thank God mother  
5 nature opened up and poured on the dogs, so I could at  
6 least dry some of the mud off of them. That's my  
7 testimony.

8 JUDGE JANDEBEUR: Any questions, Miss  
9 Wong?

10 **CROSS EXAMINATION**

11 BY MS. WONG:

12 Q. You mentioned that you purchased water at  
13 \$99.00 a month. How much water are we talking about?

14 A. About 80 gallons.

15 Q. That's a week or month?

16 A. A month. I also purchase bottled water, for me  
17 to drink myself.

18 Q. That's not included in the --

19 A. Oh, no.

20 Q. -- 80 gallons? So what are you using the 80  
21 gallons for?

22 A. You have to cook with it. You have to wash  
23 your hands with it. Your face with it. Give the dogs  
24 water with it. Anything that's needed. I mean, also  
25 spending a fortune on paper plates, microwave dinners,

1 because you can't wash the dishes at night, can't wash  
2 the dishes in the morning.

3 Q. Do you have any concerns with the wastewater?

4 A. Oh, absolutely. We were all outside one night.  
5 Because the smell was so bad, everybody was checking  
6 their basements. Everybody was looking to see if  
7 something was coming out in the back yard, because the  
8 smell was atrocious.

9 Q. When was this?

10 A. I'm going to say approximately three weeks ago,  
11 four weeks ago.

12 Q. And when you say people were concerned with  
13 things coming up in the background --

14 A. We didn't know, because the smell was so bad,  
15 worst than we've ever smelled it before. Looking all  
16 over to see if it's coming from us or somewhere else or  
17 what the source of it was.

18 Q. Have you been aware of any boil water advisory?

19 A. Yes.

20 Q. And how did you become aware of them?

21 A. I received a notice about three weeks after it  
22 started, two, three weeks after it started.

23 Q. When you mentioned a bad odor, about how  
24 frequently do you detect that?

25 A. It's not that often, only about 3 or 4 times a

1 year.

2 Q. And what do you connect that to, the treatment  
3 plant? Or do you connect that, -- I think you  
4 testified that you connect --

5 A. Yes, I do, from the treatment plant.

6 Q. How do you make that connection?

7 A. Just from the direction it's coming from.

8 Q. What elevation is your home at?

9 A. I'm one of the highest homes in the park. And I  
10 kind of know that, the first year I was there, I got  
11 hit by lightning, and everybody was checking.

12 Q. And you talked about calling Lori. Could you  
13 identify her?

14 A. Lori Seible from Washington Township.

15 Q. She's --

16 A. Secretary.

17 Q. She has a position at Washington Township?

18 A. She's a secretary.

19 MS. WONG: Thank you.

20 JUDGE JANDEBEUR: Miss Daviston, Mr.  
21 Brown.

22 **CROSS EXAMINATION**

23 BY MS. DAVISTON:

24 Q. You stated that you received a boil water  
25 advisory two to three weeks after it started?

1 A. Um-hum, yes.

2 Q. Would you state when it started, please?

3 A. I think it started on 9th. Notice was the  
4 27th.

5 Q. Of June?

6 A. Of September.

7 MS. DAVISTON: September. That's all.

8 **CROSS EXAMINATION**

9 BY MR. BROWN:

10 Q. One question. You've been there since '93?

11 A. Yes.

12 Q. And other people have stated that it started to  
13 get worse about 3 years ago?

14 A. Correct.

15 Q. Do you have the same experience or --

16 A. Absolutely.

17 Q. So, it wasn't that bad throughout -- since '93,  
18 just got worse recently?

19 A. Since '93, every holiday, we have no water.

20 Okay. That's guaranteed. It's just gotten worse that  
21 you do not have water during the week. You do not have  
22 water after 8, 9:00 in morning on the weekend.

23 I mean, still waiting to do spring  
24 cleaning, because you can't put the blinds in the  
25 bathtub. You can't wash the curtains. Just have

1 enough water to do what's necessary to be done.

2 Q. Started about 3 years ago?

3 A. Yes, about 3.

4 JUDGE JANDEBEUR: Mr. Niesen.

5 MR. NIESEN: No questions.

6 JUDGE JANDEBEUR: Thank you.

7 (Witness left the stand.)

8 JUDGE JANDEBEUR: Elly Stoudt. Would you  
9 raise your right hand?

10 Whereupon, ELEANOR STOUDT, having been  
11 duly sworn, testified as follows.

12 JUDGE JANDEBEUR: And I'm going to ask  
13 you to speak up, otherwise, the court reporter is going  
14 to be asking you every other word. If you could spell  
15 your first and last name and give me your address.

16 THE WITNESS: My name is Eleanor,  
17 Eleanor, Stoudt, E-l-e-a-n-o-r, S-t-o-u-d-t. 8 Jones  
18 Drive, Washington Park.

19 JUDGE JANDEBEUR: J-o-a-n?

20 THE WITNESS: Yes.

21 JUDGE JANDEBEUR: And are you a customer  
22 of the Washington Park Water and Sanitary?

23 THE WITNESS: Yes.

24 JUDGE JANDEBEUR: And are you employed?

25 THE WITNESS: Yes.

1 JUDGE JANDEBEUR: And your employment is?

2 THE WITNESS: Select Sire Power

3 Incorporated.

4 JUDGE JANDEBEUR: Thank you. And give me  
5 your testimony.

6 **DIRECT TESTIMONY**

7 THE WITNESS: MY husband and I bought our  
8 home and moved to Washington Park in 1994. Shortly  
9 after we moved there, our water bill was increased.

10 And we received a letter, which I do not  
11 have, stating that there would be a lot of changes made  
12 to the water company. Water meters would be put in,  
13 storage would be increased and so forth.

14 Sometime after that, there was a \$3.00  
15 per month hose fee that was added to our monthly water  
16 bill, which had been into effect until sometime in the  
17 summer, it was taken off of our bill for either 2 or 3  
18 months, just put back in our bill in October.

19 My husband and I are early risers. We  
20 get up between 5 and 5:30 every morning. I work  
21 full-time. We shower in the morning and we're on our  
22 way.

23 If we do not shower first thing in the  
24 morning, say it would be a weekend and home and want to  
25 shower around noontime, two or three weeks ago, I tried

1 to take a shower at noon in the upstairs bathroom. I  
2 could not get one drop of water out of the shower.

3           There wasn't enough pressure to bring the  
4 water upstairs. So, I went to our downstairs bathroom  
5 and I showered with extremely low water pressure.

6           Since I work full-time, sometimes in the  
7 evening, there's not enough water pressure to run --  
8 I'm afraid to run my dishwasher. I'm afraid to do  
9 laundry in the evening anymore.

10           So, sometimes I put it in before I go to  
11 working. I turn my dishwasher on before I go to work  
12 at 7:00 in the morning. I don't have a problem then.

13           Our concern is that 13 years ago or 12  
14 years ago, Mr. Kresge told us in a letter that he was  
15 going to make all the improvements to the water  
16 company. And in that amount of time, he has not made  
17 any of those improvements.

18           And if this company is not taken away  
19 from him and given to someone that will honestly follow  
20 through and do things to improve it, it's totally going  
21 depreciate the value of our home. And I don't have  
22 anything else to say.

23           JUDGE JANDEBEUR: Thank you. Questions?

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**CROSS EXAMINATION**

BY MS. GANNON:

Q. When you have problems with your water pressure, do you report those to Mr. Kresge?

A. I did in the very beginning. I spoke to Mr. Kresge once. And then all I got was an answering machine. I got very frustrated, so didn't bother.

One time, when we were out water for two days, I contacted the Kitners out of frustration and they gave me Mr. Kresge's home phone number and I spoke to his wife one time. And her comment to me was they were working on it. That's all she could tell me.

Since then, I don't waste my time and my money.

