

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ORIGINAL

C-00992270 Susan Balla; C-00992130 Julie Ostetrico;
C-00992139 Yvonne Dickinson; C-00992285 John T. Stone, Jr.;
C-00992512 Terri McIntyre; C-00992513 Edna Clements;
C-00992514 Valinda Tyler; C-00992515 Maryann Molish;
C-00992516 Lois & David Lytle; C-00992517 Shelly Terry;
C-00992518 Robert Hill; C-00992519 Patricia Caeti;
C-00992520 James Rohaley; C-00992521 John & Gloria
Wadsworth; C-00992522 Rabara Blackburn; C-00992523
Elizabeth Wise; and C-00992937 Theodore J. Kotula, Jr. v.
Redstone Water Company, Inc. Complainants dispute water
quality and service.
Initial Hearing.

Z-00662295 Daniel J. Krilosky v. Redstone Water Company,
Inc. Billing dispute and service complaint.
Initial Hearing.

**DOCUMENT
FOLDER**

Pages 1 through 197 11th Floor Hearing Room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222

J.M.

Tuesday, April 4, 2000

Met, pursuant to notice, at 10:00 A.M.

BEFORE:

Michael A. Nemeo, Administrative Law Judge

APPEARANCES:

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P R O C E E D I N G S

(Whereupon, at 10:00 A.M., the proceedings were commenced.)

ADMINISTRATIVE LAW JUDGE MICHAEL A. NEMEC: This morning we have the initial hearing in a complaint proceedings. The lead captioned case and docket number is Susan Balla versus Redstone Water Company, Incorporated, docketed at C-00992270, and there are several other cases at different docket numbers which have been previously consolidated. One case that has not been consolidated and what we are going to do with it will have to await further information is the proceedings of Daniel J. Krilosky versus Redstone Water Company, Incorporated, docketed at Z-00662295, which has also been scheduled for hearing today. Present in the hearing room here in Pittsburgh are Office of Consumer Advocate with Dianne Dusman and Erin Horting representing the Complainants, and Thomas Niesen representing Redstone Water Company. My name is Michael Nemeć. I'm an Administrative Law Judge with the Pennsylvania Public Utility Commission. I have a tendency for my voice to drop, and if it drops, put your hand up and I will try to speak up so you can hear me. Does counsel have any preliminary matters?

ATTORNEY NIESEN: Your Honor, I do have a preliminary matter. It concerns the Complainants who are

1 not here today to prosecute their complaints. If
2 Your Honor pleases, I would like to have the Complainants
3 who are here today identify themselves and then,
4 Your Honor, I will move to sever and dismiss each of the
5 complaints which are not represented by the Complainant.

6 JUDGE NEMEC: Okay. You are free to do that,
7 Mr. Niesen, but we are not going to do that right now. We
8 will wait until we see who testifies and we will identify
9 them as they appear, and then you can make your motion at
10 the appropriate time after counsel for the Complainants has
11 rested.

12 ATTORNEY DUSMAN: If I may just interject a comment,
13 Your Honor, it's our intention to call the Complainants
14 that are here, and they will be testifying on behalf of
15 themselves and in support of all the pending complaints
16 that have been consolidated.

17 JUDGE NEMEC: Well--

18 ATTORNEY DUSMAN: Not everyone was able to appear.

19 JUDGE NEMEC: We have talked about this informally,
20 and I appreciate the situation that we have.

21 ATTORNEY NIESEN: Your Honor, just so my position is
22 clear, our view of it is that each of the Complainants
23 should be here today a ten o'clock to prosecute his or her
24 complaint.

25 JUDGE NEMEC: I appreciate that that's your

1 position, sir. That's fine. And it's a perfectly valid
2 one and it's one for you to argue and support. Not a
3 problem. But we don't have to get into that right now.
4 Any other preliminary matters?

5 ATTORNEY DUSMAN: Yes, Your Honor, I have one
6 preliminary matter. Under the rules, as you and opposing
7 counsel know, the presiding officer is permitted to take
8 notice of public records and records of other proceedings.
9 And as will become clear and as you already know, there was
10 a rate case that was decided about a year and a half ago,
11 and there are a number of items in that rate case that may
12 be related tangentially or directly to the evidence we will
13 be putting on today and tomorrow. And so, we would like to
14 ask that you take notice of the rate case record in its
15 entirety.

16 JUDGE NEMEC: That's pretty broad, Ms. Dusman. When
17 you reach a point where you feel that there is something
18 that you would like specific notice taken, fine, we can
19 deal with that then. The case in its entirety strikes me
20 as being pretty broad at this point.

21 ATTORNEY DUSMAN: Okay.

22 JUDGE NEMEC: Certainly, documentary filings, expert
23 testimony, if what you are talking about are testimony at
24 the public input hearings, I suspect that counsel would
25 have objections to that for a number of reasons given the

1 nature of public input hearings and how they are
2 conducted. And also, that another objection might be that
3 it's stale information, and what we are trying to deal with
4 here are present conditions. You know, obviously history
5 has some bearing on it, but what we want to try and address
6 is what's happening currently and what we are going to do
7 about whatever the situation is now. Okay?

8 ATTORNEY DUSMAN: Okay, Your Honor.

9 JUDGE NEMEC: If that helps.

10 ATTORNEY DUSMAN: Yes.

11 JUDGE NEMEC: I don't know if it does or not.

12 ATTORNEY DUSMAN: I will make the request more
13 specific, either as we go along or at the conclusion of our
14 case.

15 JUDGE NEMEC: That's fine. Any other preliminary
16 matters?

17 ATTORNEY NIESEN: No, Your Honor.

18 JUDGE NEMEC: Ms. Dusman, you may proceed.

19 ATTORNEY DUSMAN: Your Honor, the O.C.A. would first
20 like to call Stephanie Kotula, and Ms. Horting will be
21 conducting her Direct Examination.

22 (Witness sworn.)

23 STEPHANIE KOTULA, a witness herein,
24 called on behalf of the Complainants, having first been
25 duly sworn, was examined and testified as follows:

D I R E C T E X A M I N A T I O N

1
2 BY ATTORNEY HORTING:

3 Q. Good morning, Mrs. Kotula. Could you please
4 state your full name and address for the record?

5 A. Yes. My name is Stephanie Kotula, K-o-t-u-l-a.
6 My address is 19 Plum Lane, Daisytown, Pennsylvania.

7 Q. And, Mrs. Kotula, how long have you lived at
8 that address?

9 A. I have resided at that address for approximately
10 22 years.

11 Q. And do you live alone, Mrs. Kotula?

12 A. I live with my husband Theodore, my son Jeff,
13 and my daughter Lindsay.

14 Q. And are you employed?

15 A. Presently, I'm a student.

16 Q. Mrs. Kotula, have you filed a formal complaint
17 in this proceeding?

18 A. Yes, I have.

19 Q. And are you a customer of Redstone Water
20 Company?

21 A. Yes, I am.

22 Q. Are you satisfied with your water service?

23 A. No.

24 Q. Can you explain that?

25 A. There are many reasons that I am dissatisfied

1 with my water. Hardness, odor, the taste, the smell.

2 Q. Mrs. Kotula, when you talk about hardness, can
3 you give me a specific example of why you think your water
4 is hard?

5 A. There are many examples that I could give to the
6 Board. A few would be the excessive amount of soap,
7 detergents that we must use to do laundry. The deposits
8 that are left on cookware, dishware, glassware. Deposits
9 that are left inside of appliances such as dishwashers, hot
10 water tanks, washing machines.

11 Q. And when you talk about deposits in your
12 dishwasher, for example, can you describe what that deposit
13 looks like?

14 A. Actually, it tends to build over time and it
15 almost gets very hard and has to be removed with either
16 lime or some sort of a dissolvent.

17 Q. And what color is this deposit?

18 A. It's gray in color.

19 Q. And you mentioned your hot water tank. Can you
20 describe the effect that the water has on your hot water
21 tank?

22 A. My home was constructed in 1976, and since that
23 time, we have replaced four hot water heaters.

24 Q. When you say hot water heater, are you referring
25 to the tank?

1 A. The tank. The complete tank itself. Within
2 that period, we also have to drain the tank periodically,
3 my husband does that two to three times a year, and replace
4 elements usually--there is two elements to the tank, the
5 top and bottom. Yearly, we replace them both.

6 Q. And when you say that you drain the tank, can
7 you describe what you drain from the tank?

8 A. My husband opens up the tank from the bottom,
9 turns off the water, and removes the sediment and the
10 calcification that is collected on the bottom of the tank.

11 ATTORNEY HORTING: Your Honor, I would like to have
12 this marked for identification as Kotula Exhibit No. 1.

13 JUDGE NEMEC: It can be identified as that. It's a
14 plastic bottle containing water and I assume sediment.

15 (Whereupon, the item was marked as Kotula
16 Exhibit No. 1 for identification.)

17 ATTORNEY HORTING: May I approach opposing counsel?

18 JUDGE NEMEC: Sure.

19 (Document handed to counsel.)

20 ATTORNEY NIESEN: May I approach the witness?

21 JUDGE NEMEC: Certainly.

22 BY ATTORNEY HORTING:

23 Q. Mrs. Kotula, do you recognize what has been
24 marked as Kotula Exhibit No. 1?

25 A. Yes.

1 Q. And can you tell me what that is?

2 A. Yes. This is a water sample that was taken from
3 my hot water tank yesterday at 12:15 P.M., which was
4 April 3rd, by my husband and myself.

5 Q. And you watched this sample being taken from
6 your water tank?

7 A. Yes, I did.

8 Q. And was this from the drain? This is what came
9 out of the drain that we were talking about before?

10 A. Yes. This was in the bottom of the tank.

11 Q. And can you describe the contents for me?

12 A. I would not even attempt to do that.

13 Q. Could you tell me what color the contents are?

14 A. It appears to be brown in color with white
15 sediment floating in it.

16 Q. And could you describe the texture of the
17 material in the bottle?

18 A. It appears to be somewhat thick and--I think
19 that would be all that I would have to say, a description
20 of that.

21 Q. Mrs. Kotula, when you took this sample from the
22 tank, can you describe for me the amount of the contents of
23 the bottle that were in the bottom of your tank, how much
24 you have taken out in relation to how much is in the tank?

25 A. Are you asking if more was removed than this

1 amount?

2 Q. Yes. Or how much was remaining in the tank, if
3 you were able to tell.

4 A. Actually, my husband finished draining it and he
5 removed from the tank probably two to three buckets of this
6 water and the consistency of that.

7 Q. And how old is the tank from which this exhibit
8 was removed?

9 A. It would be fair to say this tank is no less
10 than two and a half to three years old.

11 Q. And approximately how frequently do you or your
12 husband drain this material from the tank?

13 A. My husband does this on a regular basis, usually
14 twice a year.

15 Q. Now, Mrs. Kotula, you made some other comments
16 about your water. You mentioned that you have a complaint
17 about the odor. Can you describe that to me?

18 A. Yes. The odor of the water frequently smells of
19 Clorox. It has a very strong smell of Clorox.

20 Q. When you say frequently, how often is that?

21 A. On a day-to-day basis. That would be a fair
22 statement.

23 Q. Mrs. Kotula, you also mentioned the taste of the
24 water. Could you describe that to me?

25 A. The taste is very unusual. It has a very--I

1 don't know even know where--it's just not appealing to
2 drink because of the odor. It smells--many times, it
3 smells like rotten eggs.

4 Q. And, Mrs. Kotula, you are describing what it
5 tastes like. Do you and your family regularly drink the
6 water?

7 A. No, we do not.

8 Q. And is the reason you do not drink the water
9 because of this taste or--

10 A. The appearance and the odor are very
11 unappealing.

12 Q. And what is your water--what is the appearance
13 of your water?

14 A. The water appears--daily, the water has a
15 color. It's almost gray in appearance.

16 Q. You said that the water is gray. Is it
17 otherwise clear?

18 A. Pardon me.

19 Q. Is your water otherwise clear?

20 A. No. The water is never clear.

21 Q. And could you be more specific? It's not
22 clear. How does it appear? Is it cloudy?

23 A. It's cloudy and it has a gray appearance to it.

24 Q. And, Mrs. Kotula, other than mentioning you do
25 not drink the water, do you use the water for your other

1 household purposes? You had previously talked about your
2 dishwasher and washing machine.

3 A. Yes. Recently, my husband and I have purchased
4 a water softener because the replacement value of the
5 appliances that we have had to replace over the years has
6 been astronomical. So, we invested in a water softener.

7 Q. When you say you had to replace appliances, what
8 appliances did you replace and how often?

9 A. As I stated before, my home was built in 1976.
10 Within that time, I have replaced two dishwashers, I would
11 say four hot water heaters, numerous electrical appliances,
12 coffee pots, irons, anything that requires water to
13 operate.

14 Q. And why do you need to replace them?

15 A. Because the corrosion that occurs within the
16 appliances, it just basically breaks down the appliances
17 where they are inoperable.

18 Q. And, Mrs. Kotula, can you please describe the
19 water pressure in your home?

20 A. The water pressure in my home varies daily. An
21 example would be if a person was attempting to take a
22 shower and another person was attempting to take a bath,
23 that would be impossible. If I'm running a washing machine
24 and I attempt to fill the dishwasher, the water is a
25 trickle.

1 Q. And how frequently does this happen? How
2 frequently is your water pressure--are you unable to use
3 two appliances or use the shower and dishwasher?

4 A. You never attempt to use two appliances at one
5 time that require water.

6 Q. There is no particular time of day at which it's
7 better or worse?

8 A. No.

9 Q. And, Mrs. Kotula, in the past year, have you
10 ever been completely out of water?

11 A. Yes.

12 Q. And can you tell me when that was?

13 A. The last occurrence that I was without water
14 was--December 13th, 1999 was the most recent.

15 Q. And how long were you out of water?

16 A. I believe a fair statement would be between
17 three and five hours.

18 ATTORNEY HORTING: Your Honor, I would like to have
19 this document marked as Kotula Exhibit No. 2.

20 JUDGE NEMEC: It may be so identified.

21 (Whereupon, the document was marked as
22 Kotula Exhibit No. 2 for identification.)

23 ATTORNEY HORTING: Your Honor, may I approach?

24 JUDGE NEMEC: You may. I believe I have a copy.

25 ATTORNEY HORTING: You have a copy of this?

1 (Document handed to counsel.)

2 BY ATTORNEY HORTING:

3 Q. Mrs. Kotula, I'm handing you a copy of Kotula
4 Exhibit No. 2. Mrs. Kotula, can you identify that exhibit?

5 A. Yes.

6 ATTORNEY NIESEN: If Your Honor pleases, we object
7 to any questioning about this exhibit, which is apparently
8 a petition with signatures on it, not Mrs. Kotula's
9 signatures, but someone else's signatures. Mrs. Kotula
10 should testify concerning her personal knowledge of matters
11 and not about what other people have put their signature
12 to.

13 JUDGE NEMEC: Your objection is noted. It's
14 overruled at this point. We will permit the witness to
15 identify the exhibit.

16 ATTORNEY HORTING: Thank you, Your Honor.

17 BY ATTORNEY HORTING:

18 Q. Mrs. Kotula, can you identify this exhibit?

19 A. Yes. This is a petition that was circulated
20 through our township.

21 ATTORNEY NIESEN: Since it's been identified, I will
22 just renew my objection. If she is going to explain how
23 she got signatures, what she did, I want to be sure that my
24 objection is placed on the record concerning this
25 testimony.

1 JUDGE NEMEC: I appreciate that and it is on the
2 record, obviously. I'm going to permit her to finish her
3 answer to the question. Go ahead.

4 THE WITNESS: Can you please ask me the question
5 again?

6 JUDGE NEMEC: She asked you to identify the
7 exhibit.

8 THE WITNESS: Yes. This was a petition that was
9 circulated through our township.

10 JUDGE NEMEC: Did you do that?

11 THE WITNESS: No, I did not.

12 JUDGE NEMEC: Who prepared the printed portion?

13 THE WITNESS: I did.

14 JUDGE NEMEC: And then what did you do with it?

15 THE WITNESS: Volunteers circulated this petition
16 through the township.

17 JUDGE NEMEC: Okay. So, you prepared the printed
18 portion and persons other than yourself took that around to
19 other people?

20 THE WITNESS: That's correct.

21 JUDGE NEMEC: Okay.

22 BY ATTORNEY HORTING:

23 Q. Mrs. Kotula, who were the volunteers that took
24 the document around?

25 A. The volunteers were Redstone Water Company

1 customers.

2 Q. And can you specify who they were?

3 A. Yes. There were many people that volunteered.
4 Patricia Caeti, Rabara Blackburn, Gloria Wadsworth, and I
5 don't recall. I'm sorry.

6 Q. That's okay.

7 A. I know there was four or five people that
8 actually did that.

9 ATTORNEY DUSMAN: Your Honor, if I could interject
10 here for a moment, per our prior discussion, what I would
11 like to do so THAT there is at least some representation on
12 the record of the physical exhibits is to take a photograph
13 of the object itself with all the caveats that I've never
14 really done this before, but my consultant assures me that
15 I will be able to get scans of the images of these
16 Polaroids and then I will provide them tomorrow.

17 JUDGE NEMEC: Whatever. That's fine. We don't need
18 to do that right now. Let's leave the bottle right there.

19 ATTORNEY DUSMAN: Okay. Whatever you wish,
20 Your Honor.

21 BY ATTORNEY HORTING:

22 Q. And, Mrs. Kotula, is there anything else that
23 you would like to add about the description of the water,
24 your water service, anything we have not been over?

25 ATTORNEY NIESEN: Your Honor, I object to that

1 question. It's open-ended. It's not an appropriate
2 question for Direct Examination.

3 JUDGE NEMEC: In general, I agree with you, but I'm
4 going to overrule at this point given the nature of the
5 case. Go ahead.

6 THE WITNESS: Can you please just restate the
7 question?

8 JUDGE NEMEC: She asked you a very open-ended
9 question to summarize, is there anything else you would
10 like to say at this point.

11 THE WITNESS: Not at this point, no.

12 JUDGE NEMEC: We have a question for you that the
13 court reporter has pointed out. Apparently--would you
14 spell your last name for us again?

15 THE WITNESS: Yes. It's K-o-t-u-l-a.

16 JUDGE NEMEC: So, it's misspelled on the caption?

17 THE WITNESS: Yes, it is.

18 ATTORNEY HORTING: Thank you, Mrs. Kotula.

19 JUDGE NEMEC: Don't leave. You are not done. You
20 may proceed.

21 ATTORNEY NIESEN: Thank you, Your Honor

22 C R O S S - E X A M I N A T I O N

23 BY ATTORNEY NIESEN:

24 Q. My name is Tom Niesen. I'm an attorney and I
25 represent the water company. I have a few questions for

1 you. You have lived at 19 Plum Lane since 1976, is that
2 right?

3 A. That's correct.

4 Q. And how old is the house?

5 A. It's 22, soon to be 23 years old.

6 Q. Did you move into the house when it was new?

7 A. Yes.

8 Q. You were the first occupant of the house?

9 A. That's correct.

10 Q. And do you know how large the service line is
11 from the company's water main into your home?

12 A. Are you referring to the line that I was
13 responsible to lay from the meter to my home?

14 Q. Yes. That's the line I'm referring to.

15 A. I do not have that information with me, no.

16 Q. Okay. You live there presently with your
17 husband and your son and your daughter, is that right?

18 A. That's correct.

19 Q. And how old is your son?

20 A. My son is 27.

21 Q. And your daughter, how old is she?

22 A. My daughter is 23.

23 Q. Now, the exhibit that's been marked as Kotula
24 Exhibit 1, were you actually present when your husband drew
25 the water from the water tank?

1 A. Yes, I was.

2 Q. You saw him do that?

3 A. I assisted him in doing that.

4 Q. You saw him do that, Mrs. Kotula?

5 A. Yes, I did.

6 Q. And you saw him drain two additional buckets of
7 water into--well, two additional buckets of water from the
8 tank, is that right?

9 A. Yes, I did.

10 Q. You saw him do that?

11 A. Yes, I did.

12 Q. Now, you testified that the water sometimes
13 appears gray. That's not gray, is it?

14 A. No, that is not.

15 Q. So, that water doesn't come out of your tap,
16 that color water?

17 A. Out of the tap inside the home?

18 Q. Right.

19 A. No.

20 Q. Now, you said you replaced two dishwashers since
21 1976. Are you on your second dishwasher or your third
22 dishwasher?

23 A. I am on my third dishwasher.

24 Q. And what were the warranty periods on the
25 dishwasher, if you know?

1 A. Actually, when I constructed my home, I
2 purchased a top of the line Kitchen Aid that was supposed
3 to--the warranty was for two years, but it was a lifetime
4 warranty for the inside of the tub of the machine.

5 Q. Not the heating elements, but the inside of the
6 tub?

7 A. Yes.

8 Q. And it's--

9 A. I'm sorry.

10 Q. Good ahead.

11 A. And also, the heating element itself that sits
12 in the bottom of the dishwasher.

13 Q. The heating element had a lifetime warranty?

14 A. Yes, it did.

15 Q. What had the two-year warranty?

16 A. I believe the panel of the controls on the
17 machine itself and--I don't have that information with me,
18 but I do have it at home. I saved that.

19 Q. That was the first water heater?

20 JUDGE NEMEC: First dishwasher.

21 BY ATTORNEY NIESEN:

22 Q. I'm sorry. First dishwasher?

23 A. That's correct.

24 Q. What about the second dishwasher?

25 A. The second dishwasher basically did the same

1 thing as the first one. I had numerous repairs on the
2 machine. The serviceman was at my home very often and
3 would remove the calcification from the bottom of the
4 machine, and it just stopped operating.

5 Q. When did the first dishwasher--when was it
6 replaced?

7 A. I do not have an exact date.

8 Q. Approximately.

9 A. It would be fair to say within seven years after
10 I purchased it.

11 Q. So, around 1983?

12 A. That would be fair.

13 Q. That's the best of your recollection, the date
14 when the first dishwasher was replaced?

15 A. Yes.

16 Q. What about the second dishwasher? Was that
17 about another seven years?

18 A. Within the same I would say seven to eight
19 years.

20 Q. So, then, we are up to 1990 or thereabouts?

21 A. That's correct.

22 Q. And the third dishwasher has been in your home
23 since approximately 1990?

24 A. No. That's not correct. After the second
25 dishwasher was inoperable, I did not have a dishwasher for

1 four or five years because I just refused to invest again.
2 And the present dishwasher, the dishwasher that I have
3 presently, is two years old and it is because we purchased
4 a water softener.

5 Q. Now, the odor that you complain about,
6 complained about in your testimony, you initially told
7 Ms. Horting that the water smells of Clorox frequently and
8 then you indicated that the Clorox occurs on a day-to-day
9 basis. Do you mean that every day you feel there is a
10 Clorox odor to the water?

11 A. Well, actually, I can tell the odor more
12 significantly when I boil water because the steam that
13 comes off of the water, you get the smell from the steam.
14 And when you run bath water, you can smell the odor coming
15 from the water.

16 Q. From the hot water?

17 A. Yes.

18 Q. What about when you run cold water from the
19 tap? Do you experience what you feel is a Clorox smell
20 from water?

21 A. Yes.

22 Q. But less than when you use hot water?

23 A. It's more significant when you use hot water.

24 Q. And then you indicated that there is a rotten
25 egg smell occasionally. How often does that occur?

1 A. That occurs when the water comes out of the tap
2 and appears somewhat that color (indicating).

3 Q. You told me the water comes out gray and that
4 doesn't come out. So, when does the water smell of rotten
5 eggs?

6 A. There are many instances when we do have water
7 that comes out of our tap that is not gray and resembles
8 the color that's in this bottle, and at those times, the
9 water smells like rotten eggs.

10 Q. Now, you are changing your testimony a little
11 bit. Tell me when the water comes out that color. When
12 was the last time that occurred?

13 A. I do not know. Are you referring to the water
14 in my home that comes out of the faucets that we drink
15 from?

16 Q. Out of the faucets, yes.

17 A. That, I do not have a date.

18 Q. Have you ever complained to the water company
19 about odor or taste or discoloration?

20 A. Yes, sir, I have.

21 Q. When did you do that last?

22 A. I have been a paying customer of Redstone Water
23 Company for 29 years, and when I first was married and
24 moved into the community, I complained very often. But
25 those complaints were left unheard, and you get to a point

1 where you just don't complain anymore.

2 Q. So, when is the last time you indicated any
3 complaints to the water company about these problems that
4 you are testifying about?

5 A. That would be in January when we had the water
6 outage.

7 Q. January of 1999?

8 A. That's correct.

9 Q. And at that time, you would have complained
10 about a water outage?

11 A. That's correct.

12 Q. What did you learn about the water outage in
13 January of 1999?

14 A. Could you be more specific?

15 Q. Well, you complained about a water outage in
16 January of 1999. You called the water company at that
17 point?

18 A. Yes, I did.

19 Q. And what were you told?

20 A. Well, actually, I was told a few different
21 things. I had spoken on one occasion to Mr. Yablonski's
22 wife, and she had stated that there was line breakages
23 coming down Malden Road. When I spoke to Mr. Yablonski on
24 one occasion, he told me that it was because there was no
25 water in the tanks, that we did not have water, a drought

1 situation.

2 Q. Because of a drought situation in January of
3 1999?

4 A. There was no water in the tanks.

5 Q. You remember the Citizens Council of--is it West
6 Pike Run?

7 A. Yes.

8 Q. Are you the chairperson of that Council?

9 A. Yes.

10 Q. Did you ever have a meeting with the Department
11 of Environmental Protection representatives concerning your
12 concerns about water quality?

