

February 2, 2015

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Docket No. C-2014-2445065
Jeffery Gibson v. United Water Bethel¹

Dear Secretary Chiavetta:

We are counsel for United Water Bethel/United Water Pennsylvania Inc. in the above matter and are submitting via electronic filing the Company's Answer to the Post Hearing Letter/Motion of Complainant Jeffrey Gibson. A copy of the Answer is being served in accordance with the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service (w/encl.)
The Honorable Dennis J. Buckley (w/encl.)
John D. Hollenbach (w/encl.)

150202-Chiavetta (Ans to LetterMotion).wpd

¹ Although the Public Utility Commission has captioned the proceeding identifying United Water Bethel as Respondent, the proper Respondent appears to be United Water Pennsylvania Inc.

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY GIBSON,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2445065
	:	
UNITED WATER BETHEL,¹	:	
Respondent	:	

**ANSWER OF UNITED WATER PENNSYLVANIA INC. TO POST HEARING
LETTER/MOTION OF COMPLAINANT JEFFREY GIBSON**

AND NOW, comes United Water Pennsylvania Inc. (“United”), by its attorneys, and, pursuant to the Order of Administrative Law Judge Dennis J. Buckley dated January 13, 2015, answers the Post Hearing Letter/Motion of Complainant Jeffrey Gibson (“Complainant”) as follows:

1. Complainant’s post hearing letter/motion asks for a ruling on his case. United agrees that the matter should be resolved. United submits that the appropriate resolution would be the dismissal of the complaint for lack of prosecution and/or for failure of Complainant to meet his burden of proof pursuant to 66 Pa. C.S. § 332.

2. Complainant did not appear at the duly noticed evidentiary hearing on January 7, 2015. His post hearing letter/motion avers that he could not find the hearing building. He further advises that he will not walk to another hearing. Under the circumstances presented,

¹ The Public Utility Commission’s Formal Complaint Notice identifies United Water Bethel as the Respondent. Complainant, however, in Paragraph 2 of the Complaint identifies United Water PA as the “Name of Utility or Company (Respondent).” It is clear from the averments presented in the Complaint that Complainant is raising matters concerning United Water Pennsylvania Inc., not United Water Bethel. Accordingly, United Water Pennsylvania Inc. presents this answer to Complainant’s post-hearing letter motion,

Complainant has failed to pursue his Complaint at hearing. Complainant's post hearing letter/motion is not a substitute for an evidentiary presentation. United's motion to dismiss for failure to prosecute should be granted.

3. Complainant, moreover, has the burden of proof pursuant to 66 Pa. C.S. § 332. Complainant has not offered any evidence in support of his Complaint. Again, Complainant's post hearing letter/motion is not a substitute for an evidentiary presentation. Complainant, consequently, has failed to meet his burden of proof and, if not dismissed for lack of prosecution, the Complaint should be dismissed for failure to satisfy the statutory burden of proof.

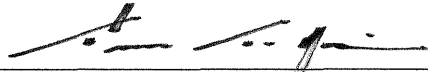
4. The post hearing letter/motion, in point of fact, is nothing more than a renewed request for relief – a restatement of the formal Complaint which Complainant has failed to prosecute. Along with a request for a ruling, it asks the Commission to order United to remove its remote meter reading devices. Complainant presented the same request in his Complaint. Complainant has failed to support the request by either fact or law.

5. Complainant also asks the Commission to direct United to pay each customer \$1,000 per month that the remote reading device was installed. The request for monetary relief is wholly without support and it, moreover, is beyond the Commission's jurisdiction. *Feingold v. Bell of Pennsylvania*, 477 Pa. 1 (1977).

6. In sum, Complainant has failed to pursue his Complaint and satisfy his evidentiary burden. The Commission, moreover, has no jurisdiction to grant part or all of the relief requested.

WHEREFORE United Water Bethel/United Water Pennsylvania Inc. respectfully requests that the Pennsylvania Public Utility Commission deny the post hearing letter/motion and dismiss the Complaint of Jeffrey Gibson at Docket No. C-2014-2445065.

Respectfully submitted,

By 
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*Attorney for Respondent
United Water Bethel/United Water Pennsylvania Inc.*

DATED: February 2, 2015