Q. Other customers have testified that the pressure has gotten worse over the years. Has that been your experience?

A. This is the worst summer we've ever had, the worst year we've ever had, yes.

Q. Have you had problems in other years like this before?

A. On and off.

Q. Do you have any concerns about the wastewater system?

A. Yes, I do, because many mornings when I go to

1 work, I'll drive through the road and you can smell the  
2 stench in the road when you drive through the area.

3 I will also say that we don't drink the  
4 water. Bought bottled for several years, Endless.  
5 Mountain Water.

6 Q. Why don't you drink the water?

7 A. It has a terrible color and smell and it  
8 doesn't taste good.

9 Q. Were you aware of a boil water advisory?

10 A. I was not aware of the water advisory the  
11 people were talking about in June. But we got a letter  
12 delivery to our mail box in early October. And it has  
13 boil -- the boil water will remain on until further  
14 notice. That's what made me aware of it .

15 Q. And can you describe the elevation of your home  
16 within the park? Some customers have testified that  
17 the homes or buildings are at higher elevations in the  
18 system.

19 A. I would say we're right in the middle. Middle  
20 of the middle street. So, we're not on a high point  
21 and we're not on the low point.

22 MS. GANNON: Thank you.

23 JUDGE JANDEBEUR: Questions?

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## CROSS EXAMINATION

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BY MR. BROWN:

Q. You mentioned about the hose bib hook-up, the charge?

A. The per month?

Q. You said that was off for three months?

A. 2 or 3 months it was off. It was put back on in October.

Q. What's your position, should it be there or not?

A. Shouldn't be there. We're told not to use our Hoses. Shouldn't there be at all.

JUDGE JANDEBEUR: Mr. Niesen.

MR. NIESEN: No questions.

JUDGE JANDEBEUR: Thank you very much.  
(witness left the stand.).

JUDGE JANDEBEUR: Bob Boock. Did I say that correctly?

MR. BOOCK: No, but nobody does.

Whereupon, BOB BOOCK, having been duly sworn, testified as follows:

JUDGE JANDEBEUR: Bob, B-o-o-c-k.

THE WITNESS: Correct.

JUDGE JANDEBEUR: And your address?

THE WITNESS: 289 Morio Drive in

1 Washington Park.

2 JUDGE JANDEBEUR: Are you employed?

3 THE WITNESS: Yes, I am. I'm a manager  
4 of Procter and Gamble.

5 JUDGE JANDEBEUR: Are you a customer of  
6 both portions of Washington Park Water and Sanitary?

7 THE WITNESS: Yes, I am.

8 JUDGE JANDEBEUR: And your testimony,  
9 please.

10 DIRECT TESTIMONY.

11 THE WITNESS: Okay. I'd like to start  
12 out by saying I live with my wife Jody. She's  
13 currently five months pregnant. We're very happy about  
14 that.

15 And due to the health concerns,  
16 obviously, we care about the quality of the water. The  
17 couple things I'd like to talk about.

18 First is the pressure of the water.  
19 There have been countless times over the past year  
20 where the water pressure has been extremely bad.  
21 Typically, this is later on in the day during the week  
22 and on weekends.

23 To give you an idea how bad the water  
24 pressure is, I keep a cup in my shower so I can use the  
25 faucet to wash my hair on the weekends. No word of

1 lie.

2 We've been trying to wash our dog for the  
3 past month on weekends or after work. We had to take  
4 him to local car wash and wash the dog.

5 In the beginning of the summer, I called  
6 Mr. Kresge and the reason he gave was people were using  
7 their hoses to wash their cars and fill their pools.

8 I found this out because he gave the same  
9 excuse when it was raining. So, I found out that  
10 people washing their cars and fill their pools in the  
11 rain.

12 Personally, I believe if I pay for the  
13 water, I should be allow ed to use my hose. I don't  
14 right now. As a result of low water pressure, Mr.  
15 Kresge took the \$3.00 hose charge off, like the  
16 previous witness said.

17 But, at the same time, the water pressure  
18 did not improve. The other thing that Mr. Kresge gave,  
19 the DEP would not allow him to install a well.

20 Let me tell you how I learned about the  
21 boil water advisory. About a week after it went into  
22 effect, I went to fill my dog's water bowl from the  
23 faucet. And it came out reddish brown.

24 Obviously, this concerned me. So, I  
25 called MR. Kresge. And he said, there's a boil water

1 advisory in place.

2 I said, how was I supposed to find out  
3 about that? And he said, I put it in the paper. I  
4 can't help it that the TV stations don't play what I  
5 tell them to.

6 What am I supposed to do about bathe in  
7 the meantime? He said, as long as it's not too bad,  
8 you can bathe. So, since then, we've been buying  
9 bottled water to the amount of 7 to 8 gallons a week.

10 We use that to drink, to brush our teeth  
11 with, to water the dog with. And, honestly, the  
12 pressure has been bad up until the day after the notice  
13 for this hearing came out.

14 After that, the water pressure improved.  
15 But it had a very foul odor to it. Now, the odor  
16 really wasn't that noticeable, except when you took a  
17 shower, and it smelled like you were showering in  
18 sewer.

19 So, again, that concerned me. The  
20 quality of the water is very important to me for the  
21 health of my baby.

22 Last thing I want to talk about is  
23 ownership. The one thing I noticed about Mr. Kresge is  
24 it is never his problem. I've heard that it was the  
25 DEP's problem for making him get a permit before he

1 installed the well.

2 I've heard it was the residents problem  
3 for using the water. I've heard it was Kitner and the  
4 township's problem for allowing more homes to be built.  
5 And I've also heard it was God's problem for not having  
6 it rain.

7 I haven't once heard that it was Mr.  
8 Kresge's fault. Honestly, I don't care whose fault it  
9 is. I'm paying for water every month and I feel I  
10 deserve the right pressure and quality of water. And  
11 that's all I have.

12 JUDGE PELEAK: Any questions?

13 **CROSS EXAMINATION**

14 BY MS. WONG:

15 Q. How much are you paying for water every month?

16 A. I believe it's \$16.00, but I'm not sure.

17 Q. When you say that you have water pressure  
18 problems, does that include outages or low pressure?

19 A. There have been several outages, usually just  
20 low pressure. Sometimes, when I pull the stopper up in  
21 the tub to get the water to go through the shower, it  
22 doesn't go through. Other times, it just drips out.

23 Q. Where is your home located elevation-wise?

24 A. I'm one of the higher spots.

25 Q. To clarify, the \$16.00 per month that you're

1 paying for water, that's what you're paying to the  
2 company?

3 A. That's correct.

4 Q. How much are you paying a week for bottled  
5 water?

6 A. Probably say around 9 or \$10.00 a week.

7 Q. And how often do you experience the  
8 reddish-colored water?

9 A. We've only had that happen two other times over  
10 the summer.

11 MS. WONG: Thank you.

12 JUDGE JANDEBEUR: Questions?

13 **CROSS EXAMINATION**

14 BY MS. DAVISTON:

15 Q. How long have you been a customer?

16 A. We moved in in August of 2002.

17 Q. And how was your service when you moved in?

18 A. When I moved in, the service was perfect, from  
19 my point of view. And every year, seemed to get a  
20 little worse.

21 Q. And is your experience the same as the others  
22 who testified?

23 A. Yes, I agree with everybody's testimony.

24 JUDGE JANDEBEUR: Mr. Niesen.

25 MR. NIESEN: No, I have no questions.

1 JUDGE JANDEBEUR: Thank you.

2 (witness left the stand)

3 JUDGE JANDEBEUR: Frank Arieta. Would  
4 you raise your right hand?

5 **Whereupon, FRANK ARIETA**, having been duly  
6 sworn, testified as follows.