13 A. Yes.

14 Q. When was that meeting?

15 A. May I refer to my notes, please?

16 Q. Yes.

17 A. The first meeting was held on January 23rd,
18 1999.

19 Q. And you were present at that meeting?

20 A. Yes, I was.

21 Q. Did you complain to or did you raise your
22 concerns about odor, taste, and so forth with the
23 Department of Environmental Protection personnel who were
24 at that meeting with you?

25 A. We certainly did.

1 Q. And at any time during that meeting, was it
2 suggested to you that if you experienced these problems,
3 you should contact the D.E.P.?

4 A. I do not recall that, no.

5 Q. You don't remember anyone suggesting that to
6 you?

7 A. No, I do not.

8 Q. After January the 13th--I'm sorry, was that the
9 right date?

10 A. January 23rd.

11 Q. After January 23rd, 1999, did you ever contact
12 the Department of Environmental Protection about incidents
13 of odor or taste or discolored water problems that you were
14 having?

15 A. Actually, I did speak with Mr. Gene Wolbert, am
16 I pronouncing his name correctly, on a few occasions
17 regarding the water problems in our area.

18 Q. About specific incidents that you were
19 experiencing at that time?

20 A. Specific incidents, I don't recall those
21 conversations.

22 Q. Did you have any?

23 A. Pardon me?

24 Q. Did you have any?

25 A. Any?

1 Q. Let me ask you this. Did you wake up one
2 morning and smell Clorox and get on the phone and call
3 Mr. Wolbert and say, I'm smelling Clorox?

4 A. No, I did not.

5 Q. You never did that after the January 23rd, 1999
6 meeting?

7 A. No, I did not.

8 Q. Is your home at the top of the hill or the
9 bottom of the hill?

10 A. In reference to?

11 Q. Well, aren't there two hills in the Crescent
12 Heights service territory? Isn't there Crescent Heights
13 Hill and Walkertown Hill?

14 A. That's two different areas, yes.

15 Q. Where is Plum Lane?

16 A. Actually, I would live in the middle of the hill
17 going up to Crescent Heights.

18 Q. Are you above or below the water company's
19 office?

20 A. I am below.

21 Q. You said your husband drains the water tank
22 usually twice a year. Do you visually watch him drain the
23 tank?

24 A. Yes, I do.

25 Q. Every occurrence, you watch him do that?

1 A. Yes. Because it creates quite a mess.

2 Q. A mess where?

3 A. Water all over the laundry room area floor
4 because of the way that we have to take the water out of
5 the tank and carry it outside.

6 Q. Does the hot water tank manufacturer recommend
7 that the tank be drained periodically?

8 A. I really cannot answer that question.

9 Q. I asked you a couple questions earlier about
10 your service line, your customer-owned service line. Do
11 you have any idea how long that service line is? Is it 20
12 feet? Is it 100 feet? Approximately?

13 A. I previously stated, I did not know that.

14 Q. How far does your home sit back from the street?

15 A. I think a fair statement would be a quarter of a
16 mile.

17 JUDGE NEMEC: You understand a quarter of a mile
18 would be 400 and some yards?

19 THE WITNESS: Yes, I do.

20 JUDGE NEMEC: Four football fields?

21 THE WITNESS: Yes, I do.

22 ATTORNEY NIESEN: Just a moment, Your Honor. I may
23 be done.

24 BY ATTORNEY NIESEN:

25 Q. Mrs. Kotula, I think I asked you about the

1 warranty on your dishwasher. Was there a warranty on your
2 hot water heater that you know of?

3 A. I believe there is.

4 Q. Do you know what that is, what that warranty is?

5 A. I do not.

6 ATTORNEY NIESEN: Thank you, Mrs. Kotula.

7 JUDGE NEMEC: I have a question or two for you.
8 When did you install the water softener?

9 THE WITNESS: I don't know the exact date, but we
10 have had it a few years. We purchased that--

11 JUDGE NEMEC: Two years?

12 THE WITNESS: That's a fair statement, yes.

13 JUDGE NEMEC: Approximately two years?

14 THE WITNESS: Uh-huh (affirmative).

15 JUDGE NEMEC: Now, can you tell me where that was
16 installed with regard to--first of all, are you familiar
17 with where the waterline comes into your home?

18 THE WITNESS: Yes, I am.

19 JUDGE NEMEC: All right. Was it installed between
20 that point and all of your appliances or at some point
21 after some of the other appliances are served from the
22 water service?

23 THE WITNESS: The water softener is installed to
24 pick up the water as soon as it comes into the home.

25 JUDGE NEMEC: So, it passes through the water

1 softener before it goes to any other appliance in the
2 home?

3 THE WITNESS: That's correct.

4 JUDGE NEMEC: And what difference has that made?

5 THE WITNESS: It has made some difference. It has
6 not made a significant difference, though.

7 JUDGE NEMEC: Okay.

8 THE WITNESS: It has helped in the spotting on my
9 dishes in my dishwasher. I still do use quite a bit of
10 soap detergent, bath products, shampoos.

11 JUDGE NEMEC: Now, can you describe what this water
12 softener does? Do you add salt to it or other chemicals?

13 THE WITNESS: My husband usually maintains that, but
14 I do believe that he puts salt into the unit.

15 JUDGE NEMEC: Do you know if this unit provides any
16 filtering process?

17 THE WITNESS: I do not know that.

18 JUDGE NEMEC: That's fine. Any Redirect?

19 ATTORNEY HORTING: Yes, briefly, Your Honor.

20 R E D I R E C T E X A M I N A T I O N

21 BY ATTORNEY HORTING:

22 Q. Mrs. Kotula, do you know if your service line is
23 as long as your driveway?

24 A. It is not.

25 Q. And, Mrs. Kotula, Mr. Niesen was asking you

1 about complaints directly to the company. Could you
2 explain--if you have a reason, could you explain why you
3 didn't complain directly to the company?

4 A. I believe it fell on deaf ears. They were never
5 answered. Nothing was ever done. I have lived there for
6 29 years. Actually, I have lived there for 48 years, and
7 it's gone--you know, I can remember when I was a child
8 living with my parents, and it's the same conditions.

9 Q. And also, Mrs. Kotula, Mr. Niesen was asking
10 about your complaints to the D.E.P. Could you explain why
11 you don't wake up in the morning and smell Clorox and call
12 the D.E.P.?

13 A. Personally, one reason is I don't have to every
14 day--I don't feel that I should have to get up every day
15 and smell my water. I have other things to do when I get
16 up. I just don't feel that as a consumer that I should
17 have to worry about the smell of my water when I get up in
18 the morning, whether it's okay to drink or okay to bathe
19 with.

20 ATTORNEY HORTING: That's all, Mrs. Kotula.

21 JUDGE NEMEC: Recross?

22 R E C R O S S - E X A M I N A T I O N

23 BY ATTORNEY NIESEN:

24 Q. You know, I gave you the example about waking up
25 and smelling Clorox. The gist of my question, though, was

1 whether you ever had a specific occurrence of odor, taste,
2 and so forth that you have brought to the attention of
3 Mr. Wolbert at D.E.P., and as I understood your answer to
4 my question, no, you have never called the D.E.P. to
5 express that concern of a specific incident, either taste
6 or odor or something like that, is that right?

7 A. And I will answer, yes, that's correct, I have
8 never called him.

9 Q. Now, at the time of the January 1999 outage, did
10 you call the water company? You did call the water
11 company, I believe you said?

12 A. That's correct.

13 Q. Did you get a call back?

14 A. I don't recall that I did, no.

15 Q. But you remember talking to Mrs. Yablonski and
16 then Mr. Yablonski?

17 A. Yes. That would have been after probably we
18 were without water for three or four days and it was
19 becoming very frustrating at that point, yes.

20 Q. So, you don't recall any return call or return
21 information from the water company after your initial call
22 to them about the outage?

23 A. No.

24 Q. Do you remember the day that you called the
25 water company?

1 A. The exact date?

2 Q. Yeah.

3 A. No.

4 ATTORNEY NIESEN: That's all, Your Honor. Thank
5 you.

6 JUDGE NEMEC: Anything else?

7 ATTORNEY HORTING: No, Your Honor.

8 JUDGE NEMEC: Thank you very much ma'am. You are
9 excused.

10 (Witness excused.)

11 ATTORNEY DUSMAN: Your Honor, we would call Susan
12 Balla to the stand.

13 (Witness sworn.)

14 SUSAN BALLA, a witness herein, called on
15 behalf of the Complainants, having first been duly sworn,
16 was examined and testified as follows:

17 D I R E C T E X A M I N A T I O N

18 BY ATTORNEY DUSMAN:

19 Q. Good morning, Mrs. Balla.

20 A. Good morning.

21 Q. Would you state your address, please?

22 A. My address is 9 Church Street, Daisytown.

23 Q. And your last name is spelled B-a-l-l-a?

24 A. Yes.

25 Q. And, Mrs. Balla, how long have you resided at

1 that address in Daisytown?

2 A. At the same address, 9 Church Street, 26 years.
3 Before that, I had lived on Pike Run Drive for six years
4 when my daughter was about two months old.

5 Q. Okay.

6 A. And then in between that, Richeyville.

7 Q. So, how long would that be that you have been a
8 customer of Redstone Water Company?

9 A. I guess about 32 years, 33 years.

10 Q. Mrs. Balla, have you since about January of 1999
11 retained a written record of certain experiences that you
12 have had as a customer of Redstone Water Company?

13 A. Yes, I have. Yes, I have.

14 ATTORNEY DUSMAN: Your Honor, I would like to ask
15 that this document be marked Balla Exhibit 1 for the record
16 for identification.

17 JUDGE NEMEC: It may be so identified.

18 (Whereupon, the document was marked as
19 Balla Exhibit No. 1 for identification.)

20 BY ATTORNEY DUSMAN:

21 Q. Mrs. Balla, using this document to refresh your
22 recollection, would you please tell us what these various
23 entries represent and what was going on at the time that
24 you made these entries into your log?

25 A. What was going on in my life or what was going

1 on at the time?

2 Q. To the extent that you were affected by Redstone
3 Water Company's service?

4 A. My husband and I were very affected by this. My
5 husband was diagnosed with Guillain-Barre Syndrome.

6 Q. Could you please spell that?

7 A. G-u-i-l-l-a-i-n hyphen B-a-r-r-e. We didn't
8 know what happened to him. He just completely fell apart.
9 He couldn't walk. He couldn't talk. He couldn't eat. He
10 couldn't stand.

11 Q. And this was in January of 1999?

12 A. This was in December.

13 Q. December of '98?

14 A. Yes. And during this time, he was doctoring
15 with Dr. Park. He was going back and forth to Brownsville
16 Hospital. They couldn't find out what was going on, until
17 finally we took him to a neurologist in Washington, and he
18 was transferred to Allegheny General for 10 days with this
19 diagnosis.

20 Q. What month was that?

21 A. December '98, December 10th. He had came out of
22 the hospital with a walker. This disease is caused by a
23 virus that affects your immune system.

24 ATTORNEY NIESEN: Objection, Your Honor. How does
25 she know that?

1 JUDGE NEMEC: She has been told that by a physician.

2 ATTORNEY NIESEN: That's exactly right, and she has
3 no personal understanding of what causes the disease.

4 THE WITNESS: I'm a member of the foundation.

5 ATTORNEY NIESEN: She only knows what she has been
6 told.

7 JUDGE NEMEC: I'm sorry. We don't have a jury,
8 number one. Number two, I can sift out what's hearsay and
9 proper. I'm going to permit the testimony to continue. Go
10 ahead.

11 THE WITNESS: Thank you.

12 BY ATTORNEY DUSMAN:

13 Q. Mrs. Balla, perhaps you could get to how your
14 husband's condition relates to the water service or lack of
15 it that you experienced from Redstone water.

16 A. All right. When he came out of the hospital, he
17 had to go to therapy. I had to drive him to Washington
18 three times a week. He had to take hot tub baths, because
19 with this illness, you walk around like you have the flu
20 all the time. Your muscles ache constantly. You have--
21 your nerves are damaged. Your feet, you feel like you are
22 walking on ice cubes. You have no--there is nerve damage
23 to your nervous system. Part of his therapy was to take
24 hot tub baths to relieve the aches, two or three times a
25 day, as much as he could stand to go in and take really hot

1 baths. During this January 6th, '99 outage, I have it
2 documented, these are the times when my husband was
3 undergoing therapy and he couldn't abide with the doctor's
4 recommendation of what to do at home. He had exercises to
5 do to regain his strength, and part of it was the tub
6 baths. I have documented each day I called. I have
7 documented each day I tried to talk to somebody. Most of
8 the time, I got answering machines. No calls back.
9 Finally, on January 29th, I had talked to a woman. I don't
10 understand who answers the phone and who doesn't. In my
11 desperate need, I said that my husband is ill, I need
12 somebody to tell me what to do.

13 Q. Okay.

14 A. How long will this outage be off?

15 Q. For clarity of the record, you are now on the
16 bottom of Page 2 of the document with just marked as Balla
17 Exhibit 1?

18 A. Uh-huh (affirmative).

19 Q. You may continue.

20 A. This continued until finally the water came back
21 on. And I am used to documenting. The position I have, we
22 always document everything.

23 Q. I'm sorry. What is your employment?

24 A. I work for the postal service.

25 Q. And how long have you been employed by the

1 postal service?

2 A. Twenty years. So, if I could relate back before
3 these conditions when Mr. Terry Yablonski's father had it,
4 I had called him several times when he owned the company or
5 was president.

6 Q. And what prompted you to call the former owner?

7 A. What prompted me? Because he was the only one
8 in charge. I only had his number to call before they got
9 their emergency number. I don't know what year that came
10 into effect. But the water outages have affected my life
11 all the way around. Because I would get up and go on
12 vacation, I would have to go to conventions, I would have
13 to go to conferences, and I would get up four o'clock in
14 the morning to catch a plane or to be at a certain place at
15 a certain time, six o'clock in the morning, and I had no
16 water. The only one I could call was Mr. Yablonski, Terry
17 Yablonski's father. That's why I called him on a few
18 occasions. One occasion I know after that, until I found
19 out that the presidency had changed hands. But I knew of
20 no other emergency number until I called Mrs. Stish at
21 home, which she didn't want to be interfered at home.
22 Finally, she said if you called that number, you would ring
23 at his house, Mr. Yablonski's house to answer complaints.

24 Q. So, what you are saying is that this record of
25 your notations about outages and contacts with the company

1 is just for a limited time period, but are you testifying
2 that there is a history of--

3 A. There is a history, because the last time I
4 spoke to Mr. Yablonski, Terry's father, I said to him, and
5 I quote, I think it's time people started taking action and
6 start documenting when these outages occur, the dirty
7 water, and the conditions we have to live under. And his
8 response to me was, you do what you have to do, and that
9 was it. So, then, after that, I started mentally trying to
10 keep track, and then finally with this outage, this was
11 affecting my life too much.

12 Q. Okay. Do you want to continue on and just give
13 the highlights of what you have notated on your log?

14 A. The highlights?

15 Q. Yes.

16 A. You mean every day? Do I have to read it?

17 Q. No. No. I don't want to you read it. I just
18 want you to say what occurred that prompted to you make a
19 notation on this document.

20 A. Well, it was cold. It was icy. I will grant
21 you that. But I feel--

22 Q. What date are we talking about?

23 A. We talking about January 6th, Wednesday, 1999.
24 I called Redstone at 5:30 in the morning. That's the time
25 I get up. Very little water pressure, low pressure. That

1 meant when I turned my shower on, when you turn the thing
2 up to let the shower come through, the water doesn't have
3 enough pressure to come down. You only have drips. Not
4 exactly drips. It doesn't go drip drip drip, but there is
5 some pressure coming out but you could not like wash your
6 hair and get your suds rinsed off or wash your body and
7 have the suds rinsed off. That's what I call low pressure.

8 Q. Do you also find that you have to use a lot of
9 soap, as Mrs. Kotula said?

10 A. I have to use Zest soap. Zest is the only thing
11 that foams in our water. And certain kinds of shampoo
12 doesn't even produce any foam.

13 Q. Now, how long did this January outage last?

14 A. How long?

15 Q. Yes.

16 A. My documentation says January 11th, Monday.
17 That's when the fire trucks came through and started
18 filling up the tanks. So, we did have good water.

19 Q. So, the actual outage was from January 6th to
20 the 11th?

21 A. Yes.

22 Q. And then Tuesday, January 12th, you made a
23 notation that you had low pressure?

24 A. Yes.

25 Q. And then January 13th, you made a notation you

1 had dirty water?

2 A. Yes.

3 Q. Did you retain a sample of the water that you
4 took in January?

5 A. Yes, I did, but I forgot it. It's over a year
6 old.

7 Q. Can you describe for the judge what it looked
8 like, the water after the outage was over?

9 A. It was brown with--if it settled, it would be
10 the brown mud on the bottom. It looked like sediment. It
11 was the color of this (indicating). And when you would
12 move it, it would just, you know, completely cloud, the
13 whole thing.

14 Q. And how long did that condition last, then?

15 A. During that period, I would say for--

16 Q. The sediment, the brown sediment.

17 A. I would say for three or four days after that.
18 Probably until the lines got clear. And we always have to
19 run our water to make sure that the lines are clear.

20 Q. And then January 14th, you made a notation.
21 Would you read that into the record, the one that starts
22 out with the 1-800 number?

23 A. No water at one o'clock P.M. Called P.U.C.,
24 1-800-782-1110. No use calling Redstone. Never get an
25 answer back.

1 Q. Okay.

2 A. I have asked for returned calls, courtesy
3 calls.

4 Q. Okay. Then when was the next outage after that,
5 the next reason for an entry in your log?

6 A. January 29th, 1999. It was a Friday.
7 5:30 A.M., no water. Called and got an answering machine.
8 I left a message saying there was no water. 5:50, I called
9 again. A woman answered. I explained to her that I had no
10 water. She said that her husband knows where the leak is.
11 My response was, that doesn't do me any good, I have to go
12 to work, I need to shower. My husband is ill, he needs to
13 soak. All of Daisytown should check into the Holiday Inn
14 and send Redstone the bill.

15 Q. Who--

16 A. I said that, because you get desperate.

17 Q. Yes. I can hear that you were desperate at that
18 time.

19 A. Then at 9:45, I called Rick at the P.U.C., and I
20 was told to send him a bill.

21 Q. Was that someone at the Bureau of Consumer
22 Services?

23 A. Yes. Yes.

24 Q. So, you did complain to the P.U.C. as well?

25 A. Yes. I had many complaints, written, phone

1 calls. Sometimes I would stay on the line just to get in
2 touch with him for 15 or 20 minutes. That would be on his
3 cell phone.

4 Q. When you say stay on the line, you mean you were
5 actually waiting for somebody to pick up at the P.U.C.?

6 A. Yes.

7 Q. Now, between the January outage--well, you had a
8 February 6th outage?

9 A. Yes.

10 Q. Between then and January 29th, what was the
11 quality of your water during that time period?

12 A. Low pressure and dirty. If you would turn on
13 your spigots to get a glass of water, there was sediment in
14 it and you had to let the water come through, keeping
15 running and running it. And it's my expense. It's my
16 water coming through my meter.

17 Q. Right. And then when was the next problem you
18 had with the water that year?

19 A. We go into June. June 29th, 1999. Redstone
20 posted a sign--I have a customer bulletin board at the post
21 office, and this lets people in the community know what's
22 going on. Basically, they know every holiday because I do
23 holiday things. And they come down and the company wanted
24 to post a sign--everybody is allowed to post whatever they
25 want, it doesn't have to be poster related--that there

1 would be flushing of the fire plugs on Wednesday,
2 June 30th, and Thursday, July 1st, 1999 from 9:00 A.M. to
3 4:00 P.M. Well, during that time, we had discoloration and
4 low pressure--discoloration and low pressure would result
5 while they were doing this. Please refrain from doing
6 laundry on these days. Unfortunately, everybody in
7 Redstone's customers do not get a chance to see these signs
8 and I don't know where--it's probably posted at the water
9 company. I don't know if it's ever been in the paper. But
10 this is part of the courtesy of a company to do this when
11 some default that they cannot produce good water or quality
12 water.

13 Q. Mrs. Balla, can you just take a moment to
14 describe the problems that you have had with using the
15 water to do laundry? Do you have to go through any extra
16 steps to ensure that your clothes stay white or clean?

17 A. Stay white or clean? You never know when you
18 fill that washer up. You don't know what's coming in
19 there.

20 Q. Do you mean that you have to--

21 A. You take chances.

22 Q. --sample prior to?

23 A. I should take a sample. But in the rush of your
24 everyday life, sometimes you forget to do this. And I
25 experienced that. Let's see, what day did I experience

1 that, that my whole whitewash came out--yeah, October 16th.

2 Q. So, that's one of your entries for that year?

3 A. Yes, it is. Yes, it is.

4 Q. Did you bring with you some physical exhibits to
5 show the judge?

6 A. Yes, I did. Now, this was taken from my hot
7 water tank yesterday at 2:00 P.M.

8 ATTORNEY DUSMAN: Your Honor, may this be marked
9 Balla Exhibit 2?

10 JUDGE NEMEC: It may.

11 (Whereupon, the item was marked as Balla
12 Exhibit No. 2 for identification.)

13 A. And that's a new hot water tank. It was put in
14 7/3/99 after the one blew up. I had one blow up, too.

15 Q. I'm sorry. Did you say this was just taken
16 yesterday?

17 A. Yes. These are dishes. They were used by dogs,
18 but the water was let to stand. Normally, I try to scrub
19 my dog dishes, but I had left these because I didn't catch
20 them in time, and this is the sediment that forms on them.
21 If you don't scrub them out every two to three days with a
22 scouring pad, this is what happens.

23 Q. Okay. Would you describe the color and the
24 texture of the substance that's inside those bowls, please,
25 for the record?

1 A. It's white, sandy, flaky, coarse, powdery after
2 you touch it.

3 Q. And how long has the water been like this, to
4 the best of your knowledge?

5 A. Like this?

6 Q. Yes. How long has the water produced this kind
7 of result in a container?

8 A. Ever since I have been a customer.

9 Q. Okay.

10 ATTORNEY DUSMAN: Your Honor, may one of these bowls
11 be marked as Balla Exhibit 3?

12 JUDGE NEMEC: It may be so identified.

13 (Whereupon, the item was marked as Balla
14 Exhibit No. 3 for identification.)

15 A. Something else.

16 Q. Can you describe for the written record the
17 color and the characteristics of the water in the glass
18 jar?

19 A. Okay.

20 Q. First of all, why don't you start for from the
21 bottom and describe for the written record what is on the
22 bottom of that jug?

23 A. Brown, muddy. Held up to the light, a reddish
24 tint. When tilted, in the form of sand. As you move the
25 jar, the particles float.

1 Q. Okay. And have you taken samples from your
2 water heater on prior occasions?

3 A. Yes, I have.

4 Q. And has the water that you have taken from the
5 water heaters looked similar to that on prior occasions?

6 A. Samples?

7 Q. Yes.

8 A. It's worse.

9 Q. Sometimes it's worse?

10 A. Sometimes, when you drain a hot water tank--we
11 have drained our hot water tank, and you get these chunks
12 coming out.

13 ATTORNEY DUSMAN: Your Honor, may this be marked
14 Balla Exhibit 4?

15 JUDGE NEMEC: That will be 4.

16 (Whereupon, the item was marked as
17 Exhibit No. 4 for identification.)

18 A. This is the sludge drained. Many times, our
19 elements burn out. When we have a burnt element--

20 ATTORNEY DUSMAN: We may as well just mark this next
21 object to follow as Exhibit 5.

22 (Whereupon, the item was marked as Balla
23 Exhibit No. 5 for identification.)

24 A. It ceases to work. Then our hot water doesn't
25 work.

1 Q. Let's just take one at a time.

2 A. Okay.

3 ATTORNEY DUSMAN: The first one, Judge, it may be
4 marked Balla Exhibit 4.

5 JUDGE NEMEC: Yes.

6 BY ATTORNEY DUSMAN:

7 Q. Would you tell us what Balla Exhibit 4 consists
8 of?

9 A. Which? The bag?

10 Q. Yes.

11 A. All right. This is taken from a drained water
12 tank trying to replace an element. Mostly, the bottom
13 element goes first and we lose hot water. Then when you
14 are using the water, you can tell it's not hot anymore.

15 Q. Would you describe the color and the texture of
16 what's inside the bag, please?

17 A. Okay. This is like crushed rock, crushed
18 stone. I know what it is probably, but it's crushed stone
19 with flaky, heavy particles that form a solid mass.

20 Q. When was that taken from the water tank?

21 A. This was taken 3/7/99.

22 Q. Have you taken such a substance from your water
23 tank in the past?

24 A. Yes. Every time I change elements. That's the
25 only time we try to clean it out. Now, this is just a

1 small portion of it. We take it out by three or four
2 buckets from the bottom of the tank.

3 Q. And you do this how often?

4 A. It has to be every seven to 12 months. Twice a
5 year, usually. We can tell when an element is going to
6 go.

7 Q. I didn't ask you earlier, but the jar with the
8 water in it, would you take off the cap and tell us whether
9 that has any odor to it?

10 A. Yeah. It smells like something that's been left
11 out overnight with a--

12 Q. Do you want to pass it around?

13 A. Yeah. It has an odor. It's a stale odor. It
14 smells musty.

15 ATTORNEY DUSMAN: Counsel?

16 (Item handed to counsel.)

17 ATTORNEY DUSMAN: I don't have an adjective to
18 describe that. Judge, do you have an adjective to describe
19 it?

20 JUDGE NEMEC: Mr. Yablonski, do you want to smell
21 it?

22 MR. TERRY YABLONSKI: Would you smell it, please?

23 JUDGE NEMEC: Sure.

24 (Item handed to Judge NemeC.)

25 JUDGE NEMEC: I have allergies and I'm somewhat

1 congested. So, I won't vouch for my sniffing ability.

