



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 9, 2015

Ms. Aesha Lynch
5325 Apache Trail
Tobyhanna, Pennsylvania 18466

RE: Aesha Lynch v. Pennsylvania
American Water Company
Docket Number F-2015-2468979

Dear Ms. Lynch:

I received your hand written comments to each of the statements made by Attorney Michael Guin, Counsel for the Pennsylvania American Water Company, in the Company's Answer and New Matter filed on March 18, 2015. However, I am returning it to you under cover of this letter because it contains several deficiencies.

First, it does not comply with the Commission's regulations in responding to New Matter as required in 52 Pa. Code Section 5.63. Second, you failed to sign and verify your statements as required by the Commission's regulations at 52 Pa. Code Section 1.4(d) and Section 1.36, in order to verify what you are stating is true and correct to the best of your knowledge. Third, no certificate of service as required by 52 Pa. Code Section 1.54, accompanied your filing, so I must assume you never mailed a copy of your handwritten statements to Counsel Michael Guin. Therefore, I am enclosing a copy of your filing under cover of this letter to Mr. Guin.

Please correct these deficiencies by the close of business (4:30 p.m. EST) on April 20, 2015, or your responses to PA American's Answer and New Matter will not be considered timely or acceptable to be placed on the record of the case. You may deposit your response in overnight delivery, certified or priority mail to preserve a timely filing is made by April 20, 2015.

Sincerely,

A handwritten signature in black ink that reads "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

Enclosures

CC: Michael Guin, Counsel for Respondent
Administrative Law Judge Katrina Dunderdale

Dated 4/2/15

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
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Email: mag@stevenslee.com
Direct Fax: (610) 988-0852

March 18, 2015

VIA ELECTRONIC FILING

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

RE: Aesha Lynch v. Pennsylvania-American Water Company
Docket No. F-2015-2468979

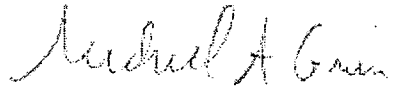
Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is an original of its Answer and New Matter to the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosure

cc: Certificate of Service

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2015 APR - 8 AM 10: 34
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SECRETARY'S BUREAU

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Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AESHA LYNCH

Complainant

v.

PENNSYLVANIA-AMERICAN
WATER COMPANY

Respondent

Docket No. F-2015-2468979

NOTICE TO PLEAD

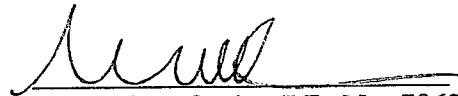
To: *Aesha Lynch*

You are hereby notified to file a written response to the attached Answer and New Matter of Pennsylvania-American Water Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for Pennsylvania-American Water Company. Failure to respond to this Answer and New Matter could result in the dismissal of your case.

STEVENS & LEE



Michael A. Gruin, (I.D. No. 78625)
17 N. 2nd St., 16th Fl
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852
COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: March 18, 2015

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AESHA LYNCH	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. F-2015-2468979
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**ANSWER & NEW MATTER OF RESPONDENT,
PENNSYLVANIA-AMERICAN WATER COMPANY**

Pursuant to 52 Pa Code §5.61, Pennsylvania-American Water Company (“Respondent” or “Company”), by and through its attorneys Stevens & Lee, P.C., hereby responds to the Formal Complaint (“Complaint”) filed by Aesha Lynch (“Complainant”).

In support thereof, the Company avers as follows:

1. Admitted.
2. Admitted.
3. Admitted
4. The Company denies that there are incorrect charges on the Complainant’s

bill. The Company admits that the Company removed the meter that was in a crawl space in the Complainant’s home and installed a new meter in a meter pit outside of the Complainant’s property in July of 2014. The Company denies that the installation of the new meter caused a service line leak. The service line leak was pre-existing, and only began to be recorded once the meter was moved to the outside meter pit. The Company does not have a record of the Complainant contacting the Company about a possible leak prior to August 20, 2014. The Company denies that a Company representative told the Complainant that the service line leak was caused by the moving of the meter. As set

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forth below in New Matter, the Company has informed the Complainant of the existence of the service line leak multiple times and has asked the Complainant to repair the service line, but the Complainant has not repaired the service line. The Company admits that the Complainant's water service was terminated after proper notice for failure to repair the service line leak, but service was restored as a courtesy to the Complainant. To the extent that paragraph 4 contains additional allegations, such allegations are denied.

5. The Company denies that the Complainant is entitled to the relief requested. The meter in the meter pit outside of the Complainant's home is accurately measuring the Complainant's water usage. There is a leak on the Complainant's service line, which she is responsible to repair. The Company acted properly and in accordance with the Public Utility Code and the Commission's regulations in all respects in connection with the Complainant's account, as set forth below in New Matter.

