

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Jules Falcone,  
Complainant  
v.  
Aqua Pennsylvania, Inc.,  
Respondent  
Initial Hearing

Docket No.: C-20055300,  
Z-01761777

Pages: 1 - 116

State Office Building  
1400 Spring Garden Street  
Philadelphia, PA 19130

Monday, April 24, 2006  
Commencing at 9:56 a.m.

DOCUMENT  
FOLDER

BEFORE

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

JULES FALCONE,  
PRO SE

*ORIGINAL*

THOMAS T. NIESEN, Esquire  
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For the Respondent

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SECRETARY'S BUREAU

REPORTER: SUSAN KOONS

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1  
2 -----  
3 JUDGE ANGELA T. JONES:

4 We are on the record. This is the time  
5 and place for the further hearing of Jules Falcone  
6 versus Aqua Pennsylvania, Inc., at docket numbers  
7 C-20055300 and Z-01761777. I am Administrative Law  
8 Judge Angela T. Jones, appointed by the Commission to  
9 preside over this matter. I note the appearances of  
10 Mr. Thomas T. Niesen, representing Aqua Pennsylvania,  
11 Inc., as well as Jules Falcone, representing himself.  
12 Unlike the last hearing, both parties are appearing in  
13 person. Do we have any preliminary matters before we  
14 pursue this proceeding on the record?

15 ATTORNEY NIESEN:

16 I have none, Your Honor.

17 JUDGE JONES:

18 Mr. Falcone?

19 MR. FALCONE:

20 No.

21 JUDGE JONES:

22 Any preliminary matters?

23 MR. FALCONE:

24 No, Your Honor.

25 JUDGE JONES:

1           Okay. I believe we are at the point  
2 where Mr. Falcone is to be cross examined by Mr.  
3 Niesen; is that correct?

4           ATTORNEY NIESEN:

5           Yes, Your Honor.

6           JUDGE JONES:

7           Okay. Mr. Falcone, I will warn you, sir,  
8 that you continue to be under oath. You were sworn at  
9 the last hearing. That oath still applies, sir. And  
10 you may proceed with this witness, Mr. Niesen.

11          ATTORNEY NIESEN:

12          Thank you, Your Honor.

13 -----  
14 JULES FALCONE, HAVING BEEN PREVIOUSLY SWORN, TESTIFIED  
15 AS FOLLOWS:

16 -----  
17 CROSS EXAMINATION

18 BY ATTORNEY NIESEN:

19 Q. Good morning, Mr. Falcone. My name's Tom Niesen.  
20 I'm an attorney for the water company in this case. I  
21 have some questions for you. Your names is Jules  
22 Falcone; is that correct?

23 A. Yes.

24 Q. And you reside at 257 Highland Avenue in Wayne,  
25 Pennsylvania?

1 A. Yes.

2 Q. And your grandfather, his name is also Jules  
3 Falcone; is it not?

4 A. Yes.

5 Q. And he passed away in June of 2001; isn't that  
6 correct?

7 A. Yes.

8 Q. Now, one of the matters in this case concerns what  
9 I'll call the move-in date that might be used to  
10 establish an account in your name with the water  
11 company. How long have you lived at 257 Highland  
12 Avenue?

13 A. I thought we covered this the date that you guys  
14 --- Aqua wrote to me, was sometime in August as the  
15 official date. August 2004 was the official date that  
16 Aqua wrote to me.

17 Q. How long have you lived there?

18 A. When I was born, I lived there. I've been there  
19 off and on my entire life. And I explained this in  
20 numerous conversations with Aqua over the last several  
21 years.

22 Q. Were you living there prior to June of 2004?

23 A. I was born there, so yes. I was born before June  
24 2004, so yes.

25 Q. Well, you have a driver's license that you offered

1 into the record as part of Exhibit One. You were born  
2 on July 18, 1972?

3 A. August 18, 1972.

4 Q. I'm sorry. August 18, 1972. So you've lived  
5 there since that time?

6 A. No. Off and on since then, and I thought we  
7 covered this because Aqua wrote to me. They said  
8 they're using the official date as sometime in August,  
9 so we covered this several times.

10 Q. We'd like to find out the proper move-in date.  
11 Let's look at your driver's license. It's Exhibit  
12 C-1. Do you have that with you ---

13 A. No.

14 Q. --- from prior here?

15 A. No.

16 Q. Okay. Let me show it to you. That's your  
17 driver's license?

18 A. Yeah.

19 Q. It lists your address as 257 Highland Avenue,  
20 Wayne, Pennsylvania?

21 A. Yes.

22 Q. And this driver's license was issued October 6th  
23 of 2000; is that true?

24 A. Yes.

25 Q. So were you living at 257 Highland Avenue from

1 October 6th, 2003 to the present time?

2 A. No.

3 Q. What days weren't you living at 257 Highland  
4 Avenue?

5 A. I don't have a list of those days.

6 Q. Well, where else did you move to other than ---?

7 A. West Chester, Pennsylvania, Phoenixville,  
8 Pennsylvania, Malvern, Pennsylvania, New York, New  
9 York.

10 Q. And what time period were you living at ---?

11 A. Throughout the course of my entire life I've moved  
12 around.

13 Q. Well, I'm asking about between October of 2000 and  
14 the present time.

15 A. I don't have those specific dates.

16 Q. So should ---?

17 A. I would list all of those things I just said as  
18 where I lived at those times.

19 Q. Well, this is rather significant because you  
20 understand that there's a bill due on the prior  
21 account, which apparently ---.

22 A. No, I don't understand that because Aqua said I am  
23 not responsible for that. They already established a  
24 new account in my name starting in August of 2004.  
25 That's why I don't see the need to go over this again.

1 Q. Well, we need to know who was living there.  
2 You've accused the water company of transferring a  
3 balance for a previous tenant to your account, but yet  
4 you apparently lived there yourself prior to that  
5 time, prior to June of 2004; did you not?

6 A. I lived there when I was born. I lived there  
7 throughout my entire life. I covered this on the  
8 phone, like on several conversations.

9 JUDGE JONES:

10 Mr. Niesen, do you have another question,  
11 sir? The witness has answered your question.

12 BY ATTORNEY NIESEN:

13 Q. Do you own the property at 257 Highland ---?

14 A. No.

15 Q. Who owns the property?

16 A. It's tied up in court.

17 Q. Well, who do you think owns the property?

18 A. I don't know what that means, who do I think owns  
19 the property. It's tied up in court.

20 Q. How is it tied up in court?

21 A. Flavio Falcone fraudulently transferred the deed  
22 out of someone else's name and put it in his name, so  
23 then it went to court. Then an LLC was set up to go  
24 after Flavio Falcone. Flavio Falcone's dead.  
25 Everybody else involved is dead. Three lawyers ripped

1 me off and that's the situation, which I've explained  
2 to Aqua on several occasions.

3 Q. Who's Flavio Falcone?

4 A. He's my father.

5 Q. And he's deceased?

6 A. Yes.

7 Q. When did he pass away?

8 A. Fall of 2004, I'm guessing.

9 Q. Was he ever living at the property?

10 A. Yes.

11 Q. When did he live there?

12 A. Throughout his whole entire life.

13 Q. And was he living there between October of 2000  
14 and when he passed away in 2004?

15 A. I don't keep tabs on him.

16 Q. Well, do you know? Was he ---?

17 A. Do I know? I don't know what he does, no.

18 Q. Was he the previous tenant that you're referring  
19 to? You talked about a previous tenant at the  
20 property. Who's the previous tenant?

21 A. Well, Jules Falcone was the previous tenant.

22 Q. Well, he passed away in 2001; did he not?

23 A. Okay.

24 Q. Who was the tenant ---?

25 A. Ellen Falcone.

1 Q. And who is Ellen Falcone?

2 A. His wife, my grandmother.

3 Q. When did she pass away?

4 A. Summer of 2004, which is what I told Aqua, which  
5 is when I called Aqua to set up a new account. I said  
6 this, my grandmother passed away, I'm setting up the  
7 account in my name. Okay? Aqua has all this  
8 information already.

9 JUDGE JONES:

10 So the answer to your question is Ellen  
11 passed away in the summer of 2004, Mr. Niesen.

12 BY ATTORNEY NIESEN:

13 Q. And were you living there when your father passed  
14 away and when your grandmother passed away?

15 A. When my father, yes. When my grandmother, I  
16 mentioned that I moved in officially after she passed  
17 away, and Aqua came up with a number. They said,  
18 we'll make your official date August of 2004. And as  
19 that's from Aqua, I didn't feel the need to submit it  
20 in all my exhibits because I figured Aqua wouldn't be  
21 contesting something that they wrote to me.

22 Q. What do you mean you officially moved in after  
23 your grandmother passed away?

24 A. What I mean by officially is, as I have mentioned  
25 today and in every conversation with Aqua about this,

1 it's tied up in court. There's a lot of stuff going  
2 on. There's a lot of confusion; okay? In order to  
3 get everything organized, I said, okay, I want to get  
4 everything in my name now; okay? Everybody else is  
5 dead. And I explained this to Aqua and they said,  
6 okay, we'll do it August of 2004.