2 ATTORNEY NIESEN: I couldn't smell anything,
3 Your Honor.

4 BY ATTORNEY DUSMAN:

5 Q. And I think when we spoke yesterday, you also
6 talked about the kind of soap you have to use for your
7 laundry?

8 A. Let's back up. Is this an exhibit?

9 Q. I'm sorry. I'm sorry.

10 ATTORNEY DUSMAN: Judge, I think you said this could
11 be marked Balla Exhibit 5.

12 JUDGE NEMEC: That will be 5.

13 A. This is an element taken from a hot water tank
14 that burned out with this type of sludge in it, the type of
15 Exhibit 4 sludge.

16 ATTORNEY DUSMAN: Pass that around so counsel can
17 take a look at it.

18 THE WITNESS: Once your bottom element goes, your
19 top element does go. You have to try to catch it so you
20 don't have to replace both. In the meantime, you are
21 draining 80 gallons of water out of this tank at least
22 twice a year trying to keep your hot water in service. You
23 are draining 80 gallons of water and filling it back up and
24 draining it. This is my expense.

25 (Item handed to counsel and Judge Nemeec.)

1 BY ATTORNEY DUSMAN:

2 Q. Would you please to the best of your ability
3 describe what that element looks like, what the color of it
4 is, the texture, et cetera?

5 A. The element itself has coils in it, apparently
6 to heat the water as it comes past this element. It has
7 cracks in it where portions of the coils are missing.
8 Probably about eight inches have been eaten out somewhere.

9 Q. And what does the inside of the coil look like?

10 A. It looks like its corroded.

11 Q. And does it have some of the same substance that
12 appears--

13 A. Yeah. Sediment is on this coil.

14 Q. The color of the sediment?

15 A. The color of the sediment is the same as on the
16 water dishes, as Exhibit 3.

17 Q. Have you seen coils that look similar to this in
18 the past?

19 A. Yeah. Every element I take out.

20 Q. Does the amount of damage done depend on the
21 brand that you purchase?

22 A. We have had every hot water tank available.
23 None of them barely last the warranty. It seems right
24 before the warranty, the whole thing goes bad.

25 Q. Do you recall what your earliest memory is about

1 using this water and what the problem with it was?

2 A. The earliest?

3 Q. Yes.

4 A. Okay. The earliest probably would be about 40
5 or 45 years ago when I was small. My mother came from
6 Czechoslovakia and my father came from Austria. Just to
7 make the story short, these people were coal miners,
8 immigrants. They worked in the coal mine. The highlight
9 of any woman's day in Daisytown would be taking care of her
10 kids, cooking, cleaning, and wash. Wash was the primary
11 thing of how a woman's house was kept. My mother took
12 pride in her washing, and I can remember her sitting
13 literally in a ditch--because there is still ditches on
14 Crescent Heights where people threw their laundry wash out
15 because there was no sewage then, and she would be
16 literally sitting in the ditch crying because her laundry
17 was dirty. And she would have to wait until clean water
18 would come through or just--we couldn't throw them away.
19 She couldn't afford to throw them away. So, as the years
20 passed, I was at an age where water was the least of my
21 worries, as long as I had some to bathe in. There was
22 times there was three boys--my three brothers and me in the
23 house and we couldn't take baths as we would like because
24 of water outages. That's how far back it goes.

25 Q. When you first lived in Daisytown on your own--

1 A. Yeah.

2 Q. --you had a small baby, didn't you?

3 A. Yes. I had my daughter.

4 Q. And how did the water affect you at that time?

5 A. Well, Melissa was two months old and I used to
6 boil her bottle nipples. And you buy a new batch of
7 nipples or bottles and you stick them in the pot, in the
8 clean pot, and you start boiling them. And then all of a
9 sudden, everything starts turning white and the nipples get
10 corroded and the bottles are white and corroded. Boiling
11 was worse than buying them right off the store shelf and
12 sticking it in the baby's mouth.

13 Q. So, I take it that you don't drink the water
14 from your tap?

15 A. No. No, I don't.

16 Q. So, you have the expense of purchasing water
17 to--

18 A. Yes.

19 Q. --drink?

20 A. Yes, I do.

21 Q. Do you purchase water to cook with as well?

22 A. I use--I purchase water to cook soup or certain
23 things, yes.

24 Q. Do you use the water for things that you consume
25 in any way at all, coffee or tea?

1 A. No. Coffee, no. I have learned not to do
2 that. Over the years, I went through too many coffee
3 pots. No, every three months, I was replacing coffee
4 pots.

5 Q. Okay. So, you have the expense of purchasing
6 bottled water and I think you addressed the inefficiency of
7 having this quality of water in terms of doing laundry,
8 that sometimes you have to run a couple of tanks before you
9 get a good one?

10 A. Yes.

11 Q. Did you say that earlier?

12 A. Yes.

13 Q. Or was that yesterday?

14 A. Yes, I did. Even the spigot water, if you take
15 a glass and it's cloudy, you wouldn't want to do anything
16 with it. I don't even want to wash my dishes in it.

17 Q. You don't wash your dishes?

18 A. Not really. I do, I have to, but I'm not going
19 to buy water for that. And I have never purchased a
20 softener because in Daisytown, everybody says, I talked to
21 people that had them and it's no use. The softeners go bad
22 too quick, too. That's why we never purchased one, hoping
23 that the situation would get better.

24 Q. You made clear there have been problems through
25 the years with the quality of water?

1 A. Yes.

2 Q. Have there been any changes at all in the
3 quality of the water over the course of the last five years
4 or so?

5 A. Any changes?

6 Q. In the quality of the water itself, what comes
7 out of your tap.

8 A. I can't honestly say there has been much change,
9 nothing. There is the same problems we had years ago.

10 Q. Okay.

11 A. I mean, everybody got tired of it.

12 Q. Is there anything we haven't covered,
13 Mrs. Balla, that you would like to add to your testimony?

14 A. One thing. On October 16th at eleven o'clock, I
15 had washed a load of white clothes and they came out
16 stained and yellow, yellowish orange.

17 Q. Are you now reading from your log?

18 A. Yes. Yes.

19 Q. Exhibit 1.

20 A. And I did call the water. I called the 938-9164
21 number and got an answering machine and left a message.
22 One of the employees--

23 Q. Just a minute. Is that number the number of the
24 Redstone office?

25 A. I guess it's the office, and then it rings into

1 an answering machine in the house. And one of the
2 employees did bring me this sodium, what is this,
3 hydrosulfite.

4 Q. Hydrosulfite?

5 A. But that, unfortunately nobody has any--I had
6 gave mine to Terry when he was out, and I even gave him a
7 towel with the stains on them and I showed him that this is
8 what they recommend to wash our stained laundry in. And
9 the smell--

10 Q. You say they recommend. Is that Mr. Yablonski
11 you are talking about?

12 A. Redstone, yes. And it did--I did try it. I put
13 the sodium in it, and the smell is horrible. You have to
14 put it in right away and then hurry up and seal the bag
15 up. I had to rewash those, apparently the water was
16 running clean after that, trying to get the smell of sodium
17 off. But this is what they recommend when they have water
18 stains. They brought it to the house.

19 Q. When they have water stains. Now, what did
20 these stains look like?

21 A. Orange, not real like--like a reddish orange and
22 blotches. Not like one big stain. Blotches.

23 Q. Okay. And it looks like your final entry is a
24 December 13th entry, that you had no water on that day?

25 A. Yeah. December 13th.

1 Q. 1999?

2 A. And I remember that specifically, because my
3 92-year-old father was getting operated on for
4 gallbladder. My relative, brother David, was home from
5 Detroit, and he was scheduled to be operated on at
6 eleven o'clock. And we got up to take showers to get ready
7 to go to the hospital, and there was no water. And people
8 just can't understand how we live.

9 Q. Did you call and complain that day?

10 A. Yes. Yes. I left a complaint.

11 Q. Did anyone ever call you back?

12 A. I left the house because he was in a big hurry.

13 Q. Did anyone ever call you back after that?

14 A. No. No.

15 Q. Do you have anything further that you would like
16 to add, Mrs. Balla?

17 A. I guess not, other than the complaints I've
18 filed. And the only way I found out about the Consumer
19 Advocate, you people, was through a nice gentleman I called
20 at the P.U.C. I wouldn't have known about them, about you,
21 until this nice man said--I said, we have been to a
22 personal lawyer that wants to charge an excessive amount of
23 money, because I feel these people, the Redstone customers,
24 should have some consideration. They should be heard.

25 Q. So, you like the O.C.A.'s rates a little better

1 than the private lawyer?

2 A. Yes.

3 Q. Who was it?

4 A. It was somebody in the P.U.C. Who can we go
5 to? There has to be some kind of an agency. And that's
6 when they recommended the O.C.A.

7 ATTORNEY DUSMAN: Your Honor, with that, I would
8 like to move in just the documentary exhibit, Balla Exhibit
9 No. 1.

10 JUDGE NEMEC: Let's wait until Cross-examination is
11 over.

12 ATTORNEY DUSMAN: And the witness is available for
13 Cross-examination.

14 JUDGE NEMEC: Ma'am, just one or two questions
15 before we start Cross. The element, when was that
16 removed? First of all, I assume that your hot water tank
17 is electric?

18 THE WITNESS: Yes. We don't have gas.

19 JUDGE NEMEC: You don't have gas?

20 THE WITNESS: No. This was removed the same time
21 this was (indicating).

22 JUDGE NEMEC: So, the element was taken out at the
23 same time that you procured the sample that's the product
24 of the other exhibit.

25 THE WITNESS: Yes, sir.

1 (An audience member raises his hand.)

2 JUDGE NEMEC: Sir, I'm not going to take any
3 questions or comments at this point.

4 MR. JAMES ROHALEY: I wanted to make a statement
5 about the element.

6 JUDGE NEMEC: That's all right.

7 MR. JAMES ROHALEY: What's that?

8 JUDGE NEMEC: Counsel will talk to you later. We
9 can clear that up. Go ahead. Cross-examine.

10 C R O S S - E X A M I N A T I O N

11 BY ATTORNEY NIESEN:

12 Q. Mrs. Balla, you live at 9 Church Street, is that
13 right?

14 A. Yes.

15 Q. You lived there for 26 years?

16 A. Yes.

17 Q. And how old is the house at 9 Church Street?

18 A. It was a coal mining house, which we come from a
19 coal mining patch. When the coal mine started, I guess
20 back in the 20's.

21 Q. So, it's approximately 70 to 80 years old?

22 A. I imagine. I don't know.

23 Q. But that's your best understanding of the age of
24 the house?

25 A. Yes.

1 Q. And how long is your customer service line?

2 A. Right out my backyard. It's about--I'm not good
3 with measurements.

4 Q. Approximately.

5 A. About the length of this room.

6 Q. All right.

7 A. How long is that?

8 Q. Thirty feet?

9 A. Yeah. As far as I know, yes.

10 Q. Okay.

11 A. That's the last place I know they put it.

12 Q. When did they put it there, whoever it was,
13 whoever they is? When was the line put there?

14 A. Whoever they is? Who are we talking about?
15 Redstone, right?

16 Q. It's your customer service line.

17 A. It's my customer service line? I think it was
18 repaired--it's been repaired because there have been two
19 leaks over the 26 years I know of.

20 Q. In your customer service line?

21 A. Yeah. And it was repaired. So, I don't know.
22 I have no recollection of who put it there, why, what, how
23 it was repaired. That's not on my daily schedule to think
24 of that.

25 Q. Do you know how big the line is, how large the

1 diameter is?

2 A. No, I don't.

3 Q. Now, the outage that occurred in January of
4 1999, as I understand your write-up, that began on January
5 the 6th?

6 A. Yes.

7 Q. On that day, you had water but you had--

8 A. Low pressure.

9 Q. --low pressure, is that right?

10 A. Yes.

11 Q. And there was actually an outage beginning
12 January the 7th, is that right?

13 A. Yes.

14 Q. And beginning on January the 7th, your husband
15 could not draw or use hot water to take his soaking baths,
16 is that right?

17 A. Yes.

18 Q. When did the water come back on?

19 A. Well, as you read through it, January 8th, I had
20 no water. January 9th, pressure low, dirty, red. You
21 couldn't really do any of your housework. It was a
22 Saturday. Anybody that works, you know weekends are tied
23 up in house work. Sunday was no water.

24 Q. When did your husband resume his hot water
25 baths?

1 A. Whenever we could get something in the tub.

2 Q. When was it? Was it January the 14th? January
3 the 15th? When was it?

4 A. In between the low pressure, we managed to get
5 some water into the tub, maybe a quarter of it, a half of
6 it, just to let it trickle in.

7 Q. And when was that?

8 A. I think that ruins hot water tanks, too. In
9 between this time period, January 6th to the 14th.

10 Q. And is he still taking or--well, is he still
11 taking the hot water baths?

12 A. He does occasionally, mostly at night, to relax
13 the muscles.

14 Q. And he is using the Redstone water for that
15 purpose?

16 A. What other water is there?

17 Q. Is he using the Redstone water?

18 A. Yes. Yes.

19 Q. Okay. Now, I'm not sure, that Exhibit No. 2,
20 your Balla Exhibit No. 2 which is the Ball jar, when was
21 that taken from your hot water tank?

22 A. Yesterday.

23 Q. And did you take that--

24 A. No, I didn't.

25 Q. Who did?

1 A. My husband.

2 Q. Did you see him do it?

3 A. No, I didn't. But I trust that he did it.

4 Q. He told you that he took it out?

5 A. I told him to take it out.

6 Q. He always does what you tell him to do?

7 A. Yes, he does. He is the lady of the house now.

8 I work. He doesn't work.

9 Q. I'm sorry. Is this from a new hot water heater?

10 A. Yes. It was installed 7/3/99.

11 Q. And the last tank blew up, I heard you say?

12 A. Yeah. Do you want to hear about that?

13 Q. I do want to know about that. You said blew up,
14 but you also were reimbursed by the--

15 A. Yes, we were. It was a combination of things.
16 It was a combination of a faulty pop-off valve that's
17 supposed to pop off when you get a lot of pressure into the
18 house. And the amount of pressure that came through the
19 house at 1:30 in the morning, it sounded like anatomic bomb
20 blew up. I have pictures of it. Do you want them?

21 Q. I want to know who the maker of that tank was.

22 A. Well, gee. You know, I don't have that
23 information. As you can see--

24 Q. You were reimbursed for the value of that tank?

25 A. Yes. I was reimbursed \$350.00 from the

1 company.

2 ATTORNEY DUSMAN: Your Honor, this is really outside
3 the scope, and Mrs. Balla hasn't testified--

4 JUDGE NEMEC: It's in her notes, though, which is
5 offered as an exhibit.

6 THE WITNESS: But as you can see--can I make this an
7 exhibit?

8 ATTORNEY NIESEN: No.

9 THE WITNESS: You mentioned it.

10 ATTORNEY DUSMAN: May I see it?

11 JUDGE NEMEC: You know, let's finish
12 Cross-examination.

13 THE WITNESS: Okay.

14 BY ATTORNEY NIESEN:

15 Q. When is the last time that you drew the water
16 from the tank other than yesterday?

17 A. When?

18 Q. Yeah.

19 A. I have never drained water from that tank. I
20 have no reason to.

21 Q. Okay. So, to your knowledge--well, you have
22 never drained water from the tank at all, is that right?

23 A. I have watched my husband drain the water, yes.

24 Q. When is the last time you watched him drain
25 water from the tank?

1 A. Well, if that tank was replaced 7/3, I would say
2 it's got to be--no, we replaced the hot water tank before
3 we got that new hot water heater. I watched him several
4 times take this sludge out. I personally seen this.

5 Q. You have never seen him drain water?

6 A. When you drain water, you drain it into the
7 sewer. I don't take a glass and look at it.

8 Q. You have never seen him do, it, right?

9 A. Take a glass and look at it?

10 Q. You never seen him drain water from the hot
11 water tank?

12 A. Yes, I have.

13 Q. When was it?

14 A. I don't remember the exact date.

15 Q. Does your hot water tank manufacturer recommend
16 that the water be drained from it periodically?

17 A. Not that I know of.

18 Q. What's the warranty on your hot water heater?

19 A. I think five years.

20 Q. Now, this which is Exhibit No. 4, I believe--3,
21 I'm sorry. Balla Exhibit No. 3, that's your dog's dish, is
22 that right?

23 A. It's not my dog's dish.

24 Q. Whose dog is it?

25 A. Whose dog?

1 Q. Yeah.

2 A. This is a dish that's been left out.

3 Q. For your dog?

4 A. Yeah. Not my dog. It was my sister-in-law's
5 dog.

6 Q. Is that at your house?

7 A. No, it's not my house.

8 Q. That dish isn't from your house?

9 A. No, it isn't. But I'm sure mine would look like
10 that, too, if I didn't scrub them every two or three days.
11 They get a sediment on them.

12 Q. The Balla Exhibit No. 4, now, that is material
13 that is taken out of the bottom of your hot water tank?

14 A. Yes.

15 Q. And that was removed on March the 1st, 1999?

16 A. That's only part of it. That's only part of it
17 removed on that date.

18 Q. All right. You saw your husband remove that
19 material from the hot water tank?

20 A. Yes, I did.

21 Q. And the heating element, is the heating element
22 from the same hot water tank?

23 A. Yes.

24 Q. It is.

25 A. Are you checking the dates?

1 Q. I may.

2 A. Okay. I don't know why you think I'm lying.

3 Q. Is that from the--I learned that the dog dish
4 wasn't from your home. I thought that was interesting,
5 actually.

6 A. Well, it's the truth.

7 Q. The heating element, is that from the tank that
8 blew up?

9 A. No.

10 Q. It's not?

11 A. No. I'm not lying.

12 ATTORNEY NIESEN: If I might have a minute,
13 Your Honor, I want to read through the rest of her
14 handwritten notes.

15 JUDGE NEMEC: Okay.

16 (Brief pause.)

17 ATTORNEY NIESEN: Your Honor, I have no further
18 questions for Mrs. Balla.

19 ATTORNEY DUSMAN: I have some Redirect.

20 JUDGE NEMEC: Hold on a second. The water in your
21 Exhibit 2, that was taken out of the tank when?

22 THE WITNESS: Yesterday.

23 JUDGE NEMEC: And the element was taken out?

24 THE WITNESS: I guess--okay. I said 3/7/99. I
25 would have to say 3/7/99.

1 JUDGE NEMEC: Okay. That's fine.

2 THE WITNESS: It's taken from one of the times.

3 JUDGE NEMEC: Yes. I understand. All right.

4 THE WITNESS: I don't document each time I do my
5 tanks.

6 JUDGE NEMEC: Now, your sister-in-law, is she here
7 today?

8 THE WITNESS: No.

9 JUDGE NEMEC: What's her name?

10 THE WITNESS: Roberta Zahara. She brought this to
11 one of the Customer Advocate's meeting at the Daisytown
12 Church.

13 JUDGE NEMEC: Okay. Fine. Redirect?

14 ATTORNEY DUSMAN: Yes.

15 R E D I R E C T E X A M I N A T I O N

16 BY ATTORNEY DUSMAN:

17 Q. Is Roberta Zahara also a customer of Redstone
18 Water?

19 A. Yes.

20 Q. Where does she live?

21 A. 39 Main Street.

22 Q. Now, you mentioned when you took that element
23 out, do you know how long before you removed it you had
24 installed it?

25 A. That was a new hot water tank then, one of the

1 new in a five-year period.

2 Q. Within a five-year period?

3 A. Yes. This is how they end up like (indicating).

4 Q. How long was the element in the tank?

5 A. Completely? Oh, it depends. It depends on what
6 kind of water we are getting through our system.

7 Q. Just approximately.

8 A. Every six months, we had to change them.

9 Q. Okay.

10 A. If we are getting this sludge or this sludge or
11 this.

12 Q. Now, I wanted to clarify something about your
13 pressure. Did you testify that sometimes your pressure is
14 very, very low?

15 A. Yes, it is.

16 ATTORNEY NIESEN: Your Honor, I object. I don't
17 think I asked any questions about pressure.

18 ATTORNEY DUSMAN: Well, you asked about the service
19 line and the length of the service line, which is related
20 to pressure.

21 JUDGE NEMEC: But she also testified regarding the
22 first entry in her Balla Exhibit 1 with regard to water,
23 and she said it was trickling and there was some flow but
24 there was still some water. I believe on
25 Cross-examination, it turned out that the water was not

1 completely off until January 7th. Go ahead.

2 BY ATTORNEY DUSMAN:

3 Q. Do you know the size of your service line?

4 JUDGE NEMEC: That was asked and she said no.

5 A. I don't know.

6 Q. I mean, you said you didn't know the length and
7 you estimated the length?

8 A. Yes.

9 JUDGE NEMEC: She was asked diameter and said she
10 did not know.

11 A. I don't know. I don't know this. It's not of
12 importance to me, I feel.

13 Q. Is your pressure sometimes good?

14 A. Yes. Yes, sometimes we have good pressure. How
15 do you think my water tank blew up? They were fixing--
16 nobody let me tell that story. Do you want me to tell it?

17 JUDGE NEMEC: Yeah. Go ahead.

18 THE WITNESS: Okay. The final one would be Mr.--the
19 Redstone Company was fixing the waterline over the church,
20 apparently putting new lines in. I had no communication
21 with them. As I said before, I never got called back as a
22 courtesy call or when I could expect my water on or what.
23 But it was on--I did file a formal complaint about it, too,
24 July 15th. They were fixing the line over the church.
25 They had big ditches. I mean, the guys were digging really

1 hard. And that night, I think it was on the 15th--

2 JUDGE NEMEC: Ma'am, your notes say Saturday,
3 July 3, water heater blew up. That's the fourth page.

4 THE WITNESS: The 15th is when I filed the
5 complaint.

6 JUDGE NEMEC: Go ahead.

7 THE WITNESS: July 3rd, I noticed them fixing the
8 lines. There was a big--from the church all the way to our
9 neighbor's house, apparently they were trying to replace
10 the lines, which was good. But then all of a sudden, at
11 1:30, one o'clock in the morning, we hear this big boom.
12 And like I said, the amount of volume that must have come
13 through that tank when they let the pressure through,
14 because I don't know how long these gentlemen worked on
15 this or what, but to even blow the pop-off valve plus the
16 top of the tank off. If it was a faulty pop-off valve, the
17 tank would blow. But, to me, they blew together. They
18 blew both at the same time because of the amount of
19 pressure coming through. Then I had water all over my
20 basement. There goes another tank, 80 gallons of water
21 down. I guess you are tired of listening to my stories,
22 I'm sure, but I'm tired, too.

23 JUDGE NEMEC: That's all right.

24 THE WITNESS: I'm tired of telling them. At least
25 somebody is listening.

1 ATTORNEY DUSMAN: Again, Your Honor, I would move
2 Balla Exhibit 1 into the record.

3 ATTORNEY NIESEN: I have a couple more questions.

4 JUDGE NEMEC: Go ahead.

5 R E C R O S S - E X A M I N A T I O N

6 BY ATTORNEY NIESEN:

7 Q. Mrs. Balla, you surmised that the repair of the
8 church line resulted in an increase of pressure which blew
9 your water tank?

10 A. Or it's extremely coincidental that it happened
11 both at the same time.

12 Q. That's the coincidence of it?

13 A. Yeah.

14 Q. Do you know whether that kind of repair would
15 increase pressure to such an extent--

16 A. I have no idea.

17 Q. And this is the tank that the manufacturer
18 reimbursed you for, isn't that true?

19 A. Yeah.

20 Q. Would the tank manufacturer reimburse you if the
21 tank itself were not defective?

22 ATTORNEY DUSMAN: Your Honor, I'm going to object.

23 JUDGE NEMEC: That's very speculative, so I'm going
24 to sustain the objection.

25 BY ATTORNEY NIESEN:

1 Q. What did the tank manufacturer tell you about
2 the nature of the explosion?

3 A. I really didn't go through them directly. I
4 went through Walt McFann. Him and Bill McFann purchased
5 the tank, that original tank that blew up for us through
6 their company. And they said this is the kind of tanks
7 they put in all their rental properties and they have never
8 had problems like that before. But unfortunately,
9 Mr. McFann is not here to testify to that. But this is the
10 type of tank that blew up that they use in all their rental
11 properties. It's the best of the line.

12 Q. Is that the kind of tank that was replaced--is
13 that the replacement tank? Did you get the same tank as
14 the replacement tank?

15 A. No.

16 Q. The same manufacturer?

17 A. No. No. This is a new tank. It was bought
18 from Lowe's. I don't know the manufacturer. I don't know
19 the manufacturer of it.

20 ATTORNEY NIESEN: That's all I have.

21 JUDGE NEMEC: Okay.

22 ATTORNEY DUSMAN: I have nothing further,
23 Your Honor, except to move the exhibit in.

24 JUDGE NEMEC: Okay. The motion is to move Balla
25 Exhibit 1.

1 ATTORNEY NIESEN: I don't have any objection to
2 that.

3 JUDGE NEMEC: Balla Exhibit 1 is admitted.

4 (Whereupon, the document marked as Balla
5 Exhibit No. 1 was admitted into
6 evidence.)

7 ATTORNEY NIESEN: Has anything been done with the
8 other exhibits?

9 JUDGE NEMEC: Not yet. And with regard to Balla
10 Exhibit 3, I think you can photograph it and we will
11 identify it, because of the--we don't have the
12 establishment of custody. We don't have the necessary
13 foundation for it, and that will not be admitted. But in
14 any event, you certainly can take photographs and mark it
15 for identification.

16 ATTORNEY NIESEN: For the record, Your Honor, I
17 would have the same objection to Balla Exhibit No. 2.

18 JUDGE NEMEC: I appreciate that. I will take that
19 objection under advisement.

20 (Witness excused.)

