

Certificate Of Service

I do Herby Certify That I have This Day 15 November 2016 I Have Served a true And correct copy of the 15 November 2016 upon The person's and manner Set Forth Below.

Via Fax Answer to petition 1

Thomas T Niesen
Thomas, Niesen & Thomas LLC
212 Locust Street
Suite 600
Harrisburg, PA 17101
The Honorable Jeffery A. Watson
Piatt Place
Suite 200
301 5th Avenue
Pittsburg, Pa 15222

Ross E. Schell

15 November 2016

To: The Pa Public Utility Commission Secretary
400 North Street
Harrisburg, PA 17120

From: Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109-5515
PH# 717-651-0824
Fax# same but call First.

To Whom this may Concern

C-2016-2558244 C-2016-2559741 C-2016-2551544

C-2016-2563040

Petition of objection to the brief written by Suez's Council
regarding my filings of 20 October 2016 Filing by me.

I did file these documents but I thought they were rejected by the
secretary. Any way

One Judge Watson does not answer the phone when I call and
does not except mail from me and faxing is denied. So that leave
me to e file everything. Which leaves the secretary to make sure
everyone gets it. The pictures I Had on file and Judge Watson
Confirmed he had, were summited with the one of the complaints

and confirmed efiled by the secretary. Just to Night I filed more pictures for the hearing on the 9th December 2016. About having to use at that hearing since I cannot mail them to the Judge.

Also the secretary has told me in a letter that picture in PDF format are not documents so the judge's order does not apply to them. And again how am I to. Also whenever I efile anything I fax a copy to all parties that will accept them. If they do not have a color fax machine I suggest they go to Office max and get one for about 89.99 I have 4 color fax machines in my house. And I have them upload all incoming documents in PDF format to my laptop. And

Contrary to belief color print cartridges are cheaper than black now a days.

So I think that the Petition for Interlocutory review and material Questions. Since the Judge acknowledge that he had the pictures I think they should go forth and be answered And if the Secretary's letter gave him 10 days to write the brief They missed it by 1 day so I think the that this whole thing should be thrown out for again and attorney getting information wrong.

I justified the Petitions I filed With the petitions I wrote. Also I included proof that the Judge did not except my mail for the Post Office.

Ross. E Schell



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-2016-2551544, C-2016-2558244, C-2016-2559741 and C-2016-2563040
Ross E. Schell v. Suez Water Pennsylvania Inc.

Dear Secretary Chiavetta:

We are counsel to Suez Water Pennsylvania Inc. in the above referenced consolidated matters and are submitting via electronic filing its Brief in Opposition to Petition for Interlocutory Review and Answer to a Material Question. A copy of the Brief 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 (Brief in Opp to Pet for Inter Rev).wpd

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Administrative Law Judge
Jeffrey A. Watson, Presiding

ROSS E. SCHELL : C-2016-2551544
: C-2016-2558244
v. : C-2016-2559741
: C-2016-2563040
SUEZ WATER PENNSYLVANIA INC. :

BRIEF OF SUEZ WATER PENNSYLVANIA INC. IN OPPOSITION TO
PETITION FOR INTERLOCUTORY REVIEW AND
ANSWER TO A MATERIAL QUESTION

Thomas T. Niesen, Esquire
PA Attorney ID # 31379

Attorney for Suez Water Pennsylvania Inc.

THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

DATED: November 14, 2016

I. INTRODUCTION

Suez Water Pennsylvania Inc. (“Suez” or “Respondent”) submits this Brief pursuant to the Secretarial Letter, dated November 3, 2016, in this consolidated matter. The Secretarial Letter explains that, on or about October 20, 2016, Ross E. Schell (“Complainant”) filed a Petition for Interlocutory Review and Answer to a Material Question (“Petition”). A copy of Complainant’s Petition was provided with the Secretarial Letter. The Secretarial Letter explains that Suez may file a Brief in Opposition to the Petition within ten days.

II. ARGUMENT

Complainant challenges the ruling of Administrative Law Judge Watson which sustained Suez’s objection to Complainant’s attempt to offer certain pictures into the evidentiary record. Judge Watson’s ruling is presented at pages 34 through 37 of the transcript of the call-in telephonic hearing of October 4, 2016.

In anticipation of the call-in telephonic hearing, Judge Watson issued a Prehearing Order, dated August 26, 2016. The Prehearing Order directed the parties to provide copies of any documents or exhibits in advance of the hearing. Ordering Paragraph 2 of the Prehearing Order states as follows:

2. If you intend to present any documents or exhibits for my consideration at the hearing, you must send three (3) copies of each document to me, and one (1) copy of each document to every other party in this case. Your documents or exhibits must be received by me and every other party one (1) week before the scheduled hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party. For your convenience, a copy of the Commission’s current service list of all parties to this proceeding is enclosed with this Order.

Complainant did not comply with the Prehearing Order. He failed to provide copies of his picture evidence in advance of the telephonic hearing. At transcript page 37, Complainant

acknowledges that he did not send his pictures to Judge Watson. Complainant's claim in his Petition that he provided "pdfs" of the pictures with his Complaint does not relieve him from compliance with the Prehearing Order, nor does it relieve him of his obligation to provide notice of the pictures he intends to offer into evidence along with sufficient copies of the actual pictures for the Judge and Suez and for inclusion in the record.

Rulings by administrative law judges regarding admissibility of evidence or testimony constitute routine evidentiary rulings which do not warrant interlocutory review. *Schell v. PPL Electric Utilities Corporation*, Dockets Nos. C-2016-2535220, *et al.*, Opinion and Order entered November 9, 2016. Interlocutory review is not warranted here.

III. CONCLUSION

Complainant has failed to justify his Petition for Interlocutory Review and Answer to a Material Question and the Public Utility Commission should decline to answer the question or, if it desires to answer the question, affirm the decision of Judge Watson which denied the admission of Complainant's picture evidence into the record.

Respectfully submitted,

By 

Thomas T. Niesen, Esquire
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212 Locust Street, Suite 600
Harrisburg, PA 17101

Attorneys for Suez Water Pennsylvania, Inc.

DATED: November 14, 2016

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROSS E. SCHELL,	:	Docket No. C-2016-2551544
Complainant	:	Docket No. C-2016-2558244
	:	Docket No. C-2016-2559741
v.	:	Docket No. C-2016-2563040
	:	
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 Brief in Opposition to Petition for Interlocutory Review and Answer to a Material Question, 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)



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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