7 Q. You'll agree that you were living at the property  
8 at least part of the time between October of 2000 and  
9 June of 2004?

10 A. Yes.

11 Q. And you were using water at the property ---?

12 A. Yes.

13 Q. You used it to cook with, you used it to bathe  
14 with, ---?

15 A. Yes.

16 Q. What's the circumstance now in which you occupy  
17 that property if you don't have title to it?

18 A. What do you mean by the word circumstance?

19 Q. Are you a tenant?

20 A. I live there.

21 Q. Well, under what arrangement?

22 A. I wake up in the morning. I do what I do. I deal  
23 with lawyers. I don't know what you mean by the word  
24 arrangement in this situation. I live there.

25 Q. Do you have ---?

1 A. Nobody's kicked me --- I'm sorry. Go ahead.

2 Q. Do you have a lease for the property?

3 A. No.

4 Q. So you have no lease and you have no title; right?

5 A. Other than what's in my other court case that's  
6 been going on since 2001, do I have a title record?

7 Other than those court cases, no.

8 Q. Does the court case --- are you attempting in the  
9 court case to establish title in your name to the  
10 property?

11 A. I am attempting to establish title; okay? I'll  
12 tell you this. I do not want to officially put it in  
13 my name because of the type of family I come from;  
14 okay? And they have already tried to steal from me a  
15 couple times. I have other relatives that are still  
16 alive that are trying to do things, so I am setting it  
17 up in a way to protect myself. So in answer to your  
18 question, it's not officially in my name, but I am  
19 setting it up to do what you are suggesting. If that  
20 doesn't answer your question, I'll answer it ---.

21 Q. What do you think I'm suggesting? That the title  
22 would be in your name?

23 A. I'm trying to be honest with you. I'm being  
24 honest with you. It's not going to be officially in  
25 my name; okay? But it is going to be set up so that

1 my family cannot go against me anymore.

2 Q. So is someone trying to evict you from the  
3 property?

4 A. No. Was my father? Yes. He died. That's over.

5 Q. So he had a court case and was trying to evict you  
6 from the property where you were residing?

7 A. No. I was suing him; okay? So what he did was he  
8 attacked. He tried to have me evicted once. I had it  
9 thrown out, evicted again, had it thrown out because  
10 he had nothing to stand on, and that was that.

11 Q. You never FAXed either a deed or a lease or a  
12 settlement sheet to Aqua in respect to your residence  
13 at the property; did you?

14 A. Whatever I put in my exhibits is what I FAXed to  
15 Aqua.

16 Q. Do you have a deed that you can provide today ---

17 A. No.

18 Q. --- identifying you as the owner of ---?

19 A. I didn't bring anything like that, no. Absolutely  
20 not.

21 Q. Do you have a deed to provide?

22 A. No. I said it's tied up in court. It's been tied  
23 up since 2001.

24 Q. And you don't know in whose name the deed to the  
25 property is presently titled?

1 A. If you go to the recorder of deeds, it probably  
2 still says Flavio Falcone on it.

3 Q. Okay. To your understanding, does it still say  
4 Flavio Falcone?

5 A. Yes.

6 Q. Do you have a lease in your name?

7 A. I said no already to that. This is crazy today.  
8 I don't know how to object or whatever I'm supposed to  
9 do, but we're going in circles today.

10 JUDGE JONES:

11 Mr. Niesen, you did ask that question  
12 before, sir.

13 BY ATTORNEY NIESEN:

14 Q. You can't provide a deed to the property. Can you  
15 provide a lease today?

16 A. I said no already.

17 JUDGE JONES:

18 He said he doesn't have a lease.

19 A. That's the third time at least. I'm sorry to  
20 yell, Your Honor.

21 JUDGE JONES:

22 Mr. Falcone, this would go more smoothly,  
23 sir, if you would not have the body language and  
24 exacerbations that you have, sir.

25 A. Okay.

1 BY ATTORNEY NIESEN:

2 Q. Now, you've testified about rocks in your toilet.  
3 Now, were those rocks in the toilet bowl or in the  
4 toilet tank behind the bowl?

5 A. The plumber told me there was rocks in there.  
6 That's what was clogging it up. That's all I know.

7 Q. Okay. So you only know what the plumber told you  
8 in regard to rocks?

9 A. Yes.

10 Q. You didn't see any rocks?

11 A. That's correct.

12 Q. Now, you also offered into the record certain  
13 phone logs from a cell phone. Do you recall doing  
14 that?

15 A. Yes.

16 Q. Is that your cell phone?

17 A. Yes.

18 Q. If Aqua had made calls to you that were sent to  
19 your voicemail on your cell phone, would they show on  
20 your phone log printout?

21 JUDGE JONES:

22 What exhibit are we speaking of, Mr.  
23 Niesen?

24 ATTORNEY NIESEN:

25 I'm sorry, Your Honor. It's Exhibit

1 Seven.

2

JUDGE JONES:

3

Complainant Exhibit Seven?

4

ATTORNEY NIESEN:

5

Yes.

6

A. I believe it would.

7

BY ATTORNEY NIESEN:

8

Q. Why do you believe it would?

9

A. The way I understand the way the bill works, when

10

someone calls me, it shows up.

11

Q. Even if the call goes to your voicemail, sir?

12

A. That is my understanding.

13

Q. And how are calls to your voicemail shown on the

14

cell phone bill, if you know?

15

A. I just assumed it was the same way that all the

16

other calls were. I never thought about it.

17

Q. What is the voicemail number that you call to

18

access messages on your cell phone?

19

A. Same as my phone number.

20

Q. So where Exhibit Seven shows calls to your phone

21

number, those would be calls to your voicemail

22

service?

23

A. It's a cell phone. If I don't answer it, it goes

24

to voicemail. So it's a call to my phone, which, if I

25

don't answer it, would go to my voicemail.

1 Q. Okay. Well, what I'm asking you now is about your  
2 calls to your voicemail. Do you have Exhibit Seven  
3 with you?

4 A. I have the records right here.

5 Q. Okay. So where it shows number called on the  
6 exhibit, to the extent the number called is the same  
7 number as your cell phone number, those would be calls  
8 made by you or someone else to access your voicemail?

9 A. To call me or access my voicemail. That sounds  
10 like it makes sense what you just said, yes.

11 Q. Now, you're aware that in the summer of 2005, Aqua  
12 was attempting to gain access concerning an inability  
13 to get a meter reading at 257 Highland Avenue? You  
14 were aware of that; are you not?

15 A. Yes.

16 Q. Do you recall receiving postcards from the water  
17 company asking you to contact them to ---?

18 A. Yes.

19 Q. And in the end --- well, why didn't you set up an  
20 appointment to allow access to the property after  
21 receiving the postcard?

22 A. I feel I've already answered that. I called Aqua  
23 on several occasions. They told me to disregard it,  
24 and that was in my testimony. I do feel the amount of  
25 calls I got from Aqua was harassment, and I do feel

1 that continuing postcards was harassment. I also  
2 notice that Aqua always wants me to do stuff, but they  
3 blew me off with everything I always called about, and  
4 then I get asked the question, why didn't you call  
5 them back to set up an appointment? I don't work for  
6 you guys; okay? I pay my bill. You guys are supposed  
7 to work for me, so am I going to bend over backwards  
8 for you? No.

9 Q. Okay. So you viewed calling to set up an  
10 appointment concerning the meter reading to be bending  
11 over backwards?

12 A. After everything else that's been going on and  
13 since you guys did nothing for me, yes, absolutely.

14 Q. And with respect to this issue, it wasn't until  
15 January of 2006 when the judge became involved that  
16 access to the property was allowed by you?

17 A. Yes.

18 ATTORNEY NIESEN:

19 If Your Honor pleases, those are all the  
20 questions I have for Mr. Falcone.

21 JUDGE JONES:

22 Okay. Thank you, Mr. Niesen. Mr.  
23 Falcone, I have a couple follow-up questions to Mr.  
24 Niesen's questions in reference to the cards that you  
25 were sent from Aqua requesting access. I seem to

1 recall that you have stated in your correspondence  
2 with Aqua that you only wanted written correspondence.  
3 You did not want phone calls. Was that in reference  
4 to the access or not?

5 A. That's in reference to everything.

6 JUDGE JONES:

7 Okay. And when did you tell Aqua that  
8 you wanted written correspondence, no longer  
9 correspondence by telephone; do you recall?

10 A. I know I did when we had our conference. I know I  
11 did then. I don't have any proof of anything before  
12 that.

13 JUDGE JONES:

14 Okay. All right. So the conference was  
15 in January of 2006.

16 A. Yes.

17 JUDGE JONES:

18 Just a minute, Mr. Falcone.

19 A. Okay.

20 JUDGE JONES:

21 I have nothing further. Do you have any  
22 questions in reference to my questions, Mr. Niesen?

23 ATTORNEY NIESEN:

24 No, Your Honor.

25 JUDGE JONES:

1                   Okay. Mr. Falcone, that ends the Cross  
2 Examination of you. Mr. Niesen will now put on  
3 witnesses. What I'm going to ask you to do, sir, you  
4 are currently sitting in the witness chair. If you  
5 could move to this table, sir.