21 JUDGE NEMEC: Off the record.

22 (Discussion off the record.)

23 ATTORNEY DUSMAN: Your Honor, we are going to call
24 Rabara Blackburn to the stand, please.

25 (Witness sworn.)

1 JUDGE NEMEC: Please state your name and spell your
2 last name, please.

3 THE WITNESS: My name is Rabara.

4 JUDGE NEMEC: Spell that first name.

5 THE WITNESS: R-a-b--a-r-a. Blackburn.

6 JUDGE NEMEC: B-l-a-c-k--

7 THE WITNESS: B-l-a-c-k-b-u-r-n.

8 JUDGE NEMEC: Thank you.

9 RABARA BLACKBURN, a witness herein,
10 called on behalf of the Complainants, having first been
11 duly sworn, was examined and testified as follows:

12 D I R E C T E X A M I N A T I O N

13 BY ATTORNEY DUSMAN:

14 Q. Rabara, would you state your address for the
15 record?

16 A. My address is 49 Main Street, Daisytown.

17 Q. And how long have you lived at that address?

18 A. We bought the house July of 1975. So, almost
19 25 years.

20 Q. Okay. And where did you live before 49 Main
21 Street, Daisytown?

22 A. Me and my ex-husband was in the service for a
23 couple years, but before that, I was raised in a little
24 town by Binnstown. That's between Fredericktown and Low
25 Hill.

1 Q. When you said you were in the service, you were
2 in the Army?

3 A. My ex-husband was.

4 Q. And are you currently employed?

5 A. No.

6 Q. Who lives at 49 Main Street?

7 A. Me, my husband, and my two children.

8 Q. At your prior address in Binnstown, who was your
9 water supplier?

10 A. Tri-County.

11 Q. Have you been in the hearing room this morning
12 for the testimony of Mrs. Balla and Mrs. Kotula?

13 A. Yes.

14 Q. Can you describe any problems you have had with
15 Redstone Water service?

16 A. Well, the smell, the hardness.

17 Q. Can you elaborate on the smell of the water?

18 A. Well, it smells like sulfur sometimes, not all
19 the time, but it does smell like sulfur and the chlorine.

20 Q. Can you describe the taste of it?

21 A. Like a bitter taste. It's bitter.

22 Q. And do you usually drink the water?

23 A. No. We buy bottled water.

24 Q. You do?

25 A. Yeah.

1 Q. And do you buy bottled water both to drink and
2 to use for cooking?

3 A. No. Just to drink. I cook with our water.

4 Q. Can you describe, please, the affect on your
5 appliances, exposure to Redstone's water?

6 A. They don't last. Anything with a heating
7 element, you know, it goes. It just don't last.

8 Q. And you were here for the testimony of
9 Mrs. Balla when she described what Balla Exhibit 5 is,
10 weren't you?

11 A. Yes.

12 Q. And have you seen heating elements that are
13 similar to that?

14 A. I brought my own, and my heating element is only
15 six months old. It was taken out on January 1st of this
16 year out of my old tank.

17 Q. Would you like to show it to the judge, please?

18 A. Yes. Me and my husband, when we took out the
19 heating element, this heating element, like I said, it was
20 six months old. We always clean out the hot water tank,
21 this is a little bit of the stuff that was taken out of the
22 hot water tank.

23 ATTORNEY DUSMAN: Your Honor, can we mark this one
24 Blackburn Exhibit No. 1?

25 JUDGE NEMEC: Yes. It may be so identified.

1 (Whereupon, the item was marked as
2 Blackburn Exhibit No. 1 for
3 identification.)

4 A. This is what was taken out of the hot water
5 tank.

6 ATTORNEY DUSMAN: The heating element is marked
7 Blackburn Exhibit 1, and the sediment is to be marked--may
8 it be marked Exhibit 2?

9 JUDGE NEMEC: It may.

10 (Whereupon, the item was marked as
11 Blackburn Exhibit No. 2 for
12 identification.)

13 BY ATTORNEY DUSMAN:

14 Q. Rabara, I think I interrupted you when you were
15 saying what the history of this heating element is.

16 A. Well, it was only six months old, and I bought
17 it from Lowe's. When we drained the tank and cleaned it
18 out, we put this in, like I said, on January 1st of this
19 year.

20 Q. Now, can you describe what is in the small
21 plastic container for us?

22 A. I would say roughly--I guess calcium.

23 Q. Can you just describe what the texture of it is?

24 A. Brown, like sandy, stony.

25 Q. Do you want to pass that over to Mr. Niesen so

1 he can take a look at it?

2 (Item handed to counsel and Judge Nemec.)

3 BY ATTORNEY DUSMAN:

4 Q. Rabara, had you not had that in a closed
5 container, would that sort of--

6 A. It would turn gray like that (indicating).
7 Because I have a dishwasher that was cleaned out--

8 Q. When you say this like that, the transcript
9 doesn't know what that is.

10 A. It would be like a gray material.

11 Q. So, are you talking about what we have marked
12 as--

13 A. Balla 4.

14 Q. Balla Exhibit 4?

15 A. Yes.

16 Q. Okay. Now, how much of this was taken out of
17 your dishwasher?

18 A. This is my hot water tank.

19 Q. Oh, that's out of your hot water tank?

20 A. Yeah. Hot water tank.

21 Q. Do you have similar sediments in your
22 dishwasher?

23 A. Yeah. I have had to have Highway Appliance
24 clean out my dishwasher because it quit working. This, I
25 would say there was probably a couple buckets full, and the

1 stuff was only six months old in there.

2 Q. Now, you stated that your prior water supplier
3 was Tri-County Water?

4 A. Yes.

5 Q. Did you have any experience such as this--

6 A. No. Never.

7 Q. Let me finish the question, because the
8 stenographer can't take down two voices at one time. So,
9 did you have any of this sort of--did Tri-County Water have
10 this sort of effect on your appliances--

11 A. No.

12 Q. --at your prior address?

13 A. No. No. Never.

14 Q. Do you have to use more soap--

15 A. Yes.

16 Q. --than you otherwise would with water?

17 A. Very much. A lot of soap.

18 Q. Can you be specific?

19 A. I usually use about--I use Tide and I use the
20 thing that comes with that little cup, and I usually use
21 probably about two and a half cupfuls of soap to wash my
22 clothes. Because I like to see suds and I like to make
23 sure they are clean.

24 Q. Okay. How about your pressure? Would you
25 describe your water pressure?

1 A. It goes up and down. Sometimes it's real good,
2 and sometimes it's down. It's pretty--well, it's okay.

3 Q. Does it have an effect--does the water have an
4 effect on your pots and pans?

5 A. Yes.

6 Q. Can you please describe that?

7 A. It gets the white, like the calcium deposits in
8 it and they just don't last. You know, you throw them out
9 because they won't come clean.

10 Q. Have you complained to the water company about
11 these sorts of problems?

12 A. I don't think so. I don't think I did. I think
13 I filed one complaint but, you know--

14 Q. Where you say you filed a complaint, are you
15 talking about a complaint with the Public Utility
16 Commission?

17 A. Yes.

18 Q. So, that would be the formal complaint that we
19 are here today to talk about?

20 A. Yes.

21 Q. Did you go to the expense of installing a filter
22 system in your house?

23 A. Yes. When we replaced this heating element in
24 my tank on January 1st, my hot water tank went. Lowe's
25 came in and put a new hot water tank in, and I had them put

1 on a filtration system on it.

2 JUDGE NEMEC: Now, I may have missed this, but
3 January 1--

4 THE WITNESS: January 1st--

5 JUDGE NEMEC: Of what year, ma'am?

6 THE WITNESS: This year.

7 JUDGE NEMEC: 2000?

8 THE WITNESS: Yes. 2000 when this went.

9 A. Then on January 16th of this year, my hot water
10 tank went and I had Lowe's come in and put a new hot water
11 tank in and a filtration system on it so it will hopefully
12 last longer, a little bit longer.

13 Q. What was the cost of the filtration system?

14 A. All together, between the hot water tank and the
15 filtration, it was 300 and some dollars. That included the
16 hot water tank, too, and their labor.

17 Q. Now, the filter system that you are talking
18 about, what sort of filter was that?

19 A. It's right on the line and it's a charcoal
20 filter that I just screw into the--it looks like a--I don't
21 know, a long thing like this I put in (indicating).

22 Q. Has that changed the quality of the water?

23 A. It's cut down some, yes. I don't have the
24 mineral in my water when you drink it as much, and the
25 taste is a little bit different.

1 Q. When you say you don't have the mineral in the
2 water when you drink it, can you explain what you mean by
3 that?

4 A. Well, when you would get a normal glass of water
5 before, you could see the calcium floating in our water.
6 Now, since I got that filter on it, I don't see it as much.

7 Q. Now, when you say that you see calcium floating
8 in your water--

9 A. These little crystal things. This little--this
10 stuff (indicating). This is what I see in it.

11 Q. But it's not particles that big, is it?

12 A. No. No.

13 ATTORNEY DUSMAN: Well, the record will reflect that
14 the witness was talking about the particulate matter that
15 she brought in, Exhibit 2, which is the brown sandy stuff
16 she described earlier.

17 BY ATTORNEY DUSMAN:

18 Q. When you draw a glass of water, I know you
19 referred to it as calcium, but can you explain what you see
20 in the water?

21 A. I just see floating matter.

22 Q. What color is it?

23 A. Like a gray color.

24 Q. Is it tiny like fibers, or is it clumps?

25 A. It's usually clumps.

1 Q. And do they sink to the bottom of the glass,
2 then?

3 A. Yes. Yes.

4 Q. And if you just had a standard glass of water,
5 how long would it take for that to occur, for the stuff to
6 sink to the bottom?

7 A. Not very long. Just a couple minutes. Not very
8 long.

9 Q. Okay. Are there any effects of the Redstone
10 water that we have not covered in your testimony that you
11 would like the judge to know about?

12 A. Well, my dishwasher, it almost quit working. I
13 had no water. It wouldn't clean my dishes. And I had
14 Highway Appliance come out because it was still under
15 warranty, and he asked me if we had well water. I said,
16 no, we have city water. He said, your water is very hard.
17 So, he cleaned it out, and he took this stuff out of it.
18 He cleaned my dishwasher out, and he took out half a sink
19 full of this out of my dishwasher. And that was done--

20 Q. Just a moment.

21 ATTORNEY DUSMAN: Your Honor, may we mark that
22 Blackburn Exhibit 3?

23 JUDGE NEMEC: Yes, you may.

24 (Whereupon, the item was marked as
25 Blackburn Exhibit No. 3 for

1 identification.)

2 A. Plus, it stinks. That was taken out of my
3 dishwasher on March 9th of '99, and the dishwasher was
4 bought November 5th of '96.

5 Q. Okay. Now, this is just a sample of what was
6 taken out?

7 A. Yes. I mean, he took out half a sink full of
8 stuff, because it's a portable dishwasher. He just dumped
9 everything out into my sink, and that's when I took a
10 sample.

11 Q. Mrs. Blackburn, once again, I know you said that
12 what's in your baggy stinks, but can you smell it again and
13 try to describe the odor of it?

14 A. Like sulfur. To me, it smells like sulfur.

15 Q. Okay.

16 ATTORNEY DUSMAN: Your Honor? Counsel?

17 (Item handed to counsel and Judge Nemeec.)

18 ATTORNEY DUSMAN: To me, it smells like slightly
19 ammonia. It's hard to find a word that actually describes
20 the odor of this.

21 JUDGE NEMEC: It smells more like soap to me.

22 ATTORNEY DUSMAN: Like soap?

23 JUDGE NEMEC: Yeah.

24 A. Now, when Highway Appliance did come out, they
25 did tell me to buy an extra box of it's called Miracle

1 something that he told me to use with my dishwasher.
2 Because I do use, you know, the liquid stuff that you put
3 in, Jet Dry, plus I have to put other stuff in it, too, to
4 clean my dishes.

5 Q. Have you observed any effects on your clothing
6 of watching your clothes in that water?

7 A. Just, to me, they are not white, compared to
8 what my mother used to wash. They are not as white. Also,
9 when my son was born, he had severe colic and they told me
10 to use bottled water for him because our water was so
11 hard.

12 Q. And who is they?

13 A. Dr. Boon from Charleroi. He told me to use
14 bottled water on him because he had severe colic. And, I
15 mean, it was severe.

16 Q. What year was that?

17 A. '92. February of '92.

18 Q. Okay. Do you have anything else that you would
19 like the judge to know?

20 A. Well, I just had to replace my bathroom stuff,
21 my bathroom faucet. This is only a couple years old.

22 ATTORNEY DUSMAN: Your Honor, may this be marked
23 Blackburn Exhibit 4?

24 JUDGE NEMEC: It may be so identified.

25 (Whereupon, the item was marked as

1 Blackburn Exhibit No. 4 for
2 identification.)

3 A. And here is my shower head.

4 Q. Before you go to the next one, let Erin mark
5 that. Now, can you just describe what the inside of your
6 faucet looks like?

7 A. It's just a buildup of minerals that I had no
8 water coming out of it. It just, you know--

9 Q. And what's the color of what's inside the
10 faucet?

11 A. It's like a gray color and part brown.

12 ATTORNEY DUSMAN: Your Honor, may the shower head be
13 marked for identification as Blackburn Exhibit 5?

14 JUDGE NEMEC: It may be so identified.

15 (Whereupon, the item was marked as
16 Blackburn Exhibit No. 5 for
17 identification.)

18 A. And that's only about a year and a half old, and
19 that was replaced on March 18th, the same when this one was
20 replaced.

21 Q. And do you want to describe the features--

22 JUDGE NEMEC: What year? I'm sorry.

23 THE WITNESS: This was just replaced March 18th of
24 this year.

25 JUDGE NEMEC: 2000. Okay. Thank you. I'm sorry.

1 A. I guess mineral deposits. It's so clogged,
2 nothing cleans it. And there was nothing coming out. And
3 this has even, you know, the settings on it for different
4 things, and they wouldn't even work.

5 Q. Can you describe what the deposits look like on
6 the face of the shower head?

7 A. I guess like a mineral--like a whitish color.

8 Q. Okay. Now, you have brought these examples of
9 things from your home. Are there other such things in your
10 home that you haven't brought with you today that show
11 similar deposits, et cetera?

12 A. I really can't say. My refrigerator, because it
13 has an ice maker in it. I haven't taken that out. I don't
14 even get ice out of it anymore.

15 Q. Is there anything else that you would like to
16 add to your testimony?

17 A. No. No. That's it.

18 ATTORNEY DUSMAN: Your Honor, we have nothing
19 further for Mrs. Blackburn. She is available for
20 Cross-examination.

21 JUDGE NEMEC: Before Cross-examination, the filter
22 that you had installed--

23 THE WITNESS: Yes.

24 JUDGE NEMEC: --do you know where your waterline
25 comes into the house?

1 THE WITNESS: Yes.

2 JUDGE NEMEC: Now, is that filter immediately--

3 THE WITNESS: As soon as it comes into the house, it
4 goes through the meter, and then as soon as it comes off
5 the meter, it goes up a couple feet and they put--

6 JUDGE NEMEC: The filter is there?

7 THE WITNESS: The filter is right there underneath
8 my steps where the waterline comes into the house.

9 JUDGE NEMEC: It goes through the filter before it
10 gets to the rest of the appliances?

11 THE WITNESS: Yes.

12 JUDGE NEMEC: Does that filter need to be cleaned?

13 THE WITNESS: Yes. I change it every month. So
14 far, I have changed it twice. I had it put in in January,
15 I changed it in March, and I have to change it again.

16 JUDGE NEMEC: And what does changing it involve?

17 THE WITNESS: Well, I take it apart and just put the
18 charcoal filter inside and screw it back on.

19 JUDGE NEMEC: Do you have to turn your water supply
20 off first?

21 THE WITNESS: Yes. Well, I do. You know, because I
22 seen on the thing, it has a bypass, but I never--

23 JUDGE NEMEC: Tried that. Okay.

24 THE WITNESS: I take precautions that I just turn
25 the whole water off.

1 JUDGE NEMEC: All right. You may Cross-examine.

2 C R O S S - E X A M I N A T I O N

3 BY ATTORNEY NIESEN:

4 Q. Mrs. Blackburn, you live at 49 Main Street, is
5 that right?

6 A. Yes.

7 Q. And your pressure there you said is--how did you
8 describe that?

9 A. Sometimes it's good, and sometimes it's bad.

10 Q. I think you said in response to Ms. Dusman, the
11 pressure is okay. Do you recall that?

12 A. Yeah.

13 Q. Is the pressure okay?

14 A. Yeah.

15 Q. And how old is your house?

16 A. It was built in 1929.

17 Q. And is the original customer service line still
18 in place at the house, to your knowledge?

19 A. No.

20 Q. It is not?

21 A. When you mean customer, you mean from like their
22 tap-in to my house?

23 Q. Yes.

24 A. I just replaced that about four years ago.

25 Q. What did you replace it with?

1 A. Copper line. And it's a one-inch, and it's
2 about 50 feet--from the road to my house, it's about
3 50 feet.

4 Q. You have a one-inch copper line going from the
5 curb, the tap at the main inside--

6 A. To my meter, yes.

7 Q. Help me out again with your hot water tank
8 heating element. You replaced the hot water tank when?

9 A. You mean I replaced the hot water tank?

10 Q. Yeah. When was that?

11 A. January 16th or 17th of 2000, this year.

12 Q. This year?

13 A. Yes.

14 Q. So, you have a new hot water tank?

15 A. Yes.

16 Q. And with that hot water tank, you purchased a
17 filter system?

18 A. Yes.

19 Q. And you paid about \$329.00?

20 A. That's for the hot water tank, the labor.

21 Q. And the filter?

22 A. Yes.

23 Q. And how much was the filter mechanism?

24 A. I don't know. I never--

25 Q. I think I have seen them. I have one of those

1 in my house. It's--

2 A. I think when I called them, I think they says
3 like 20 some or--\$25.00 or \$30.00.

4 Q. So, yours is maybe a foot long or so?

5 A. Yeah.

6 Q. And there is a gap in your waterline coming to
7 the hot water tank, and you unscrew the filter mechanism?

8 A. Yes.

9 Q. And you can replace it that way, can't you?

10 A. Yes.

11 Q. And the judge asked you how you go about doing
12 that. Do you shut the waterline off?

13 A. Yeah. I go down to the main line and I shut it
14 off.

15 Q. Okay. And then you unscrew it, get a new one at
16 the hardware store, and you put it in?

17 A. I bought it at Lowe's, yes.

18 Q. And did you say that works or not? I thought
19 you said--

20 A. So far, it's been working. The taste has cut
21 down some and you don't see stuff in our water. But I
22 change it every month. And when they put the filtration
23 system on, they said it should last about 90 days, and it
24 don't last that long.

25 JUDGE NEMEC: You mean the filter?

1 THE WITNESS: Yeah. The filter. I had to replace
2 it in about a month.

3 BY ATTORNEY NIESEN:

4 Q. How did you know you had to replace it?

5 A. Well, because the water started tasting and I
6 started seeing stuff in my drinking water.

7 Q. Is that only out of the hot water, or is it--

8 A. No. It's out of cold, mostly cold.

9 Q. Mostly cold?

10 A. Yeah.

11 Q. You don't see it come out of the hot water at
12 your tap?

13 A. I don't think so. Because, I mean, I never
14 really looked at the hot water because I don't drink it.

15 Q. Okay. Do you use the hot water for cooking?

16 A. Yes.

17 Q. Do you see it when you draw the hot water for
18 cooking purposes?

19 A. Yeah. My pots are white, the calcium.

20 Q. Do you see the floating material when you draw
21 hot water for cooking purposes?

22 A. Not right now, no.

23 Q. The bag with the material taken from your
24 dishwasher--

25 A. Yes.

1 Q. --the heating element in your dishwasher is
2 right in the bottom?

3 A. Yes.

4 Q. It's open, is it not? You can look down and see
5 it?

6 A. Yes.

7 Q. And is that where that material was taken from?

8 A. No. He took it apart. There is like--when he
9 took it apart--no, he didn't take it from there. He took
10 it apart and there is like a strainer thing in the back,
11 and he took that out and he went down inside the dishwasher
12 and cleaned it out.

13 Q. And so, it's taken out of the drain area in the
14 dishwasher?

15 A. I guess so.

16 Q. Okay.

17 A. Yes.

18 Q. So, that's where the sudsy water drains out?

19 A. Yes.

20 Q. As well as the material that has been removed
21 from the dishes that are in the dishwasher?

22 A. Yes.

23 Q. Would that be why it smells, why you think it
24 smells, because it has soap in it as well and materials--

25 A. Well, that, yeah. Because now this has been

1 sitting a while now.

2 Q. Sure.

3 A. Probably, yes. And every time we drained our
4 hot water tanks and cleaned them out, I was always there
5 with my husband to help him to do that. So, I know.

6 Q. So, you know that that was removed from your old
7 hot water tank?

8 A. Yes.

9 Q. That heating element that's Exhibit No. 1?

10 A. Yes.

11 Q. When was that taken out of your hot water tank?

12 A. January 1st of this year, 2000. Because I had a
13 hard time going around finding a new one because things
14 were closed. So, I had to go to Lowe's.

15 Q. So, at that time, you also purchased a new hot
16 water tank?

17 A. About 17 days later, because my hot water tank
18 that this came out of, on the bottom, the seal broke and it
19 started dripping water. I hurried up and called Lowe's,
20 and they come and put a new one in.

21 Q. And how long was that heating element in the
22 tank? Do you know?

23 A. This one was six months old.

24 Q. The shower head which is Exhibit 5--

25 A. Yes.

1 Q. --how long was that in place on the shower?

2 A. This is about a year and a half old.

3 Q. It is?

4 A. Yes. It's one that you can adjust it for
5 different things.

6 ATTORNEY NIESEN: I think that's all I have for
7 Mrs. Blackburn.

8 JUDGE NEMEC: Redirect?

9 ATTORNEY DUSMAN: Yes, just a couple of items,
10 Your Honor.

11 R E D I R E C T E X A M I N A T I O N

12 BY ATTORNEY DUSMAN:

13 Q. Mrs. Blackburn, in your complaint, you made a
14 statement about pressure, there were pressure problems with
15 the water?

16 A. Yeah, there is. I mean, sometimes it comes out,
17 and sometimes it, you know--

18 Q. Well, in response to Mr. Niesen's question, you
19 said the pressure is okay. Do you mean currently?

20 A. Right now, I would say it's okay right now.

21 Q. But do you have--how often would you say you
22 have pressure problems?

23 ATTORNEY NIESEN: Objection, Your Honor. It's asked
24 and answered. She said it was okay to Ms. Dusman the first
25 time around, and she said it was okay in response to my

1 questions. I don't think anything more needs to be drawn
2 out of it.

3 ATTORNEY DUSMAN: She said sometimes it's good and
4 sometimes it's bad.

5 JUDGE NEMEC: I don't remember specifically
6 everything that she said, but go ahead and answer the
7 question the best you can.

8 A. It's mostly like whenever they have a waterline
9 break somewhere. Now, on February the--around the 9th or
10 7th, between the 9th of 7th of February of this year, my
11 pressure was low because they had a waterline break this
12 year.

13 Q. Mrs. Blackburn, you are referring to a piece of
14 paper?

15 A. Yes.

16 Q. Do you want to say what that paper represents?

17 A. This is mostly--you know, this is when things
18 had happened.

19 Q. Just something to remind of you dates?

20 A. Yes. Because I have a bad memory sometimes.

21 Q. Is there anything else that your notes have
22 reminded you of that you wanted to say today that you
23 haven't said yet?

24 ATTORNEY NIESEN: Your Honor, I object to that.
25 Now, we are way beyond Cross-examination.

1 ATTORNEY DUSMAN: She is refreshing her
2 recollection, Your Honor. Particularly if there is
3 anything about pressure in there, it's within the scope of
4 Redirect.

5 ATTORNEY NIESEN: Before she turned Mrs. Blackburn
6 over for Cross-examination, I think she asked her at least
7 twice if there was anything else she wanted to add. We had
8 that answer twice.

9 ATTORNEY DUSMAN: I will go on, Your Honor.

10 BY ATTORNEY DUSMAN:

11 Q. The shower head, Mrs. Blackburn, how often in
12 the year--how many times a week do you use that bathroom
13 for showering?

14 A. I take a shower every night. My husband don't.
15 He takes a bath. But I take--I can't stand taking a bath.
16 So, I take a shower every night.

17 Q. How about your kids?

18 A. They take baths and showers. They are getting
19 old enough now that they like to take showers.

20 Q. So, on average, how many times a week do you
21 think that's used for showers?

22 A. Maybe about 20 times.

23 Q. Okay. And how much do you pay for the filters
24 that you have to put onto your filter system?

25 A. The filter that I bought in January when I got

1 the system, I get two filters for it was 15 something.

2 Q. Two for 15?

3 A. Uh-huh (affirmative).

4 Q. And I believe you said you had to do that about
5 once a month?

6 A. Yes. I change it--yes.

7 ATTORNEY DUSMAN: Your Honor, nothing further from
8 Mrs. Blackburn.

9 ATTORNEY NIESEN: Just one question.

10 R E C R O S S - E X A M I N A T I O N

11 BY ATTORNEY NIESEN:

12 Q. Did you notice a difference in your pressure
13 after you put the copper service line at your home?

14 A. Pressure? In a way, I think I did. Because
15 there was--I don't know, when they put the lines in, there
16 was like a loop in the thing, and they took it out when
17 they hooked me up to the main line.

18 Q. Thank you.

19 JUDGE NEMEC: Thank you very much. You are
20 excused.

21 (Witness excused.)

22 JUDGE NEMEC: Off the record.

23 (Discussion off the record.)

