

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 01/03/06
8. DOCKET NO: C-20065751	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: DELLAVECCHIA, MICHAEL A.

RESPONDENT/APPLICANT: AQUA PENNSYLVANIA, INC.

COMP/APP COUNTY: CHESTER

UTILITY CODE: 210104

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE IS A RELIABILITY, SAFETY OR QUALITY PROBLEM WITH HIS SERVICE AND HE RECEIVED NOTICE THAT HIS SERVICE IS BEING TERMINATED. HE WANTS THE PUC TO HAVE THE COMPANY ARRANGE APPROPRIATE TIMES WHEN THEY CAN SERVICE THEIR METER WITHOUT HIM LOSING TIME FROM WORK.

DOCUMENT
FOLDER

DOCKETED

JAN 12 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION

C-20065751

Formal Complaint Form

RECEIVED

Please print or type.

210104

JAN 3 2006

1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Michael A DellaVecchia

Street/P.O. Box 846 Farragut Road Apt #

City Berwyn State PA Zip 19312

County Chester

Area Code/HOME Phone 610.640.1578

Area Code/WORK Phone 215.503.8144

Utility Account Number 00200043 0200043 (from your bill)

ORIGINAL

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Aqua PA

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE (local, long distance)

Handwritten initials

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other. offer Agua PA times to come to my home
(explain) to connect meter. They are non-accomodating
on reasonable times offered

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Have Agua PA arrange appropriate times when they can service their meter without my losing time from work

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: Michael A. DellaVecchia
Michael A. DellaVecchia, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Michael A. DellaVecchia
(Signature) 12-30-05
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name Michael DeI Bona

Street 959 West Chester Pike

City Havertown State PA Zip 19083

Area Code/Phone Number 610 924 0999

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 12, 2006

DOCUMENT
FOLDER

MICHAEL A. DELLAVECCHIA
Complainant

v.

AQUA PENNSYLVANIA, INC.
Respondent

Complaint Docket
No: C-20065751

DOCKETED

JAN 12 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: AQUA PENNSYLVANIA, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: January 12, 2006

C-20065751

AQUA PENNSYLVANIA INC
NICHOLAS DEBENEDICTIS CHAIRMAN
762 LANCASTER AVE
BRYN MAWR PA 19010

DOCUMENT
FOLDER

Dear Mr. DeBenedictis:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MICHAEL A. DELLAVECCHIA . To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

January 12, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

James J. McNulty
Secretary

ane

AQUA
Pennsylvania.

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Frances P. Orth, Esquire
Assistant General Counsel

T 610.645.1126
F 610.520.9127
fpoorth@aquaaamerica.com
www.aquapennsylvania.com

ORIGINAL

February 6, 2006

VIA FEDERAL EXPRESS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RECEIVED

FEB 06 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: *Complaint Docket No C-20065751*
Michael A. DellaVecchia v. Aqua Pennsylvania, Inc.

Dear Mr. McNulty:

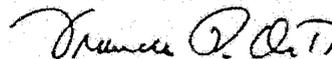
Enclosed for filing, please find the original and three copies of the Answer and New Matter of Aqua Pennsylvania, Inc. to the above-captioned complaint, along with a Motion to Dismiss.

A copy of the documents have been served upon Complainant's counsel, as evidenced by the enclosed Certificate of Service.

Please acknowledge receipt of this filing by date-stamping the extra copy of this letter and returning it to me in the self-addressed envelope that is enclosed.

DOCUMENT
FOLDER

Sincerely,



Frances P. Orth

Enclosure

cc: Michael DelBonifro, Esquire

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION FEB 08 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

MICHAEL A. DELLAVECCHIA

v.

AQUA PENNSYLVANIA, INC.

COMPLAINT DOCKET

No. C-20065751

DOCUMENT
FOLDER

ANSWER AND NEW MATTER

NOW COMES the Respondent, Aqua Pennsylvania, Inc. (the "Company" or "Aqua"), by its attorney, and hereby files its response to the Complaint of Michael A. Dellavecchia ("Complainant"):

1. Admitted upon information supplied by Complainant.
2. Admitted that the Respondent's name is Aqua Pennsylvania, Inc.
3. Admitted.
4. Admitted in part and denied in part. Complainant filed a Formal Complaint

DOCKETED
FEB 9 2006

before the Pennsylvania Public Utility Commission (the "Commission") disputing his apparent inability to schedule a meter exchange at a convenient time. He is not disputing usage.

A. The Company denies that "there is a reliability, safety or quality problem with the Complainant's utility service" about which the Company is aware. The Company admits that the Company issued shut-off notices to Complainant when he refused to permit the Company access to its meter as hereinafter set forth in the New Matter.

