



OFFICE OF CONSUMER ADVOCATE

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IRWIN A. POPOWSKY
Consumer Advocate

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August 23, 2002

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

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SECRETARY'S BUREAU

DOCUMENT

Re: Cindy Parks
v.
Pennsylvania-American Water Company
Docket No. C-00015377

ORIGINAL

Richard T. Minutello
v.
Pennsylvania-American Water Company
Docket No. C-20028177

Irwin A. Popowsky, Consumer Advocate
v.
Pennsylvania-American Water Company
Docket No. C-2002 8361

Dear Secretary McNulty:

Enclosed please find for filing an original and three (3) copies of the Office of Consumer Advocate's Motion To Consolidate Formal Complaints in the above-captioned proceeding. Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

Joel H. Cheskis
Assistant Consumer Advocate

Enclosures

cc: Hon. Larry Gesoff, ALJ
All parties of record

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

C-00015377

**CINDY PARKS
RICHARD T. MINUTELLO
IRWIN A. POPOWSKY,
Consumer Advocate**

: Docket No. C-00015337
: Docket No. C-20028177
: Docket No. C-20028361

v.

**PENNSYLVANIA-AMERICAN
WATER COMPANY**

DOCKETED

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**MOTION OF THE OFFICE OF CONSUMER ADVOCATE
TO CONSOLIDATE FORMAL COMPLAINTS**

Pursuant to Sections 5.81 and 5.103 of the Pennsylvania Public Utility Code, 52 Pa. Code §§5.81 and 5.103, the Pennsylvania Office of Consumer Advocate ("OCA") hereby files this Motion to Consolidate Formal Complaints filed by Richard Minutello and Irwin A. Popowsky, Consumer Advocate, at the above-referenced docket numbers with the Formal Complaint of Cindy Parks at Docket No. C-00015377. In support of its Motion, the OCA submits as follows:

1. On May 1, 2001, Cindy Parks filed a Formal Complaint with the Pennsylvania Public Utility Commission against the Pennsylvania American Water Company ("PAWC" or "the Company") indicating that her community in Mount Pleasant Township, Washington County, Pennsylvania, is without a public water supply and has experienced well water contamination and other problems affecting the supply of potable water in Mount Pleasant Township. Ms. Parks further stated that she and other Mount Pleasant Township residents have been attempting to obtain water

utility service for over ten years. Ms. Parks requested that the Company extend their water mains into her area to meet the need for public water service without delay. PAWC filed an Answer to Ms. Parks' Formal Complaint on May 24, 2001, admitting that there is no public water service in Ms. Parks' community and that the Company serves customers in other parts of Mount Pleasant Township.

2. On July 15, 2002, Richard T. Minutello filed a Formal Complaint with the Commission against PAWC alleging that the Company will not provide service to his home in Mount Pleasant Township. Mr. Minutello further requested in his Formal Complaint that his "name be added to any litigation involving PAWC and their refusal to service my growing area." A reasonable inference can be made that Mr. Minutello is specifically referencing the Cindy Parks case which also seeks to have PAWC provide water service to Mount Pleasant Township.

3. On August 21, 2002, Irwin A. Popowsky, the Consumer Advocate, filed a Formal Complaint with the Commission against PAWC alleging that a reasonable investigation has revealed substantial and widespread inadequate potable water conditions in Mount Pleasant Township including both inadequate water supply as well as poor water quality. The Consumer Advocate further alleged that a survey of Mount Pleasant Township residents revealed that a significant number of Mount Pleasant Township residents experience well water contamination and other problems affecting the supply of potable water in Mount Pleasant Township. Many residents responded to the survey that they use water sources that are unsafe or that they have to spend large sums of money to have water hauled to their home for normal in-home use. Many residents also indicated that they have to limit their water usage, particularly during the summer months, which includes limiting or rationing bathing and washing clothes. In general, the Consumer Advocate has

determined that the existing water situation in Mount Pleasant Township is unsafe or otherwise hazardous to the health of the residents who live there.