7 JUDGE JANDEBEUR: And would you state  
8 your name and pronounce it for me?

9 THE WITNESS: Frank Arieta.

10 JUDGE JANDEBEUR: Would you spell it?

11 THE WITNESS: A-r-i-e-t-a.

12 JUDGE JANDEBEUR: And your address?

13 THE WITNESS: 11 Joan Drive.

14 JUDGE JANDEBEUR: Joan?

15 THE WITNESS: Joan.

16 JUDGE JANDEBEUR: Are you employed?

17 THE WITNESS: I am, Procter and Gamble.

18 JUDGE JANDEBEUR: Very good. And are you  
19 a customer of both?

20 THE WITNESS: Yes.

21 **DIRECT TESTIMONY.**

22 THE WITNESS: I have been a customer for  
23 both customers since 1997. I did write the statement.  
24 It said this in there, the court reporter wanted --

25 JUDGE JANDEBEUR: If you do have it

1 written, she would love it. But I do need to hear it  
2 as well.

3 THE WITNESS: Frank Arieta. 11 Joan  
4 Drive, Washington Park. I purchased the house in April  
5 1997 and lived there since. Also residing there are my  
6 wife and three-year-old son.

7 And my wife and I are expecting another  
8 child this month. I said, in the write-up here, the  
9 house is at a higher elevation in the development.  
10 Compared to the others, probably in the three-quarter  
11 range. Not the highest but probably higher in the  
12 middle, my guess.

13 This year, we have experienced many  
14 periods of little or no water pressure, mostly during  
15 the evenings and on weekends.

16 Obviously, the service interruptions  
17 disturb our life, can be difficult to manage when  
18 raising a small child. Similar problems have also  
19 occurred shortly after I moved to the development. And  
20 this was when well number 3 was run, part-time,  
21 when needed.

22 At that time, the next street, Jeanne was  
23 where the houses were being added. Since then, houses  
24 have been added to Jeanne, Rosemary and Debbie Drives,  
25 which is the last street in the development.

1 Well number 3 had been running  
2 continuously and we are back in the situation of  
3 exceeding the capacity of the water system, the same as  
4 at that time.

5 In addition, concerns about the adequate  
6 supply. I am concerned about the quality of the water.  
7 Not necessarily it was coming up from the wells, but  
8 more so, the risk of contamination as the system has  
9 continuously run dry and siphoning and in-leakage can  
10 occur.

11 I really have no vested interested in who  
12 owns the water company. My request is that the  
13 situation is remedied and not allowed to reoccur like I  
14 witnessed in the last ten years.

15 There appears to be -- there have been no  
16 mechanism in place to allow funds for capital  
17 improvements for the water and sewer systems to add  
18 capacity as additional users increase demand.

19 Where were the provisions to add the  
20 infrastructure to accommodate the competition of the  
21 development? I don't know between the water company,  
22 the developer, the township, the PUC, where the  
23 management oversight was dropped.

24 Any one of these parties involved could  
25 have been proactive in preventing this from happening

1 this time around.

2           Based on the past ten years of water  
3 issues and correspondence, there is a disconnect  
4 between the water company and the regulatory bodies. I  
5 am not privy to full sets of facts on both sides. But  
6 the letters in which I'm not sure how you want to  
7 handle this, I have copies and a couple copies for the  
8 parties who want them, of the various correspondence  
9 from mostly Mr. Kresge and also DEP letter over --

10           JUDGE JANDEBEUR: To you?

11           THE WITNESS: To the customers.

12           JUDGE JANDEBEUR: Okay. That you  
13 received?

14           THE WITNESS: Most of them came in the  
15 water bill. I assume the DEP one came in the mail.

16           JUDGE JANDEBEUR: Is that attached that  
17 you gave the court reporter?

18           THE WITNESS: It is, stapled package.

19           JUDGE JANDEBEUR: What will help me is if  
20 you detail in your testimony exactly what each page is.

21           THE WITNESS: I can do that.

22           JUDGE JANDEBEUR: And then give me a  
23 copy.

24           (Frank Arieta Exhibit Number 1 was marked  
25 and admitted in evidence.)

1 THE WITNESS: I was going ask you that, I  
2 did highlight some portions that I can say what's in  
3 there.

4 JUDGE JANDEBEUR: Briefly explain.

5 THE WITNESS: Okay.

6 JUDGE JANDEBEUR: And submit it.

7 THE WITNESS: Okay. Thank you. I will do  
8 that. So, like I said, the letters I'm submitting  
9 illustrate the point, they're examples and give the  
10 pertinent ones.

11 Wells operating without permits, line for  
12 permits not constructed according to the submitted  
13 information and, generally, one excuse after another as  
14 to why water cannot be reliably supplied to customers.  
15 Action needs to be taken to provide ongoing, adequate  
16 services. Thank for your attention. that's the portion  
17 I'll flip through if you want me to tell you what's in  
18 the letters.

19 Furthest one going back to a report from  
20 1998 from Mr. Kresge's company. And, in that, it talks  
21 about the highlighted portion was, you know, you've  
22 experienced poor pressure at certain times of the day.

23 DEP was asked for an emergency permit to  
24 run the third well. This permit has not been granted  
25 and the company is running that to keep the water to

1 the pressure needed to operate the system.

2 When that pump fails, you have a problem,  
3 for this the company apologizes. This is 1998.

4 This is July 29, 1999, also from the  
5 water company. Two wells on Washington Township Road  
6 would not take care of demands in the normal year, let  
7 alone as summer as dry as this.

8 Third well drilled and tested. And  
9 PennVEST loan and secured for that loan in 1994. This  
10 project has not continued because of the Wilkes-Barre  
11 office of DEP. I've asked for a temporary or emergency  
12 permit to run that well till the project starts.

13 Thanks to that office, the PennVEST  
14 project was cancelled. My company is working to  
15 restore this project. The third well is the property  
16 of Carl Kresge and Sons and was turned on in 1995 when  
17 the same problem reared its ugly head then.

18 DEP would not issue an emergency permit,  
19 and I have letters telling me there is no emergency  
20 here. That's the '99 one.

21 July 17, 2001. It's come to my sad duty  
22 to inform you that the third well down in the field is  
23 going to be shut off immediately. DEP says I am not in  
24 compliance at that well site, as I have no permit for  
25 that well. That was also from the water company.

1                   Next comes a letter response from the DEP  
2 dated July 24th, 2001. This is going to be real wordy  
3 if I don't paraphrase.

4                   Basically, it is a listing of the  
5 histories from July 11th, 1995, seven different bullet  
6 points, through July 9, 2001, going back and forth with  
7 Mr. Kresge, construction permit for well number 3,  
8 disinfection system, new treatment building, booster  
9 pumps and a 53,000 gallon finished water storage tank  
10 and extension of water mains.

11                  Then proceeds to talk. Since the  
12 construction was not completed, per the permit,  
13 operating permit could not be issued.

14                  And then goes basically the rest of it is  
15 compliance orders, conferences and another conference  
16 through to a petition to enforce the compliance order,  
17 July 9th, 2001.

18                  So, that's that. The DEP letter lists,  
19 among numerous other orders, it ends with, Department  
20 appreciates the situation of customers of Washington  
21 Park Development and has utilized exhaustive time and  
22 resources explaining to Mr. Kresge specifically what  
23 must be done and hopes that Mr. Kresge will comply with  
24 the rules and regulations of the Department and ensure  
25 the continuous supply of safe water is supplied to his

1 customers.

2                   However, since it appears that Mr. Kresge  
3 is not complying to accept and adhere to his  
4 responsibilities as the water supplier, the Department  
5 is currently pursuing legal action against Mr. Kresge  
6 before the Commonwealth Court. A copy of this fax  
7 sheet will be forwarded to the Public Utility  
8 Commission and the Office of Consumer Advocate.

9                   That's the DEP letter and attached to  
10 that is a letter is a copy of the July 17th letter from  
11 the company that they forwarded, DEP forwarded.

12                   And I don't have any specific  
13 highlighted. There is a letter from 2005, October 31,  
14 about boil water advisory for poor pressure. I don't  
15 have any specific interest in that letter.