6 A. Uh-huh (yes).

7                   JUDGE JONES:

8                   The company will put forward witnesses.  
9 Mr. Niesen will ask them questions. It's possible you  
10 may dispute their answers. What I will caution you to  
11 do is to write a note to yourself as to what you  
12 dispute because they are allowed to provide questions  
13 and answers before you're allowed to cross examine  
14 them.

15 A. Thank you, Your Honor.

16                   JUDGE JONES:

17                   Mr. Niesen, I'm ready for your  
18 presentation, sir.

19                   ATTORNEY NIESEN:

20                   Thank you, Your Honor. Aqua calls to the  
21 stand Mr. William Miller.

22                   JUDGE JONES:

23                   Good morning, sir. Please raise you  
24 right hand.

25 -----

1 WILLIAM MILLER, HAVING FIRST BEEN DULY SWORN,  
2 TESTIFIED AS FOLLOWS:  
3 -----

4 JUDGE JONES:

5 You may be seated.

6 A. Thank you.

7 JUDGE JONES:

8 Please state your full name, spelling  
9 your last name for the record.

10 A. It's William Miller, M-I-L-L-E-R.

11 JUDGE JONES:

12 And what's your occupation, sir?

13 A. The manager of the southern division for Aqua  
14 Pennsylvania.

15 JUDGE JONES:

16 Mr. Niesen, you may proceed with your  
17 witness.

18 ATTORNEY NIESEN:

19 Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY ATTORNEY NIESEN:

22 Q. Mr. Miller, what is your business address?

23 A. It's 700 West Sproul Road, S-P-R-O-U-L, in  
24 Springfield, Pennsylvania.

25 Q. And you testified that you're the manager of the

1 southern division for Aqua Pennsylvania. How long  
2 have you worked for Aqua?

3 A. For over 31 years.

4 Q. Would you please describe your current  
5 responsibilities at Aqua?

6 A. Among other things, it's mostly responsibility for  
7 the maintenance and construction of the division,  
8 including main breaks and installation of new  
9 facilities at water mains.

10 Q. In your capacity as the manager of the southern  
11 division, have you had an opportunity to review  
12 company records related to service at 257 Highland  
13 Avenue?

14 A. Yes, I have.

15 Q. And are you familiar with claims raised by Mr.  
16 Falcone in this case?

17 A. Yes, I am.

18 Q. And what do you understand those claims to be in  
19 relation to matters within your responsibility?

20 A. My responsibility is mostly with the work that was  
21 done on the outside of the home. And I understand Mr.  
22 Falcone thought that he was without water for  
23 approximately 30 days.

24 Q. How did you become involved with this complaint?

25 A. We received a telephone call from Radnor Township

1 regarding a service leak. They were doing some work  
2 at the property and pulled the service.

3 Q. And what date was the phone call received?

4 A. That was April 7th, 2005.

5 Q. And again, it was Radnor Township that made that  
6 telephone call to Aqua?

7 A. Yes.

8 Q. What happened after Aqua received the call from  
9 Radnor Township?

10 A. We dispatched a crew out there to go see what  
11 happened and they found out the service was damaged,  
12 the water service.

13 Q. When did the crew arrive at the site?

14 A. The same day, that afternoon.

15 Q. And that would be April the 7th?

16 A. Yes.

17 Q. 2005?

18 A. 2005.

19 Q. And again, what did the crew find when they  
20 arrived at 257 Highland Avenue on April 7th, 2005?

21 A. They found out when Radnor's contractor was  
22 digging for the sewer lateral repair, they had pulled  
23 the copper water service and damaged our side and also  
24 the copper service on Mr. Falcone's side.

25 Q. When you say our side and Mr. Falcone's side,

1 could you explain what that means?

2 A. There's a curb stop roughly around the area of the  
3 curb. It's a valve used for operating water to get to  
4 the property, and our service covers from the water  
5 main to that curb stop. And Mr. Falcone's goes from  
6 the curb stop into the house.

7 Q. And was the entire line damaged?

8 A. Yes, it was.

9 Q. What did Aqua's crew do?

10 A. They repaired the service on Aqua's side at the  
11 main. They put a new corporation in the main, and  
12 approximately five feet of copper and a stop.

13 Q. What's a corporation?

14 A. A corporation is a fitting that screws into the  
15 iron pipe. It allow the copper service to be  
16 connected to it.

17 Q. Now, upon the repair of the line, did Mr. Falcone  
18 have water service?

19 A. They had water up to our curb stop, and then I  
20 understand that the plumber hooked up a temporary line  
21 to the house.

22 Q. On that day?

23 A. On that day, yes.

24 Q. April 7th, 2005?

25 A. Yes.

1 Q. Aqua did not prepare Mr. Falcone's side for  
2 service; did it?

3 A. No. We don't usually work on the customer's side  
4 of the service.

5 Q. So Aqua's line was fixed the same day that Aqua  
6 received notice of the problem?

7 A. Yes, it was.

8 ATTORNEY NIESEN:

9 If Your Honor please, I'd like to have  
10 marked for identification as Aqua Exhibit Two a  
11 document that's titled in the upper right center of  
12 the page, daily work order - -

13 JUDGE JONES:

14 Very well.

15 ATTORNEY NIESEN:

16 --- dated 4/7/05. May that be so  
17 identified?

18 JUDGE JONES:

19 It may be so marked. I do not have a  
20 copy, Mr. Niesen.

21 ATTORNEY NIESEN:

22 These were all distributed some time ago.

23 JUDGE JONES:

24 Oh, okay. Maybe I have one.

25 ATTORNEY NIESEN:

1 I have extra copies if you don't have  
2 them.

3 JUDGE JONES:

4 I didn't have it marked as Two. It just  
5 says Aqua Exhibit.

6 ATTORNEY NIESEN:

7 No, it was not pre-marked other than to  
8 say Aqua Exhibit at the bottom.

9 JUDGE JONES:

10 Just a minute, sir.

11 (Aqua Exhibit Two marked for  
12 identification.)

13 JUDGE JONES:

14 You may proceed, Mr. Niesen.

15 ATTORNEY NIESEN:

16 Thank you, Your Honor.

17 BY ATTORNEY NIESEN:

18 Q. Mr. Miller, let me show you what's been marked for  
19 identification as Aqua Exhibit Two. Can you explain  
20 what is shown on this exhibit?

21 A. It's a daily work order. It's what we call a  
22 timesheet. It's filled out on a day basis by the crew  
23 foreman, so it determines how he gets paid for the  
24 day.

25 Q. And this particular day is April 7, 2005?

1 A. Yes, it is.

2 Q. And what's the address for this particular work  
3 effort?

4 A. It's 257 Highland Avenue in Radnor Township.

5 Q. And the work, how is that described?

6 A. They're doing hit service.

7 Q. There's a work order at the top and the bottom of  
8 the page. What's the difference between those two?

9 A. There are two timesheets, and they're actually  
10 different colors. The lower one was a pink slip and  
11 the upper one is a white slip. The upper one is his  
12 normal eight-hour day. The lower one is an overtime  
13 sheet.

14 Q. And the upper sheet shows a check mark at  
15 unfinished?

16 A. Yes. That explains that he worked there from 2:00  
17 to 4:00. 4:00 is normal quitting time. And then the  
18 lower sheet shows from 4:00 to 5:30 he was on  
19 overtime.

20 Q. And the check, that's checked finished for the  
21 overtime crew?

22 A. Yes. So he was completed on that project.

23 Q. So that indicates that the project was completed?

24 A. Yes.

25 Q. And is this record kept as part of the company's

1 business record?

2 A. Yes. They're our permanent files.

3 Q. Is the foreman required to fill one of these out  
4 on a daily basis?

5 A. Every day he fills it out for his location where  
6 he worked for that day.

7 Q. Now, do you know whether Mr. Falcone was without  
8 water at any time during the day of April 7, 2005?

9 A. Yes, he was. After the service got pulled, he  
10 would have been without water.

11 Q. For about how long, if you know?

12 A. I'm not exactly sure what time they pulled it, but  
13 it would have been around midday. And then he would  
14 have been out until, like I said earlier, after our  
15 water service was completed and they hooked up a hose.  
16 So for the good bit of the day on April 7th, 2005, he  
17 would have been without water.

18 Q. Approximately five hours or so?

19 A. Yes.

20 Q. So to summarize, by the end of the day, Aqua had  
21 completed repairing the service on its side of the  
22 service connection?

23 A. Yes, we did.

24 Q. And you heard Mr. Horn testify at the first  
25 hearing concerning the establishment of a temporary

1 hose connection by the end of the day on April 7,  
2 2005?

3 A. Yes, I did.

4 Q. And that's your understanding of what occurred?

5 A. That's correct.

6 Q. Did Aqua have any notice of any problems with the  
7 water service to 257 Highland Avenue after the repair  
8 of Aqua's service connection?

9 A. It's my understanding that he worked on the  
10 customer's side the following day, but our service was  
11 complete and we had no notice of any problems with our  
12 service.