4. The Commission's regulations at 52 Pa.Code §5.81 provides that proceedings may be consolidated if they involve common issues of fact and law. The Formal Complaints filed by Ms. Parks, Mr. Minutello and the Consumer Advocate all seek the extension of PAWC's main distribution system into Mount Pleasant Township. The relief sought by each Complainant from PAWC is substantially similar. Thus, the facts to be raised by the individual complainants in these proceedings is similar, if not identical. If this Motion is granted soon, each Formal Complainant will be able to fully participate in the proceeding under the existing procedural schedule and their rights will not be jeopardized.

5. PAWC will not be prejudiced by consolidating these Formal Complaints as the defenses raised by PAWC will mostly likely be similar. In fact, consolidating these Formal Complaints would most likely reduce litigation costs to the Company by resolving each individual complaint in one proceeding.

6. Therefore, the Commission's standard for consolidation is satisfied. A consolidated proceeding will eliminate unnecessary time and expense to the parties, the Office of Administrative Law Judges and the Commission, and will allow these proceedings to be litigated most efficiently.

7. Consolidation of these matters will not prejudice any individual complainant. Each complainant will still have the opportunity to state on the record the reasons underlying their specific Formal Complaint and request for relief – i.e., why PAWC's main should be extended into Mount Pleasant Township, Washington County. Each complainant's request for relief will be addressed

by the outcome of a consolidated proceeding in that a decision on the request for extension ultimately will be issued by the ALJ and the Commission.

WHEREFORE, the Office of Consumer Advocate respectfully requests that the Formal Complaints of Richard T. Minutello and Irwin A. Popowsky, Consumer Advocate, be consolidated with the Formal Complaint filed by Cindy Parks at Docket No. C-00015377 for purposes of hearing and decision.

Respectfully submitted,



Dianne E. Dusman
Senior Assistant Consumer Advocate
Joel H. Cheskis
Assistant Consumer Advocate

For: Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
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(717) 783-5048

Dated: August 23, 2002

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CERTIFICATE OF SERVICE

Re: Cindy Parks
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Docket No. C-00015377

Richard T. Minutello
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Irwin A. Popowsky, Consumer Advocate
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Pennsylvania-American Water Company
Docket No. C-2002_____

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I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Motion To Consolidate Formal Complaints, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 23rd day of August, 2002.

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Robert M. Ross, President
Susan Simms Marsh, Esq.
Pennsylvania-American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Anthony Decusatis, Esq.
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103-2921

Cindy Parks
447 Fort Cherry Road
McDonald, PA 15057

Richard T. Minutello
110 Pleasant Road
McDonald, PA 15057



Dianne E. Dusman
Senior Assistant Consumer Advocate
Joel H. Cheskis
Assistant Consumer Advocate

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

September 6, 2002

In Re: C-00015377, C-20028177, and C-20028361

(See letter dated 07/31/2002)

C-00015377 Cindy Parks; C-20028177 Richard T. Minutello and
C-20028361 Office of Consumer Advocate v. PA-American Water
Company

Service dispute.

Hearing Notice

DOCKETED

SEP 10 2002

This is to inform you that Hearings on the above captioned cases have been scheduled as follows:

Type: Initial and Further Hearings

Date: Wednesday-Friday, December 4, 5 and 6, 2002

Time: 9:00 a.m.

Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

DOCUMENT

Presiding: Administrative Law Judge Larry Gesoff
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

BTL

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: 717-787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Gesoff
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

C-00015377Cindy Parks; C-20028177 Richard T Minutello and
C-20028361 Office of Consumer Advocate

v.

PA-American Water Company

CINDY PARKS
447 FORT CHERRY ROAD
MCDONALD PA 15057

RICHARD T MINUTELLO
110 PLEASANT ROAD
MCDONALD PA 15057

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