

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Frank Nellom,	:	
	:	Utility Acct Number <u>001769173005453</u>
Petitioner,	:	
	:	
v.	:	Re: Trial Court No. <u>14-000431</u>
	:	
Aqua Pennsylvania, Inc.,	:	
Respondent,	:	PUC No. <u>C-2014-2450732</u>

**Petitioner's Motions for Declaratory Order on False Statements**

To the Honorable Judge Darlene Heep:

1. Petitioner, Frank Nellom, pursuant to 52 Pa.Code. §5.1.(6). Pleadings allowed by Motions, and § 5.42. Petitions for declaratory orders. Request determination on whether Aqua Pennsylvania, Inc., employee Heather S.D. Harrison, John Kennedy, and Counsel Margaret A. Morris knowingly made false statements in pleadings to this Judge in violation of 18 Pa. C.S. § 4904.(a). (1) makes any written false statement which he does not believe to be true.

**Authority**

2. This Judge has the authority to issue a declaratory order to that effect pursuant to 66 Pa. C.S. §331(f). Declaratory orders. "The commission, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty." As whether false statements were made by Respondents.

**Statement of the case**

3. This case began with Respondent issuing Petitioner the monthly agreement bill dated September 9, 2013, stating the total amount of \$167.17 is due by October 1, 2013. **(Exhibit A)**. Service was terminated six (6) days before on September 25, 2013. **(Exhibit B)**. Following

notice of \$100.00 payment; Complaint, and billing history request on November 12, and 14, 2013. **(Exhibit C-D)**. Service was terminated December 12, 2013. **(Exhibit E)**.

#### **False statement Facts**

4. On December 18, 2013, @ 9:26 AM Petitioner Emailed Public Relations Director Donna P. Alston the following:

“Hi Donna: I filed complaint with Aqua on November 12, 2013, and requested complete billing history on November 14, 2013. (See attached Exhibits A-B). According clearly established law 52 Pa. Code § 56.92. Notice when dispute pending. (Exhibit C). Aqua was prevented from Terminating service until my dispute had been resolved. 30 days has also past from the time the complete billing history request was made. Preventing me filing my complaint with the Court. Please take this information to the head of the Department to restore service immediately. **(Exhibit F)**.

5. On December 18, 2013, @ 1:12 PM Petitioner also Emailed customer service the following:

Aqua records will show on November 12, 2013 Aqua accepted the dispute, and request for information on November 14, 2013 regarding the dispute. Aqua prior to even providing the information requested Terminated Service December 12, 2013. In violation of the following law: 52 Pa.Code § 56.92. Notice when dispute pending. A public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void. Authority The provisions of this § 56.92 amended under Chapter 14 of the Public Utility Code, 66 Pa.C.S. Chapter 14. Making clear, if a person files a dispute, the dispute must be resolve before service is terminated. QUESTION Does Aqua recognize that it is illegal to terminate service of home owners with medical condition raising a two year old? After receiving the above stated complaint, and information request? A copy of this email will be forwarded to PUC Rep Kevin Ford by email @ [keford@pa.gov](mailto:keford@pa.gov). Please see attached information. Exhibits A-C to Donna Alston. PDF. **(Exhibit G)**.

6. On December 18, 2013, @ 2:12 PM John Kennedy left Petitioner a voice message stating emails from Donna Alston and medical form up-date required him to restore service that day. **(Exhibit H)**.

7. On August 18, 2015, Petitioner emailed counsel Margaret A. Morris Notice that, false

statement were made, inter alia (Page 14, paragraph one of Respondent's Brief) **(Exhibit I)**, about John Kennedy contacting Petitioner on December 16, 2013. Therefore, Counsel should seek to settle, rather than going along with that lie. **(Exhibit J)**.

8. On August 26, 2015, Petitioner emailed counsel Margaret A. Morris final notice. **(Exhibit K)**. Although not presented as an issue here, mention Respondents act of lying in its pleadings against a Commonwealth of Pennsylvania citizen even after knowing (Google) proved the lie. Shows utter disregard for the truth, Civil Rights Act of 1964 was promulgated to prevent, furthered in 42 U.S. Code § 1981 - Equal rights under the law. (Impose the Right of not having to defend against lies) as shown here.

#### **Declaratory Relief**

9. Respondents after being made aware, inter alia, the material false statement referring to John Kennedy, "He left a voice messgae for the Complainant on December 16, 2013," in its Brief, in violation of 42 Pa.C.S. § 4904. Entitled Petitioner to an order that Respondents did in fact knowingly make that false statements of material fact in its pleadings.