13 Q. Did Aqua have any notice, to your knowledge, of a  
14 lack of water for a 30-day period?

15 A. No, it did not.

16 Q. There was testimony at the first hearing  
17 concerning chlorination of water or super-chlorination  
18 of water in connection with the repair of the service  
19 connection. Did Aqua super-chlorinate the water as  
20 part of this repair effort?

21 A. No, we did not.

22 Q. Do you know if anyone did anything of that nature  
23 in connection with this repair?

24 A. Not to my knowledge.

25 Q. Did Aqua receive any calls from neighbors in the

1 area concerning a chlorine smell or odor during this  
2 time period?

3 A. No.

4 ATTORNEY NIESEN:

5 If Your Honor pleases, I'd like to have  
6 marked for identification as Aqua Exhibit Three, this  
7 is a --- yes, Your Honor. Thank you. It is an  
8 exhibit containing several pages. The top page is a  
9 Radnor Township letter concerning a remittance of  
10 \$8,554.

11 JUDGE JONES:

12 It contains eight pages, Mr. Niesen?

13 ATTORNEY NIESEN:

14 Yes, it does. Would that be ---?

15 JUDGE JONES:

16 Do you have copies for the court  
17 reporter?

18 ATTORNEY NIESEN:

19 Yes, we do.

20 JUDGE JONES:

21 As well as for Mr. Falcone?

22 ATTORNEY NIESEN:

23 Yes.

24 JUDGE JONES:

25 It is so marked.

1 (Aqua Exhibit Three marked for  
2 identification.)

3 BY ATTORNEY NIESEN:

4 Q. Mr. Miller, let me show you what's been marked for  
5 identification as Aqua Exhibit Three. It's a letter  
6 to you. Have you seen that letter before?

7 A. Yes, I have.

8 Q. And what is contained in Aqua Exhibit Three?

9 A. The cover is a letter from John Stauffer from  
10 Radnor Township.

11 Q. All right. Let me ask you about that letter. It  
12 asks Mr. Miller, on behalf of Aqua, to please remit  
13 the following amount, \$8,554 to Radnor Township for  
14 the connection of a sewer lateral at 257 Highland  
15 Avenue, Wayne, Pennsylvania. It says then, the  
16 township will assume the cost for two emergency  
17 callouts of our crew, plus lawn and shrubbery  
18 restorations. Was the \$8,554 remitted to Radnor  
19 Township as requested in the letter?

20 A. Yes, it was.

21 Q. And the actual check containment of that amount is  
22 the third page of the exhibit; is it not?

23 A. That's correct. It's from Michael Ronca & Sons.

24 Q. And who is Michael Ronca & Sons?

25 A. They are the contractor who installed the water

1 main through that neighborhood.

2 Q. And \$8,554 is the sum of the Horn bill plus the  
3 Ply-Mar bill that had been previously offered into the  
4 record, I believe; isn't that correct?

5 A. That's correct.

6 ATTORNEY NIESEN:

7 If Your Honor pleases, that completes our  
8 examination of Mr. Miller, and we offer into the  
9 record Aqua Exhibits Two and Three.

10 JUDGE JONES:

11 Aqua Exhibits Two and Three are accepted  
12 with any timely objections or motions. Mr. Falcone,  
13 do you have any Cross Examination for Mr. Miller?

14 MR. FALCONE:

15 Yes.

16 JUDGE JONES:

17 You may proceed.

18 MR. FALCONE:

19 And I want to apologize for my behavior  
20 earlier. Sorry about that, everybody.

21 CROSS EXAMINATION

22 BY MR. FALCONE:

23 Q. Do you remember speaking to me May 23rd, 2005?

24 A. Yes, I do. I'm not sure of the date, but yes.

25 Q. Did you receive FAXes from me?

1 A. Yes.

2 Q. Okay. Did you keep that a secret from everybody  
3 else at Aqua?

4 A. A secret? No.

5 Q. Okay. Are you aware that when I spoke to other  
6 people at Aqua, and in writing from other people with  
7 Aqua, that their position is that you and I never  
8 spoke, I never sent you anything, you never received  
9 anything from me?

10 A. Which other people?

11 Q. Every single person I spoke to at Aqua. It's  
12 Aqua's position I have not called or sent anything, so  
13 that what I sent you and I us speaking never took  
14 place; are you aware of that?

15 A. I'll have to assume that, so I don't know that for  
16 a fact. But those bills were passed on to Ronca, so  
17 they would not necessarily have gone through our main  
18 office. So there's reason that they would not be  
19 aware of those bills.

20 Q. Okay. You mentioned the chlorine. It's your  
21 position that no chlorine was used?

22 A. That's correct.

23 Q. Okay. All right.

24 MR. FALCONE:

25 I have some stuff. Can I just submit it?

1 I have brought copies for people.

2 JUDGE JONES:

3 In reference to this witness?

4 MR. FALCONE:

5 Yeah. Well, the chlorine ---.

6 JUDGE JONES:

7 Go ahead and try. We'll see.

8 MR. FALCONE:

9 Okay. I'd like to submit this.

10 JUDGE JONES:

11 Okay. That will be Complainant Exhibit

12 Number 12, I believe.

13 JUDGE JONES:

14 You have copies for everyone?

15 MR. FALCONE:

16 I have three.

17 JUDGE JONES:

18 You have three copies and the original?

19 MR. FALCONE:

20 Total. I don't need mine.

21 JUDGE JONES:

22 You don't need one?

23 MR. FALCONE:

24 No.

25 JUDGE JONES:

1 Thank you. This will be marked as  
2 Complainant Exhibit Number 14, so we're clear.

3 (Complainant Exhibit 14 marked for  
4 identification.)

5 ATTORNEY NIESEN:

6 All of it, Your Honor?

7 JUDGE JONES:

8 Yes. Three pages, I believe. You may  
9 proceed, Mr. Falcone.

10 BY MR. FALCONE:

11 Q. When the lateral line's broken, are they supposed  
12 to use chlorine to disinfect it?

13 A. The service line? Water service line? Is that  
14 what you're referring to?

15 Q. Either.

16 A. When a water service line is broken, no, we do not  
17 put chlorine back into it.

18 Q. Okay. If you look at Exhibit 14, I feel it's  
19 pretty clear there that --- that's from the PUC  
20 website, that you're supposed to chlorinate the water  
21 after that line's broken. So if Aqua did not do that,  
22 that would be another reason that the water is  
23 unusable.

24 JUDGE JONES:

25 Mr. Falcone, can you provide specifically

1 where you're pointing on Complainant Exhibit Number  
2 14, referencing the PUC ---? Just give me the  
3 section. You have it marked. Just give me the  
4 section and whether it's one or A or what have you.  
5 Oh, I'm sorry. I forgot you don't have your copy.

6 MR. FALCONE:

7 This would be (c) at the top.

8 JUDGE JONES:

9 Yes. Subsection 109.71(c). Mr. Falcone,  
10 anything further, sir?

11 ATTORNEY NIESEN:

12 Was there a question?

13 MR. FALCONE:

14 Well, I guess ---.

15 JUDGE JONES:

16 I don't think so. That's why I'm asking  
17 if there's anything further.

18 MR. FALCONE:

19 Okay.

20 BY MR. FALCONE:

21 Q. One the PUC website in (c), section (c), they  
22 specifically list that chlorine can be used in higher  
23 amounts than usual when the lateral line is broken.  
24 Do you think they did that because you're supposed to  
25 put chlorine in when the lateral line is broken? Do

1 you think they did that because you're supposed to put  
2 chlorine in when the lateral line is broken to clean  
3 the water?

4 ATTORNEY NIESEN:

5 He's already answered that. And well, I  
6 object because he's already asked that question, and  
7 the suggestion that the section says a company is  
8 supposed to increase chlorine I think is an inaccurate  
9 representation of what the section says.

10 JUDGE JONES:

11 Just a minute. Okay. Several reasons  
12 why I am sustaining the objection. First, the section  
13 that you pointed out, it says, public water systems  
14 may increase residual chlorine. It does not say they  
15 have to or they're supposed to. So that's one reason  
16 why I'm sustaining the objection. The other reason to  
17 sustain the objection is that the way the question was  
18 phrased, you have said that, if you think --- you did  
19 not say, if you think they did. You said, supposing  
20 they did, or you assumed they did. Then you went on  
21 with your question. And Mr. Miller never assented to  
22 the fact that they did put chlorine in the water. So  
23 on that count as well, I am sustaining the objection,  
24 sir. Do you have another question or do you wish to  
25 phrase the question differently?

1 MR. FALCONE:

2 Yes, I do.

3 BY MR. FALCONE:

4 Q. Do you think the PUC put that in there for a  
5 reason?

6 ATTORNEY NIESEN:

7 I object to that, too. I don't know how  
8 he knows what the PUC thinks or not. This speaks ---.

9 JUDGE JONES:

10 Okay, Mr. Niesen. Mr. Falcone, Mr.  
11 Miller has been offered as an expert witness for the  
12 company in construction and maintenance. I would  
13 suggest that you phrase your question in his opinion,  
14 and then you can ask your question, because that way  
15 you get around the objection of Mr. Niesen.