24 (Whereupon, at 12:19 P.M., the hearing
25 was adjourned to be reconvened at

1 1:26 P.M. the same day.)

2 (Witness sworn.)

3 JUDGE NEMEC: Please state your full name.

4 THE WITNESS: John T. Stone, Jr.

5 JUDGE NEMEC: And you spell Stone just like it
6 sounds, S-t-o-n-e?

7 THE WITNESS: Right.

8 JUDGE NEMEC: Thank you. You may proceed.

9 JOHN T. STONE, JR., a witness herein,
10 called on behalf of the Complainants, having first been
11 duly sworn, was examined and testified as follows:

12 D I R E C T E X A M I N A T I O N

13 BY ATTORNEY HORTING:

14 Q. Mr. Stone, could you please state your address
15 for the record?

16 A. 491 Pike Run Drive, Daisytown, Pennsylvania.

17 Q. And how long have you lived at that address?

18 A. Since '72. So, probably 28 years.

19 Q. And do you live alone?

20 A. No.

21 Q. Who do you live with?

22 A. My wife and my one son lives in part of the
23 house, and I have a son and his wife and three children
24 that live in the other half. It's like a duplex home.

25 Q. And are you employed?

1 A. Yes.

2 Q. And where do you work?

3 A. Monongahela, Pittsburgh Tank.

4 Q. And have you filed a Commonwealth complaint in
5 this proceeding?

6 A. Yes, I have.

7 Q. And are you a customer of Redstone Water
8 Company?

9 A. Yes, I am.

10 Q. Do you drink Redstone water?

11 A. No, I don't. Well, sometimes, but very seldom.
12 When I run out of the other water.

13 Q. What other water do you use to drink?

14 A. I go to a spring in a little place called Clover
15 Hill which runs out of the hillside, and I get water there.

16 Q. And why don't you drink the Redstone water all
17 the time?

18 A. Because any sediment that floats around in it,
19 the sedimentation I see floating in it.

20 Q. Can you describe what that looks like?

21 A. It kind of looks like snow flakes, or if you
22 ever seen those ornaments you get at Christmas time that
23 you shake up and down with the snow coming through it,
24 whatever you put in it to look like snow, that's kind of
25 what it resembles, yes.

1 Q. What color are these particles?

2 A. Like a grayish white.

3 Q. And about how big are they?

4 A. Well, they vary in different sizes. I would say
5 about as far as--I can't really--they are plenty big enough
6 to see, and a lot of them is real fine particles. But
7 bigger ones can even be reflected as dandruff flakes.

8 Q. And these particles, are they in the water all
9 the time? Some of the time? When did you see him?

10 A. I see them almost all the time. Especially I
11 use a lot of ice. When I put my ice in there, my water,
12 and pick the glass up to take a drink, they are there.

13 Q. When you take the water out of your tap, can you
14 see the particles then without the ice?

15 A. Yes.

16 Q. And how is that different when you put ice in
17 the water?

18 A. Not much difference. It's about the same. The
19 particles are still there.

20 Q. And do you see those particles with hot water?

21 A. I don't really drink the hot water, but yes, I
22 do see them with the hot water. The hot water seems to be
23 more like a cloudy color. It's not particles, but it's
24 more like cloudy, whitish cloudy when it's mixing up, I
25 guess.

1 Q. If you take a glass of water from the tap and it
2 has the particles, do they stay floating?

3 A. No. They settle to the bottom.

4 Q. And about how long does that take?

5 A. A minute. A minute or so. Half a minute or so,
6 I guess. As the ice cubes melt, you still see more
7 floating down. I guess they stayed into the ice cube,
8 too. As they melt, they continue floating down.

9 Q. Do you consume ice cubes that are Redstone water
10 ice cubes?

11 A. Yes, I do. We have an ice maker on the
12 refrigerator, which also got a filter on it.

13 Q. Does your water run through the refrigerator?
14 Is it an automatic ice maker?

15 A. Yes. That one is, yes. The water for the
16 refrigerator, I got water in there plus an ice maker side
17 by side. A water dispenser, I should say.

18 Q. And other than the particles in the water, are
19 you otherwise satisfied with the quality of the water that
20 you get?

21 A. No. I have problems with the hot water heater
22 and the elements.

23 Q. Can you tell me specifically, when you say hot
24 water elements, do you mean by problems that you need to
25 replace them?

1 A. Right. Yes.

2 Q. And how frequently would you estimate you
3 replace them?

4 A. I would say about every nine months, nine to
5 12 months.

6 Q. And when you take a hot water element out of
7 your hot water tank, does it resemble one of the exhibits
8 on the table? We have two hot water elements. We have
9 Blackburn Exhibit 1 and Balla Exhibit 5.

10 A. Yes, it does.

11 ATTORNEY NIESEN: That's leading, Your Honor.

12 JUDGE NEMEC: Noted. It's overruled. Go ahead.

13 BY ATTORNEY HORTING:

14 Q. And, Mr. Stone, you said you replaced the hot
15 water elements. Do you also have problems with your hot
16 water heater, the heater itself, or just the elements?

17 A. Well, I had until a few years back, I can't
18 remember what year it was, probably in the 80's, I
19 purchased one from Sears which had a lifetime warranty on
20 the tank. The other ones never got through their warranty
21 period. Or if they did, it was right after the warranty
22 ended up is what I should say. They got through their
23 warranty. And I have had five-year warranties, seven-year
24 warranties. And then I decided to go with this lifetime
25 thing. And now, I don't have no problem with the tank

1 itself, but the bottom element, like I said, I got to
2 replace every nine to 12 months.

3 Q. You said you have a lifetime warranty on the
4 tank now?

5 A. Right.

6 Q. But not on the elements that go into the tank?

7 A. That's correct.

8 Q. I think you said you have been in your house for
9 about 28 years?

10 A. Yes.

11 Q. Since 1972. Can you tell me how many times you
12 have replaced your hot water tank since '72?

13 A. Well, until I bought the lifetime warranty one,
14 I would say five times.

15 Q. Five tanks before that. So, that would be six--

16 A. Well, no. Probably the lifetime warranty one
17 was probably the fifth one.

18 Q. Okay. Thank you. You also talked about--you
19 were talking about the bottom heating elements. This last
20 tank that you replaced, did you ever drain the tank?

21 A. I don't drain it completely. I just open the
22 valve up, like it's suggested with the manufacturer's
23 suggestion, to clear water from it on a monthly basis. But
24 most of the time, nothing comes out until I replace the
25 element, and then I have to dig it out or suck it out with

1 a vacuum cleaner, a Shop Vac.

2 Q. You said that the manufacturer recommends it.
3 Do they recommend how often you should drain your tank?

4 A. Yes. They say about once a month, on mine.

5 Q. But you said you don't drain it once a month?

6 A. It don't say drain it. It says drain a couple
7 jars or so out. A couple gallon I believe is how it's
8 stated.

9 Q. Okay. And, I'm sorry, I'm a little confused.
10 So, you do drain it about once a month? You take water out
11 of the tank?

12 A. Right. Yeah. The water, yeah.

13 Q. Is it clear water that's coming out when you
14 drain it?

15 A. I would say 50 percent of the time it's clear,
16 and 50 percent of the time it's got a reddish brownish
17 color to it.

18 Q. And the appearance of the water, is there any
19 sediment in your tank?

20 A. Yeah. Well, all the sediment in the tank, it
21 don't come out with the drain. Only the same that comes
22 out of my tap system, the small floating particles. That
23 will be it.

24 Q. So, do you leave the sediment in your tank?

25 A. Yes, until I have to replace an element.

1 Q. Okay.

2 A. Because there is no way of getting it out, to my
3 knowledge.

4 Q. And are you able to see the sediment in your
5 tank to know that it's there?

6 A. Yes. Because most of the time when you replace
7 the element, I even have a hard time getting it out. The
8 bottom element on my tank is probably maybe eight inches or
9 so off the bottom. And the sediment will be up to the
10 bottom of the element or even over the element. And the
11 first time after I put the new lifetime warranty tank in,
12 the element went and it was still under warranty. Sears
13 came out and the gentleman, when he went to change it, he
14 pulled it out and he broke the element off and he just left
15 the element in there, the long part of the element, and he
16 just shoved a new one in right with it. He left that one
17 in there. And I didn't get that out--the house where my
18 son lives in now, I remodeled another portion. When I
19 moved over to there, I really cleaned the hot water tank
20 real good. Normally when I do it, I get out as much as I
21 can without too much time and effort. But this time, I
22 really turned it upside down and shook all the stuff and
23 put water in it from one end to the other to get it out all
24 of there. So--

25 Q. And when you say that there is sediment in the

1 tank, can you describe what that sediment looks like?

2 A. White particle flakes. White grayish particle
3 flakes of some kind of calcium deposit. I call it sandy,
4 sandy and gritty, with some brownish tint to it sometimes.
5 It's in the water tank in different stages. Some will have
6 brownish color to it, and the higher up you get, it will be
7 grayish. And up on top, it will be more like just a clear
8 white.

9 Q. And, Mr. Stone, how much does it cost you for
10 heating elements when you replace them?

11 A. Well, the lifetime warranty tank, when I first
12 got it, after the warranty, they--they replaced the first
13 one because it was still under warranty. The other one
14 started out about \$17.00 apiece. Well, I felt that Sears &
15 Roebuck pulled a quick one, too, when they made a lifetime
16 tank because they was going to get you somewhere, and they
17 made the heating element a special size that no heating
18 elements will work. You can't go to an ordinary hardware
19 store and get it, which most tanks, you can use any hot
20 water element. The element will fit any hot water tank.
21 But this one that Sears sold doesn't work that way. And
22 they kept putting the price up. And I believe they are now
23 up to about \$35.00 apiece, and you can't even buy them at a
24 local Sears store. You have to send to Chicago and wait
25 seven to 10 days to get it. And I have even went out and I

1 have even made an adapter myself, because I have to do it
2 so long and it was getting expensive and I couldn't wait
3 for elements to come in. So, I made an adapter--I tried
4 buying an adapter and I couldn't buy an adapter to fit in
5 there. I'm a welder by trade and I made a fitting and
6 adapter so that I could put a cheaper element in. And then
7 I found out they got a special element called a Sand Hog,
8 which is supposed to be specially made for hard water
9 things, and they don't even last any longer. They don't
10 last any longer than the original ones. But they are
11 guaranteed. So far, I have replaced three of them now
12 since I started using the Sand Hog, but they do reimburse
13 me for them because they are a lifetime warranty on the
14 element.

15 Q. The Sears that--

16 A. No. Not the Sears. The Sand Hog.

17 Q. The Sand Hog?

18 A. Which you can buy in local places, but they
19 wouldn't fit the tap until I made the adapter to go into it
20 to make them work.

21 Q. Okay. Thank you. Earlier, you said that your
22 family gets water from a spring at Clover Hill?

23 A. Right.

24 Q. Do you know if anybody tests the water from that
25 spring?

1 A. I don't know personally. I have heard it's been
2 tested, but I personally don't know if it's been tested or
3 not. I have heard the gas company tests it. I know there
4 is quite a few people from the community that goes up there
5 and gets it. In fact, there is a stopping place for people
6 to pull off and get it, and it's usually going all the
7 time. People is parked there.

8 Q. Can you tell me where this spring at Clover Hill
9 is in relation to where you live?

10 A. I will say about maybe three to four miles from
11 my place over to what they call Bentleyville and 70.

12 ATTORNEY HORTING: That's all I have, Mr. Stone.

13 JUDGE NEMEC: Okay. Cross-examine.

14 C R O S S - E X A M I N A T I O N

15 BY ATTORNEY NIESEN:

16 Q. Mr. Stone, the spring at Clover Hill, is that a
17 pipe coming out of the ground and you can just go to it and
18 fill jugs?

19 A. Yes, it is. Right. Right.

20 Q. And how far is that from your home?

21 A. I'm saying about four miles or so, three to four
22 miles. I never really took a mileage reading on it.

23 Q. And you have never seen test results for that
24 water? You don't know whether that water has the same
25 amount of hardness to it--

1 A. No.

2 Q. --that the water you are getting from Redstone
3 does?

4 A. No, I don't.

5 Q. The Sand Hog heating element, is that a brand
6 name? Is that a company? What is that?

7 A. I believe that's just what they call the element
8 itself, because it's made to--supposedly to last longer in
9 hard water areas.

10 Q. And your experience is that it doesn't last
11 longer?

12 A. It doesn't last any longer, but they still
13 warranted it.

14 Q. They still warrant it?

15 A. Yeah.

16 Q. So, you have been back to the hardware store to
17 replace the Sand Hog heating element?

18 A. Correct.

19 ATTORNEY NIESEN: That's all we have for Mr. Stone.

20 ATTORNEY HORTING: Just very briefly.

21 R E D I R E C T E X A M I N A T I O N

22 BY ATTORNEY HORTING:

23 Q. Mr. Niesen asked you about the Clover Hill
24 water, if it seemed to be as hard as the Redstone water.
25 Could you tell us if--do you find the Clover Hill water to

1 be similar to the Redstone water?

2 A. Not in taste, no. And that's why I drink it.
3 And that's all I use it for, is drinking and maybe once in
4 a while making refreshments, coffee or tea or what-not.
5 But I use the Redstone water for making tea and stuff,
6 because it does come through a filter. It's on my
7 refrigerator and I drink it right out of the refrigerator.
8 I have a Hot Shot--I don't know if you want me to answer
9 this or talk about this or not. I have a Hot Shot water
10 heater that you put a cup of water in and it heats it
11 pretty instantly, and that's what I usually make tea with.
12 And it's got to be cleaned with vinegar about every two
13 weeks. I have to clean it. I will get a cup of tea and I
14 will be drinking it, and when I get to the bottom, there
15 will be all kind of gritty stuff in it if the Hot Shot
16 water heater don't get washed out with vinegar on a regular
17 two-week basis or so.

18 Q. Just to clarify, you are saying you use the
19 Redstone water in the Hot Shot?

20 A. Right, which comes through a filter out of my
21 refrigerator.

22 Q. And if you could be a little more specific, you
23 said that you drink the Clover Hill water instead of the
24 Redstone water ordinarily?

25 A. Just to get a class of water. But I will use

1 the ice from the refrigerator from the Redstone. I will
2 put ice in it. So, it would really be hard to tell. I
3 have a water jug, one of them water coolers that I put the
4 water jug on I get from Clover Hill, but it don't get cold
5 enough for me. I like my stuff cold, so I always get some
6 ice, too, to go along with it.

7 Q. You mentioned there is a difference in taste
8 between the Redstone water and the Clover Hill water?

9 A. Most definitely. There is no Clorox in it, or
10 chlorine, whatever they put in it, which is in the Redstone
11 water. There is a strong taste. Not so much taste as
12 smell. There is a strong smell to it. But it is tasteful,
13 too, as far as taste.

14 Q. And is that--

15 A. You can detect the chlorine taste.

16 Q. Is that a constant taste, or does that change?

17 A. It seems like it's--to me, it seems like it's
18 worse in the morning when you first start drawing water.
19 As the day goes by, it seems like it gets a little less.
20 But the first thing in the morning, it seems pretty strong,
21 yes.

22 ATTORNEY HORTING: That's all I have.

23 R E C R O S S - E X A M I N A T I O N

24 BY ATTORNEY NIESEN:

25 Q. Just tell me about the refrigerator filter on

1 your refrigerator. Is it like Mrs. Blackburn's?

2 A. No. I had different ones. But the last one I
3 put on, it was supposed to be 100,000 gallons you can put
4 in it before you replace it. I would I paid like \$27.00
5 for it or something. I haven't replaced it yet. That's
6 been a year or so ago.

7 Q. Is it--

8 A. It's an in-line filter. It's on a small line
9 that runs from the main line up to the refrigerator.
10 Three-eighths plastic tubing.

11 Q. About 12 inches long?

12 A. Yeah. It's about 12 inches long. I don't know
13 if it's charcoal or what. I just know--you never cut that
14 apart. I have cut other ones apart before, but that one I
15 never cut apart yet to see what was in it.

16 Q. Thank you.

17 JUDGE NEMEC: Thank you very much, sir. You are
18 excused.

19 (Witness excused.)

20 ATTORNEY HORTING: Your Honor, we would like to call
21 Jeff Kotula.

22 (Witness sworn.)

23 JUDGE NEMEC: Please state your full name.

24 THE WITNESS: My name is Jeffrey Michael Kotula.

25 ATTORNEY NIESEN: Before we go any further, I don't

1 believe Mr. Kotula is a Complainant, is he?

2 JUDGE NEMEC: First of all, spell your last name for
3 me.

4 THE WITNESS: Sure. It's K-o-t-u-l-a.

5 JUDGE NEMEC: Okay. And you are related to Theodore
6 Kotula?

7 THE WITNESS: That's correct. I'm his son.

8 JUDGE NEMEC: And you live in the same household?

9 THE WITNESS: That is correct. 19 Plum Lane.

10 ATTORNEY DUSMAN: He is not a Complainant, but
11 certainly he can testify.

12 JUDGE NEMEC: Any problem?

13 ATTORNEY NIESEN: I will put my objection on the
14 record that if he is not a Complainant, he shouldn't be
15 testifying in the case. What's the relevance of his
16 testimony?

17 JUDGE NEMEC: I don't know. I guess we will find
18 out. Go ahead. Let's proceed.

19 JEFFREY MICHAEL KOTULA, a witness herein,
20 called on behalf of the Complainants, having first been
21 duly sworn, was examined and testified as follows:

22 D I R E C T E X A M I N A T I O N

23 BY ATTORNEY HORTING:

24 Q. Mr. Kotula, your mother testified earlier today?

25 A. Correct.

1 Q. You were present for her testimony?

2 A. Yes.

3 Q. And she testified about the--just generally
4 about the quality of water service that she felt she was
5 receiving from Redstone Water Company. And rather than
6 have you go into detail, can you just maybe summarize for
7 me your personal experience with your water service in your
8 home?

9 A. Sure. As a customer of Redstone Water, I have
10 noticed a very, very poor quality of water that comes from
11 our system and within the house. I have been a resident of
12 our new home on Plum Lane from 1976 until present. And
13 every day, there is some sort of, for lack of a better
14 term, problem with the water, typically odor. There is a
15 smell that comes from it, usually sulfurous or chlorine,
16 something that smells of that nature. In addition to
17 occasionally the water has some sort of murkiness. It can
18 be a appearing gray or sandy or some spectrum between gray
19 and let's say a brownish color. In addition to the fact
20 that the pressure is not always consistent. Some days it's
21 low, and some days it's high. It's very inconsistent
22 pressure that is coming from the system.

23 Q. And, Mr. Kotula, have you reviewed the testimony
24 that Mr. Terry Fought filed on behalf of the O.C.A.?

25 A. Yes. I have read other documentation that has

1 come to our home concerning the basic testimonies of
2 everyone involved in this complaint.

3 Q. Are you familiar with Mr. Fought's testimony
4 about funding available for improvements to water
5 companies?

6 A. Yes, I am.

7 Q. Do you have any direct personal knowledge about
8 funding that is available to water companies?

9 A. Yes, I do, as a matter of fact. The fact that I
10 did read the testimony in the Redstone Water system, and in
11 that, it mentioned a few programs that were explored. But
12 in my position that I have, I do know of other funding
13 sources that may be available--

14 ATTORNEY NIESEN: I object. I don't think we heard
15 what his position is anywhere.

16 JUDGE NEMEC: Exactly.

17 ATTORNEY NIESEN: We need to know what his personal
18 knowledge is, if he is going to be testifying.

19 JUDGE NEMEC: I agree. You need to form a basis for
20 this testimony.

21 THE WITNESS: Sure.

22 JUDGE NEMEC: No. Let counsel do it.

23 BY ATTORNEY HORTING:

24 Q. Let me go back, and I did omit to ask you. Can
25 you please state for the record what your position is?

1 A. Sure. I'm the Executive Director of the
2 Washington County Chamber of Commerce and the Washington
3 Industrial Development Corporation.

4 Q. And you are testifying today as a consumer of
5 Redstone Water?

6 A. That is correct. I am a customer of Redstone
7 Water.

8 Q. And can you describe your position and whether
9 and how you would know about possible funding opportunities
10 for a water company?

11 ATTORNEY NIESEN: I object. Again, is he here as a
12 customer? Is he here as the Executive Director of the
13 Washington County Chamber of Commerce?

14 ATTORNEY HORTING: He is here as a customer.

15 ATTORNEY NIESEN: Then I think he should testify as
16 a customer and not about what the Chamber of Commerce
17 thinks is available in regard to funding. If he is here
18 for the Chamber of Commerce, we need a resolution showing
19 that he is authorized to appear here on behalf of that
20 organization.

21 JUDGE NEMEC: Yeah. I'm not sure what your position
22 with the Chamber of Commerce has to do with funding for
23 water, water service improvement. Is there something--

24 THE WITNESS: May I answer the question?

25 JUDGE NEMEC: Yes. Go ahead.

1 THE WITNESS: First of all, as I did mention, I am
2 the Executive Director of the Chamber of Commerce in which
3 we are in coordination with other counties that develop
4 programs on the state and local levels. However, I am here
5 as a private citizen to voice my complaints concerning the
6 water system.

7 JUDGE NEMEC: Okay. Fine.

8 THE WITNESS: I am not here on behalf of the Chamber
9 of Commerce. That's what I do, and I just so happen to
10 live in Redstone Water's service area.

11 JUDGE NEMEC: Fine. But with regard to--what
12 experience have you had, if any, in obtaining or processing
13 or whatever grants or loans or whatever for water
14 improvement projects?

15 THE WITNESS: As far as water improvement projects
16 are concerned?

17 JUDGE NEMEC: Yes. Water quality improvement.

18 THE WITNESS: There is numerous things available
19 that I worked with, such as--

20 ATTORNEY NIESEN: No. No. No. You asked him what
21 his experience is. He avoided that question, and now he is
22 off onto something else. Before he does this, I think we
23 should have on the record what his experience is. He has
24 already testified he is here as a customer. I'm not even
25 sure he is a rate paying customer. His mother testified

1 that he lives in the house.

2 JUDGE NEMEC: But he is a consumer of your client's
3 product.

4 ATTORNEY NIESEN: Well, that's fine. But be that as
5 it may, he has also said he is not here on behalf of the
6 Chamber of Commerce.

7 JUDGE NEMEC: I just want to explore what his
8 personal experience is.

9 ATTORNEY NIESEN: And I didn't have any trouble with
10 that question, but he avoided answering that question and
11 he started saying, well, there are numerous programs in his
12 view out there for funding. Before we get to that, he
13 needs to say what his experience is. I doubt if he has
14 any.

15 JUDGE NEMEC: Well, I don't know. Have you
16 personally participated in one fashion or another in a
17 water quality improvement project?

18 THE WITNESS: Yes, I have, sir.

19 JUDGE NEMEC: And what was it?

20 THE WITNESS: However, I should explain before I
21 do--

22 JUDGE NEMEC: No. I want to know what it was,
23 first.

24 THE WITNESS: Sure. The actual purpose of what I
25 do--and if you would just indulge me for a moment, sir.

1 ATTORNEY NIESEN: Your Honor, please. The question
2 to him was very direct that you put. What project has he
3 been involved in.

4 THE WITNESS: I can speak to that, sir. We are also
5 involved in the extension of the Claysville Donegal area
6 water extension. That was, first of all, supposedly come
7 from around the Washington, PA district to run out towards
8 the Claysville Donegal municipal system. So, I have worked
9 on that as well.

10 JUDGE NEMEC: Okay.

11 ATTORNEY HORTING: Your Honor, if I may interrupt.
12 I think his concern is because he is not testifying on
13 behalf of his employer, that he doesn't want to go into
14 detail or presume that he has that authority, but he does
15 and is willing to testify about his personal experience and
16 personal knowledge of funding.

17 JUDGE NEMEC: Let's just back up a step. Who is
18 your employer?

19 THE WITNESS: My employer is the Washington County
20 Chamber of Commerce.

21 JUDGE NEMEC: And you are employed in what
22 capacity?

23 THE WITNESS: As the Executive Director. I'm the
24 head of the Chamber.

25 JUDGE NEMEC: And this is a compensated position?

1 THE WITNESS: Correct.

2 JUDGE NEMEC: Fine. Now, with regard to this line--
3 this was a line extension?

4 THE WITNESS: Yes, sir.

5 JUDGE NEMEC: From where?

6 THE WITNESS: From roughly the City of Washington or
7 the outskirts of it to the Claysville Donegal municipal
8 system.

9 JUDGE NEMEC: Okay. And the--

10 THE WITNESS: Which is roughly, sir, roughly a
11 20-mile extension.

12 JUDGE NEMEC: All right. And what was the source of
13 the water to be used in the system?

14 THE WITNESS: The source of the water would come
15 from the Washington City municipal system.

16 JUDGE NEMEC: Washington, PA, Washington County
17 water system?

18 THE WITNESS: That is correct.

19 JUDGE NEMEC: Do they have a water authority there?

20 THE WITNESS: They have a separately un water
21 authority, yes.

22 JUDGE NEMEC: All right. And what was your role in
23 this line extension?

24 THE WITNESS: The role in the line extension, as I
25 was trying to get to, was the fact to work with both the

1 city and also the Claysville Donegal system to help attract
2 and draw down funds from the state to improve the system.

3 JUDGE NEMEC: Okay. So, you assisted in applying to
4 one or more state programs to obtain funding?

5 THE WITNESS: That's correct, Your Honor.

6 JUDGE NEMEC: Okay. And look, I mean, I will take
7 notice that there are various funding programs available
8 for water improvement systems, okay, and the Commission is
9 actively engaged in seeking to have water systems
10 improved. That's a long-term goal of the Commission, to
11 improve water quality throughout the state. Given. Okay?