16                   Then we skipped to the May 30th, 2007  
17 letter, which talks about the -- we have notified  
18 Kitner Homes, that no more hook-ups to his new houses  
19 until there is more water. We have notified Washington  
20 Township in this regards to giving permits without  
21 requesting from W. P. Water if it had the reserve to do  
22 so And also where they asked not to use hoses to  
23 conserve water.

24                   Then there's a note from June 25th, 2007  
25 which was referenced earlier that talks about the June

1 9th, 2007 boil water advisory, and we have a copy of.  
2 And then there's the October 3rd note from this year,  
3 where it again reiterates that boil water advisory is  
4 in effect.

5 And then also talks about the drilling  
6 the fourth well and failure of a third. Do you have  
7 any questions?

8 MR. KRESGE: I appreciate that.

9 JUDGE JANDEBEUR: Questions?

10 **CROSS EXAMINATION**

11 BY MS. GANNON:

12 Q. If you could flip back in the letter of July  
13 2001. I don't have a copy.

14 A. I do have. If any of the parties would like, I  
15 have three or four more copies.

16 JUDGE JANDEBEUR: It would be helpful,  
17 especially for questions.

18 THE WITNESS: If you want to take that,  
19 there's another one. Mentioned July 2001.

20 BY MS. GANNON:

21 Q. No, actually on the June 25th.

22 A. This year?

23 Q. Yeah. If I could have a moment.

24 A. Sure.

25 Q. This is what I wanted to clarify. On June

1 25th, a letter dated June 25th, indicates that a boil  
2 water advisory was issued on June 9th, 2007?

3 A. Correct.

4 Q. Did you receive any notice of a boil water  
5 advisory on June 9th?

6 A. Not on June 9th. I cannot recall the exact  
7 date. But I believe it was between June the 9th and  
8 this letter, where I heard about it probably in the New  
9 Age Examiner, which is a weekly paper, issued on  
10 Monday, might not be until the next Wednesday, because  
11 it's a Wednesday paper.

12 I heard about it before I got the letter.  
13 It was not the 9th. Probably the 16 th or thereabouts  
14 when we heard about it, my wife and myself.

15 Q. When you received the letter in October, letter  
16 dated October 3rd, 2007, were you aware then that the  
17 boil water advisory was still going on?

18 A. Yeah. I believe I knew it was never taken off  
19 since the June time frame. And I talked to -- I think  
20 it was somewhere in there. I had called -- I had my  
21 wife call Mr. Kresge or his wife about a water pressure  
22 issue.

23 And they reiterated the boil water is  
24 still in effect as well. I don't believe it was ever  
25 lifted from June, to my knowledge.

1 Q. Do you and your family drink the water?

2 A. No. Let me clarify. We do not drink it as a  
3 drink. I have not stopped brushing teeth with it, and  
4 that sort of activity. I don't drink a glass of it.

5 Q. Do you purchase water?

6 A. Yes, we do.

7 Q. How long have you done that?

8 A. I've done since I lived there, personal  
9 preference, since '97.

10 Q. Do you have any concerns regarding the  
11 wastewater system?

12 A. Nothing other than what I read in the  
13 newspaper. I don't have any further knowledge of any  
14 -- I mean, in the newspaper, you have the permit  
15 violations being pursued by DEP, et cetera. Other than  
16 being concerned of that, I don't have any firsthand  
17 knowledge of it.

18 Q. Are you aware of where the wastewater treatment  
19 plant located?

20 A. Generally speaking, yes, I never seen it or  
21 visited. I know it's on the east side of the  
22 development. Discharges into some tributary and ends;  
23 up in the Susquehanna.

24 Q. Are you located near that?

25 A. No. Nominally in the middle of the

1 development, east, west or south, almost in the middle.

2 MS. GANNON: That's all.

3 JUDGE JANDEBEUR: Mr. Niesen.

4 MR. NIESEN: No questions.

5 JUDGE JANDEBEUR: Thank you very much.

6 (Witness left the stand.)

7 JUDGE JANDEBEUR: David Miller. Would  
8 you raise your right hand?

9 Whereupon, DAVID MILLER, having been  
10 duly sworn, testified as follows.

11 JUDGE JANDEBEUR: I assume David Miller  
12 is just like it sounds and spelled the same way.

13 THE WITNESS: Yes, sir, -- yes, ma'am.

14 JUDGE JANDEBEUR: Your address.

15 THE WITNESS: 116 Washington Park Road.

16 JUDGE JANDEBEUR: Are you a current  
17 customer of Washington Park water and Sewer?

18 THE WITNESS: Yes, I am.

19 JUDGE JANDEBEUR: And are you employed,  
20 sir?

21 THE WITNESS: Retired from P and G, and  
22 work part-time at Days True Value.

23 JUDGE JANDEBEUR: Thank you. Your  
24 testimony.

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## DIRECT TESTIMONY

THE WITNESS: Okay. I've lived there since 1977, own a townhouse. We are the first to lose the water when it goes out. We lose it.

Mr. Kresge has always been cooperative. PUC, this, this. And I agree with him to some amount there. Why were all the homes continued to be added to the park?

They knew we were having a problem, but they just kept jamming them in, jamming them in. More in there. All the land is gone. But we're suffering with the water problem.

Like I said, we're the first to lose the water. Without it, we're done. The way I found out about the boil was Freda Coolbaugh calling us and she told us about it.

Since they put the new well on line, we started to have decent pressure during the day. Only other time we had problems during the year before all these others started that, if the pump would go down and Mr. Kresge would be up to fix it.

I have a real problem with the sanitary. We had a break in our line from our townhouse to the main line. I called the person in. They dug it up and it was cracked. Water still wouldn't go through.

1                   Mr. Kresge said he had his crew come up  
2 and put a camera in the line and filled with roots. I  
3 don't know how he got the camera in the lane.

4                   I work for a sewer company also for years  
5 before I moved up here. And to get a camera in, you  
6 got to float one end and pull the camera in. How could  
7 he get a line in and tell us our line is plugged? A  
8 cable will not go through a 90 or like that.

9                   I called a man in and he dug the sewer  
10 line up and couldn't get water through it. So, we had  
11 to call in a high-pressure unit, high-pressure unit  
12 came in.

13                   Our line was cleared down to the main  
14 sewer. Mr. Kresge said his line was not plugged. I  
15 went to the manhole, opened it up. And the manhole was  
16 dry.

17                   We stood there until the high-pressure  
18 hose came through. When it did, pushed everything out  
19 and water would run through it. Mr. Kresge said, I'm  
20 not paying because the trees got the roots in the line.  
21 All the trees have to go, have to be cut down.

22                   You should tell the people to do that.  
23 Not my job to tell them to cut the trees down. My  
24 question is, how did he know -- he told me the line was  
25 clean. It was not clean. It was full, raw sewage.

1           And without water, that would cause it to  
2 plug up. So, that's my testimony. Always got along  
3 with him. Got into an argument over this sewer. But  
4 he's always been cooperative. And him and my wife got  
5 into an argument once or twice.

6           But I blamed a lot of this on whoever  
7 permitted all those homes to be put in. I mean, the  
8 man who owned all the land, he got his money and now  
9 we're stuck.

10           And for the lady who doesn't belong to  
11 the sewer company, whatever, I have driven down past  
12 her house. And it's terrible and I know what raw  
13 sewage smells like. And that's what it is. That's it.

14           JUDGE JANDEBEUR: Questions, Miss Wong?

15                           **CROSS EXAMINATION**

16 BY MS. WONG:

17 Q.       I wanted to clarify a couple of timelines. You  
18 say you're the first to lose water. You lived in  
19 Washington Park since 1977. What's the duration during  
20 this time that you lost water?

21 A.       Well, we lost it for a whole weekends.  
22 Usually, until he gets the pump fixed or until the  
23 water would build back up after midnight.