B. The Company admits that it required access to Complainant's Property to service its equipment and install a new meter. In order to access the Property, the Company issued letters, left messages, spoke with Complainant to coordinate a date and time, and failing that, ultimately issued shut off notices for non-access. According to PUC Docket No. C-20065751, Complainant apparently filed this Complaint on January 3, 2006. Despite having counsel, Complainant did not serve a copy of the Complaint on the Company. Therefore, the Company continued with its shut off process, including a 3 day notice dated January 4, 2006, since the Company had not been notified about the subject Complaint. The Company ultimately serviced its equipment and exchanged the meter on January 12, 2006. The Company was served with the subject Complainant on January 19, 2006.

5. The relief requested should be denied. The meter exchange at issue occurred on January 12, 2006. Therefore, the issue relating to accommodating Complainant's schedule is moot. Accordingly, this Complaint should be dismissed with prejudice.

6. Unknown to the Company. No response is required.

7. Admitted that Complainant has had contact with the Company.

8. No response is required.

NEW MATTER

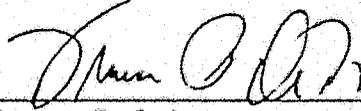
9. The Complainant is the customer of record for the Property.

10. On January 12, 2006, the Company serviced its equipment and exchanged the meter at the Property.

11. All issues raised in the Complaint have been resolved in this matter. There are no facts in dispute and a hearing is not required or necessary.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. requests the
Complaint of Michael A. Dellavecchia is moot and be dismissed with prejudice.

Respectfully submitted,



Frances P. Orth
Counsel for Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1126

DATED: February 6, 2006

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF MONTGOMERY :

AFFIDAVIT

Heather S. Harrison, being duly sworn according to law, deposes and says that she is the Paralegal for Compliance at Aqua Pennsylvania, Inc.; that she is authorized to and does make this Affidavit for it; and that the facts set forth above are true and correct to the best of her knowledge, information and belief, and she expects the said Aqua Pennsylvania, Inc. to be able to prove the same at any hearing hereof.

Heather S. Harrison
Heather S. Harrison

Sworn and subscribed before
me this 6th day of February 2006

Elia M. Miller

Notary Public

[SEAL]

Notarial Seal
Elia M. Miller, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires Nov. 12, 2006
Member Pennsylvania Association Of Notaries

Re: Michael Dellavecchia
PUC Docket No. C-20065751

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Aqua Pennsylvania, Inc.'s Answer and New Matter, upon the person and in the manner set forth below:

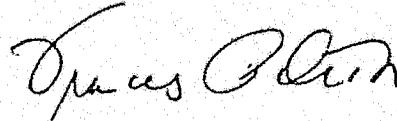
FIRST CLASS MAIL:

Michael DelBonifro, Esquire
959 West Chester Pike
Havertown, PA 19083

RECEIVED

FEB 06 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Frances P. Orth
Counsel for Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1126

Dated: February 6, 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL A. DELLAVECCHIA

v.

AQUA PENNSYLVANIA, INC.

DOCUMENT
FOLDER

MOTION TO DISMISS

COMPLAINT DOCKET

No. C-20065751

RECEIVED

FEB 08 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TO: The Pennsylvania Public Utility Commission:

Aqua Pennsylvania, Inc. ("Company") hereby moves, pursuant to 52 Pa. Code § 5.101, to dismiss with prejudice the subject Complaint filed by Michael A. Dellavecchia on January 3, 2006 ("Complainant"), in the above captioned proceeding, and in support thereof, states as follows:

A. Summary of Argument

1. There are no outstanding issues raised by the Complainant in his Complaint. (See Exhibit A.) The Complainant scheduled an appointment to allow the Company access to service its equipment and exchange its meter on January 12, 2006. The Company completed the work at issue on that date. There are no facts in dispute and a hearing is not required to dispose of the Complaint.

DOCKETED
FEB 9 2006

B. Procedural History

2. On January 19, 2006, the Company was served with a Formal Complaint filed by the Complainant with the Commission under Docket Number C-20065751, a copy of which is attached hereto as Exhibit A.

3. The Complainant is the customer of record for water service at 846 Farragut Road, Berwyn, Pennsylvania 19312 ("Property").

4. In the Complaint, the Complainant has requested that the Company schedule a date at "reasonable times offered" [by Complainant] to service equipment and exchange the meter at Complainant's Property.