16 MR. FALCONE:

17 Thank you.

18 BY MR. FALCONE:

19 Q. In your opinion, do you think the PUC mentions the  
20 possible use of chlorine when fixing a water line for  
21 a reason?

22 A. I would assume they did. I haven't been able to  
23 read that and I haven't read it on any prior occasion.

24 Q. Do you think there's ever a reason where chlorine  
25 would be used after a water line is fixed?

1 A. Again, I would assume there are times that you  
2 would need to do that.

3 Q. Okay. What's different about it? In your  
4 opinion, what do you think is different about this  
5 time as opposed to other times when you would use  
6 chlorine?

7 A. It depends on the type of pipe that's used. It  
8 also depends on the circumstances, if we had a reason  
9 to believe it was contaminated for any reason. But  
10 again, there are different types of pipes that are  
11 used in services, and certain types of pipes we do  
12 chlorinate, other ones we don't need to.

13 Q. In your opinion, were the pipes on my property  
14 older than ones you usually deal with?

15 ATTORNEY NIESEN:

16 Which pipes? The sewer pipe or the water  
17 pipe?

18 MR. FALCONE:

19 Either.

20 A. I don't know the age of the sewer. We're not  
21 involved in that. You know, the pipes in the street  
22 were ---.

23 BY MR. FALCONE:

24 Q. Were you involved ---?

25 JUDGE JONES:

1                   Wait a minute. You have to allow him to  
2 answer your questions.

3                   MR. FALCONE:

4                   Oh.

5 A. The pipes in the street were new and the service  
6 was new at that point.

7 BY MR. FALCONE:

8 Q. Are you aware of Mr. Horn's testimony where he  
9 said my pipes were old?

10 A. I don't recall that, and I don't know which pipes  
11 he was referring to.

12                   MR. FALCONE:

13                   I'm done. Thank you, Your Honor. Thank  
14 you.

15                   JUDGE JONES:

16                   Mr. Falcone, do you wish to admit into  
17 evidence your Exhibit 14?

18                   MR. FALCONE:

19                   Yes, I do, Your Honor.

20                   JUDGE JONES:

21                   Mr. Niesen?

22                   ATTORNEY NIESEN:

23                   Are these copies of existing regulations,  
24 Mr. Falcone?

25                   JUDGE JONES:

1 He said he got them off the PUC website.

2 ATTORNEY NIESEN:

3 Then we don't object to it.

4 JUDGE JONES:

5 Very well. Complainant Exhibit Number 14  
6 is admitted. And I believe I already did this, but I  
7 will make sure. Aqua Exhibits Two and Three are  
8 admitted. And Mr. Miller, thank you, sir. You are  
9 excused.

10 A. Okay. Thank you.

11 JUDGE JONES:

12 I assume, Mr. Niesen, you had no  
13 Redirect?

14 ATTORNEY NIESEN:

15 Well, I may have. Just a moment. If I  
16 might have one moment?

17 JUDGE JONES:

18 Okay. Sorry, Mr. Miller.

19 A. That's okay.

20 ATTORNEY NIESEN:

21 We have no Redirect.

22 JUDGE JONES:

23 Sorry, Mr. Miller.

24 A. Thank you again.

25 JUDGE JONES:

1 Mr. Niesen, I am ready for your next  
2 witness, sir.

3 ATTORNEY NIESEN:

4 Thank you, Your Honor. We call to the  
5 stand Mr. Dereck McBride.

6 JUDGE JONES:

7 Very well. Mr. McBride, good morning,  
8 sir.

9 MR. MCBRIDE:

10 Good morning.

11 JUDGE JONES:

12 Please raise your right hand.

13 -----  
14 DERECK MCBRIDE, HAVING FIRST BEEN DULY SWORN,  
15 TESTIFIED AS FOLLOWS:  
16 -----

17 JUDGE JONES:

18 You may be seated. Please state your  
19 full name, spelling your last name for the record.

20 A. Dereck McBride, M-C-B-R-I-D-E.

21 JUDGE JONES:

22 And what is your occupation, sir?

23 A. I'm the Supervisor of Collection Operations for  
24 Aqua Pennsylvania.

25 JUDGE JONES:

1                   You may continue with your witness, sir.

2                   ATTORNEY NIESEN:

3                   Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY ATTORNEY NIESEN:

6 Q.    And Mr. McBride, what is your business address,  
7 for the record?

8 A.    762 West Lancaster Avenue, Bryn Mawr.

9 Q.    And how long have you been employed by Aqua  
10 Pennsylvania?

11 A.    Four years.

12 Q.    What are your responsibilities as a supervisor of  
13 collections operations?

14 A.    My overall responsibilities are collection  
15 operations, including the acceptance of customers  
16 applying for water service

17 Q.    In your capacity as the Supervisor of Collections  
18 Operations, are you familiar with claims made by Mr.  
19 Falcone in this case?

20 A.    Yes, I am.

21 Q.    And what would be the focus of your particular  
22 testimony in this matter?

23 A.    My focus would be on Mr. Falcone's application for  
24 service for 257 Highland Avenue.

25 Q.    How many accounts does Aqua believe were involved

1 or are involved in this particular complaint?

2 A. He has two accounts.

3 Q. And how is that?

4 A. We believe there was an account under Jules  
5 Falcone, which we believe was the grandfather. There  
6 is a second account under Jules Falcone, who we  
7 believe is the Complainant, or the person applying for  
8 service.

9 Q. Have there always been two accounts?

10 A. No, there have not.

11 Q. So at some point, an account was set up for the  
12 Complainant, Mr. Jules Falcone?

13 A. That is correct.

14 Q. And how did that occur or why did that occur?

15 A. That occurred in response to Mr. Falcone  
16 contacting our office to apply for water service, and  
17 also in response to him providing an approximate date  
18 of water service activation.

19 Q. Now, what happened when Mr. Falcone contacted Aqua  
20 to open the account in his name?

21 A. We asked Mr. Falcone for information regarding his  
22 residence.

23 Q. And his call came initially in June of 2004; is  
24 that correct?

25 A. That is correct.

1 Q. And at that point in time, there was an active  
2 account still in the grandfather's name?

3 A. That is correct.

4 Q. Although you subsequently learned that the  
5 grandfather had passed away in June of ---

6 A. That's correct.

7 Q. --- 2001 time period?

8 A. Yes, we were made aware of the grandfather being  
9 deceased.

10 Q. Now, let's go back to the opening of the account  
11 in Mr. Falcone, the Complainant's name. Was the  
12 grandfather's account left active at that time?

13 A. Yes, it was.

14 Q. Would that have been standard procedure?

15 A. Yes, it would have been.

16 Q. Now, when was the account opened in Mr. Falcone,  
17 the Complainant's name?

18 A. In July of 2004.

19 Q. And was that before or after the formal complaint  
20 was filed?

21 A. I'm not aware of that.

22 Q. What sort of paperwork would have been required to  
23 open the account in Mr. Falcone, the Complainant's  
24 name?

25 A. Mr. Falcone was a tenant. We would have asked for

1 a copy of his lease, two forms of ID and a daytime  
2 telephone number.

3 Q. And if he were the owner of the property instead  
4 of a tenant, what type of paperwork would be required?

5 A. We would ask for a settlement statement or a deed,  
6 and again, two forms of ID and a daytime telephone  
7 number.

8 Q. Was that type of paperwork ever received from Mr.  
9 Falcone?

10 A. No, it was not.

11 Q. Was Mr. Falcone instructed as to the type of  
12 paperwork that would be needed?

13 A. Yes, he was.

14 Q. Do you know when that occurred?

15 A. It occurred in June of 2004. It also occurred  
16 twice in August of 2004.

17 Q. And was it further addressed with Ms. Latrachiano?

18 A. Yes, it was.

19 Q. And that would have been later, in 2005?

20 A. That's is correct.

21 Q. Now, to your knowledge, what was he told during  
22 those calls? He would have needed to send either a  
23 deed, a lease or a settlement sheet?

24 A. That is correct.

25 Q. Why are those documents important for Aqua's

1 purposes?

2 A. They allow us to establish a timeline of occupancy  
3 and also provides proof of residency for the property.

4 Q. Now, the grandfather passed away in 2001. Did the  
5 grandfather's estate apply for service after Mr.  
6 Falcone, the grandfather passed away?

7 A. No.

8 Q. Now, why is that significant?

9 A. Because there was a balance on the account at the  
10 time that Mr. Falcone, the Complainant applied for  
11 water service and we were trying to establish who was  
12 responsible for the account balance at that time.

13 Q. So there was about three years of water service  
14 between the time of the grandfather's death and the  
15 time that Mr. Falcone, the Complainant called to  
16 establish and ask for an account to be opened in his  
17 name?