6. Paragraph 6 is a statement to which no response is required.

7. Admitted.

8. Paragraph 8 is a statement to which no response is required.

9. Paragraph 9 is a verification to which no response is required.

NEW MATTER

10. Pennsylvania-American Water Company incorporates by reference responses contained in Paragraphs 1 through 9 above as though fully set forth at length. *Disagree*
± disagree with paragraph number five.
11. Pennsylvania-American Water Company is represented in this matter by: *Admitted*

Michael A. Gruin (I.D. No. 78625)
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mag@stevenslee.com

12. On or about July 29, 2014, the Company removed the Complainant's existing meter from the crawl space inside of her home, and installed a new meter in an existing meter pit outside of her home. Admitted

13. On August 20, 2014, the Complainant contacted the Company and indicated that she believed there was a leak on her service line, and a service order was created to inspect her service line for leaks. Disagree - I called the water company on August 11, 2014. I informed them that something was wrong. One week later I called back. Then on August the 20th a service order was created.

14. On August 21, 2014, a Company field service representative visited the Complainant's home and verified a leak on her service line. Admitted

15. On October 27, 2014, a field service representative visited the property and noted that the leak still had not been repaired. Admitted

16. On November 5, 2014, the Company sent the Complainant a letter to inform her that a service line leak was identified on her property, and informing her that she should have the leak repaired within 10 days. Admitted

17. On December 4, 2014, the Company sent the Complainant a 10-day shut-off notice for failure to repair the leak on her service line. Admitted

18. On December 9, 2014, the Company posted a 3-day shut-off notice on the Complainant's property for failure to repair the leak on her service line. Admitted

19. On December 22, 2014, a field service associate visited the Complainant's property and confirmed that the service line leak still had not been repaired, and shut-off service to the property for failure to repair the service line leak. Admitted

20. On December 31, 2014, the Company restored service to the Complainant as a courtesy, and placed a three week hold on her account to allow her to have the leak repaired. Disagree The account was placed on hold due to the negligence of the water company.

21. Rule 2.14 of the Company's Commission-approved tariff states that the Company's responsibility for water service terminates at the street service connection. *NOT SURE*

22. Tariff Rule 2.12 establishes that the service pipe is the portion of the water line not owned by the Company which transmits water from the main to the Complainant's premises. *Not Sure*

23. Tariff Rule 4.9 establishes that the customer has full responsibility for the installation, repair, replacement, and maintenance of all service pipes. Tariff Rule 4.9 also provides that if an undetected, non-surfacing, underground leak is found in a Customer's Service Pipe, a customer is eligible for a one-time leak credit adjustment equal to forty percent (40%) of that portion of one month's consumption that exceeds the average monthly usage, based on the prior twelve month period, upon submission of verification of the repair of the leak. *NOT SURE*

24. Tariff Rule 12.1 (A) states that the Company may terminate a customer's water service for willful or indifferent waste of water, and Tariff Rule 12.1(B) states that the Company may terminate a customer's water service for failure to properly maintain the service lines on the customer's property. *Not Sure*

25. Tariff Rule 5.3 states that at the Company's discretion, a meter shall be placed in a meter tile or vault which meets the Company's specifications. The meter tile or vault shall be placed immediately inside the Customer's property line or at such other location as may be ordered by the Company. *Not Sure*

26. The Company has acted properly in all respects in connection with the Complainant's account. *Disagree*

I am not sure on how to answer questions 21-25. I requested a copy of the company's policy and procedures be mailed to me in large print. I never received the information.

27. Despite being notified on multiple occasions that her service line is leaking, the Complainant has refused to repair the service line, in violation of the Company's tariff. *DISAGREE* I informed them that there was a problem with the credit that they just performed.

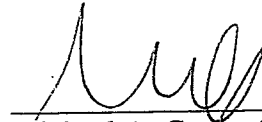
28. Upon receiving proof that the service line leak has been repaired, the Company will issue the Complainant a leak adjustment in accordance with its Tariff, and also provide the Complainant with a payment arrangement for the remaining balance on her account. *DISAGREE*

REQUEST FOR RELIEF

WHEREFORE, for all of the reasons stated herein, Respondent Pennsylvania-American Water Company respectfully requests that your Honorable Commission dismiss the instant complaint with prejudice.

Respectfully submitted,

STEVENS & LEE



Michael A. Grun, (I.D. No. 78625)
17 N. 2nd St., 16th Fl
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: March 18, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AESHA LYNCH

Complainant

v.

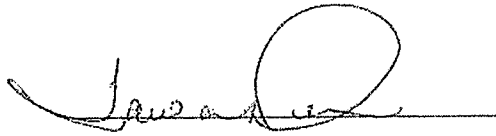
PENNSYLVANIA-AMERICAN
WATER COMPANY

Respondent

Docket No. F-2015-2468979

VERIFICATION

I, Tawana Dean, holding the position of
Compliance Manager with Pennsylvania- American Water Company, verify that
the answers and the factual allegations contained in the foregoing Answer to Complaint
and New Matter are true and correct to the best of my knowledge, information and belief.
I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.
§4904, relating to unsworn falsifications to authorities.



3-18-15

Date

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

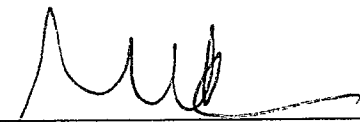
AESHA LYNCH	:	
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Complainant	:	
	:	
v.	:	Docket No. F-2015-2468979
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer and New Matter upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA FIRST CLASS US MAIL

Aesha Lynch
5325 Apache Trail
Tobyhanna, PA 18466



Michael A. Guin

DATED: March 18, 2015