12 THE WITNESS: Okay.

13 ATTORNEY HORTING: That's all I have.

14 ATTORNEY NIESEN: Can I have his last answer read
15 back, please.

16 JUDGE NEMEC: In essence, he said that he
17 participated in trying to seek funding for this project.
18 What's the current status of the project.

19 THE WITNESS: The current status of the project is--

20 JUDGE NEMEC: No. I don't want you to
21 editorialize. That's going to just bring another
22 objection.

23 THE WITNESS: Okay.

24 JUDGE NEMEC: Has it been completed or is it
25 stalled?

1 THE WITNESS: It has been stalled, I should say.

2 JUDGE NEMEC: Currently, is it in progress or just
3 stopped.

4 THE WITNESS: Stalled would be a good term to
5 describe that.

6 JUDGE NEMEC: That's all right. Just let it go.

7 C R O S S - E X A M I N A T I O N

8 BY ATTORNEY NIESEN:

9 Q. Are you a customer of the water company? Do you
10 pay the bill at your mother's house, or does your mother
11 pay the bill?

12 A. My mother pays the bill.

13 JUDGE NEMEC: Off the record.

14 (Discussion off the record.)

15 JUDGE NEMEC: Let's go back on the record.

16 ATTORNEY NIESEN: I have no further questions for
17 Mr. Kotula.

18 JUDGE NEMEC: Thank you very much, sir.

19 THE WITNESS: Thank you for your time.

20 (Witness excused.)

21 ATTORNEY DUSMAN: Your Honor, the O.C.A. will call
22 Patricia Caeti.

23 (Witness sworn.)

24 JUDGE NEMEC: Please state for the record your full
25 name.

1 THE WITNESS: Patricia Ellen Caeti.

2 JUDGE NEMEC: E-l-l-e-n?

3 THE WITNESS: Correct.

4 JUDGE NEMEC: And it's C-a-e-t-i?

5 THE WITNESS: Correct.

6 JUDGE NEMEC: Thank you. You may proceed.

7 PATRICIA CAETI, a witness herein, called
8 on behalf of the Complainants, having first been duly
9 sworn, was examined and testified as follows:

10 D I R E C T E X A M I N A T I O N

11 BY ATTORNEY DUSMAN:

12 Q. Your address? Is it Miss?

13 A. Ms.

14 Q. Your address, please?

15 A. Box 154--excuse me. Box 114, Daisytown.

16 Q. Are you currently employed?

17 A. Yes, I am.

18 Q. And what do you do?

19 A. I'm a secretary for Prudential Insurance.

20 Q. And you work full-time?

21 A. No. I work part-time.

22 Q. Part-time. About how many hours a week?

23 A. I work anywhere from 15 to 18 hours a week.

24 Q. The rest of the time, are you in your home?

25 A. Yes, I am.

1 Q. For the most part?

2 A. (The witness nods her head.)

3 Q. And you are a formal Complainant?

4 A. Yes, I am.

5 Q. Are you satisfied with your water service from
6 Redstone Water?

7 A. No, I'm not.

8 Q. Can you give us the first reason that comes to
9 mind why you are dissatisfied with the service?

10 A. First of all, I don't feel as though the water
11 is drinkable.

12 Q. And why is that?

13 A. Because it has a terrible medicinal, anesthetic
14 taste. I buy my water.

15 Q. I neglected to ask you, how many people are in
16 your household?

17 A. Just myself right now.

18 Q. So, how many gallons a week do you buy for your
19 assumption?

20 A. Well, approximately four gallons. Last week, I
21 bought seven. I started to cook with it recently.

22 Q. Can you explain why?

23 A. Because about six weeks ago, it seemed to me
24 like there was an awful lot of chlorine that was in the
25 water and I got sick to my stomach. It was like a

1 dysentery. And I'm still on that kick of a dysentery.
2 It's not as much now as it was before, because at the time
3 this happened, I was still putting a cup of Redstone water
4 into the microwave for my instant coffee and also making my
5 iced tea with it. I noticed about six weeks ago that the
6 water changed drastically. Like I said, it seemed like
7 there was an awful lot of chlorine in the water. I got
8 sick to my stomach with upper and lower pains in my
9 stomach. So, I stopped using water completely. Now, I
10 don't even cook with it anymore. I just buy the bottled
11 water. The only thing I use it for is my household chores
12 and my wash. And when it comes to my wash, I have had my
13 white clothes ruined twice. When I wash clothes, I let the
14 water in the washer, and I use a white cup to test it to
15 make sure it's clear. If it's clear, I will put my white
16 clothes in and I will let them wash.

17 Q. When you say you use a white cup to test it, do
18 you dip a cup into--

19 A. No. An actual solid white Corning Glass cup.
20 Okay? It's white. So--

21 Q. Describe what you do?

22 A. I just dip the water out. As the hot water
23 comes in, I let it fill up to the top, depending on the
24 load that I'm watching, and I use my cup to go in and look
25 at the water. If it's clear, then I will put my white

1 clothes in. If it's not, then actually I don't. I will
2 let the clothes wash and then I spin the clothes out. I do
3 not let the washer spin rinse, because I have gotten
4 sprayed with rust. So, then after it spins out, I don't
5 use the rinse water at all. I spin it out, take the
6 clothes out of the washer and let the cold water come back
7 into the washer, retest it with a white cup again. If it's
8 clear, I will put the clothes back in and wash them and
9 spin it out. In no way does my white clothes touch that
10 spray with the wash, ever. And the same thing--I have the
11 same problems with my hot water tank. The elements go.
12 All my faucets look like these (indicating).

13 Q. When you say these, tell us what exactly you are
14 referring to?

15 A. Well, it's some sort of a mineral deposit that
16 eats--it actually eats the metal off the spigots and the
17 bathroom fixtures. I have used teapots that have scrunge
18 on the bottom in a week two to three inches thick. I
19 stopped doing that. I don't use teapots anymore. I use my
20 microwave to make my instant coffee. And I use, also--I
21 didn't think to bring any today, but I use like little
22 containers, sometimes bowls, sometimes plastic containers
23 to put in front of the registers during wintertime, and
24 they are all corroded around with crusty white in about a
25 week or 10 days.

1 Q. Okay. You say crusty white--

2 A. It's like a crystallized.

3 Q. Is it similar to what we see on--

4 A. Yes, it is. It's exactly like this
5 (indicating). It becomes all crystallized.

6 Q. So, Balla Exhibit 3 is what you are pointing to?

7 A. Uh-huh (affirmative). Yes.

8 Q. You have been in the hearing room today, have
9 you not?

10 A. I have.

11 Q. And did you hear the testimony of Mr. Stone just
12 a little while ago?

13 A. Yes, I did.

14 Q. Have you experienced drawing water into a glass
15 and seeing particulates?

16 A. Yes.

17 Q. Can you describe that for us?

18 A. It looks like Alka Seltzer. As a matter of
19 fact, it did that this morning. I went to brush my teeth
20 and the water was white. And as it comes up to the top,
21 then it starts to clear. But it likes like an
22 Alka Seltzer.

23 Q. When you say white, you don't mean solid white?

24 A. I mean, not clear that you can distinguish that
25 it's water.

1 Q. It's whitish?

2 A. You can't distinguish that it's water. It's a
3 liquid, a white liquid. As it rises to the top, then it
4 clears. From the time you put the water in the glass, it's
5 white, and then it starts rising to the top. When it gets
6 to the top, then it's clear.

7 Q. Now, do you remember the day that Mr. Fought and
8 myself came to your home to talk to you about the service?

9 A. Right.

10 Q. And do you recall drawing a glass of water from
11 your tap--

12 A. Right.

13 Q. --to show Mr. Fought and myself?

14 A. Right. I do.

15 Q. Do you recall putting ice cubes in that water?

16 A. I do.

17 Q. And describe what happened, then, after you put
18 the ice cubes into the water.

19 A. It was just like an explosion of like little
20 crystals that went up around. There was a residue.

21 Q. As we sat there and talked around your kitchen
22 table, describe what appeared at the bottom of the glass.

23 A. It was like a residue. It looked like--it's
24 very hard to describe it. Actually, to be perfectly
25 honest, it looked like small pieces of toilet paper.

1 That's what it looks like was floating around the bottom of
2 it.

3 Q. Okay. Does that happen consistently? If you
4 draw a glass of water and put ice in it, does that happen
5 every time?

6 A. I haven't been doing that recently. I haven't
7 been drinking the water at all for over a year and a half
8 now.

9 Q. So, you did it for the special occasion we were
10 there?

11 A. Yeah. That was your special occasion.

12 Q. Okay. Now, have you complained to the water
13 company about this sort of thing?

14 A. Oh, I have made several complaints. I have
15 talked--not so much calling the water company as talking to
16 the employees of the water company. When they come around
17 to read the meters or something, you know, I always ask
18 them about the water. It's very hard, is there a water
19 main break. I noticed there was a water main break, my
20 pressure is low. That sort of complaints. But actually
21 calling the water company at the office itself, no. I did
22 make a formal complaint to the P.U.C.

23 Q. You mentioned pressure. Can you tell us whether
24 you have consistent pressure at your home?

25 A. No, I do not.

1 Q. And describe in more detail how it varies.

2 A. Through the day when everyone is using water,
3 the pressure is low. And that all transpired about a year
4 and a half ago when we had the problem with Malden Hill
5 when the water main breaks.

6 Q. Are you talking about the January 1999 outage?

7 A. Uh-huh (affirmative). Yes. At the time, there
8 was a four-inch water main up at that road. And the end of
9 February, I don't know exactly what day it was, but the end
10 of February, they inserted a two-inch PVC pipe into that
11 four-inch line. And from that time on, our pressure has
12 been low. It only stands to reason that a four-inch
13 waterline, naturally you are going to get more water from a
14 four-inch than you are a two-inch PVC pipe. Also, we had a
15 fire hydrant in the neighborhood, and that's been taken
16 out. At the end of February when the PVC valve was put
17 into the four-inch waterline, we had a fire hydrant. From
18 that time on, it was covered with plastic. If there was a
19 fire in our neighborhood, we could not connect that
20 two-inch PVC pipe into that fire hydrant, which takes a
21 four- to six-inch tanker truck hose.

22 Q. Okay. Now, you are talking about a fire hydrant
23 that's right on your street?

24 A. It was on our street. It's been removed by
25 Redstone Water Company.

1 Q. Approximately when?

2 A. A couple of months ago, it's been removed.

3 Q. You gave us Box 114, but what street is it
4 actually?

5 A. That's Daisy Lane.

6 Q. That's Daisy Lane.

7 A. So, now we have no fire hydrants, and I'm in a
8 neighborhood of 12 families. And should there be a fire,
9 what are we going to do? Now, Mr. Yablonski testified in
10 his testimony that he has seen tanker trucks take water
11 from the fire hydrant and put it into a swimming pool to
12 douse a fire.

13 Q. Now, you are talking about Mr. Yablonski's
14 written testimony?

15 A. Yes. His written testimony, yes. And that's
16 another thing that I'm curious about. What if we have a
17 fire in our neighborhood? What happens? What do we do?
18 We don't do anything. We burn to the ground. By the time
19 a tanker truck comes to our place, whatever house it is, it
20 will burn to the ground. And I, myself, have never heard
21 or seen a tanker truck come to the house, fill up a
22 swimming pool from the fire hydrant, and douse a fire.
23 Now, if that was the case and if that really happens, how
24 are we going to fill a swimming pool? We don't have a fire
25 hydrant. So, now what happens? Where do we get the water

1 from if there's a fire in our neighborhood? We can't
2 connect to a two-inch PVC. We couldn't originally do it,
3 anyway, to the fire hydrant. And now we can't do it at all
4 because we have no fire hydrant. That's my main concern
5 right now.

6 Q. Have you asked the company whether that fire
7 hydrant will be replaced?

8 A. I already know it's not going to be, because in
9 his testimony, he is replacing, you know, these pipes with
10 two-inch PVC pipes. And he says that he doesn't--he
11 doesn't have to have 500 pounds of pressure per minute.
12 So, you know, that leaves us between a rock and a hard
13 place if there is a fire. And my neighbors have complained
14 to me, as is stipulated on my petition, that I went around
15 to the houses on Saturday, Nelson Spitek in particular
16 signed the petition and he wrote a little note underneath
17 that there is no fire hydrant on there.

18 Q. What was that last name?

19 A. That was Nelson Spitek, S-p-i-t-e-k. It's on
20 the petition he made a little notation, no fire hydrant.
21 So, the neighborhood is very concerned about having a fire
22 hydrant and what do we do in case there is a fire.

23 Q. Okay. Is there any issue that you want the
24 judge to know about that we haven't covered?

25 A. I think I have stated just about everything

1 that's very important.

2 Q. Okay. Thank you very much for your testimony.

3 A. Thank you.

4 JUDGE NEMEC: You may Cross.

5 C R O S S - E X A M I N A T I O N

6 BY ATTORNEY NIESEN:

7 Q. Ms. Caeti, let me ask you about fire protection
8 service. You are assuming that the water company is
9 responsible for providing fire protection service, are you
10 not?

11 A. I would say Redstone Water Company is
12 responsible for the water that goes into those hydrants.

13 Q. So, you don't think that the water company is
14 responsible for providing fire protection service? Is that
15 your understanding of the entity that's responsible for
16 making sure you have fire protection service in your
17 municipality?

18 A. No. I think to a certain extent, he is
19 responsible. If he wasn't, why would he take out the fire
20 hydrant?

21 Q. Tell me who you think is responsible for
22 providing fire protection service in your municipality.

23 A. Well, I know at the time, the borough paid
24 Mr. Yablonski. I think he is responsible, yes, I do.

25 Q. What municipality do you live in?

1 A. California Borough.

2 Q. The Borough of California. Has anybody given
3 you any kind of legal opinion that it's not the water
4 company but, in fact, the borough that's legally by law
5 responsible for your fire protection service?

6 A. It was not the borough that took the fire
7 hydrant out.

8 Q. But even without the fire hydrant, is it not the
9 borough that's responsible for making sure you have fire
10 protection service, you and your neighbors in California
11 Borough?

12 ATTORNEY DUSMAN: Objection, Your Honor, asked and
13 answered and calls for a legal conclusion.

14 BY ATTORNEY NIESEN:

15 Q. Do you know that?

16 A. It's not that I don't know that.

17 JUDGE NEMEC: You are testing the understanding of--

18 ATTORNEY NIESEN: She is assuming that my client is
19 responsible for fire protection service.

20 THE WITNESS: Excuse me. I did not assume that. I
21 did not assume that. Excuse me.

22 BY ATTORNEY NIESEN:

23 Q. I'm asking to you tell me, what entity is
24 responsible for making sure you have--

25 A. I'm not quite sure. If I was to be put on the

1 spot, I would say both, the borough and Redstone.

2 Q. In what sense do you think the borough is
3 responsible for fire protection service?

4 A. I'm not sure about that, either, because it's
5 Redstone that implanted those fire hydrants in our
6 neighborhood.

7 Q. And even without the fire hydrants, is it not
8 the borough's responsibility to make sure you have fire
9 protection service, to make sure you have trucks, and make
10 sure you have water available with the trucks to fight
11 fires?

12 A. I know that our borough has paid Redstone Water
13 Company for those fire hydrants. So, I'm assuming that
14 Redstone Water Company is responsible for having water in
15 those hydrants. If you are getting paid for something, you
16 are supposed to perform, whatever, the obligation or
17 whatever. As long as you pay for something, you should get
18 that product.

19 Q. Well, I won't debate it with you any longer, but
20 I think that--

21 A. Why? Why not?

22 Q. Because I'm asking you what your understanding
23 is about responsibility between the borough and the water
24 company?

25 A. And I just told you.

1 Q. And I would suggest to you that maybe you should
2 look at the borough. You should call the borough and say--

3 ATTORNEY DUSMAN: Your Honor, I object to this
4 dissertation. These witnesses did not come in here to be
5 lectured by Mr. Niesen.

6 JUDGE NEMEC: Fine. You are asking the witness in
7 some aspects of your question for a legal conclusion, and
8 that's objectionable. She stated her opinion that both are
9 responsible, but that's just her opinion and that's
10 something that we will I'm sure develop more fully in this
11 record in terms of who is responsible for what. Do you
12 have any other questions for her?

13 ATTORNEY NIESEN: Yes

14 BY ATTORNEY NIESEN:

15 Q. Mrs. Caeti, said your white clothes were ruined
16 twice?

17 A. Yes.

18 Q. When was that?

19 A. It's been a while now, because I have been
20 washing this way for years now. The first time it
21 happened, I just knew it happened and tried the best I
22 could to get it clean. The second time it happened, in the
23 meantime, I talked to one of the neighbors and they said
24 that it happened to them, and they took their white clothes
25 up to Redstone Water Company and they said, tough.

1 Q. The dates, ma'am?

2 A. I don't know the exact dates. This was within
3 the last five years.

4 Q. That was the last time, within the last five
5 years?

6 A. Right. And I don't do it anymore.

7 Q. And how long have you lived at Box 114 in
8 Daisytown?

9 A. Sixteen, almost 17 years.

10 Q. And how old is your home?

11 A. I would say approximately maybe 30 years, 35
12 years.

13 Q. Is the original customer service line still in
14 place at the home, to your knowledge?

15 A. We recently--well, not recently. I would say in
16 the last seven or eight years, we had sewage put in. Those
17 were the only new lines that went in.

18 ATTORNEY NIESEN: Thank you, ma'am. That's all I
19 have.

20 ATTORNEY DUSMAN: Nothing, Your Honor.

21 JUDGE NEMEC: Thank you, ma'am. You are excused.

22 (Witness excused.)

23 ATTORNEY DUSMAN: The O.C.A. calls Mrs. Wadsworth.

24 (Witness sworn.)

25 JUDGE NEMEC: Please state your full name.

1 THE WITNESS: Gloria Wadsworth.

2 JUDGE NEMEC: Thank you, ma'am. You may proceed.

3 GLORIA WADSWORTH, a witness herein,
4 called on behalf of the Complainants, having first been
5 duly sworn, was examined and testified as follows:

6 D I R E C T E X A M I N A T I O N

7 BY ATTORNEY DUSMAN:

8 Q. Mrs. Wadsworth, you and your husband are both
9 formal Complainants against Redstone Water, are you not?

10 A. (The witness nods her head.)

11 Q. Am I recalling correctly that you told me that
12 your husband has some health problems and he couldn't
13 appear today?

14 A. He can't talk. It's his voice.

15 Q. Okay. So, you are essentially here on behalf of
16 both of you in those formal complaints, correct?

17 A. (The witness nods her head.)

18 Q. Your address, please, street address?

19 A. 51 Main Street.

20 Q. Could you keep your voice up a little bit?

21 A. 51 Main Street, Daisytown, PA.

22 Q. And is that Box 203?

23 A. Uh-huh (affirmative).

24 Q. Now, Mrs. Wadsworth, how long have you lived in
25 the Redstone Water territory?

1 A. All my life.

2 Q. I will ask you when you were born?

3 A. 64 years.

4 Q. You are 64 years old. And do you drink Redstone
5 water?

6 A. I drink it. I'm not crazy about it, but I drink
7 it. Not all the time. I drink mostly pop, but I do drink
8 water.

9 Q. You do?

10 A. Uh-huh (affirmative).

11 Q. And have you, in fact, been drinking the water
12 since you were a little child?

13 A. Uh-huh (affirmative).

14 Q. Where did you live before you moved lived at
15 Box 203?

16 A. Down the Old Patch.

17 JUDGE NEMEC: Excuse me. You are going to have to
18 keep your hands away from your face and speak up so we can
19 hear you. Okay?

20 THE WITNESS: Okay.

21 A. Crescent Heights, the same place, but a
22 different road. Like where we are at now, it's down the
23 road. The same place, though. I don't know what the
24 address would be, just Crescent Heights.

25 Q. Now, you said, I'm not crazy about the water.

1 Can you tell us why you are not?

2 A. Well, it's just--I don't like the taste.

3 Q. Can you describe the taste?

4 A. It's sort of bitter like. But I like water so
5 much, I drink it. I drink mostly pop, though. My husband
6 won't drink it at all.

7 Q. He won't?

8 A. Oh, no. He won't touch it. He will take coffee
9 because the water is boiled, you know, but he won't drink
10 water at all.

11 Q. Do you use the water for cooking?

12 A. Uh-huh (affirmative).

13 Q. Do you find that exposure to the water affects
14 your pots and pans and dishes?

15 A. Oh, terrible.

16 Q. Can you describe that, please?

17 A. Well, I had a dog and cat, and every time their
18 water dishes would get--they would get like that
19 (indicating). It didn't take very long at all. I would
20 just throw them away.

21 Q. When you say that, are you pointing to Balla
22 Exhibit 3?

23 A. I would throw them away and just go buy them new
24 ones. And now I have a bird and I feel sorry for him. I
25 would say about every six to seven months, I have to go to

1 the pet store and get him new water pans because it gets
2 around the water pans. Those pans are terrible.

3 Q. Okay. You have been here for the testimony of
4 the other witnesses today?

5 A. Uh-huh (affirmative).

6 Q. And you have heard the problems that they have
7 expressed about doing their laundry and things like that?

8 A. Uh-huh (affirmative).

9 Q. Do you have some more problems to that?

10 A. I buy more soap and shampoos and stuff. I mean,
11 that water is so hard. They are right about the soap.
12 That's the Zest soap. That's all.

13 Q. The Zest soap?

14 A. Yes. And to keep rings and stuff around your
15 tub, you have to kill it with bubble bath. The water is
16 hard.

17 Q. Do both you and your husband bathe in the water?

18 A. He showers and I bathe.

19 Q. Do you have consistent pressure in your home?

20 A. No.

21 Q. Can you describe--

22 A. It's off and on. Well, like if I'm running the
23 dishwasher or something and he goes to take a shower and he
24 forgets I have it on, he starts to holler at me, shut the
25 water off, shut the water off. I can't run it in the

1 sink. He said, I have no pressure, no water. So, you
2 can't run two things at one time. There is no way.

3 Q. Okay. Is that all of the time that you can't
4 run two appliances at once or can't have a shower and an
5 appliance?

6 A. All the time. All the time.

7 Q. You have heard a number of people testify, I'm
8 sure, about the effects of the water on such things as the
9 heating elements we have here?

10 A. Ours is the same way.

11 Q. Balla Exhibit 5 and Blackburn Exhibit 1. Do you
12 see some more things in your house, also?

13 A. The same thing. We go through a coffee pot--I
14 buy a coffee pot--I would say every six months, I have to
15 buy a coffee pot. My dishwashers, I have had two or three
16 already. It just corrodes them out.

17 Q. And these deposits that we have marked, for
18 example Blackburn Exhibit 3, do you see the same things in
19 your appliances.

20 A. The same thing. The same thing. The shower
21 head, we have to replace that--he replaces that every two
22 years. I use Lime Away for everything.

23 Q. You do?

24 A. But Lime Away only takes care of it after so
25 long. Then they just don't take care of it. You have to

1 scrape it off with a knife.

2 Q. Okay. Now, you say that you drink the water.
3 When you draw water out of the tap, do you ever notice
4 discoloration other than clear?

5 A. Yeah. Not real--it's not like it should be, but
6 it has the floating things that looks like snow flakes in
7 it.

8 Q. The tiny white things?

9 A. Yes.

10 Q. Do you see that whether you put ice in it or
11 not?

12 A. Both. Both.

13 Q. Just straight out of the tap and with the ice?

14 A. Uh-huh (affirmative). My kids will come home
15 and they will go to get a glass of water and they are not
16 used to it. Mom, look, you got floating things in here.

17 Q. And what do you say?

18 A. Well, it's been that way for years. What am I
19 going to do about it?

20 Q. Do you notice any odor when you take a glass of
21 water?

22 A. Yeah.

23 Q. Can you describe what odor you detect?

24 A. Sort of like a chlorine smell.

25 Q. Is that all the time or just some of the time?

1 A. Well, really, I guess when I drink the water is
2 when I notice it. Because when I take my pills and stuff,
3 I just don't like to take the water. I drink it because I
4 have to.

5 Q. Okay. Any other problems that you can think of
6 you would like the judge to know about because of Redstone
7 Water?

8 A. The same as what everybody else said.

9 Q. Thank you very much for your testimony.

10 ATTORNEY NIESEN: Just a couple questions.

11 C R O S S - E X A M I N A T I O N

12 BY ATTORNEY NIESEN:

13 Q. Is it Mrs. Wadsworth?

14 A. Uh-huh (affirmative).

15 Q. You live at 51 Main Street. Is that at the top
16 of the hill? The Bottom?

17 A. The very top, Crescent Heights.

18 Q. The very top or--

19 A. Crescent Heights.

20 Q. How many homes are higher than yours?

21 A. It's right there.

22 Q. How old is your house? Any idea?

23 A. Let's see. We moved in that house when I was
24 10 years old. That was 50 some years. So, pretty old.

25 Q. It's that old. Okay. To your knowledge, the

1 customer service line going into the house, is it the same
2 line that's always been there?

3 A. You know, that kind of stuff, I don't know. I
4 know we replaced when we put the sewage in. We did replace
5 a waterline. I don't know how many years ago it was. My
6 sons dug it out and put it in.

7 Q. You specifically remember that, ma'am?

8 A. Uh-huh (affirmative).

9 Q. What year was that?

10 A. That, I can't remember.

11 Q. How old was your son when he did it?

12 A. Well, they were still home.

13 Q. And how long ago was that?

14 A. I can't remember.

15 Q. How long ago was your son home? How long ago
16 was that?

17 A. Well, two of my sons dug it, really.

18 Q. When they were home?

19 A. Uh-huh (affirmative).

20 Q. And how long ago was that?

21 A. Let's see. I couldn't tell you. I can't
22 remember dates. I know they dug it when they were home.

23 Q. How old are they now?

24 A. Well, one is 45 and one 38 and one is 34.

25 Q. Okay.

1 ATTORNEY NIESEN: That's all I have. Thank you.

2 JUDGE NEMEC: Anything else?

3 ATTORNEY DUSMAN: Nothing, Your Honor.

4 JUDGE NEMEC: Thank you very much, ma'am. You are
5 excused.

6 (Witness excused.)