Respectfully submitted,

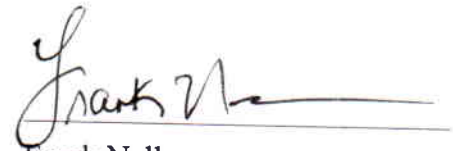


Frank Nellom, pro se  
520 Keystone Avenue  
Darby, PA 19023  
484-469-0265  
franknellom@gmail.com

Dated: September 13, 2015

**Verification**

I, Frank Nellom, hereby certify that the statements made in the foregoing Petitioner's Motions for Declaratory Order on False Statements, and the Exhibits attached thereto are true and correct to the best of my knowledge, information and belief by my signature below make subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Frank Nellom", written over a horizontal line.

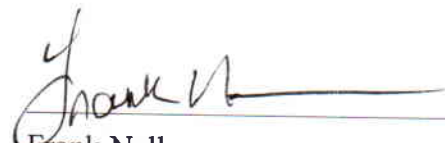
Frank Nellom, pro se  
520 Keystone Avenue  
Darby, PA 19023  
484-469-0265  
franknellom@gmail.com

Dated: September 13, 2015

**Proof of service**

I, Frank Nellom, hereby certify a true and correct copy the of foregoing Petitioner's Motions for Declaratory Order on False Statements, and the Exhibits attached theretowas duly served upon Respondent's Counsel of record Margaret A. Morris by Email as practiced on the below date addressed as follows:

mmorris@regerlaw.com

A handwritten signature in black ink, appearing to read "Frank Nellom", written over a horizontal line.

Frank Nellom, pro se  
520 Keystone Avenue  
Darby, PA 19023  
484-469-0265  
franknellom@gmail.com

Dated: September 13, 2015

C3



Service To:  
**FRANK NELLOM**  
0520 KEYSTONE AVE  
DARBY, PA 19023-2414

Account Number  
**001769173 0054535**  
MAIN DIVISION  
1101010 PWSID # PA1460073

**Aqua Pennsylvania, Inc.**  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010-3489

Toll Free: **877.987.2782**  
Fax: **866.780.8292**  
[www.aquaamerica.com](http://www.aquaamerica.com)

Questions about your water service?... Contact us before the due date.  
Bill Date **September 09, 2013** Total Amount Due **\$ 167.17** Current Charges Due Date **October 01, 2013**

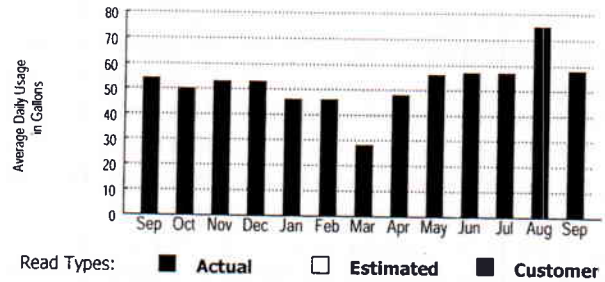
**Meter Data**

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage	Units
51534072	5/8	09/05/13	31	Actual	543500	1,800	Gallons
		08/05/13		Actual	541700		
Average Daily Usage = 58 Gallons		Total Days: 31		Total Usage:		1,800	Gallons

**Billing Detail**

Amount Owed from Last Bill .....	\$ 133.33
Total Payments Received .....	0.00
<b>Remaining Balance .....</b>	<b>133.33</b>
Customer Charge .....	16.00
1,800 gallons @ \$0.009071 per gallon.....	16.33
Total Water Charges .....	32.33
Late Charge .....	1.51
<b>Amount Due.....</b>	<b>\$ 167.17</b>

**Water Usage History**



**Message Center** (see reverse side for other information)

- Would you like to quickly and easily learn important information about your water? Please let us know how you want to be contacted via our new automated notification system by clicking on the Aqua Notify button at [www.aquaamerica.com](http://www.aquaamerica.com).
- The due date refers to current charges and any deferred payment amount only. If you do not pay your bill on time, your service could be subject to interruption. To ensure proper credit, please remember to provide your full 16-digit account number when paying your bill.

Keep top portion for your records.  
Return this portion with your payment.