24 Q.       I guess I'm talking about a year when the  
25 problems --

1 A. This last year has been the worst:

2 Q. And you talked about a break in your sewer  
3 line. When did that occur?

4 A. That was in July.

5 Q. 2007?

6 A. Yep.

7 Q. July. What alerted you to the fact that there  
8 was a problem?

9 A. I was gone the week. And when I came back,  
10 these four townhouses, four units and they're all tied  
11 into one header that runs down, but that ran in the  
12 driveway for weeks when I got home.

13 Q. I'm sorry?

14 A. Raw sewage came up.

15 Q. And ran in the driveway for weeks?

16 A. Yes. And I got a guy to come in and repair it.

17 Q. And this is the incident where you contacted  
18 Mr. Kresge and was told that the problem was caused by  
19 roots in the line?

20 A. Yeah.

21 Q. And you said the line. Okay. So, you said the  
22 street had raw sewage in it and the line was full of  
23 raw sewage. You witnessed that?

24 A. Yes. I took the -- it runs into an open  
25 manhole. It goes in and another pipe goes out. Once

1 the high-pressure unit came by, it started flowing.

2 But it had to blow everything out.

3 Q. Do you know if the blockage in the sewer line  
4 was a customer of the line or the company's line?

5 A. The company's line.

6 Q. I'm sorry. I think I missed. Did you clarify  
7 exactly where the break in the line occurred, was this  
8 on your property?

9 A. It was located in the middle of the driveway.

10 Q. Okay. But this is a residence that you're  
11 talking about?

12 A. Yep.

13 Q. And are you located anywhere near the apartment  
14 building?

15 A. Townhouses and then you have the apartment  
16 building on down. The townhouses are in the middle.  
17 They're individually-owned.

18 MS. WONG: Thank you.

19 **CROSS EXAMINATION**

20 BY MR. BROWN:

21 Q. Just one question. You said Kresge refused to  
22 pay for the repair to the sewer line?

23 A. No. Repair to the sewer line, that's my  
24 responsibility to repair that to the main trunk. But  
25 the plug was not in our line. The plug was in the main

1 line.

2 Q. And, so, he refused to pay for that?

3 A. Yes.

4 Q. Who paid for that?

5 A. I did. Well, the four of us got together.  
6 There's four owners. We split the bill.

7 MR. BROWN: That's all.

8 JUDGE JANDEBEUR: Anything?

9 MR. NIESEN: No, Your Honor.

10 MR. BROWN: Mr. Miller.

11 JUDGE JANDEBEUR: We have one more  
12 question. Come on back. Who's got the question?

13 **CROSS EXAMINATION**

14 BY MS. WIEDT:

15 Q. I have the question. I wanted to follow up  
16 on the expense that you just stated you had. How much  
17 did that cost?

18 A. I think the total was a thousand dollars.

19 VOICE: \$1,250.00 for the --

20 THE WITNESS: \$1,250.00. A thousand  
21 dollars and the high pressure unit.

22 JUDGE JANDEBEUR: Is that for yourself or  
23 is that divided by four?

24 THE WITNESS: That's divided by four.

25 JUDGE JANDEBEUR: Any additional

1 questions? Thank you, sir.

2 (witness left the stand.)

3 JUDGE JANDEBEUR: Looks like I got a  
4 husband and wife team. I'm not sure which is  
5 testifying, Darren and Danielle Estacio? They gave up.  
6 Gary Pharr.

7 JUDGE JANDEBEUR: Mr. Pharr, raise your  
8 right hand.

9 **Whereupon, GARY PHARR,** having been duly  
10 sworn, testified as follows.

11 JUDGE JANDEBEUR: Thank you. Would you  
12 spell your last name for the court reporter?

13 THE WITNESS: P-h-a-r-r.

14 JUDGE JANDEBEUR: And you do pronounce it  
15 Pharr?

16 THE WITNESS: Yes.

17 JUDGE JANDEBEUR: First name is Gary,  
18 G-a-r-y. And your address?

19 THE WITNESS: 21 Morio Drive.

20 JUDGE JANDEBEUR: Thank you. And are you  
21 employed?

22 THE WITNESS: Yes.

23 JUDGE JANDEBEUR: And your employment.

24 THE WITNESS: Enzyme Development  
25 Corporation.

1 JUDGE JANDEBEUR: And are you a current  
2 customer of both the water and the sanitary?

3 THE WITNESS: Yes.

4 JUDGE JANDEBEUR: And thank you. And  
5 your testimony.

6 DIRECT TESTIMONY

7 THE WITNESS: I don't need to go over what  
8 Mr. Clamser said, Miss Stoudt. We all have lived there  
9 many years. I'm there since 1991.

10 I moved in in June of 1991. The water  
11 problem has been persistent throughout the 16 or 17  
12 years, whatever it is. It has gone up and down  
13 throughout the years.

14 It's gotten better at times, worse at  
15 times. I'm not an engineer, but I can tell you that  
16 pumps are not going to solve our problem.

17 A pump is designed to give you ex-amount  
18 of gallons per minute. When there's a high demand,  
19 that's not going to be any water. That's all there is  
20 to it. I have three daughters and my wife in the  
21 house.

22 This past summer has been extremely bad.  
23 A lot of people have spoke about the last couple years.  
24 but if I could, I would like to go back ten years.

25 When the pump went down or several pumps

1 went down, we were fortunate enough to have the manager  
2 of Walmart living in the development in our time.

3 Walmart brought tractor-trailers full of  
4 water that we passed out to all the residence. I don't  
5 know if everybody remembers that. I was on that truck.  
6 I don't know Mr. Kresge. I never met to him. I spoke  
7 to him on the phone one or twice. Maybe I spoke to his  
8 wife once or twice earlier.

9 Haven't called in the last few years,  
10 because I knew Mr. Clamser, Mrs. Stoudt and the others  
11 were calling and didn't feel my calls were doing any  
12 good.

13 As far as using the hoses and filling  
14 pools, I, along with the gentleman back there, agree.  
15 I Pay for the water. I should be able to do what I  
16 want with it.

17 As far as the of boil advisories go, I've  
18 lived under the assumption the entire time I've lived  
19 there, it's a boil advisory.

20 When pumps go you down and come back up,  
21 you know there's something wrong with the water. I've  
22 lived under of the assumption there's been a boil  
23 advisory the entire time I've lived there.

24 As far as houses going in, Mr. Kitner  
25 bought the property. He can do what he wants with it.

1 Put the houses in. That's not the problem. We need a  
2 holding tank to absorb the high use and replenish shall  
3 during the low-use times.

4 As far as anything else goes, I think Mr.  
5 Clamser and Stoudt and the others testified very  
6 eloquently and had said my opinion.

7 JUDGE JANDEBEUR: Questions?

8 **CROSS EXAMINATION**

9 BY MS. GANNON:

10 Q. Do you have any concerns regarding the  
11 wastewater system?

12 A. I don't have any knowledge of it being bad or  
13 indifferent. But I just need it there for my use.

14 JUDGE JANDEBEUR: Mr. Niesen.

15 MR. NIESEN: No, Your Honor.

16 JUDGE JANDEBEUR: Thank you very much.

17 (Witness left the stand.)