7 (Witness sworn.)

8 JUDGE NEMEC: Sir, please state your full name.

9 THE WITNESS: James Rohaley, R-o-h-a-l-e-y. I live
10 at 383 Pike Run Drive, Daisytown, Pennsylvania, 15427.

11 JUDGE NEMEC: Okay. One more time. James--

12 THE WITNESS: Rohaley, R-o-h-a-l-e-y.

13 JUDGE NEMEC: Got you. You may proceed.

14 JAMES ROHALEY, a witness herein, called
15 on behalf of the Complainants, having first been duly
16 sworn, was examined and testified as follows:

17 D I R E C T E X A M I N A T I O N

18 BY ATTORNEY HORTING:

19 Q. Mr. Rohaley, how long have you lived at that
20 address?

21 A. Since 1963.

22 Q. And do you live alone?

23 A. No. I live with my wife and two children.

24 Q. And are you employed?

25 A. I'm retired. I have been retired since 1984.

1 Q. And prior to that, where did you work?

2 A. At the Department of Welfare. I was a Public
3 Assistance Examiner I.

4 Q. And did you file a formal complaint in this
5 proceeding?

6 A. Yes, I did.

7 Q. And are you a customer of Redstone Water
8 Company?

9 A. Yes, I am.

10 Q. Are you satisfied with your water service?

11 A. Certainly not.

12 Q. Can you tell me one reason why you are not
13 satisfied?

14 A. Well, basically, it's the corrosiveness of the
15 water. In the last five years, I have replaced my water
16 tanks three times. I don't know how many number of times
17 I've replaced one of these (indicating), because I've
18 become an expert with it. When I--

19 Q. Excuse me. Let me stop you for a second. When
20 you say replaced one of these, can you explain what that is
21 for the record? When you say--

22 A. The heating element.

23 JUDGE NEMEC: The heating element of what, sir?

24 THE WITNESS: Of the water heater.

25 JUDGE NEMEC: Okay. Hot water tank?

1 A. When I raised my hand a while ago, I just wanted
2 to explain something about this particular element. Now,
3 all the ones that I installed, this is not the way they
4 normally look. If you fold it back this way, it folds back
5 this way (indicating). When they blow, once the sediment
6 reaches this element, it causes the sediment to get
7 superheated. And just before it blows, your water comes
8 terrifically hot and then all of a sudden it blows. And
9 this thing from a doubled-up position opens up to look
10 something like this (indicating). The only way you can
11 clean your sediment out of the tank--now, they explained
12 that every month, you should drain your tank. Well, I will
13 tell you something. You put in a new tank--and I've
14 replaced many of them, because I have a rental house,
15 also. Within a month's time that you install a brand new
16 water tank, you cannot get anything to come out of that
17 bottom drain. I've taken a coat hanger and jammed it up in
18 there and tried everything. Nothing will come out. The
19 only way you can drain that tank is to clean the sediment
20 and remove this element. Then 40 gallons or 80 gallons,
21 depending what size it tank, it comes rushing out and
22 washes all this stuff down. You can't completely clean it
23 because the hole for this is about this high from the
24 bottom of the tank (indicating).

25 Q. Mr. Rohaley, how high is that that you are

1 showing with your fingers?

2 A. I better say about 16 inches.

3 JUDGE NEMEC: Sir, what you showed the distance
4 there was not 16 inches.

5 THE WITNESS: I know. I was just making a gesture.
6 I'm sorry. I would say approximately 16 inches.

7 A. Now, you cannot clean the sediment out. So,
8 what I have to do then, I turn on the water full force and
9 try to flush it out. And sometimes I will take a scraper
10 and try to scrape it out. Now, when I install a tank, I
11 can lift a tank and take it down there and put it in
12 place. When I go to remove it, I cannot handle it. I have
13 to roll it out and get help to get it out of the cellar.
14 This sediment is so heavy that you wouldn't believe it.
15 Once it goes up to the element, you simply can't handle
16 that tank by yourself. Now, my history with the water
17 company goes way back. When I was a young man, back in the
18 70's, I complained. I went to township meetings. I had
19 petitions asking the water company--at that time, the tanks
20 at Crescent Heights were uncovered. I tried to get our
21 township officials to help me to see that the Redstone
22 Water Company would cover the tanks. Now, I knew that
23 there was a Court Order dating back to 1970 that they
24 should cover that tank. They got around to it in 1992.
25 And in the meanwhile, young boys were swimming in this

1 tank. They were throwing dead dogs up into the tank, dead
2 cats.

3 JUDGE NEMEC: Sir, you are getting into stuff that I
4 don't want to get into. I mean, the history is interesting
5 but we want to deal with what the situation is today.

6 A. I will get back to the basics. Now, anyplace
7 that I have a shut-off valve, if there is any sweating, it
8 forms a hard crust around those valves, and I cannot turn
9 them on or off. It's just like a white calcium deposit.
10 It's like cement. You can't break it. At one point, I had
11 a small drip above my heating vents in my furnace, and we
12 had to take one section of the heating vent out because
13 there was a slight drip coming down. When we took this
14 section of galvanized steel down, we found a hole from
15 where the drip had gone, to show how corrosive it is, the
16 size of a silver dollar. It just ate right through the
17 galvanized vents. And every faucet in the house leaks.
18 So, I bought a Moen assembly for my kitchen sink,
19 guaranteed for a lifetime. Within one year, it was
20 defective. I called the company and they said, oh, fine,
21 we will guarantee it, we will send you some replacement
22 parts. They sent me some parts and they sent me a hex
23 wrench. Well, I tried so hard to get that top screw out so
24 that I could make this repair, and I bent the hex wrench
25 and I could never get it apart. As a matter of fact, I

1 have the same problem with my new faucet. I took a hex
2 wrench and I cannot break it because it corrodes and
3 forces--makes such a seal, you cannot undo it. The same
4 thing goes with this. I bought a special tool so that I
5 could remove these elements, because it sits up close to
6 the heater. You can't take a normal wrench and try to get
7 it undone. And I'm pretty strong and there is a bar on
8 this special wrench, and I bent it and I still have a very
9 difficult time to break one of these connections because it
10 just corrodes shut. That's my basic complaint. When I
11 take a shower, if I allow the water to hit my face, my eyes
12 burn and stings like if you was in a swimming pool with
13 excessive--what is it that they put in?

14 Q. You mean chlorine, Mr. Rohaley?

15 A. The what?

16 Q. Chlorine?

17 A. The chlorine. Yeah. I'm sorry. At any rate,
18 my eyes burn, and I just try to avoid making contact with
19 that water. Now, one funny thing is as corrosive as this
20 stuff is, I think it's detrimental to our health. My wife
21 has had to have her gallbladder removed, my two daughters
22 had their gallbladders removed, my son has been advised to
23 have his gallbladder removed, and I have all the symptoms
24 of gallbladder trouble. For the past 20 years, I have
25 experienced urinary problems attributed to calcium

1 deposits. So, I think it's detrimental to our health. As
2 far as Mr. Stone is concerned, he derives his water from a
3 different system than I do. So, fortunately, he might be
4 able to drain his, because I think his comes from the
5 Fredericktown Water Company.

6 Q. Mr. Rohaley, do you mean he may be able to drain
7 or drink?

8 A. He says that he can drain his tank sometimes.

9 Q. His hot water tank?

10 A. But I can't do mine because it corrodes up. I
11 get my water from Crescent Heights from the tanks. So,
12 there is simply nothing I can do. At least once a year, if
13 I don't clean that tank--and I'm suspecting the one I
14 installed on October of '98 to be going any minute. Every
15 time I take a shower I say, well, it's coming. I'm
16 expecting the system to shut down.

17 Q. Mr. Rohaley, can I just ask you a couple more
18 quick questions? Did you say that you replaced your hot
19 water heater, the tank, three times?

20 A. I replaced it on 2/10/92, on 11/5/93, which is
21 just a little more than a year and a half later. I was
22 laying in bed and my wife said, it's raining outside. I
23 looked out and said, no, it's not raining. I went down in
24 the cellar, and the steel shield in the middle of my tank
25 had rusted out within a year and a half and water was just

1 pouring out and had my basement flooded. Then I replaced
2 it again on 10/2/98. And this is through Ace Hardware
3 Company in Brownsville, Pennsylvania, and these dates was
4 taken off their computer and could be verified.

5 Q. So, you are saying you replaced the whole hot
6 water tank?

7 A. Yes.

8 Q. How often do you--or do you replace the heating
9 elements?

10 A. Yearly, at least. Sometimes sooner than that,
11 but at least once a year.

12 Q. Mr. Rohaley, do you or your family drink the
13 Redstone water?

14 A. We had, but two years ago, I installed a new
15 refrigerator and I have a filter going to the drinking
16 water in the refrigerator. We have been using that. But
17 truthfully, sometimes when I take a glass and put it to my
18 nose, it smells like there had been a dead dog or something
19 dead in that water. It's terrible. And when they talk
20 about this milkiness, I have taken glasses of water that
21 looks like pure milk. And then after a period of time, of
22 course, it does settle down and become fairly clear,
23 anyway.

24 Q. The water you are talking about when you are
25 talking about the smell and the cloudiness, is that water

1 that you got directly from a tap or is that water you are
2 getting through the filter?

3 A. That would come from the tap and not from my
4 drinking system. It's separate. But if I would take a
5 glass of water out of the tap, it would just look like she
6 said, like Alka Seltzer and milky white and leaves a white
7 sediment on the bottom of your glass, like if you left a
8 glass of milk sit out overnight that was empty.

9 Q. Is there a difference between the water that
10 comes out of your tap and water that goes to the filter in
11 the refrigerator? Can you tell the difference?

12 A. It's better if it comes out of the
13 refrigerator. But like I said, I have to replace there
14 filter quite often. You are supposed to replace it every
15 six months. But sometimes when I notice the smell and the
16 taste, you can tell there is a difference in the taste, I
17 go ahead and replace it.

18 Q. And have you complained to the water company
19 about these problems?

20 A. I have been complaining on and off for years
21 through our township officials. And I take exception to
22 the fact that the water company claims they have no real
23 liability about the hydrants when they have had a contract
24 since 1952. As far as my knowledge is concerned, they were
25 charging \$185.00 a hydrant for about 18 hydrants. And now

1 without a new contract, they have raised that rate
2 considerably. I don't know exactly what the rate is.

3 JUDGE NEMEC: Sir, what's the basis for your
4 knowledge regarding the charge for hydrants?

5 THE WITNESS: Well, let's see. Through the Township
6 Supervisors.

7 JUDGE NEMEC: That's what they told you?

8 THE WITNESS: Yeah.

9 JUDGE NEMEC: Are you, yourself, a Supervisor?

10 THE WITNESS: No. No.

11 JUDGE NEMEC: Have you ever been one?

12 THE WITNESS: No.

13 JUDGE NEMEC: Have you ever seen the contract
14 between the township and the water--

15 THE WITNESS: Yes. It was shown to me at a meeting
16 that I attended recently. I believe somebody here has a
17 cancelled check from the township to the Redstone Water
18 Company. I believe someone here has that.

19 JUDGE NEMEC: But you don't?

20 THE WITNESS: No.

21 JUDGE NEMEC: That's fine. I just want to know your
22 basis.

23 THE WITNESS: I have knowledge of it.

24 JUDGE NEMEC: Yeah. General knowledge, but it's not
25 firsthand.

1 THE WITNESS: But I think that can be substantiated
2 through some of the people.

3 JUDGE NEMEC: Regardless whether it can or not, you
4 can't.

5 BY ATTORNEY HORTING:

6 Q. Mr. Rohaley, have you directly called the water
7 company or talked to water company personnel to complain
8 about any problem with your water?

9 A. Well, before they covered the tanks, my wife and
10 I noticed that the water smelled terrible, and I stood
11 beside my wife while she called the water company and said,
12 the water smells so terrible, it's like a dead dog is in
13 it. And they said, their response was, how did you know?

14 Q. Mr. Rohaley, more recently than that, have you
15 complained in recent years?

16 A. Only through the citizens group, really. That's
17 when I become involved. You know, I'm 75 years old. I
18 fought these battles when I was younger. I got absolutely
19 nowhere. So, naturally, I gave up and I'm glad to see
20 these young people have taken the initiative and doing the
21 job that really I should have pursued myself. I'm ashamed
22 that I couldn't have done a better job than I had in the
23 past.

24 ATTORNEY HORTING: That's all I have.

25 JUDGE NEMEC: Cross?

C R O S S - E X A M I N A T I O N1
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BY ATTORNEY NIESEN:

Q. When you stood beside your wife and she called the water company--

JUDGE NEMEC: You are talking about many years ago.

BY ATTORNEY NIESEN:

Q. What year was that?

A. I'm lucky if I remember what I did yesterday.

ATTORNEY NIESEN: Could we instruct the people back here to stop the comments?

JUDGE NEMEC: Please let's not have any extraneous comments. It's hard enough to follow without people talking over one another.

A. Naturally, it had to be between 1970 and 1992.

Q. Was it 1970 or 1992?

A. I wish you would tell me, sir.

Q. You don't remember?

JUDGE NEMEC: Whoa, whoa, whoa, whoa. Before you get into this any further, his comment on Direct was something about this happening back before the tanks were covered. The tanks were covered in '92?

THE WITNESS: Yes.

JUDGE NEMEC: So, it's at least '92 or earlier. And as I pointed out then and I will point out now, we are talking about something that was--you know, happened quite

1 some time ago.

2 THE WITNESS: You realize I'm 75 years old, and it's
3 hard for me to remember what I did yesterday.

4 JUDGE NEMEC: You are doing a great job

5 BY ATTORNEY NIESEN:

6 Q. Your memory is not too good on any of this, is
7 that right?

8 ATTORNEY HORTING: Objection. Objection.

9 JUDGE NEMEC: Sustained. Regardless, if you have a
10 question, ask it, and no extraneous comments from anybody,
11 including counsel.

12 BY ATTORNEY NIESEN:

13 Q. You have been drinking the Redstone water, isn't
14 that true?

15 A. Yes. And I have been suffering all my life.

16 Q. And--

17 A. I have kidney problems to the present time. My
18 kidneys are swollen. My urologist tells me that I'm in
19 danger of having uremic poisoning at any time unless I take
20 care of it.

21 Q. What kind of filter is it that you have on your
22 new refrigerator? Is that the in-line filter were we have
23 talked about with other witnesses?

24 A. It's a Sure Flow filter there that I buy at
25 Wal-Mart.

1 Q. It's an in-line filter?

2 A. It's an in-line, yes.

3 Q. A charcoal filtering mechanism?

4 A. How is that again?

5 Q. It's a charcoal filter?

6 A. Yes. That's correct.

7 Q. Now, just tell me the dates of your water

8 heater. You had one that was put in place in February of

9 '92?

10 A. Yes.

11 Q. And then that one, the jacket rusted through

12 on--

13 A. 11/5/93.

14 Q. Did you go back to the store where you bought it

15 for a--

16 A. Well, I went back to Ace Hardware, and they said

17 the problem down there is your hard water, because they are

18 having a lot of experience with it. I did note that every

19 time I went back, it was within the warranty period. But I

20 knew actually that it wasn't Ace Hardware's fault and it

21 wasn't the fault of the heater itself. It was the fact

22 that the hard water, the tank just could not take it.

23 Q. Was that during the warranty period?

24 A. They were all within that warranty period.

25 Because each time you get a new heater, the warranty goes

1 back up again for five years. In other words, from '93--I
2 just made it in '98 by the skin of my teeth. I think I was
3 a day within my warranty period. They honored it, but it's
4 not their fault, truthfully.

5 Q. Ace Hardware honored the warranty?

6 A. Yes.

7 Q. In '93?

8 A. All three times.

9 Q. Okay.

10 A. And the fourth time, if you count my daughter's
11 tank, she lives at 373 Pike Run Drive, she had an 80-gallon
12 tank and I had to replace it. And it was also under
13 warranty.

14 Q. You live at 383 Pike Run Drive, is that correct?

15 A. That's right.

16 Q. You lived there since 1963?

17 A. Right. But I've lived in Daisytown all my life,
18 for 75 years, except World War II when I was away for three
19 years, eight months, and 11 days.

20 Q. You remembered that well, sir.

21 JUDGE NEMEC: That's something you don't forget.

22 ATTORNEY NIESEN: I have no more questions for
23 Mr. Rohaley. Thank you.

24 JUDGE NEMEC: Thank you, sir. You are excused.

25 (Witness excused.)

1 ATTORNEY HORTING: Your Honor, I would like to call
2 Yvonne Dickinson.

3 (Witness sworn.)

4 JUDGE NEMEC: Please state your full name.

5 THE WITNESS: Yvonne Dickinson.

6 JUDGE NEMEC: Y-v-o-n-n-e?

7 THE WITNESS: Yes.

8 JUDGE NEMEC: And Dickinson, D-i-c-k-i-n-s-o-n.

9 THE WITNESS: Yes.

10 JUDGE NEMEC: You may proceed.

11 YVONNE DICKINSON, a witness herein,
12 called on behalf of the Complainants, having first been
13 duly sworn, was examined and testified as follows:

14 D I R E C T E X A M I N A T I O N

15 BY ATTORNEY HORTING:

16 Q. Mrs. Dickinson, can you please give your address
17 for the record?

18 A. Box 64-A, Main Street, Daisytown, PA.

19 Q. Do you have a street address that differs from
20 that box address? Is that your actual street address?

21 A. The house number is 232 Main.

22 Q. Thank you. And do you live alone,
23 Mrs. Dickinson?

24 A. No, I don't.

25 Q. And who do you live with?

1 A. My husband and my son and my daughter, but she
2 is away at college.

3 Q. And are you employed?

4 A. Yes, I am.

5 Q. And where do you work?

6 A. I work at Western Center in Canonsburg. I'm a
7 state employee.

8 Q. What do you do there?

9 A. I'm a residential service aide. I deal with the
10 mentally handicapped.

11 Q. And have you filed a formal complaint in this
12 proceeding?

13 A. Yes, I did.

14 Q. And are you a customer of Redstone Water?

15 A. Yes, I am.

16 Q. And could you please describe the water that
17 comes out of your faucets, Mrs. Dickinson?

18 A. Really, it's undescrivable. It has an odor.
19 It's not fit to drink. It's not fit to do laundry in.
20 It's not fit to bath in.

21 Q. Okay. Going back, how long have you lived at
22 your current address?

23 A. Seven years.

24 Q. And is that how long you have lived--you have
25 been a Redstone customer?

1 A. I have been a Redstone--well, I was raised in
2 Crescent Heights, and I have been there for 43 years.

3 Q. Was that home served by Redstone Water as well?

4 A. Yes, it was.

5 Q. And when you talk about the odor of your water,
6 would you please describe that more specifically?

7 A. It smells like sewage.

8 Q. How frequently does it smell that way?

9 A. I leave like at 5:30 for work in the morning.
10 Usually when I get home in the evenings, you can smell it,
11 smell the water. Like when you turn it on, it either
12 smells like chlorine or sewage.

13 Q. Does it smell like chlorine and sewage, or does
14 it smell like one--does it smell like chlorine sometimes
15 more than others or sewage more than others?

16 A. You can smell the chlorine in it every day, but
17 after like a heavy rain is when you smell the like sewage.

18 Q. Do you drink water that comes out of your
19 faucets?

20 A. No.

21 Q. Did you stop drinking it? Have you--

22 A. I have never drank it. I have never drank the
23 water.

24 Q. And why don't you drink it? What is your reason
25 for not drinking it? Because of the smell?

1 A. My father--when I was a child, my parents
2 wouldn't allow us to drink it. He always bought bottled
3 water. So, that's what I was raised on, and that's what I
4 continue to do.

5 Q. Could you please describe the appearance of the
6 water that comes out of your tap? Is it clear?

7 A. No. It almost--if you have ever looked at
8 castor oil, that's about what it looks like. And it has--

9 Q. What color is it?

10 A. It's like a grayish color.

11 Q. You heard some of the other Complainants testify
12 today about particles in the water. Have you experienced
13 that?

14 A. Uh-huh (affirmative). There is particles
15 floating in the water that comes out of the tap. It almost
16 looks like Kleenex or toilet paper in it.

17 Q. And are the particles there right when you pour
18 it?

19 A. Right when it comes out the tap, yeah. You can
20 see it floating around in the bottom. And if you swish it
21 around, it moves around in the water.

22 Q. You also talked about laundry. Could you
23 describe what happens when you use your water for laundry?

24 A. Well, anymore, I don't wash my white clothes. I
25 take them to my mother-in-law's and let her do them.

1 Q. Is your mother-in-law a Redstone Water customer?

2 A. No. She lives in Brownsville, PA. But I have
3 ruined several loads of white laundry.

4 Q. And when you say ruined, what do you mean by
5 that?

6 A. It's got like the yellow spots. The water came
7 out brown, and it's got like spots. My husband's T-shirts,
8 my son's underwear, socks.

9 Q. I'm sorry, did you say there were yellow spots?

10 A. Uh-huh (affirmative). Like brown spots.

11 Q. Mrs. Dickinson, are you satisfied with the water
12 pressure that you receive in your home?

13 A. No, I'm not.

14 Q. Why aren't you satisfied?

15 A. I have been there for seven years. I have never
16 had good water pressure there. In August of '98, the main
17 line into our house busted. So, my husband had to replace
18 it.

19 Q. You mean the service line?

20 A. Uh-huh (affirmative). He had to replace that
21 line with copper tubing. And, to me, it appears, even to
22 him, that the pressure is even worse now.

23 Q. Mrs. Dickinson, do you know the diameter of the
24 tubing that your husband put in, the copper tubing? Do you
25 know about how wide that is?

1 A. I don't remember whether it's three-quarter inch
2 or two-inch. I really don't know.

3 Q. Do you know if that tubing was wider or smaller
4 than what was previously there, or was it the same? Do you
5 know?

6 A. I didn't really look at it because I work.

7 Q. That's fine. So, you said that you felt there
8 was a difference in the water pressure before and after you
9 replaced the service line?

10 A. No. There was no difference.

11 Q. I'm sorry.

12 A. It was--it's worse now.

13 Q. It's worse now?

14 A. Uh-huh (affirmative).

15 Q. And when you say it's worse, can you describe--
16 can you give me just a daily example of water pressure in
17 your home, a practical example maybe of showering or if
18 there is a time of day that your pressure changes? Could
19 you just give us--

20 A. My pressure is the same all day long. Don't get
21 caught in the shower when someone is turning the water on
22 downstairs, because you will get burned. And you can't run
23 the washing machine and take a shower at the same time.
24 You can't turn the spigots on in the kitchen and take a
25 shower or have the washer running at the same time.

1 Q. And why don't you run them both at the same
2 time?

3 A. Because if you are upstairs taking a shower and
4 you turn the water on in the kitchen, it trickles out.
5 Now, if you are running the washing machine, you get no
6 pressure whatsoever upstairs in the bathroom or in the
7 kitchen. As a matter of fact, I have actually had my
8 washer going and was getting ready to do dishes, and when
9 the washer is filling up, I can run around the house and
10 put laundry away and come back and the sink still isn't
11 half full. So, it's just like dripping out.

12 Q. And, Mrs. Dickinson, I believe you said you
13 moved into your current home seven years ago, is that it?

14 A. Uh-huh (affirmative).

15 Q. In those seven years, have you needed to replace
16 any fixtures or equipment in your home related to the
17 water?

18 A. I have replaced my spigots in my kitchen. As a
19 matter of fact, I'm getting ready--this will be the fifth
20 time that I'm getting ready to replace the one in the
21 kitchen. The ones in the bathroom, four times, I believe.
22 The hot water tank, in '98 when the water--well, my
23 husband, he went to pick it up and the whole bottom fell
24 out, and all of the sediment that was in it was all over
25 the basement floor.

1 Q. What did that sediment look like?

2 A. Old-fashioned oats to me.

3 Q. And how much sediment was there?

4 A. Oh, God. I think we took like three or four
5 buckets.

6 Q. How long had that hot water tank been in that
7 had all the sediment in it?

8 A. Three years.

9 Q. And do you know, did you yourself or do you know
10 if your husband drains the hot water tank?

11 A. He has drained--this new one that we just put
12 in, he has drained that one.

13 Q. You seen it?

14 A. And we changed elements in it.

15 Q. Do you know how often you have changed elements?

16 A. We just changed--we just changed an element July
17 of last year.

18 Q. You were saying that you have replaced some
19 fixtures in your kitchen and the bathroom. Why do you need
20 to replace them?

21 A. They are corroded. I use Lime Away on them, and
22 it's like after you use the Lime Away so many times--you
23 can't use it like once a week on there, because after you
24 use it, your fixtures, it just seems--my shower head just
25 like fell apart. I mean, it just like, into pieces, like

1 the insides fell out. This here (indicating).

2 Q. Could you say the exhibit, please?

3 A. Blackburn Exhibit 5, this here piece here
4 (indicating).

5 Q. In the middle of the shower head?

6 A. There is a screw that goes in there. It just
7 fell out, all of it. The screw was eaten away. All of
8 this was eaten out of it (indicating). And it's the same
9 thing with the spigots.