**AQUA Water Bill**

**Aqua Pennsylvania, Inc.**  
762 W. Lancaster Avenue • Bryn Mawr, PA 19010-3489

Service To:  
**FRANK NELLOM**  
0520 KEYSTONE AVE  
DARBY, PA 19023-2414

**PLEASE DO NOT REMIT PAYMENT TO THE ABOVE ADDRESS**

Cyc=1055 1up=1355613

Seq=23501

0054535

FRANK NELLOM  
520 KEYSTONE AVE  
DARBY PA 19023-2414

Account Number - Please print on your check

**001769173 0054535**

Amount Due Current Charges Due Date

**\$ 167.17 October 01, 2013**

Amount Enclosed

\$

Please make check payable to  
**Aqua PA**

MAIL TO ADDRESS ON BACK OF THIS STUB

**EXHIBIT A**

00176917300545350000000167175

(Exhibit A)

C9

# Notice After Water is Shut Off

DATE NOTICE ISSUED: 9/25

Name: Nellam

Service Address: 520 Hysteria

Serial No.

Account No. 54535

We shut off water on \_\_\_\_\_ at \_\_\_\_\_  A.M.  P.M.

## THIS ACTION HAS BEEN TAKEN FOR THE FOLLOWING REASON:

- Your Bill For \$ 133.33 is Overdue. Call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections).
- Need to Apply for Water Service or Give Meter Access to:
  - Read Meter  Install Meter
  - Inspect or Repair Meter Equipment  Exchange Meter

Call 1.877.WTR.AQUA or 1.877.987.2782.
- Need to Meet Required Specifications for Meter Installation:
  - No Heat  No Pressure Reducing Valve
  - Incorrect or No Meter Space  Backflow

Call 610.328.9510
- Other: \_\_\_\_\_ Call 1.877.WTR.AQUA or 1.877.987.2782.

## YOU MUST DO THE FOLLOWING AT ONCE:

- To Allow Access or To Meet Required Meter Installation Specifications:** Call the builder or plumber and have them correct the problem. Then call a customer service representative at 1.877.WTR.AQUA or 1.877.987.2782
- Billing:** Pay the total amount due or call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) to: request a payment arrangement; let us know that you made the payment; or dispute the overdue bill. If we shut off your water, you may have to pay the following charges to have your water turned back on. Overdue Amount \$ \_\_\_\_\_; Turn-on Charge \$ 50; Security Deposit \$ \_\_\_\_\_; Total Amount Due \$ \_\_\_\_\_. **Payments will not be accepted by our representative, it must be paid at an authorized payment location (call us for the nearest payment location's address).**
- Call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) if you or someone in your home has a serious illness or a medical condition. Read the Medical Emergency Notice shown (on the back).
- If you need water to heat your property, please contact the company immediately at 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) so we can arrange a service visit to verify that need. The company will act in accordance with public utility law with respect to water service shut offs.

If you have any questions or need more information, please call us. If you are not satisfied after you talk to us, you may file a complaint with the Public Utility Commission by calling 1.800.692.7380 toll free, or by writing to P.O. Box 3265, Harrisburg, PA 17105-3265. The Public Utility Commission will delay the shut off if you file a complaint before the shut off date.

Call Center Malware

Memo

Kimberly  
Terry-Superman

Bryn Mawr  
AQUA  
custservreply @ aqua  
@ aqua.com

### AQUA

### EXHIBIT B

# Exhibit B

762 W. Lancaster Avenue  
Bryn Mawr, PA 19010-3489

PA 5-266 REV 0610

FOX 866-780-8301 D: mandates to



Frank Nellom <franknellom@gmail.com>

(no subject)

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Frank Nellom <franknellom@gmail.com>

Tue, Nov 12, 2013 at 3:54 PM

To: custservreply <custservreply@aquaamerica.com>

Regarding the water my daughter and I need to stay alive being shut off on 11/18/13 for \$191.00. \$50.00 of which is claimed to be owed for not asking me to shut the water until we settled are differences.

I recently paid \$100.00 to Aqua out of a small settlement received from one of the cases I am prosecuting or plan to pro se. To cover Nov/Dec usage. Reduced usage will be demonstrated for those months. All other charges and fees remain in dispute until further investigation can determine the truth or falsity of them.

THEREFORE YOU ARE HEREBY BEING ADVISED OF MY INTENT TO FILE SUIT AGAINST AQUA AMERICA ON OR BEFORE JANUARY 2014. THEREFORE YOU SHOULD FORWARD THIS PAPER TO YOUR LEGAL DEPARTMENT AT ONCE.

[Quoted text hidden]

EXHIBIT C

9/13/2015 1:06 PM



Frank Nellom <franknellom@gmail.com>

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**(no subject)**

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**Frank Nellom** <franknellom@gmail.com>

Thu, Nov 14, 2013 at 5:39 PM

To: custservreply <custservreply@aquaamerica.com>

Request a copy of my complete customer history with Aqua.

