



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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November 14, 2016

Via Electronic Filing

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

In re: Dockets Nos. 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 Motion to Cancel Hearing. A copy of the Motion is being served upon Mr. Schell as set forth on the certificate of service attached to it.

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.)

161114-Chiavetta (Motion to Cancel Hearing).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

NOTICE

PURSUANT TO 52 PA CODE SECTION 5.103(b), NOTICE IS HEREBY GIVEN THAT A RESPONSIVE PLEADING TO THE FOLLOWING MOTION TO CANCEL HEARING SHALL BE FILED WITHIN 20 DAYS OF THE DATE OF SERVICE.

DATE OF SERVICE: NOVEMBER 14, 2016.

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

MOTION TO CANCEL HEARING

AND NOW, comes Suez Water Pennsylvania Inc. (“Suez”), by its attorneys, and, pursuant to 52 Pa. Code § 5.103, moves to cancel the hearing presently scheduled for December 9, 2016.

In support of this Motion, Suez presents as follows:

1. This proceeding concerns the Complaint of Ross E. Schell (“Complainant”), filed on or about September 13, 2016. Suez filed (1) an Answer and (2) Preliminary Objections to the Complaint on September 30, 2016.

2. In its Preliminary Objections, Suez asked the Public Utility Commission (“Commission”) to dismiss the Complaint due to the pendency of prior proceedings and for lack of Commission jurisdiction.

3. Regulations of the Commission at 52 Pa. Code Section 5.101(g) provide that a preliminary objection will be decided within 30 days of the assignment of the preliminary objection to the presiding officer.


4. As of the filing of this Motion, Suez is not aware of the assignment of its Preliminary Objections. The Preliminary Objections remain unresolved.

5. A decision sustaining Suez's Preliminary Objections would obviate the need for a hearing in this matter.

6. Suez submits that its Preliminary Objections should be resolved before this matter proceeds to hearing.

WHEREFORE, Suez Water Pennsylvania Inc. requests that the Pennsylvania Public Utility Commission cancel the hearing presently scheduled for December 9, 2016 at C-2016-2566322.

Respectfully submitted,

By 
Thomas T. Niesen, Esq. (PA ID # 31379)
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212 Locust Street, Suite 600
Harrisburg, PA 17101
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Attorney for Respondent Suez Water Pennsylvania Inc.

DATED: November 14, 2016

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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


CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of November, 2016, served a true and correct copy of the foregoing Motion to Cancel Hearing, 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 5th Avenue
Pittsburgh, PA 15222



Thomas T. Niesen (PA ID # 31379)