18 A. That is correct.

19 Q. And were bills paid throughout that three-year  
20 time period?

21 A. We believe so, but we're not sure by whom.

22 JUDGE JONES:

23 I'm sorry. I didn't hear that.

24 A. Yes, we believe bills were paid, but we're not  
25 sure by whom.

1 BY ATTORNEY NIESEN:

2 Q. Was there a balance due on the account at the time  
3 Mr. Falcone, the Complainant applied for service?

4 A. Yes.

5 Q. Now, you testified that the company has not  
6 received the paperwork, the lease, the deed or the  
7 settlement. Having not received that paperwork, what  
8 did Aqua ultimately do in respect to the account at  
9 257 Highland Avenue?

10 A. Aqua initiated an account for Mr. Jules Falcone.  
11 The account was established based on an approximate  
12 date of his contact with Aqua.

13 Q. In July of 2004?

14 A. That is correct.

15 Q. Now, Mr. Falcone testified at the first hearing  
16 that he received a three-day shutoff notice on June 29  
17 of 2005 but did not receive a ten-day notice. Did  
18 Aqua send Mr. Falcone a ten-day notice prior to  
19 issuing a three-day notice?

20 A. Yes, we did.

21 Q. How do you know that?

22 A. Our records confirm that a ten-day notice was  
23 mailed by our print finger. We also have the notice  
24 available in our computer system.

25 Q. Do you know when the ten-day notice was issued?

1 A. June 22nd.

2 Q. Of 2005?

3 A. That is correct.

4 Q. What would Aqua Pennsylvania like the Public  
5 Utility Commission to do in respect to Mr. Falcone's  
6 complaint?

7 A. Aqua believes they have made every effort to  
8 resolve Mr. Falcone's concerns. We would like for the  
9 Commission to request that Mr. Falcone provide the  
10 proper documentation, either being a lease, a deed or  
11 settlement statement so that we can establish a  
12 confirmed effective date of residency.

13 Q. And to summarize a little bit, Aqua established  
14 the account in Mr. Falcone's name as of July 1, 2004?

15 A. That is correct.

16 Q. And it did that although it has not received the  
17 settlement sheet or the deed or the lease establishing  
18 a clear move-in date for it?

19 A. That is correct.

20 Q. And the end result of that in respect to the  
21 grandfather's account, is there still a balance due on  
22 that account for the period prior to July 1 of 2004?

23 A. Yes, there is.

24 Q. Do you know the amount of that balance due,  
25 approximately?

1 A. Approximately \$600.

2 Q. And we heard testimony this morning that Mr.  
3 Falcone was actually residing at that property during  
4 some of the period from October of 2000 through the  
5 2004 period when the account was opened; did we not?

6 A. Yes.

7 ATTORNEY NIESEN:

8 I don't have anything further for Mr.  
9 McBride.

10 JUDGE JONES:

11 Thank you, Mr. Niesen. Mr. Falcone, do  
12 you have Cross for this witness?

13 MR. FALCONE:

14 Yes, I do.

15 JUDGE JONES:

16 Very well. You may proceed, sir.

17 CROSS EXAMINATION

18 BY MR. FALCONE:

19 Q. In your opinion, did Aqua transfer Jules Falcone,  
20 my grandfather's bill, to me?

21 A. No.

22 Q. Okay. When Aqua set up an account in my name and  
23 it started out with an approximate \$600 balance, where  
24 did that number come from?

25 A. The account was under the grandfather's name. The

1 \$600 balance was under the grandfather's account, and  
2 then the confusion was actually the name Jules  
3 Falcone. The \$600 balance was tied to the  
4 grandfather's account, which was tied to the name  
5 Jules Falcone, which was actually representing your  
6 service as well, sir.

7 Q. So in answer to the first question, did you  
8 transfer my grandfather's bill to me? Is your answer  
9 still no?

10 A. No, we did not transfer any balances to any  
11 account.

12 Q. Okay. I see a contradiction there, but okay. Why  
13 did Aqua take away that \$600 balance and then decide  
14 to set up my service, starting the billing in, let's  
15 say --- whenever it was, let's say August of 2005?

16 A. The balance was never taken away. A new account  
17 was established. The new account was established in  
18 an effort to resolve your concerns at the time you  
19 contacted Aqua.

20 Q. Okay. Is it Aqua's position that Aqua and myself  
21 are done with that matter, or is Aqua still trying to  
22 get me to submit that information?

23 A. We are still requesting proof of residency at this  
24 point.

25 Q. So in the paperwork, when Aqua said that in a

1 token of goodwill, or something to that effect, we're  
2 going to set the date in August of 2005 and move on,  
3 in your opinion, is Aqua not being truthful in that  
4 writing?

5 ATTORNEY NIESEN:

6 We object to that characterization of not  
7 being truthful. We've always asked for those papers.  
8 And now we've learned this morning he lived there at  
9 least part of the time prior to the time when we set  
10 up the account in his name.

11 JUDGE JONES:

12 Very well, Mr. Niesen. Mr. Falcone, you  
13 might want to rephrase your question, sir.

14 BY MR. FALCONE:

15 Q. Are you aware that Aqua wrote to me and wrote  
16 something to the effect of, in August --- we're going  
17 to start billing you as of August 2005, and in effect,  
18 put an end to this matter? Are you aware of that?

19 A. I'm aware that Aqua made every effort to resolve  
20 your history, yes, sir.

21 Q. Okay. So you're not aware that they put in  
22 writing that as of August 2005, that's when we're  
23 going to start the billing and we can move on? You're  
24 unaware of that?

25 A. I'm unaware of the specific date of that

1 notification.

2 Q. I'm sorry. Can you repeat that answer?

3 A. Sure. I'm unaware of the specific date of that  
4 notification.

5 Q. But are you aware that in writing, it was sometime  
6 in August, and then we can move on from there and not  
7 keep rehashing? Are you aware of that?

8 A. I am aware that we made every effort to resolve  
9 your concern.

10 Q. Okay. In your opinion, have you resolved my  
11 concern?

12 A. We believe we have.

13 Q. Okay. In your opinion, do you know why this issue  
14 keeps getting brought up then?

15 A. I'm sorry. Which issue are you saying?

16 Q. The issue about the move-in date.

17 A. We're requesting documentation to set a firm date  
18 of the effective residency. We don't believe it's an  
19 issue or concern. We believe it's required paperwork  
20 as part of our current process.

21 Q. Okay. In your opinion, do you think there are  
22 sometimes extenuating circumstances where someone  
23 can't always furnish to the letter of the law all the  
24 paperwork you want?

25 A. Yes.

1 Q. Okay. In your opinion, do you think this is  
2 possibly one of those cases?

3 A. Possibly.

4 Q. Okay. In your opinion, what has Aqua done to  
5 decipher whether or not this is one of those cases?

6 ATTORNEY NIESEN:

7 I object to that. He's arguing with him.  
8 We asked him for information. We've asked Mr.  
9 Falcone, the Complainant --- we asked for the move-in  
10 date.

11 JUDGE JONES:

12 Still, I overrule the objection. I still  
13 see credence in the questions. You may answer.

14 A. I'm sorry. Could you please repeat the question?

15 MR. FALCONE:

16 Can we have the question repeated, Your  
17 Honor?

18 COURT REPORTER PLAYS BACK PREVIOUS QUESTION

19 JUDGE JONES:

20 Go ahead, sir.

21 A. Possibly.

22 BY MR. FALCONE:

23 Q. Okay. In your opinion, have I spent a lot of time  
24 explaining to Aqua how this could be one of those  
25 cases?

1 A. I don't know your entire contact with Aqua, so  
2 ---. I know the contact regarding setting up an  
3 account. And I believe that Aqua has requested  
4 information in order to effectively establish the  
5 account for you.

6 Q. Okay. In your opinion, has Aqua done a good job  
7 in handling my paperwork and setting up this account  
8 and looking at this entire situation and seeing the  
9 type of situation it is and saying, you know what,  
10 this might be one of those circumstances where we  
11 don't need all the paperwork to the letter of the law?

12 A. I believe Aqua has done everything we can to try  
13 and establish an account for you based on your contact  
14 with Aqua. We've also requested information regarding  
15 your tenancy or your ownership of the property. Thus,  
16 I believe Aqua has done as good a job as they could  
17 possibly do to resolve your concern.

18 Q. Okay. When Aqua gave the answer that there was  
19 confusion, and when I said I FAXed them stuff,  
20 everything they wanted, I called them several times,  
21 when they said there was confusion because there's two  
22 people with the same names --- okay? When they said  
23 it was confusion, so that's why the account was set up  
24 --- okay? And that brings us to almost two years  
25 later that we're still going over this and Aqua is

1 still wanting information from me. Do you think that  
2 that is Aqua doing a good job?

3 ATTORNEY NIESEN:

4 I object to that. It's argumentative.  
5 It's asked and answered.

6 JUDGE JONES:

7 Agreed. The objection is sustained.  
8 Move on, Mr. Falcone. I understand that you are  
9 frustrated, but you need to move on, sir.

10 MR. FALCONE:

11 I'm good. Thanks, Your Honor. Thank  
12 you.

13 JUDGE JONES:

14 Mr. McBride, I have a couple questions  
15 for you, sir. In the event that an estate is  
16 contested and there is a person that wants to occupy  
17 the residency of the estate, how does that person go  
18 about providing the proper paperwork to Aqua to set up  
19 an account?