[Quoted text hidden]

**EXHIBIT D**

C 16

# Notice After Water is Shut Off

DATE NOTICE ISSUED: 12/12

Name: f N

Service Address: 520 Keystone Ave

Serial No. Account No. 54535

We shut off water on 12/12 at 10.00  A.M.  P.M.

## THIS ACTION HAS BEEN TAKEN FOR THE FOLLOWING REASON:

1. Your Bill For \$ 41.00 is Overdue. Call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections).

2. Need to Apply for Water Service or Give Meter Access to:  
 Read Meter  Install Meter  Inspect or Repair Meter Equipment  Exchange Meter  
Call 1.877.WTR.AQUA or 1.877.987.2782.

3. Need to Meet Required Specifications for Meter Installation:  
 No Heat  No Pressure Reducing Valve  
 Incorrect or No Meter Space  Backflow Call 610.328.9510

4. Other: Call 1.877.WTR.AQUA or 1.877.987.2782.

## YOU MUST DO THE FOLLOWING AT ONCE:

- To Allow Access or To Meet Required Meter Installation Specifications: Call the builder or plumber and have them correct the problem. Then call a customer service representative at 1.877.WTR.AQUA or 1.877.987.2782
- Billing: Pay the total amount due or call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) to request a payment arrangement; let us know that you made the payment; or dispute the overdue bill. If we shut off your water, you may have to pay the following charges to have your water turned back on. Overdue Amount \$ \_\_\_\_\_; Turn-on Charge \$ \_\_\_\_\_; Security Deposit \$ \_\_\_\_\_; Total Amount Due \$ \_\_\_\_\_. **Payments will not be accepted by our field representative, it must be paid at an authorized payment location (call us for the nearest payment location's address).** An adult of the age of 18 must be present for reconnection of service if we shut off your water.
- Call 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) if you or someone in your home has a serious illness or a medical condition. Read the Medical Emergency Notice shown (on the back).
- If you need water to heat your property, please contact the company immediately at 1.877.WTR.AQUA or 1.877.987.2782 (and choose Collections) so we can arrange a service visit to verify that need. The company will act in accordance with public utility law with respect to water service shut offs.

If you have any questions or need more information, please call us. If you are not satisfied after you talk to us, you may file a complaint with the Public Utility Commission by calling 1.800.692.7380 toll free, or by writing to P.O. Box 3265, Harrisburg, PA 17105-3265. The Public Utility Commission will delay the shut off if you file a complaint before the shut off date.

yellow

EXHIBIT E



762 W. Lancaster Avenue  
Bryn Mawr, PA 19010-3489

Exhibit



EXHIBIT E

PA B-266 REV 0811

Exhibit



Frank Nellom <franknellom@gmail.com>

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## Your med certification

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Frank Nellom <franknellom@gmail.com>

Wed, Dec 18, 2013 at 9:26 AM

To: "Alston, Donna P." <DPAIston@aquaamerica.com>

Hi Donna:

I filed complaint with Aqua on November 12, 2013, and requested complete billing history on November 14, 2013. (See attached Exhibita A-B). According clearly established law 52 Pa. Code § 56.92. Notice when dispute pending. (Exhibit C). Aqua was prevented from Terminating service until my dispute had been resolved.

30 days has also past from the time the complete billing history request was made. Preventing me filing my complaint with the Court.

Please take this information to the head of the Department to restore service immediately.

Frank Nellom

On Tue, Dec 17, 2013 at 10:41 AM, Alston, Donna P.

[Quoted text hidden]

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 Exhibits A-C to Donna Alston.PDF  
309K

EXHIBIT F

9/13/2015 12:42 PM



Frank Nellom <franknellom@gmail.com>

(no subject)

Frank Nellom <franknellom@gmail.com>

Wed, Dec 18, 2013 at 1:12 PM

To: custservreply <custservreply@aquaamerica.com>

Aqua records will show on November 12, 2013 Aqua accepted the dispute, and request for information on November 14, 2013 regarding the dispute.

Aqua prior to even providing the information requested Terminated Service December 12, 2013. In violation of the following law:

52 Pa.Code § 56.92. Notice when dispute pending. A public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void. Authority The provisions of this § 56.92 amended under Chapter 14 of the Public Utility Code, 66 Pa.C.S. Chapter 14.

Making clear, if a person files a dispute, the dispute must be resolve before service is terminated.