18 JUDGE JANDEBEUR: Moving to the second  
19 page, folks. Harry Molly.

20 VOICE: Your Honor, Harry had to leave.  
21 He gets up at 4:00 in the morning to work at Procter  
22 and Gamble.

23 JUDGE JANDEBEUR: Harry Harris.

24 MR. HARRIS: I'm retired, so I can come  
25 up.

1 JUDGE JANDEBEUR: Mr. Harris, could you  
2 raise your right hand?

3 **Whereupon, HARRY HARRIS**, having been duly  
4 sworn, testified as follows:

5 JUDGE JANDEBEUR: Thank you, sir. And  
6 first name, H-a-r-r-y, Last name, H-a-r-r-i-s?

7 THE WITNESS: Yes, 3 Joan Drive.

8 JUDGE JANDEBEUR: And you are retired?

9 THE WITNESS: Yes, I am.

10 JUDGE JANDEBEUR: You already stated  
11 that. And you are a customer of both the water and the  
12 sanitary?

13 THE WITNESS: Yes, I am.

14 JUDGE JANDEBEUR: And your testimony,  
15 sir.

16 **DIRECT TESTIMONY**

17 THE WITNESS: Okay. I have a letter that  
18 I had generated to the PUC, so I think the concerns are  
19 really on here. If you don't mind, I'll read from the  
20 letter.

21 JUDGE JANDEBEUR: I don't have it, so  
22 that would be very nice.

23 THE WITNESS: I have it.

24 JUDGE JANDEBEUR: No, I mean -- okay, you  
25 directed it to the PUC?

1 THE WITNESS: Yes, I did. With my  
2 concerns. So, I'm just going to cover this.  
3 Where Washington Park was located.

4 JUDGE JANDEBEUR: You're going to have to  
5 do it with a normal speed or the court reporter won't  
6 be able to keep up with you.

7 THE WITNESS: This would be two years  
8 since I purchased the home in the park. However, I  
9 understand that there have been water problems as far  
10 back as 1995.

11 If I would have known of the problem, I  
12 would not have purchased the home here. Let me list  
13 some of the concerns and things I have been told.

14 Washington Township took Kitner to court,  
15 stopped them from building more homes because the water  
16 problems. They lost because Mr. Kresge had papers  
17 saying he could supply enough water. He would make  
18 upgrades in the system.

19 Kresge did not make the upgrades and  
20 Kitner knew this, but kept right on putting more homes  
21 in the park.

22 My question to the PUC, why wasn't Kitner  
23 stopped. And when they realized that upgrade wasn't  
24 being made, why didn't the attorney representing  
25 Washington Park go back and take them into court and

1 say, you have not fulfilled your commitments.

2           Anyway, when I talked to people who know  
3 that I lived there, the first thing they asked me if I  
4 have any water.

5           There have been articles in the paper  
6 about Washington Park. Water problems in Tunkhannock,  
7 Times Leader. They're in all the papers. I feel my  
8 home is not gained in value, has lost in value.

9           Who wants to buy a home with water  
10 problems? We have been paying 38.25 a month for water,  
11 storage and hose. I've been told this might skyrocket  
12 to a hundred, 120 a month. I found this, no way.

13           In fact, the man I talked to at PUC was  
14 Peter Frederick. In case anybody wants the 800 number  
15 for the PUC, 800-782-1110, and hit prompt 3. And that  
16 will get you right in there. He told me his water bill  
17 was less than \$35.00 a month in Harrisburg.

18           Why should we have to pay because of the  
19 greed of Kitner or Kresge? I moved into the park  
20 because I am retired and live alone. Yet I still have  
21 to pay as much water as a home with four, five in the  
22 family or more so.

23           The price of water and sewer does go up  
24 much, who could afford to pay a mortgage, plus high  
25 water sewer bills. Again, home and property is

1 devalued.

2           There is no need for this to get this far  
3 out of hand. We need to make the parties responsible  
4 pay, instead of letting them pass it off to the  
5 consumer. Please keep me informed on what is going on  
6 and what steps and I and other residents need to take.

7           after writing this letter, I talked to a  
8 PUC rep in Harrisburg and I told him my concerns and  
9 also some more issues came up; low water pressure, air  
10 in the water system at times, a boil water advisory  
11 dated June 9th, 2007, which I found in my mailbox on  
12 June 27th, 2007.

13           Kind of late, don't you think? I have  
14 enclosed a copy it for the records. As you can see, he  
15 claims to have put it on TV and the newspaper. This is  
16 not acceptable as people need to know ASAP by phone or  
17 handout.

18           And just thank them. And my case number  
19 2257866. And that's the gist of it.

20           JUDGE JANDEBEUR: Any questions?

21           **CROSS EXAMINATION**

22           BY MS. GANNON:

23           Q.       Just a few questions to clarify. Regarding the  
24 boil advisory notice that you received, could you state  
25 what day you received it?

1 A. On June 27th.

2 Q. Thank you.

3 A. And the advisory was dated June 9th. This was  
4 not sent now by regular mail. It was found in the  
5 mailbox, just the piece of paper folded up and being  
6 put in there.

7 Q. You mentioned that you called the PUC. Have  
8 you also called the company to report any problems?

9 A. Yes. Just a few times. In fact, the last  
10 time, he had a problem here, I don't know maybe two  
11 weeks ago, last week, maybe sometime when they locked  
12 that one pump.

13 And I live on 3 Joan Drive, which is  
14 really in the lower section of the development. So, I  
15 usually have some water. But this time, I mean, it  
16 really was low.

17 And I called in and I talked to his --  
18 Mr. Kresge's wife Sandra, I believe.

19 Q. And was the company responsive?

20 A. She said that they were out working on it. And  
21 they said it should probably be fixed that day.

22 Q. And was it fixed?

23 A. Yes.

24 Q. You talked about having a problems with the  
25 water. Could you be a little bit more specific? Is it

1 similar to problems that other customers testified  
2 about?

3 A. Yes. I get -- like some of the people  
4 testified that live there, will turn their valves.  
5 And, naturally, don't have any water and sucking air.  
6 No water coming out, sucking air to the system.

7 After everything comes, we get a little  
8 more water, more water. And you're going to have, when  
9 you fill up a glass of water, you're going to have --  
10 it's going to be white, which indicates there's air  
11 in there.

12 If they work on it, you get a bleach  
13 odor. I think somebody referred to it as chlorine.  
14 It's really like a bleach odor. That's how I would  
15 describe it.

16 Q. Other than the one time you mentioned in the  
17 last two years, have you been out of water?

18 A. Actually ran out?

19 Q. Yes.

20 A. No. Just this last week, I would say it was  
21 really low. I mean, I'm in my 60s. And I have more  
22 pressure than that. And that's the way it is. Sorry,  
23 Your Honor. You're shaking your head. I thought I was  
24 in Judge Judy.

25 JUDGE JANDEBEUR: Woke us up.

1 BY MS. GANNON:

2 Q. You say problems, just low water pressure?

3 A. Yes.

4 Q. Or just the quality issues, air in the water?

5 A. I mean, it doesn't all come at once. You get  
6 the low water pressure. After everything is brought  
7 back on line, then you get the air coming into the  
8 system.

9 The next day maybe, you know, you'll find  
10 it then. And then to try to sanitize it, I imagine  
11 bleach or something dumped into the lines. And that's  
12 why you get an odor then.

13 Q. And do you have any concerns regarding  
14 wastewater system?

15 A. Sure.

16 Q. What are those concerns?

17 A. The wastewater system. Yes, I think the whole  
18 system goes together. I mean, paying water and sewer.  
19 Definitely don't want to see the sewage system  
20 deteriorate any more than what it is.

21 The first day I moved into my home, going  
22 down Gooseneck Road, I think, down if you've never been  
23 there, down in the Valley, that's where the stream  
24 comes through, which eventually goes down to Vossberg  
25 which goes into the river. And it was really raw

1 sewage smell there, really raw.

2 Q. When was that?

3 A. It would be 2006. I was told that it was from  
4 the farm up above there. But I was raised on a farm  
5 and that is no farm smell. That was really raw sewage.

6 Q. Do you purchase any water for drinking or  
7 drinking water from the system?

8 A. I use it for coffee. I live alone there, so I  
9 usually drink -- I'll have my milk, you know, cranberry  
10 juice, orange juice and stuff like that and beer, not  
11 necessarily in that order.