20 A. Yes, Your Honor. Normally there's an executor of  
21 the estate or a trustee. We would usually ask for  
22 that documentation from either the executor or the  
23 trustee to establish responsibility for the estate at  
24 that time.

25 JUDGE JONES:

1           Okay. Just a minute. If, for whatever  
2 reason, a person cannot provide information from the  
3 executor or trustee but can provide information that  
4 the estate is in probate or the estate is contested,  
5 if they provide that information, does that settle the  
6 matter on the estate's account?

7 A. Yes.

8           JUDGE JONES:

9           And then the estate's account would be  
10 set aside and there will be a new account opened; is  
11 that correct?

12 A. That is correct.

13           JUDGE JONES:

14           And then when a new account is opened,  
15 there's still an existing requirement of proof of  
16 occupancy; correct?

17 A. That is correct.

18           JUDGE JONES:

19           And if that person happens to be the  
20 occupant of the property that is in the estate that is  
21 being contested, how does that person provide proof of  
22 occupancy?

23 A. Normally they would provide the documentation that  
24 the property is in dispute. Based on the date  
25 effective of the dispute, we would normally establish

1 a new account for the new occupant. We have not  
2 received that information to date.

3 JUDGE JONES:

4 Understood. I'm just asking.

5 A. Sure.

6 JUDGE JONES:

7 Okay. The information that I understand  
8 that Aqua has in reference to this dispute is the  
9 death certificate of Mr. Jules Falcone, the  
10 grandfather; is that correct?

11 A. That is correct.

12 JUDGE JONES:

13 A driver's license of Jules Falcone, the  
14 Complainant; is that correct?

15 A. That is correct.

16 JUDGE JONES:

17 Is there any other documentation that the  
18 company has in reference to 257 Highland in Wayne,  
19 Pennsylvania?

20 A. Yes, Your Honor. We have the Complainant's Social  
21 Security card, a copy of the Social Security card as  
22 well.

23 JUDGE JONES:

24 And that's the extent of the  
25 documentation Aqua has to date?

1 A. Yes, Your Honor.

2 JUDGE JONES:

3 Very well. Mr. Niesen, do you have any  
4 questions based on the questions that I asked?

5 ATTORNEY NIESEN:

6 I do not, Your Honor.

7 JUDGE JONES:

8 Do you have any Redirect, sir?

9 ATTORNEY NIESEN:

10 No.

11 JUDGE JONES:

12 Mr. McBride, thank you, sir. You are  
13 excused. Mr. Niesen, I am ready for your next  
14 witness, sir.

15 ATTORNEY NIESEN:

16 Thank you, Your Honor. We call to the  
17 stand Ms. Bernadette Latrachiano.

18 JUDGE JONES:

19 Good morning, Ms. Latrachiano. Please  
20 raise your right hand.

21 -----

22 BERNADETTE LATRACHIANO, HAVING FIRST BEEN DULY SWORN,

23 TESTIFIED AS FOLLOWS:

24 -----

25 JUDGE JONES:

1                   You may be seated.

2 A.    Thank you.

3                   JUDGE JONES:

4                   Please state your full name, spelling  
5 your last name for the record.

6 A.    My name is Bernadette Latrachiano,  
7 L-A-T-R-A-C-H-I-A-N-O.

8                   JUDGE JONES:

9                   And what is your occupation?

10 A.   I'm an Issue Resolution Specialist with Aqua  
11 Pennsylvania.

12                   JUDGE JONES:

13                   Very well. You may proceed with your  
14 witness, sir.

15                   ATTORNEY NIESEN:

16                   Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY ATTORNEY NIESEN:

19 Q.    What is your business address, Ms. Latrachiano?

20 A.    762 West Lancaster Avenue in Bryn Mawr.

21 Q.    How long have you worked for Aqua Pennsylvania?

22 A.    Seventeen (17) years.

23 Q.    And what are your current responsibilities?

24 A.    I handle customer disputes and complaints that  
25 require a supervisor's attention.

1 Q. And in your capacity with Aqua Pennsylvania, are  
2 you familiar with claims made by Mr. Jules Falcone in  
3 this case?

4 A. Yes, I am.

5 Q. And were you present for Mr. McBride's testimony?

6 A. Yes, I was.

7 Q. Did you agree with that testimony concerning the  
8 opening of the account in Mr. Falcone's name?

9 A. Yes.

10 Q. What's the purpose of your testimony?

11 A. To show how I closed out the account in Mr.  
12 Falcone, the grandfather, and opened up a new account  
13 in Jules Falcone, the grandson.

14 Q. Did you ask Mr. Falcone for paperwork to identify  
15 a clear move-in date?

16 A. Yes, I did, but I did not receive any  
17 documentation.

18 ATTORNEY NIESEN:

19 If Your Honor pleases, I'd like to have  
20 marked for identification Aqua Exhibit Four. This is  
21 an account statement. It's headed in the upper left  
22 hand corner, customer's name, Falcone, Jules,  
23 grandfather. May that be so identified?

24 JUDGE JONES:

25 It will be so marked.

1 (Aqua Exhibit Four marked for  
2 identification.)

3 ATTORNEY NIESEN:

4 Thank you.

5 BY ATTORNEY NIESEN:

6 Q. Ms. Latrachiano, I'm showing you what's been  
7 marked for identification as Aqua Exhibit Four. Can  
8 you explain what's shown on this Exhibit, please?

9 A. Yes. This is an account statement, again, in Mr.  
10 Jules Falcone, the grandfather. The headings are the  
11 read date that we read the meter, the number of days  
12 in the billing cycle, the meter reading, the type of  
13 reading, the consumption, the average daily usage,  
14 current charges, due date, late penalties, payments,  
15 adjustment, date of payment or adjustment, balance and  
16 any comments.

17 Q. Now, does it show anything in respect to an ending  
18 date for the account?

19 A. Yes. If you look at the lower left-hand corner,  
20 we closed out Mr. Falcone, the grandfather's account  
21 as of July 1 of 2004. We had been billing the account  
22 up to July 22nd of 2005. So in order to close out the  
23 account in his name, I had to cancel the bills up to  
24 August the 20th in closing out the account in Mr.  
25 Falcone, the grandfather's name. What we did, any

1 payments after that and billing history was then  
2 transferred over to the new account that we  
3 established for Mr. Falcone.

4 Q. Well, you mentioned the ending date for the  
5 account of July 1, 2004.

6 A. That is correct.

7 Q. Now, you used that date without the paperwork that  
8 we've discussed on the record earlier, without having  
9 received that deed or lease from Mr. Falcone, the  
10 Complainant in this case?

11 A. In an effort to resolve Mr. Falcone's complaint,  
12 we opted to use the July 1, 2004. As Mr. McBride has  
13 already testified, Mr. Falcone notified Aqua  
14 requesting that back in June of 2004, so we used ---  
15 not having a specific date in June, we used July 1.

16 Q. And in the comments section, there are several  
17 comments near the bottom of the page, bill canceled.  
18 What does that signify?

19 A. In order to move Mr. Falcone, the grandfather's  
20 account, we have to cancel those bills in order to  
21 take the account back to July 1 of '04.

22 Q. And the end result, is there a balance still shown  
23 as owing on the grandfather's account?

24 A. Yes. On the grandfather's account, there'd be a  
25 balance of \$613.80.

1 Q. And that's as of June 30, 2004?

2 A. Actually, yeah, July 1, 2004. Correct.

3 Q. And we know now that the grandfather passed away  
4 in the 2001 time period; is that correct?

5 A. Yes.

6 Q. So we have usage on this account with a balance  
7 due for a time period after Mr. Falcone, the  
8 grandfather passed away?

9 A. Correct.

10 Q. That is due and owing?

11 A. Correct.

12 Q. We heard this morning that Mr. Falcone, the  
13 Complainant, was residing at the residence 257  
14 Highland Avenue for some period between October of  
15 2000 and June of 2004. Did you hear that testimony?

16 A. Yes, I did.

17 Q. So the usage for that period would be reflected in  
18 this balance due on that account?

19 A. Correct.

20 Q. Whatever water Mr. Falcone, the Complainant, may  
21 have used during that October 2000 to June 2004 time  
22 period remains unpaid and shows as the balance due on  
23 the grandfather's account?

24 A. That is correct.

25 Q. Now, continuing with Exhibit Four, there's a read

1 type column that shows either an A or an E. What is  
2 the difference, or can you explain what an A or an E  
3 stands for?

4 A. A is when we get an actual reading off the meter.  
5 E is when you don't get a reading and the system  
6 estimates a bill.

7 ATTORNEY NIESEN:

8 Now, I have another exhibit, Your Honor,  
9 that I'd like to have marked as Aqua Exhibit Five.  
10 This is headed in the upper left hand corner  
11 customer's name, Falcone, Jules, grandson. May that  
12 be so identified?

13 JUDGE JONES:

14 It will be so marked.

15 (Aqua Exhibit Five marked for  
16 identification.)