5. On January 12, 2006, the Company serviced its equipment and completed the meter exchange at the Property.

6. The Company's Answer with New Matter documenting further detail is attached hereto as Exhibit B.

7. There are no facts in dispute and a hearing is not required or necessary.

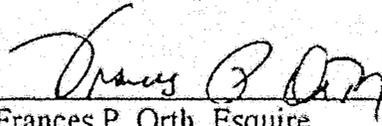
C. The Complaint should be dismissed since it is moot

8. The Company has already granted the relief requested by the Complainant. There are no facts in dispute. A hearing on the matter is not necessary or required.

9. Inasmuch as there is no longer an issue in dispute, the subject Complaint should be dismissed without a hearing.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. respectfully requests that this Honorable Court dismiss the Formal Complaint of Michael A. DellaVecchia with prejudice.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frances P. Orth", written over a horizontal line.

Frances P. Orth, Esquire
Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1126

DATED: February 6, 2006

Re: Michael A. DellaVecchia
PUC Docket No. C-20065751

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Aqua Pennsylvania, Inc.'s Motion to Dismiss the Complaint, upon the person and in the manner set forth below:

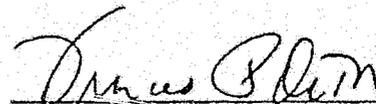
FIRST CLASS MAIL:

Michael DelBonifro, Esquire
959 West Chester Pike
Havertown, PA 19083

RECEIVED

FEB 06 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Frances P. Orth, Esquire
Counsel for Aqua Pennsylvania, Inc.
Bryn Mawr, PA 19010
(610) 645-1126

Dated: February 6, 2006

RECEIVED

FEB 08 2006

EXHIBIT A

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKET NO. C-20065751

MICHAEL A. DELLAVECCHIA

V.

AQUA PENNSYLVANIA, INC.

**PUC FORMAL COMPLAINT
OF MICHAEL A. DELLAVECCHIA
DOCKET NO. C-20065751**

Feb 11/19/06



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: January 12, 2006

C-20065751

AQUA PENNSYLVANIA INC
NICHOLAS DEBENEDICTIS CHAIRMAN
762 LANCASTER AVE
BRYN MAWR PA 19010

Dear Mr. DeBenedictis:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MICHAEL A. DELLAVECCHIA . To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

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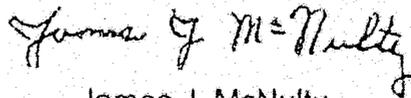
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January 12, 2006

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Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

ane

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: January 12, 2006

MICHAEL A. DELLAVECCHIA
Complainant

v.

AQUA PENNSYLVANIA, INC.
Respondent

Complaint Docket
No: C-20065751

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: AQUA PENNSYLVANIA, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

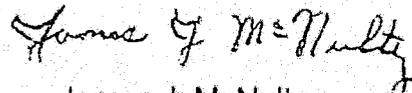
2 If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

PENNSYLVANIA PUBLIC UTILITY COMMISSION

C-200605751

Formal Complaint Form



Please print or type.

210104

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Michael A DellaVecchia

Street/P.O. Box 846 Farragut Road Apt # _____

City Berwyn State PA Zip 19312

County chester

Area Code/HOME Phone 610-640-1578

Area Code/WORK Phone 215-503-8144

Utility Account Number 002 00043 0200043
(from your bill)

COPY

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Agua PA

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

Handwritten initials or signature

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated
- I would like a payment agreement.

Other. *offer Agua PA times to come to my home (explain) to connect meter - they are non-accommodating on reasonable times offered*

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Have Agua PA arrange appropriate times when they can service their meter without my losing time from work

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: Michael A. DeLaVecchia
Michael A. DeLaVecchia hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Michael A. DeLaVecchia
(Signature) 12-30-05
(Date)

EXHIBIT B

DOCKET NO. C-20065751

MICHAEL A. DELLAVECCHIA

V.

AQUA PENNSYLVANIA, INC.

**AQUA PENNSYLVANIA, INC.
ANSWER WITH NEW MATTER TO
PUC FORMAL COMPLAINT
OF MICHAEL A. DELLAVECCHIA
DOCKET NO. C-20065751**

RECEIVED

FEB 08 2006

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

AQUA
Pennsylvania.

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Frances P. Orth, Esquire
Assistant General Counsel

T: 610 645 1126
F: 610 520 9127
fpoorth@aquaaamerica.com
www.aquapennsylvania.com

February 6, 2006

VIA FEDERAL EXPRESS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: *Complaint Docket No C-20065751*
Michael A. DellaVecchia v. Aqua Pennsylvania, Inc.

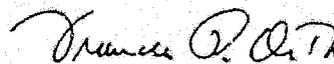
Dear Mr. McNulty:

Enclosed for filing, please find the original and three copies of the Answer and New Matter of Aqua Pennsylvania, Inc. to the above-captioned complaint, along with a Motion to Dismiss.