12 Q. And you mentioned concerns about affordability?

13 A. Yes, about the cost of the system increase?

14 Q. Yes.

15 A. I think so, because, definitely, I mean, you  
16 take a young couple or anybody that's looking to buy a  
17 home and they're looking at maybe a \$500 mortgage a  
18 month. Just throwing out numbers, \$500. And then the  
19 additional cost for your water and sewer is 100, 125.  
20 The expenditures are already up to 6; 625, definitely.  
21 Big difference between 30.25 and, as some estimates I  
22 heard of 120; 125.

23 So, I definitely have interest in that  
24 also.

25 MS. GANNON: Thank you.

## 1 CROSS EXAMINATION

2 BY MR. BROWN:

3 Q. Clarification. You read from the letter. Did  
4 you mail that letter?

5 A. Yes.

6 Q. And who did you send it to? Was it addressed to  
7 anyone?8 A. I believe it went to the PUC. Yes. PUC, post  
9 Office Box 3265, Harrisburg, Pennsylvania, 17125.10 Fellow a talked to on the phone was Peter Frederick.  
11 He returned my called.

12 Q. After you sent that?

13 A. Yes.

14 JUDGE JANDEBEUR: Peter Frederick, PUC.

15 MR. BROWN: Bureau of Consumer Services.

16 THE WITNESS: Okay.

17 MR. NIESEN: No questions.

18 JUDGE JANDEBEUR: Thank you very much,  
19 Mr. Harris. You enlightened our evening.

20 THE WITNESS: I hope so. Thank you.

21 JUDGE JANDEBEUR: Dawn and Pete Elsworth.  
22 Michael Loy. Would you raise your right hand for me?23 Whereupon, MICHAEL LOY, having been duly  
24 sworn, testified as follows.

25 JUDGE JANDEBEUR: And would you spell

1 your last name for us?

2 THE WITNESS. L-o-y.

3 JUDGE JANDEBEUR: And your address?

4 THE WITNESS: 14 Thomas Drive.

5 JUDGE JANDEBEUR: And are you employed?

6 THE WITNESS: Yes, I am.

7 JUDGE JANDEBEUR: And by?

8 THE WITNESS: Telecom.

9 JUDGE JANDEBEUR: Are you a customer?

10 THE WITNESS: Yes, I am.

11 JUDGE JANDEBEUR: Very good.

12 DIRECT TESTIMONY

13 THE WITNESS: I agree with everybody,  
14 what they say. It's the same thing. I've been living  
15 there since 2003. And I do not experience a no water.  
16 But I do experience low water pressure. And it's  
17 usually the majority occurs on the weekend, when  
18 everybody is using water.

19 You've got to get in the morning. If you  
20 don't, you got to wait. No sense in taking a shower  
21 towards the afternoon. There's no pressure or low  
22 pressure.

23 And the same thing, try to wash my  
24 clothes later on at night. I will say that the water  
25 pressure has increased since the pump went in. But I

1 don't think having pumps, like, Mr. Pharr said, got to  
2 have a holding tank. Not going to get -- the pump is  
3 not going to do it.

4 Having a pump on one house, yes. Having  
5 them on a neighborhood like that, no way. You have to  
6 have a holding tank..

7 JUDGE JANDEBEUR: Are you in the lower or  
8 higher?

9 THE WITNESS: Higher end, but lowest point  
10 on the highest end.

11 JUDGE JANDEBEUR: Questions?

12 THE WITNESS: I have not had a problem  
13 with the sewage. When I first moved in there, it  
14 backed up. And then I had it go through and thought it  
15 was a clog and he routed it out. And did an upgrade on  
16 the sewer lines in the house. And everything seemed to  
17 work.

18 My neighbor across the street, I know he  
19 told me if I had a back up and I didn't. I told him I  
20 didn't. He told me it backed into his house. He lives  
21 directly cross at 13 Thomas Drive.

22 Talked to somebody else. He said  
23 Roto-Rooter came and the lines were clogged. That was  
24 probably about two, two and a half years ago.

25

## CROSS EXAMINATION

1  
2 BY MS. GANNON:

3 Q. Other customers testified that -- I realize  
4 you've been there since 2003. Other customers  
5 testified that things have gotten worse, and were the  
6 worst this past summer, 2007. Would you agree with  
7 that?

8 A. Yes. I say it's gone downhill since I moved  
9 in. You know, the water pressure itself, I mean, you  
10 definitely can tell.

11 It's definitely, on the weekend, when  
12 everybody decides to do the laundry or whatever, forget  
13 about it. If you started early in the morning, before  
14 anybody else gets up, it's like, it's fine.

15 The longer you go in the day, the less  
16 the pressure goes down. Sometimes, at night, you can  
17 tell when you flush the toilet, you can hear the air  
18 coming in.

19 It takes about five minutes for the  
20 toilet fill up.

21 Q. Have you complained about those pressures to  
22 the company?

23 A. No, I haven't.

24 Q. Why not?

25 A. Why? Because listen to everybody else. I

1 figured, there's no sense. You're not going to get  
2 anywhere.

3 MS. GANNON: Thank you.

4 JUDGE JANDEBEUR: Hold on. Any  
5 questions?

6 MR. NIESEN: No.

7 JUDGE JANDEBEUR: Thank you very much.

8 (Witness left the stand.)

9 JUDGE JANDEBEUR: Dawn Ball, William  
10 Ball. Karen Thorn. Would you raise your right hand?

11 **Whereupon, KAREN THOREN**, having been duly  
12 sworn, testified as follows.

13 JUDGE JANDEBEUR: Speak up.

14 THE WITNESS: Karen, T-h-o-r-e-n.

15 JUDGE JANDEBEUR: Address.

16 THE WITNESS: 118 Washington Park Road.

17 JUDGE JANDEBEUR: Are you employed,  
18 ma'am?

19 THE WITNESS: Yes.

20 JUDGE JANDEBEUR: And your employment is.

21 THE WITNESS: A teacher, for Hour Place,  
22 H-o-u-r, Place, P-l-a-c-e, Child Care Center, Clarks  
23 Summit.

24 JUDGE JANDEBEUR: Are you a current  
25 customer of both the water and sanitary?

1 THE WITNESS: Yes.

2 JUDGE JANDEBEUR: And your testimony?

3 DIRECT TESTIMONY

4 THE WITNESS: I bought my townhouse. I  
5 live in a townhouse in Washington Park Road. And the  
6 other end of the apartments, the apartment at this end  
7 and townhouse at this end.

8 I bought my in 2005, October. And at the  
9 beginning, I really didn't have too many water problems  
10 at all.

11 Since last year, increasingly getting  
12 worse every month since probably about March. And the  
13 whole summer, it's been every single weekend, we have  
14 no water, every single night we have no water.

15 Dinnertime, you're luck if you get to  
16 fill up a pot of water to cook pasta. After dinner,  
17 you're lucky the kids will be able to get a bath  
18 because there's no water.

19 We've been taking the kids to one of our  
20 parent's houses, baths and showers, things like that.  
21 Really just a hassle to have to transport your children  
22 and yourself to try to make sure you get a shower every  
23 single day.

24 It's like on a daily basis and the  
25 weekend basis, that we have no water. I was -- I live

1 next door to Mr. Miller that had the sewer problem.  
2 The sewer broke in the middle of their driveway.

3 And we both contacted Mr. Kresge about  
4 coming and looking at it. And Mr. Miller was the one  
5 who talked to him about the actual pipe in the back and  
6 he did not want to fix that. We all chipped in and  
7 fixed our own.

8 But he had to go and pay for the one in  
9 the back pipe. We did have sewer back up into my  
10 basement like all my utility hub, 2, 3 days in a row.  
11 And clean it out and figure out why it was coming in.

12 That's when we went through the sewer  
13 problem. Find out where the break was. It's just  
14 definitely a hassle just living there. Really  
15 concerned about the safety of yourself and your  
16 children and don't want to drink the water.