10 Q. When you say it's corroded, could you describe
11 what that looks like to me? Are there deposits or--

12 A. It's a crusty deposit that's on it. You can--

13 Q. What does the deposit look like? What color is
14 it?

15 A. It's grayish white. You could chip it away from
16 around. And I noticed I used to have a teapot, and I would
17 fill it up with the water there. It looks like there is
18 like this here on the bottom of it, thick (indicating).
19 It's like a buildup of it.

20 Q. Mrs. Dickinson, you have been here for the whole
21 day. You have heard several other Complainants testify
22 about their water problems. Is there anything that you
23 have experienced that was different from what you heard
24 those other Complainants testify about? Is there anything
25 you would like to add?

1 A. Last year, it was January the 4th, I was without
2 water from January the 4th until January 21st.

3 JUDGE NEMEC: This is '99?

4 THE WITNESS: Uh-huh (affirmative).

5 A. And I called several places. I called State
6 Representatives. I called the Department of Health,
7 Environmental Protection. I called the water office,
8 Redstone Water office. Like I said, I was without water
9 for 21 days. At one point, I called Redstone Water, and it
10 had snowed heavy last year in January. She told me to go
11 out and get snow.

12 Q. Do you know who told you that?

13 A. Dee Stish. She said, I don't have any water,
14 either. She said, you can go out and get snow. That's
15 what I'm using. Well, when you got a three-year-old son, a
16 four-year-old son, and you are dragging him back and forth
17 from Daisytown to Brownsville every day, and I have to get
18 up and go to work, and I have a job to be at at 6:30 in the
19 morning, and then I missed I think it was five days of work
20 because of this. It gets to the point, you know, when the
21 water overtakes your life, I have other things that I need
22 to worry about. I don't need to worry about whether I'm
23 going to have water when I get up in the morning or whether
24 I go downstairs in the basement and there is water all over
25 my floor because of pipes busting because of the

1 corrosion.

2 Q. Mrs. Dickinson, when you said you were out of
3 water for 21 days, were you completely out of water? What
4 do you mean out of water?

5 A. I was completely out of water. I had no water.
6 There was air coming out of my spigots.

7 Q. And was that the last time that you have
8 experienced an outage? Was that January of 1999? Was that
9 the last time?

10 A. No. There is like--I can't remember--it was
11 last year. I believe it was in February. My husband
12 called me at work and told me there was no water. There
13 has been several times he has called me at work and said,
14 there is no water, I'm going to my mother's.

15 Q. And about how long--if you can estimate, about
16 how long would you be out of water at a time?

17 A. The last time he called me I believe was last
18 year in September, August or September. It was all day.
19 And I come home from work and he said, the water had just
20 come on.

21 Q. Have you ever complained--you mentioned that you
22 called the water company during the January 1999 outage.
23 Have you ever contacted the company otherwise to complain
24 about your pressure or your service?

25 A. I have gone down to the office. I spoke with

1 Mr. Yablonski. After we had filed formal complaints, I
2 guess each one individually had to go down and talk to
3 him. And I have complained several times about the water.

4 Q. When you say you had to go down and talk to
5 Mr. Yablonski, what do you mean by that?

6 A. I guess trying to resolve this situation with
7 the water, the problems. Nothing was resolved.

8 Q. Did you contact Mr. Yablonski about trying to
9 resolve it?

10 A. No, sir. Dee Stish contacted me and asked me to
11 come into the office, Mr. Yablonski wanted to meet with us
12 about the formal complaints that we had filed. Which my
13 question was, how did she know anything about a formal
14 complaint that was filed?

15 Q. And do you remember about when that was?

16 A. No. It was last year. The spring of last year,
17 I believe.

18 ATTORNEY HORTING: I think that's all my questions.

19 JUDGE NEMEC: Cross?

20 C R O S S - E X A M I N A T I O N

21 BY ATTORNEY NIESEN:

22 Q. Mrs. Dickinson, you had a contact from
23 Mrs. Stish in the springtime last year about possibly
24 resolving your complaint? That's your recollection?

25 A. Uh-huh (affirmative).

1 Q. Is that the last time you had any contact with
2 the water company about service problems that you might
3 have had?

4 A. No. I don't believe so.

5 Q. When after the spring of last year did you
6 contact the water company?

7 A. I usually go to the office to pay my water bill,
8 and any comments I have to make about the water, I will
9 make them then.

10 Q. Is that once a month you go there?

11 A. Uh-huh (affirmative).

12 Q. So, your recollection is you raised questions
13 once a month with the water company?

14 A. Dee and I have discussed situations about
15 water.

16 Q. On your visits to the water company to pay your
17 bill?

18 A. Uh-huh (affirmative).

19 Q. The January 1999 outage that you talked about
20 was related to the Malden Avenue main break, is that
21 right? Is that your understanding?

22 A. I don't know what it was related to.

23 Q. Okay. And then you said there also was an
24 outage in February of 1999 that your husband called you
25 about at work?

1 A. Uh-huh (affirmative).

2 Q. Were there any outages after that that either
3 you or your husband noted? Did he call you again
4 subsequently at any time after February of 1999?

5 A. There might have been a couple other occasions
6 he called me to let me know there was no water.

7 Q. Do you recall them here today?

8 A. Do I recall them? The dates?

9 Q. Yes. Approximately when he might have called
10 after February of 1999.

11 A. No. I don't really feel it's relative that I
12 recall them. Like I said, I have a job. I have other
13 things to worry about.

14 Q. So, you don't recollect any phone call from your
15 husband after February of 1999?

16 A. I recollect, but not the date.

17 Q. Was it in the summertime?

18 A. I think one incident was in the summer.

19 Q. You don't remember what month?

20 A. I believe one month might have been, like I
21 said, August.

22 Q. August?

23 A. Uh-huh (affirmative).

24 Q. Was that the last time you can remember your
25 husband contacting you at work?

1 A. I don't remember.

2 Q. Do you or he, to your knowledge, call the water
3 company when these outages occur?

4 A. Usually I'm at work when they do occur, and if
5 he is at home, he gets angry and leaves because he says he
6 is sick of it. He says, when you pay that much for water
7 and you are not getting the service, he gets angry and he
8 leaves.

9 Q. Does he, to your knowledge, call the water
10 company at that time? He calls you. Does he also call the
11 water company?

12 A. Well, I have told him to call the water company.

13 Q. But you don't know if he does or not?

14 A. Knowing my husband, no, he won't call them.

15 Q. Do you call them? When your husband calls you,
16 do you then call the water company?

17 A. I said in January of 1999, I missed five days of
18 work. I called every day to find out about this water. I
19 called State Representatives. I called Department of
20 Environmental Protection. I called the State Health
21 Department.

22 Q. What about the other incidents that you--

23 A. I told you, I was at work. I cannot walk off my
24 job and say, well, I need to go and call the water company
25 because I don't have any water at home.

1 Q. You didn't make the phone call? You have no
2 recollection of making that phone call?

3 A. That's what I said.

4 Q. What year was it when your husband replaced the
5 service line?

6 A. I believe it was August of 1998.

7 Q. Thank you, Mrs. Dickinson.

8 ATTORNEY NIESEN: That's all I have.

9 ATTORNEY HORTING: Just one more question briefly.

10 R E D I R E C T E X A M I N A T I O N

11 BY ATTORNEY HORTING:

12 Q. Mr. Niesen asked about you calling the water
13 company, but am I correct in your previous testimony, you
14 stated that just about once a month, that you go to the
15 water company personally and speak to a water company
16 employee about your complaints?

17 A. Uh-huh (affirmative). I talked to Mrs. Stish.

18 Q. Thank you.

19 R E C R O S S - E X A M I N A T I O N

20 BY ATTORNEY NIESEN:

21 Q. Do you remember talking to Mrs. Stish about the
22 outages that you say your husband called you about in the
23 summer and after February of 1999?

24 A. '99? I might have mentioned it to her. I don't
25 remember.

1 Q. Okay. Thank you.

2 JUDGE NEMEC: Help us out. How do you spell Stish?

3 ATTORNEY NIESEN: S-t-i-s-h.

4 JUDGE NEMEC: Thank you. Ma'am, you are excused.

5 (Witness excused.)

6 ATTORNEY DUSMAN: Your Honor, we have one more
7 consumer witness, Mr. McGrath.

8 (Witness sworn.)

9 DAVID McGRATH, a witness herein, called
10 on behalf of the Complainants, having first been duly
11 sworn, was examined and testified as follows:

12 D I R E C T E X A M I N A T I O N

13 BY ATTORNEY NIESEN:

14 Q. Your address, Mr. McGrath?

15 A. 9 Walkertown Hill Road, Daisytown.

16 Q. You have--

17 JUDGE NEMEC: I'm sorry. Your full name again,
18 please?

19 THE WITNESS: David McGrath, M-c-G-r-a-t-h.

20 JUDGE NEMEC: Thank you.

21 BY ATTORNEY DUSMAN:

22 Q. I believe you stated your address, didn't you,
23 Mr. McGrath? And you came forward to testify in the
24 previous Redstone base rate increase case?

25 A. That's correct.

1 Q. And that was approximately 18 months ago?

2 A. I believe that was in May of 1997.

3 Q. Okay. And I believe at that time, you were the
4 only person who lives on Walkertown Hill Road that came
5 forward to testify, is that correct?

6 A. That's correct. There were several residents
7 there, and they more or less appointed me to get up and
8 speak at that particular meeting.

9 Q. And similarly in this case, we don't know of any
10 other formal Complainants that live on your street, do we?

11 A. No.

12 Q. And there aren't any other residents of
13 Walkertown Hill Road present at the hearing today?

14 A. That's correct.

15 Q. First of all, Mr. McGrath, your house is in a
16 rather low lying area, isn't it?

17 A. Yes. I'm near the bottom of the hill there.

18 Q. Do you have fairly consistent pressure where you
19 reside?

20 A. My pressure is fairly consistent, yes.

21 Q. Are you aware of the water pressure that's
22 experienced by your neighbors that live up the hill from
23 you?

24 A. Well, I know when my pressure drops, that there
25 is a problem within the system. Usually, I will get a call

1 from my neighbor directly above me in the next house up
2 where I will have maybe a pressure drop off where they will
3 have no water at all.

4 ATTORNEY NIESEN: Your Honor, I object to his
5 recitation of his neighbor's circumstances.

6 JUDGE NEMEC: Well, he is relating that he is
7 receiving a phone call and he is explaining why. It
8 doesn't necessarily mean--that's not necessarily admissible
9 for the truth of it, but he certainly can testify that he
10 received a phone call. Go on.

11 BY ATTORNEY DUSMAN:

12 Q. Continue, please.

13 A. And we will acknowledge the fact that our
14 pressure is low. And usually it will remain low until it's
15 actually shut off, and that's usually when the service
16 personnel are out repairing a break in the line or
17 whatever, correcting a problem.

18 Q. And you testified earlier, let's back up a
19 moment, that you know that when your pressure goes down,
20 there is problem in the system. Can you explain what the
21 basis is for your belief?

22 A. I would say in the number of needed repairs in
23 the time that I have lived in the community, based on
24 talking to some of the repairmen, some of the repairmen,
25 the older fellow, I don't know his name, has stopped and

1 asked me, whether he knocked at the door or seen me out in
2 the yard cutting grass or whatever, if my water pressure
3 was low or if I had water, and I would know that they have
4 got some problems and are really unable to find it at the
5 moment. Otherwise, I guess he wouldn't be asking me.

6 Q. I understand. So, it's past history and the
7 recurring experience of the breaks and the subsequent loss
8 in pressure and talking with the Redstone Water Company
9 employees--

10 A. Right.

11 Q. --that brings you to know that?

12 A. Right.

13 Q. You have two persons in your household?

14 A. That's correct. My wife and myself.

15 Q. And you have lived there for how long now?

16 A. Eight years and two months.

17 Q. And where did you live prior to living on
18 Walkertown Hill Road?

19 A. I lived in Fayette City.

20 Q. And who was your water supplier in Fayette City?

21 A. That would be the Municipal Authority of
22 Washington Township.

23 Q. Let's get a little issue out of the way. You do
24 own a pet, don't you?

25 A. Yes, I do.

1 Q. And you have heard others testify about the
2 amount of deposits that accumulate in their pet's water
3 dishes? Have you not heard that today?

4 A. Yes, I have.

5 Q. Have you also had a experience?

6 A. Yes. We just usually buy another dog dish
7 because of this exhibit here, of this dish here
8 (indicating)--

9 Q. Can you say what dish you are referring to?

10 A. The one glass dish here that's--okay, Exhibit 3,
11 Balla.

12 Q. Balla Exhibit 3. So, your dog dishes tend to
13 look like that?

14 A. Before they get that bad, we usually throw them
15 away and just buy her a new one, but it will get like that
16 in very short order. And the darker colors are more
17 noticeable, if you get the darker red plastic. I believe
18 she has a darker blue one right now, and they just don't
19 come in lighter colors.

20 Q. And you have heard a number of people testify
21 about problems with their hot water heater elements and
22 their water tanks?

23 A. That's correct.

24 Q. Can you tell us whether you have had similar
25 experiences to those?

1 A. I'm on my second hot water tank. I don't know
2 the age of the one that was in the house when I bought it,
3 but the one that I have now is approximately four years
4 old. For heating elements, I bought the deluxe model that
5 Lowe's has available with the self-cleaning. It has
6 self-cleaning elements in it. So, therefore, I have no
7 experience like Mr. Rohaley or anybody else that has
8 testified here today or the exhibits that's in front of
9 me. I have no experience with changing those on this
10 particular tank, probably because it's supposedly
11 self-cleaning. And evidently, it must be because, my
12 goodness, I would certainly know by now in four years that
13 it's been in. I do know this. I cannot drain any water
14 out of the tank and haven't been able to do so for probably
15 three years. So, I know the calcium buildup is either
16 above the orifice of the valve, of the drain, or completely
17 clogged up somewhere in the system.

18 Q. So, you have tried to drain it and you haven't
19 been able to?

20 A. Right. I put a hose on it and I run the hose
21 over to the drain to avoid the mess. Well, I would crack
22 the valve periodically. If I was putzing around in the
23 basement, I would do that periodically. And for the
24 longest time now, I want to say about three years now, I
25 have been unable to get any water out of it.

1 Q. By the way, can you tell the judge what you do
2 for a living?

3 A. I'm a furnace operator with Wheeling-Pittsburgh
4 Steel at the Allenport Plant.

5 Q. And how long have you had that position?

6 A. That particular position, I have done that job
7 for about 11, 11 and a half years.

8 Q. And does your wife work outside the home?

9 A. She works for Lowe's.

10 Q. Is that full-time or part-time?

11 A. She works part-time.

12 Q. What are your experiences with your other
13 appliances? Have you had similar experiences to those the
14 other witnesses have testified to with your dishwasher or
15 your coffee maker?

16 A. The same on the coffee maker. We buy the
17 bottled water, and we also use that for drinking. The
18 appliances in the house, now, I maintain everything through
19 the house that I can do on a particular job that wouldn't
20 require any other help. Plumbing, I have done more
21 plumbing in this house. I have been a homeowner for nearly
22 30 years, and I have done more plumbing in this house in
23 eight years. And basically what Jim Rohaley was telling
24 you, this water company will make you a plumber. I have
25 bought tools that I never had to buy before. The shut-off

1 valves, if you want to shut water off in the house to work
2 on anything on down the line, in another room or whatever,
3 usually you can't get the water off completely because the
4 seats will build up with the calcium or the lime or
5 whatever it is, and you just tear the valves up. And it's
6 hard to do any soldering anything where else, because you
7 can't do that with water in the line.

8 Q. Just so I'm clear on what you are testifying to,
9 are you saying that the deposits get so thick that you
10 can't turn the valves?

11 A. That's correct. To replace the kitchen faucets,
12 you can buy the best, and we do, because that's the only
13 way to go, I believe. Because unless you want to--I mean,
14 if it was a rental property or if it was a house that you
15 weren't going to plan on living in, you would probably buy
16 a cheaper faucet, let's say. I go to the \$50.00 or \$60.00
17 range, and I feel as though I can afford that on my
18 income. But when it comes time to replace the minor parts
19 in there, say the washers or the seats or the little
20 springs, when it comes time to changing that, usually the
21 calcium deposits have built up around the parts that you
22 need to take apart to the get to the simple parts. They
23 disintegrate. If you put a wrench on them, I'm not a
24 strong man and I'm not going to profess that I was, but I
25 just use the common hand tools and the proper wrenches and

1 everything, but stuff will just actually crumble. And you
2 end up buying a whole faucet and everything, anyway, rather
3 than just putting the simple repairs to it.

4 Q. Is there something a little curious outside the
5 door of your home concerning the water system that you want
6 to share with the judge?

7 A. Well, in my experience, I have lived in town
8 probably 90 percent of my life. All curb boxes usually,
9 that I'm aware of, have a cast cover, probably cast iron
10 and they are marked whether it be water or gas, whatever
11 utility it would be. I have one that's outside of my
12 residence that is a curb box for my neighbor, and the cover
13 on that is a three-pound Maxwell House coffee can. I'm not
14 trying to be humorous. I'm being straightforward and to
15 the point.

16 Q. Do you know how long that same coffee can has
17 been there on top of the curb box?

18 A. This has been a replacement. The first one
19 rusted.

20 Q. Have you explored water softening systems to
21 alleviate some of these problems?

22 A. Yes, I have. I have looked into it. When I
23 first moved there, I thought, oh, my gracious, this water
24 is extremely hard. A fellow that I know by the name of
25 Norm Shearer, who lives at 7 Church Street, Daisytown, he

1 was the only one that I knew in the community at the time
2 of moving out there, and he is also a member of the
3 sportsman's club that I belong to. He is a retired, very
4 knowledgeable, and a straightforward gentleman. He told me
5 that he had--

6 ATTORNEY NIESEN: Objection, Your Honor.

7 JUDGE NEMEC: No. That he is a knowledgeable
8 straightforward gentleman?

9 ATTORNEY NIESEN: That he told me, whatever is
10 coming next.

11 JUDGE NEMEC: It's hearsay.

12 A. Okay. I asked him--

13 JUDGE NEMEC: Go ahead, sir.

14 A. --if he had a water softener, because I knew he
15 had the same water I did. He said--

16 ATTORNEY NIESEN: Your Honor--

17 JUDGE NEMEC: The objection is overruled. I want to
18 hear the testimony.

19 A. He told me not to waste my time. He said he had
20 Sears put in a unit--

21 JUDGE NEMEC: So, you haven't put one in, sir?

22 THE WITNESS: I haven't put one in.

23 JUDGE NEMEC: Fine. You have answered the
24 question. That's fine.

25 BY ATTORNEY DUSMAN:

1 Q. Why have you not put one in?

2 A. It doesn't seem to be practical. I would
3 probably have to go to a commercial grade type softener. I
4 looked into the timer type where it could regenerate say at
5 four o'clock in the morning to make it practical for
6 household uses, that you wouldn't have a water outage
7 during any particular time that you might be using water.
8 I looked into the demand type. And judging by the hardness
9 of the water, more than likely, it would have to regenerate
10 quite frequently. And with those--those things are just
11 two deterrents that have turned me against purchasing a
12 water softener.

13 Q. All right. Well, Mr. McGrath, we have heard a
14 lot of testimony today about laundry. What I want to know
15 from you is, can you use the Redstone water to wash your
16 car effectively?

17 A. Wash automobiles? I try to buy the lighter
18 models, colors that is, to avoid the white film that will
19 spot the vehicle as it's dried or before you can chamois it
20 off. What I do is I wash the vehicles, the heavy dirt
21 off. They don't usually get dirty. Really, only in
22 inclement weather. I'm particular about my automobiles.
23 But I wash it with the Redstone water. And through the
24 summer, we have a dehumidifier in the basement, and I will
25 save that water from the dehumidifier. I will put that

1 into gallon plastic jugs. Upon washing the car or the
2 pickup truck or the Jeep, I will take the water from the
3 dehumidifier, the water that I have saved over the months,
4 put it in a sprinkling can that the wife uses to water the
5 flowers, I will sprinkle that on the vehicle's finish and
6 hurry up and chamois it off to get a spot-free finish.

7 Q. Now, the reason that you use that dehumidifier
8 water is what? Can you please explain why you use that?

9 A. Because the water, even in the cooler
10 temperatures if you wash the car, you know that the water
11 starts to evaporate. As it evaporates, what it leaves
12 behind is the white film, the residue that's clearly in
13 these exhibits here. That film is on the finish of the
14 car, and it just--

15 Q. Do you mean that the humidifier takes some of
16 that mineral content out so you can safely rinse your car
17 with that water?

18 A. Oh, yes. It dries just about as good as rain
19 water. You know, it's just virtually spot-free.

20 Q. Now, have you gotten in the habit of keeping
21 gallons of water in your basement in reserve?

22 A. Yes. I have I think 31 and a half gallons right
23 now in plastic jugs in my basement. I primarily keep that
24 on hand for in the event that there is an outage in the
25 water, that I can at least flush the toilets and stuff.

1 Q. Okay. Are you aware of the condition of the
2 hydrants in your neighborhood?

3 A. I would say that they are inadequate. Having
4 been a fireman in Fayette City for 11 and a half years
5 prior to coming over here, I have experience with pumpers,
6 whether they be a light pumper or a heavy pumper. I'm
7 talking about a fire truck. I would say with the size of
8 the lines and the size of the hydrants, I would say that
9 even a light pumper would probably draw a vacuum off of the
10 lines we have now. I don't believe that the volume of
11 water would actually be there.

12 Q. Okay. Mr. McGrath, are you looking for perfect
13 service from Redstone Water?

14 A. No. I think if Redstone Water Company could get
15 us to a point with the hardness and everything and upgrade
16 the system where we would have less frequent shut offs, if
17 we could get to a hardness that we can deal with with the
18 water softener, a regular residential type water softener,
19 I think I would be happy and I think a lot of the other
20 residents would be, too, because it would certainly--even
21 if you didn't buy a water softener, it would be less
22 damaging on your household appliances.

23 Q. Okay.

24 ATTORNEY DUSMAN: I have nothing further for
25 Mr. McGrath.

1 JUDGE NEMEC: You may Cross.

2 C R O S S - E X A M I N A T I O N

3 BY ATTORNEY NIESEN:

4 Q. Mr. McGrath, are you a Complainant in this
5 proceeding? Did you file a formal complaint?

6 A. I filed a verbal complaint at the Redstone
7 School Elementary School at the P.U.C. hearings.

8 Q. At the rate case hearing?

9 A. That's correct, sir.

10 Q. But you have no formal complaint pending in this
11 case that we are here today about, do you?

12 ATTORNEY DUSMAN: No.

13 A. No. Basically, no.

14 Q. You have not filed a formal complaint alleging
15 any of these matters that you have discussed in your
16 testimony?

17 JUDGE NEMEC: He said he has not. Counsel said that
18 he has not. That would be a matter of him filling out a
19 form and sending it into the secretary's office.

20 ATTORNEY NIESEN: I have no further questions for
21 Mr. McGrath.

22 R E D I R E C T E X A M I N A T I O N

23 BY ATTORNEY DUSMAN:

24 Q. Essentially, Mr. McGrath, have you come forward
25 today voluntarily to testify in support of all the pending

1 complaints?

2 A. That, I have. I should have been at work today,
3 also. I believe that where a lot of residents have grown
4 old with the problem and are wore out or they are backward
5 so to speak that they don't want to do something about it,
6 I feel as though I had to do this for myself, my wife, and
7 all of the other residents. That's why I'm here today.
8 Hopefully, we can get something resolved.

9 Q. Thank you very much for taking the time to come
10 here today.

11 A. Thank you.

12 JUDGE NEMEC: Thank you, sir. You are excused.

13 (Witness excused.)

14 ATTORNEY DUSMAN: Your Honor, we--

15 JUDGE NEMEC: Let's go off the record.

16 (Discussion off the record.)

17 JUDGE NEMEC: Let's go back on. Off the record, we
18 discussed the next witnesses. Consumer Advocate has two
19 more witnesses, one of whom will not be here until
20 tomorrow. Mr. Fought is present, but it is going to take a
21 little time to present his Direct Testimony. So, we are
22 not going to do that at this point. What counsel is going
23 to do is take photographs of the exhibits that the consumer
24 witnesses have brought in so that we can use the
25 photographs as part of the record rather than take physical

1 objects themselves. With that stated, what we are going to
2 do is recess at this point. We will resume tomorrow. If
3 it's all right, we will resume at 9:00. Is that a
4 problem?

5 ATTORNEY NIESEN: No.

6 ATTORNEY DUSMAN: We are all here in town. We can
7 come at 9:00.

8 JUDGE NEMEC: I understand that. Let's do that. We
9 have had a full day, and we will get at it fresh tomorrow.
10 Thank you all for coming in.

11 (Whereupon, at 3:30 P.M., the hearing was
12 adjourned, to be reconvened at 9:00 A.M.
13 on Wednesday, April 5, 2000, in
14 Pittsburgh, Pennsylvania.)

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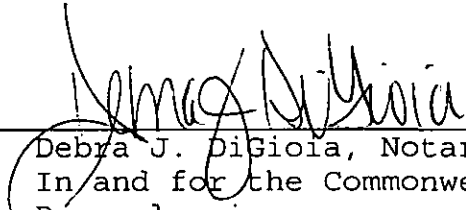
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C E R T I F I C A T E

I, Debra J. DiGioia, the undersigned, do hereby certify that the proceedings and evidence are contained fully and accurately in the notes of testimony taken by me, to the best of my ability, on the hearing of the within cause and that this is a true and correct transcript of the same.

Date: 4/19/2000


Debra J. DiGioia, Notary Public
In and for the Commonwealth of
Pennsylvania.

My Commission Expires:

NOTARIAL SEAL
DEBRA J. DIGIOIA, NOTARY PUBLIC
MONESSEN, WESTMORELAND COUNTY
MY COMMISSION EXPIRES APRIL 22, 2000