

September 30, 2016

**Via Electronic Filing**

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

In re: Docket No. C-2016-2566322  
Ross E. Schell v. Suez Water Pennsylvania Inc.

Dear Secretary Chiavetta:

We are counsel to Suez Water Pennsylvania Inc. in the above referenced matter and are submitting via electronic filing its Preliminary Objections to the Complaint of Ross E. Schell. A copy of the Preliminary Objections is being served upon Mr. Schell by first class mail, postage prepaid, as set forth on the certificate of service attached to them.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)  
Judith A. McCoy Jordan (via email, w/encl.)

160930-Chiavetta (Preliminary Objections).wpd

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>ROSS E. SCHELL,</b>	:
<b>Complainant</b>	:
	:
<b>v.</b>	:
	:
<b>SUEZ WATER PENNSYLVANIA INC.,</b>	:
<b>Respondent</b>	:

**Docket No. C-2016-2566322**

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**NOTICE**

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TO: ROSS E. SCHELL  
203 KNOLLWOOD DRIVE  
HARRISBURG, PA 17109

PURSUANT TO 52 PA CODE SECTION 5.101(b), NOTICE IS HEREBY GIVEN THAT AN ANSWER TO THE FOLLOWING PRELIMINARY OBJECTIONS SHALL BE FILED WITHIN 10 DAYS OF THE DATE OF SERVICE.

DATE OF SERVICE: SEPTEMBER 30, 2016.

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>ROSS E. SCHELL,</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>Docket No. C-2016-2566322</b>
	:	
<b>SUEZ WATER PENNSYLVANIA INC.,</b>	:	
<b>Respondent</b>	:	

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**PERLIMINARY OBJECTIONS OF  
SUEZ WATER PENNSYLVANIA INC.**

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AND NOW comes Suez Water Pennsylvania Inc. (“Suez”), by its attorneys, and, pursuant to 52 Pa. Code § 5.101, files these Preliminary Objections to the Complaint of Ross E. Schell (“Complainant”) at C-2016-2566322:

1. This proceeding concerns the Complaint of Ross E. Schell at Public Utility Commission (“Commission”) Docket No. C-2016-2566322.

2. Service of the Complaint was made by the Commission’s Office of the Secretary on September 13, 2016.

3. Regulations of the Commission at 52 Pa. Code Section 5.101 provide for the filing of preliminary objections in response to a Complaint.

4. Suez objects to the Complaint as follows:

**Pendency of Prior Proceedings – 52 Pa. Code § 5.101(a)(6)**

5. Complainant avers that there are incorrect charges on his bill and that he has a reliability, safety, quality or other problem with his water service. He includes with his Complaint a copy of a letter dated September 9, 2016, to the Commission Secretary.

6. The letter of September 9 discusses conversations between Complainant and Suez and claims that Complainant's meter is reading wrong. Significant for the purpose of these Preliminary Objections, the letter concludes with the explanation that the Complaint is about billing and meter reading since the installation of the new meter in April of this year.

7. Complainant has four other Complaint proceedings at C-2016-2551544, C-2016-2558244, C-2016-2559741 and C-2016-2563040, presently scheduled for hearing on October 4, 2016.

8. In the proceeding at C-2016-2558244, Complainant avers that there are incorrect charges on his bill and that Suez has not tested Complainant's meter.

9. In the proceeding at C-2016-2563040, Complainant expresses concern with the accuracy of the outside meter installed by Suez in April of this year.

10. The pendency of the prior and pending billing and meter reading proceedings makes this billing and meter reading proceeding unnecessary.

**Lack of Commission Jurisdiction – 52 Pa. Code § 5.101(a)(1)**

11. The Complaint seeks, as relief, \$50,000 dollars to be paid to Complainant as a fine.

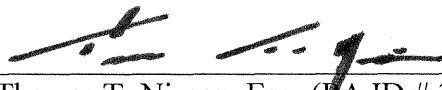
12. The Commission has no jurisdiction to direct a civil penalty payment (fine) to Complainant. Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, provides that civil penalties are paid to the Commonwealth of Pennsylvania.

13. The Complaint also seeks, as relief, a "restart" of billing, suggesting that Complainant wants to be relieved of paying for his water service.

14. The Commission has no jurisdiction to relieve Complainant from paying tariff charges for his water service. Section 1303 of the Public Utility Code, 66 Pa. C.S. § 1303, requires that Suez charge and Complainant pay the tariff rate for service.

WHEREFORE, Suez Water Pennsylvania Inc. requests that the Pennsylvania Public Utility Commission grant these Preliminary Objections and dismiss the Complaint of Ross E. Schell at C-2016-2566322.

Respectfully submitted,

By   
Thomas T. Niesen, Esq. (PA ID # 31379)  
THOMAS, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 600  
Harrisburg, PA 17101  
Tel: 717-255-7600

*Attorney for Respondent Suez Water Pennsylvania Inc.*

DATED: September 30, 2016

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL, :  
Complainant :  
v. : Docket No. C-2016-2566322  
SUEZ WATER PENNSYLVANIA INC., :  
Respondent :

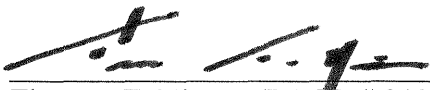
**CERTIFICATE OF SERVICE**

I hereby certify that I have this 30<sup>th</sup> day of September 2016, served a true and correct copy of the foregoing Preliminary Objections of Suez Water Pennsylvania Inc., upon the persons and in the manner set forth below:

**VIA FIRST CLASS MAIL**

Ross E. Schell  
203 Knollwood Drive  
Harrisburg, PA 17109

The Honorable Jeffrey A. Watson  
Piatt Place  
Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222

  
Thomas T. Niesen (PA ID # 31379)