17 We buy bottled water. We don't buy a lot  
18 of it. We just don't drink it. We drink maybe one,  
19 five-gallon bottle of water in like a month. I drink  
20 it at work. My kids drink at school.

21 So -- or at the grandparents, the father,  
22 other places that they drink things. And don't drink  
23 it at home.

24 My other main concern is the investment.  
25 I bought this house, and there's no way, with all the

1 stuff going on, I could even sell it. I'm getting  
2 married in April and would like to move out of there  
3 and buy a new house someplace else.

4 Nobody is going to buy my house. No way.  
5 That's all I have to say.

6 JUDGE JANDEBEUR: Questions?

7 **CROSS EXAMINATION**

8 BY MS. GANNON:

9 Q. Just to clarify, you're talking about --  
10 previously testified about the sewage collection line  
11 breaking. Just to clarify, the break was in a line  
12 that was shared by the townhouses?

13 A. Yes.

14 Q. But the blockage was not in the customer line,  
15 is that correct?

16 A. Right.

17 Q. Well, when you're talking about -- just to get  
18 a sense of the day-to-day water use, you mentioned that  
19 you have problems giving baths or taking showers. Can  
20 you describe any other problems that you had?

21 A. To do laundry, we usually fill the washer at  
22 night, fill it with clothes. And I have the timer set  
23 on there to wash 2, 3:00 in the morning, so I know it  
24 will run and not stop and fail.

25 And the same thing with the dishwasher.

1 Can't do that during the day. We have to do it at  
2 night.

3 In the morning, when you get up, just  
4 like some of the others, get up in the morning, trickle  
5 for couple hours. And 8:00 on, there's not water.  
6 There's been times I've actually turned on the faucet  
7 and not a drop has come out anywhere, downstairs,  
8 upstairs, nowhere.

9 MS. GANNON: That's all. Thank you.

10 **CROSS EXAMINATION**

11 BY MR. BROWN:

12 Q. When you had the sewer backup, did you contact  
13 the company?

14 A. Mr. Kresge?

15 Q. Yes.

16 A. Yes, we called him.

17 Q. You say we, I'm asking if you did?

18 A. Yes. I called him first. I called him first  
19 and I had him come out and look at it. I'm the one  
20 that had the sewage actually draining out of my  
21 driveway and into the back of my yard.

22 It was Mr. Miller and I talked to him  
23 about it. I'm the first-time homeowner. For me, I had  
24 a lot of questions that I didn't really know. Helped  
25 me with the other neighbors talking and finding out

1 what we had to do with that and they too contacted Mr.  
2 Kresge.

3 MR. BROWN: That's all.

4 JUDGE JANDEBEUR: Mr. Niesen.

5 MR. NIESEN: Nothing.

6 JUDGE JANDEBEUR: Thank you.

7 (Witness left the stand.)

8 JUDGE JANDEBEUR: Anyone in the audience  
9 came in after that wishes to testify? If so, raise  
10 your hand.

11 Okay. Now, just a couple of things. Mr.  
12 Kresge has signed in. Mr. Kresge, it would be  
13 inappropriate for you to testify because, obviously, if  
14 it goes to litigation, you will be testifying in an  
15 actual hearing. The public input hearing is for the  
16 customers.

17 MR. KRESGE: I understand that.

18 JUDGE JANDEBEUR: Okay. So I'm not going  
19 to count you on that. Just to let all of you know,  
20 your representative Sandra Major, State Representative  
21 Sandra Major has submitted a letter in this. It's a  
22 little bit confusing because she is not here, to put it  
23 on the record herself.

24 As I explained to all of you, there were  
25 three options. One, is testify under oath. Two is

1 testify not under oath. And three is talk to the Law  
2 Bureau, OCA after. This is not any one of those.

3 It is addressed to all of the chairman.  
4 I will simply submit to the Commissioners as it is  
5 addressed. And I won't consider it as part of this  
6 record.

7 That brings me, I believe, to a close.  
8 Is there anybody that wishes that make a statement not  
9 on the record?

10 MR. NISKEY: Hope you help us.

11 JUDGE JANDEBEUR: I certainly hope that I  
12 am able to do that, Mr. Niskey. Again, nobody in the  
13 audience that has not spoken yet, wishes to make a  
14 statement not on the record?

15 You made a statement, correct? All  
16 right. Going, going, going, gone.

17 Now, your supplier would like to make a  
18 closing statement. I am going to limit you though.  
19 I'm going to watch my clock. I will give you a few  
20 minutes.

21 MR. KRESGE: Carl Kresge, K-r-e-s-g-e. I  
22 don't turn the water off and on. I have applied for a  
23 PennVEST loan in 1993.

24 Drilled the well and put the pump in on  
25 Labor Day. Fixed it all up. Got it on line and got

1 the PennVEST loan. We were in this very courtroom with  
2 Mr. Kitner, when I wanted him to have aide in  
3 construction money. And he wouldn't do it.

4 The ALJ that sat in on that hearing saw  
5 to it that what we would do would be to -- I was to  
6 apply for a PennVEST loan. He was to put in the water  
7 and the sewer line. He did that.

8 I applied for the PennVEST loan and was  
9 granted that loan in November of 1994. The work was to  
10 begin in 1995.

11 Told most people here, I've said this,  
12 I'm going to say it again, that job never happened  
13 because of the myriad of reasons. And the biggest one  
14 was the Department of Environment Protection; namely,  
15 Larry Paulish stopped me. Larry Paulish stopped me and  
16 never went ahead.

17 You folks reaped the benefit of that. He  
18 then came back and in this business about permits and  
19 not having permits, was a bunch of garbage. We had a  
20 construction permit for the PennVEST loan.

21 And I asked to have a final permit so  
22 that we could use that well number 3. That happened  
23 after we drew the thing like it was, because it was  
24 already ready for a permit and we were able to use it.  
25 And it was being used and very, very stupid situation.

1 I know that. I will not do it.

2 The 50,000 gallon tank isn't in the field  
3 today because of Mr. Larry Paulish of DEP. Shake your  
4 head if you want. I'm telling you the truth.

5 50,000 gallon tank down there. And right  
6 now, to fill that 50,000 gallon tank, we have a hard  
7 time with the wells down there. I'm going to do my  
8 best to get the water from well number 3 and 4.

9 Well number 4, I went down there and  
10 asked for some representative from DEP to come and show  
11 me a spot and they never showed up.

12 I know where to drill one. Got to be far  
13 enough way from the water tank and stuff. I did this.  
14 I drilled that well number 4; 800 feet deep. I've done  
15 this.

16 I have not been paid for well number 2,  
17 well number 3, well number 4. I have not been paid  
18 from well number 2, well number 3, and 4 for Carl L.  
19 Kresge and Sons, my drilling company.

20 I put that in and it should be better for  
21 you. So, that's all I can tell you.

22 JUDGE JANDEBEUR: Thank you. OCA, would  
23 you like to make a closing comment?

24 MS. GANNON: Just very briefly. It's  
25 late. Thank you so much for staying. We appreciate

1 people that came. And we really appreciate the people  
2 that testified. And please feel free to contact my  
3 office.

4 We are trying to work towards resolution  
5 of your problems and deal with that as soon as we're  
6 able to do it.

7 JUDGE JANDEBEUR: Law Bureau, make a  
8 closing comment.

9 MR. BROWN: Thank you for time. We  
10 appreciate all this information. We will definitely  
11 use this in our prosecution of this. Thank you.

12 JUDGE JANDEBEUR: Mr. Niesen, anything?

13 MR. NIESEN: Nothing further to add, Your  
14 Honor. Thank you.

15 JUDGE JANDEBEUR: Folks, it's a long  
16 evening. I appreciate you coming. I appreciate all of  
17 the sworn testimony. And please stay in contact  
18 specifically with your consumer advocate. Thank you  
19 very much.

20 (Whereupon, at 9:53 p.m, the hearing was  
21 concluded.)

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