QUESTION

Does Aqua recognize that it is illegal to terminate service of home owners with medical condition raising a two year old? After receiving the above stated complaint, and information request?

A copy of this email will be forwarded to PUC Rep Kevin Ford by email @ keford@pa.gov. Please see attached information.

[Quoted text hidden]

Exhibits A-C to Donna Alston.PDF  
309K

EXHIBIT G

9/13/2015 12:54 PM



Voice

▼
Archive
Spam
Delete
Move to Inbox
Actions ▼
↻
⚙️ ▼

1-1 of 1



Search results for: John Kennedy

CALL
TEXT

Inbox (1284)

★ Starred (5)

Vocemails (203)

Texts (291)

History

More ▼

Google Contacts ⓘ

Voice in Hangouts ▼

Make calls from Android ▼

Your number:

(484) 469-0265

Credit: \$0.00



+16105251400 [Add](#) - Bryn Mawr, PA

12/18/13 2:12 PM 20 months ago

Inbox



Good Afternoon Mr. Nellom, My name is John Kennedy. I'm calling on behalf of are co America. Your order company IN receipt of your emails that you sent with tollifson and your medical form update. It's very important that i really i reach you. I want to get your service on today, but I need to talk to you prior to doing that. My direct number is (610) 520-6318. We just need to make sure that somebody is home at the property. So I need to talk to you this to set everything up. Thank you very much. Please call me back as soon as possible so I can get the phone today normally after 3 o'clock. I may not be able to get the phone all have to be tomorrow, but call me back as soon as possible from out at my desk, I have a voicemail and I will call you back immediately. Thank you. (edited)

▶ 00:54

[Call](#) [Text](#) [more](#) ▼

Transcript useful?

**Tip:** Click on the speaker icon next to a phone number to play the caller recorded name.



John Kennedy made the business decision to restore service and attempted to reach the Complainant to schedule the restoration. He left a voice message for the Complainant on December 16, 2013 advising that service would be restored and if he returned the call before 3:00 p.m. that day, it could be accomplished that day. The Complainant did not return Mr. Kennedy's call until December 18, 2013. The restoration appointment was made and service was restored on December 18, 2013 at 3:30 p.m.

False

The Complainant alleges that Mr. Kennedy left him a voice message on December 18, 2013 and that service was only restored after he sent an email to Mr. Kennedy on December 18, 2013 questioning if Aqua knew it was illegal to terminate his service. In support, he relies on the email reflected on proposed Exhibit C-2. That document was edited and the proposed Exhibit C-2 does not indicate whom it was sent to or when it was sent. Mr. Nellom has not provided a copy of the complete email chain without redaction or any other documentation to support his claim. The only record evidence is his testimony that it had to be December 18, 2013 since the Company calls on the date it is going to restore service. TR 62.

Mr. Nellom's testimony regarding the events surrounding the December 18, 2013 restoration are based on his recollections. As the record evidence reflects, the Complainant is not credible and his testimony should be given little or no weight. His testimony is solely based on his faulty memory, opinions and/or assumptions. His testimony is self-serving, inconsistent, and completely unreliable. He provided conflicting testimony regarding the dates of the terminations and restorations, entering PARs with Aqua, and the filing his informal complaint.

Mr. Kennedy testimony is based on the business records of the company kept in the normal course of business. Based on those records and his review of those records, he testified that he is certain that he left the Complainant a voice message on December 16, 2013. TR 225. Aqua has no obligation under Chapter 56 to restore service for a med cert that does not satisfy the basic provisions of Section 56.111 that there is a medical need for the continuation of service. Aqua was in the processing of reviewing the conflicting med cert received on December 16, 2013 when Mr. Kennedy, acting within the scope of his job responsibility, made the business decision to restore the service. TR 225. Service was NOT restored because of the



Frank Nellom <franknellom@gmail.com>

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## False statements

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Frank Nellom <franknellom@gmail.com>

Wed, Aug 26, 2015 at 10:24 PM

To: "Margaret A. Morris, Esquire" <mmorris@regerlaw.com>

Final notice about the false statements along with assassinating my credibility throughout your pleadings to ALJ Heep. See Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa.1981). Spoke to Senior Judge Cronin about false statement Monday, he indicated since the case has to come back before that court false statement claim could be heard. Once known failure to correct establish the violation. I regret having to do so but you leave me no choice.

[Quoted text hidden]

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### 2 attachments

 **supreme-court-case-index.pdf**  
55K

 **GRIGSBY J.PDF**  
239K

EXHIBIT K