A copy of the documents have been served upon Complainant's counsel, as evidenced by the enclosed Certificate of Service.

Please acknowledge receipt of this filing by date-stamping the extra copy of this letter and returning it to me in the self-addressed envelope that is enclosed.

Sincerely,



Frances P. Orth

Enclosure

cc Michael DelBonifro, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL A. DELLAVECCHIA

v.

AQUA PENNSYLVANIA, INC.

COMPLAINT DOCKET

No. C-20065751

ANSWER AND NEW MATTER

NOW COMES the Respondent, Aqua Pennsylvania, Inc. (the "Company" or "Aqua"), by its attorney, and hereby files its response to the Complaint of Michael A. Dellavecchia ("Complainant"):

1. Admitted upon information supplied by Complainant.
2. Admitted that the Respondent's name is Aqua Pennsylvania, Inc.
3. Admitted.
4. Admitted in part and denied in part. Complainant filed a Formal Complaint before the Pennsylvania Public Utility Commission (the "Commission") disputing his apparent inability to schedule a meter exchange at a convenient time. He is not disputing usage.

A. The Company denies that "there is a reliability, safety or quality problem with the Complainant's utility service" about which the Company is aware. The Company admits that the Company issued shut-off notices to Complainant when he refused to permit the Company access to its meter as hereinafter set forth in the New Matter.

B. The Company admits that it required access to Complainant's Property to service its equipment and install a new meter. In order to access the Property, the Company issued letters, left messages, spoke with Complainant to coordinate a date and time, and failing that, ultimately issued shut off notices for non-access. According to PUC Docket No. C-20065751, Complainant apparently filed this Complaint on January 3, 2006. Despite having counsel, Complainant did not serve a copy of the Complaint on the Company. Therefore, the Company continued with its shut off process, including a 3 day notice dated January 4, 2006, since the Company had not been notified about the subject Complaint. The Company ultimately serviced its equipment and exchanged the meter on January 12, 2006. The Company was served with the subject Complainant on January 19, 2006.

5. The relief requested should be denied. The meter exchange at issue occurred on January 12, 2006. Therefore, the issue relating to accommodating Complainant's schedule is moot. Accordingly, this Complaint should be dismissed with prejudice.

6. Unknown to the Company. No response is required.

7. Admitted that Complainant has had contact with the Company.

8. No response is required.

NEW MATTER

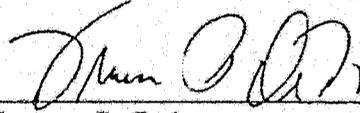
9. The Complainant is the customer of record for the Property.

10. On January 12, 2006, the Company serviced its equipment and exchanged the meter at the Property

11. All issues raised in the Complaint have been resolved in this matter. There are no facts in dispute and a hearing is not required or necessary.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. requests the
Complaint of Michael A. Dellavecchia is moot and be dismissed with prejudice.

Respectfully submitted,



Frances P. Orth
Counsel for Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1126

DATED: February 6, 2006

COMMONWEALTH OF PENNSYLVANIA :
: :
COUNTY OF MONTGOMERY :

AFFIDAVIT

Heather S. Harrison, being duly sworn according to law, deposes and says that she is the Paralegal for Compliance at Aqua Pennsylvania, Inc.; that she is authorized to and does make this Affidavit for it, and that the facts set forth above are true and correct to the best of her knowledge, information and belief, and she expects the said Aqua Pennsylvania, Inc. to be able to prove the same at any hearing hereof.

Heather S. Harrison
Heather S. Harrison

Sworn and subscribed before
me this 6th day of February 2006

Ella M. Miller
Notary Public

[SEAL]

Notarial Seal
Ella M. Miller, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires Nov. 12, 2006
Member, Pennsylvania Association Of Notaries

Re: Michael Dellavecchia
PUC Docket No. C-20065751

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Aqua Pennsylvania, Inc.'s Answer and New Matter, upon the person and in the manner set forth below:

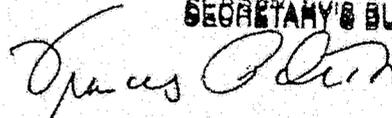
FIRST CLASS MAIL:

Michael DelBonifro, Esquire
959 West Chester Pike
Havertown, PA 19083

RECEIVED

FEB 08 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Frances P. Orth
Counsel for Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1126

Dated: February 6, 2006



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 14, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20065751

(See attached list)

Michael A. Della Vecchia v. Aqua Pennsylvania, Inc.

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

(717) 783-5453

DOCKETED
FEB 22 2006

pc: Special Agent Astrid Lopez-Goldberg
Susan Licon
Beth Plantz
Docket Section
Calendar File

**DOCUMENT
FOLDER**