

December 19, 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, with this letter, the Company's Reply to Complainant's Notice of Exceptions. A copy of the Reply to Exceptions is being served upon Mr. Schell as presented in the certificate of service attached to the Reply.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service (w/encl.)
ra-OSA@pa.gov (w/encl.)
Judith A. McCoy Jordan (via email, w/encl.)

161219-Chiavetta (Reply Exceptions).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Jeffrey A. Watson, Presiding**

ROSS E. SCHELL	:	C-2016-2566322
	:	
v.	:	
	:	
SUEZ WATER PENNSYLVANIA INC.	:	

**REPLY OF SUEZ WATER PENNSYLVANIA INC. TO
COMPLAINANT'S NOTICE OF EXCEPTIONS**

Thomas T. Niesen
PA Attorney ID # 31379
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

Attorneys for Suez Water Pennsylvania Inc.

DATED: December 19, 2016

I. INTRODUCTION

By Initial Decision dated October 27, 2016, and issued November 18, 2016, Administrative Law Judge Watson sustained the preliminary objections of Suez Water Pennsylvania Inc. (“Suez” or “Respondent”) and dismissed the Complaint of Ross E. Schell (“Complainant”) at C-2016-2566322. On or about November 19, 2016, Complainant filed a “Notice of Exceptions” (“Exceptions”). Suez submits this Reply in opposition to Complainant’s Exceptions.

II. REPLY TO EXCEPTIONS

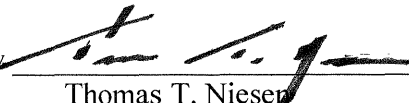
Complainant asks for a further understanding about the Initial Decision and the timing of it. Complainant states that he has explained things to Judge Watson in hearings. Complainant expresses disagreement with the Initial Decision. He suggests that Judge Watson is biased in favor of the utility.

Suez submits that its preliminary objections were properly sustained and that Complainant’s Complaint was properly dismissed. The three pronged test for *lis pendens* is satisfied. The Initial Decision correctly concludes that the Public Utility Commission lacks jurisdiction to either award monetary damages or direct a civil penalty payment to Complainant.

III. CONCLUSION

Suez submits that the Public Utility Commission should deny the Notice of Exceptions submitted by Complainant and adopt the Initial Decision of Administrative Law Judge Watson. The Complaint at C-2016-2566322 should be dismissed.

Respectfully submitted,

By  _____

Thomas T. Niesen
PA Attorney ID # 31379
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212 Locust Street, Suite 600
Harrisburg, PA 17101

Attorneys for Suez Water Pennsylvania, Inc.

DATED: December 19, 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 19th day of December 2016, served a true and correct copy of the foregoing Reply of Suez Water Pennsylvania Inc. to Complainant's Notice of Exceptions, upon the persons and in the manner set forth below:

VIA FIRST CLASS MAIL

Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109



Thomas T. Niesen (PA ID # 31379)