17 BY ATTORNEY NIESEN:

18 Q. Ms. Latrachiano, do you have Exhibit Five in front  
19 of you?

20 A. Yes, I do.

21 Q. Can you explain for the record and the Judge what  
22 is shown on this exhibit?

23 A. Okay. This is the new account that we opened for  
24 Jules Falcone, the grandson. We opened up the account  
25 as of July 1, 2004. We used the start reading of 478,

1 and I reference back to the account for the  
2 grandfather. If you note, the actual reading on  
3 August the 20th of 2004 was 478. So we used the date  
4 of July 1 but the reading from August the 20th because  
5 it was an actual reading and we did not prorate  
6 between the June 1st reading and the August 20th  
7 reading. We issued a bill, and this --- the first  
8 bill that came out reading in August the 24th was in  
9 error. In posting of a reading, it went on the wrong  
10 account. We did correct the mistake. And I don't  
11 believe Mr. Falcone ever did receive that bill, and  
12 you'll note that the adjustment was made. The \$525  
13 bill in error was adjusted down below.

14 Q. So the first line of Exhibit Five can be  
15 disregarded or ---?

16 A. Correct.

17 Q. Go ahead then, please.

18 A. Okay. So then we billed the account from July 1  
19 up and to July the 22nd of 2005, again, transferring  
20 the billing information from the grandfather to the  
21 grandson. When we made those adjustments, Mr. Falcone  
22 started out with a credit of \$337.09 that we  
23 transferred.

24 Q. Where is that shown on Exhibit Five?

25 A. That is shown under the adjustments column.

1 You'll see the error adjustment of \$525 and then right  
2 under that \$337.09.

3 Q. That's the bill date September 28th, ---

4 A. Correct.

5 Q. --- 2005?

6 A. Correct. And it reflects that the total amount  
7 due was \$213.33, so in fact, when that bill was  
8 issued, Mr. Falcone was operating with a credit.

9 Q. A credit of ---?

10 A. The difference of \$109 ---.

11 Q. And \$87 ---?

12 A. Yeah.

13 Q. \$87.19? Is that what that shows up here?

14 A. Yeah. I think it was like --- yes. Going into  
15 that billing, I believe it was 100 and some odd  
16 dollars, and then when the September bill came in, it  
17 was \$36 less than \$100 and some odd change, everted it  
18 to a credit.

19 Q. All right. And then what is shown on the rest of  
20 the exhibit, reading down through it?

21 A. The rest of these were bills that were issued, and  
22 as you can see, they were estimated bills.

23 Q. And then where are we today?

24 A. Well, the balance as of February would be \$50.84.

25 Q. Has Mr. Falcone made any payments on the account,

1 recognizing that there was a credit balance at one  
2 time?

3 A. Correct.

4 Q. Has Mr. Falcone, however, made any payments on the  
5 account since receiving a positive balance bill?

6 A. No.

7 MR. FALCONE:

8 Can I object, Your Honor?

9 JUDGE JONES:

10 You can't object to that, sir.

11 MR. FALCONE:

12 Okay.

13 JUDGE JONES:

14 You're objecting to the question?

15 MR. FALCONE:

16 Yeah, actually. I mean, I can cover  
17 whatever you guys want. I didn't think we were  
18 covering that stuff today. So whatever you want to  
19 do.

20 JUDGE JONES:

21 We're covering everything that you  
22 brought up in your complaint, sir.

23 MR. FALCONE:

24 I didn't know I brought up recent stuff,  
25 but okay.

1 BY ATTORNEY NIESEN:

2 Q. Now, continuing with Exhibit Five, I'd like you to  
3 address the read type column. Why are there A's and  
4 E's shown in the columns?

5 A. Well, when we started the account, it was on an  
6 actual reading. Subsequent to that, those bills were  
7 estimated readings because we were unable to get a  
8 reading off of the radio frequency device at the  
9 property.

10 Q. Now, going back to Exhibit Four, do you still have  
11 Exhibit Four there?

12 A. Yes.

13 Q. Down near the bottom, two entries, 4/22/2005 and  
14 5/23/2005 showing zero consumption, when you say a  
15 problem with the radio frequency device, is that what  
16 was ultimately shown or indicated by those zero  
17 consumption readings?

18 A. Yes, that we weren't getting a reading from the  
19 radio frequency.

20 Q. It doesn't mean that there was no consumption  
21 during those ---?

22 A. No. That just means that we did not get the  
23 reading.

24 Q. All right. So then after that time, at some  
25 point, you began estimating the bills. And again,

1 we're back to Exhibit Five now. You began estimating  
2 in August of '05?

3 A. Correct.

4 Q. And that continued for how long?

5 A. Until we got into the property on January 31st of  
6 2006 when we got an actual reading and made a repair  
7 to the radio frequency device.

8 Q. So the first actual reading then that appears  
9 after that is as of February 2, 2006?

10 A. Yeah. That was the bill date. The actual read  
11 date was January 31st of 2006.

12 ATTORNEY NIESEN:

13 Now if it pleases, I have another exhibit  
14 that I'd like to have marked as Aqua Exhibit Six. May  
15 it be so marked? It's a document that's headed in the  
16 upper right-hand corner PSW-Bryn Mawr, extension  
17 detail report.

18 JUDGE JONES:

19 It shall be so marked.

20 (Aqua Exhibit Six marked for  
21 identification.)

22 BY ATTORNEY NIESEN:

23 Q. Ms. Latrachiano, I'm showing you what's been  
24 marked as Aqua Exhibit Six. What is shown on this  
25 exhibit? What is it?

1 A. This is a log of outbound calls made by my  
2 extension to Mr. Falcone.

3 Q. And you're extension 3410?

4 A. Yes.

5 Q. So these are calls made by you from your landline  
6 extension?

7 A. That is correct.

8 Q. And you understand that the number called is the  
9 cell phone number provided by Mr. Falcone?

10 A. Yes.

11 Q. And during how many of these calls did you  
12 actually make contact directly to Mr. Falcone?

13 A. On August the 2nd of 2006.

14 Q. And in the other circumstances, what was the  
15 result?

16 A. Excuse me. 2005.

17 Q. Well, let's back up. Let's be clear about it.

18 A. Yeah. August the 2nd of 2005.

19 Q. And August the 12th? No?

20 A. No. All ---.

21 Q. Go ahead. I'm sorry.

22 A. We spoke at that time, and again, requesting  
23 information regarding when he took over at the  
24 property and that he would FAX me information and  
25 that, you know, we would, you know, attempt to resolve

1 his issues.

2 Q. Now, what was the connection result in the other  
3 calls shown on ---?

4 A. Leaving messages asking ---.

5 Q. I'm sorry?

6 A. Leaving messages asking him to please contact me.

7 Q. So you connected to his voicemail on his cell  
8 phone?

9 A. That is correct.

10 Q. Each and every one of these calls other than the  
11 one you identified earlier where you talked to him  
12 directly?

13 A. Yes. My knowledge is the one that we spoke was  
14 August 2nd of 2005.

15 Q. What would Aqua like the Public Utility Commission  
16 to do in respect to this matter, Ms. Latrachiano?

17 A. Well, we've resolved Ms. Falcone's issue. We  
18 closed out the account in his grandfather's name. We  
19 opened up a new account. If Mr. Falcone could provide  
20 the documentation, whether that be a settlement,  
21 lease, deed, some information stating exactly when he  
22 was at the property.

23 ATTORNEY NIESEN:

24 I have nothing further.

25 JUDGE JONES:

1 Mr. Falcone, do you have Cross  
2 Examination for this witness?

3 MR. FALCONE:

4 I do.

5 JUDGE JONES:

6 You may proceed.

7 CROSS EXAMINATION

8 BY MR. FALCONE:

9 Q. We spoke on the phone August 2nd, 2005?

10 A. Uh-huh (yes).

11 Q. I talked to you about my unique situation with the  
12 house, all the suits and ---?

13 A. Yeah, the litigation. You did mention litigation.

14 Q. All right. At that time, you wanted me to FAX you  
15 a --- did you want me to FAX you a death certificate?

16 A. I believe in the conversation, Mr. Falcone, it was  
17 any pertinent information that you could provide me in  
18 order to resolve the complaint.

19 Q. When I said in my testimony that I said that you  
20 said, can you FAX me a death certificate, and that's  
21 it, are you saying that I am not remembering it  
22 correctly?

23 A. Well, I'm saying --- I just know that I asked for  
24 it. Did I ask for the death certificate? Yes, I did.  
25 And I asked for any other pertinent information that

1 you could provide me.

2 Q. I think I understand. I agree that in the second  
3 call, the other pertinent information came in. But in  
4 our first call, it was my testimony that all you  
5 wanted to put this behind us was a death certificate,  
6 and you said, can you FAX it to me tomorrow? I said,  
7 I'll FAX it to you today. I wanted to put this behind  
8 us.

9 A. Uh-huh (yes).

10 Q. Do you agree? Okay. It wasn't until your second  
11 call that you called back and you said, FAX me  
12 everything; is that true?

13 A. I do remember the conversation, Mr. Falcone. If  
14 there were two conversations, I'm certainly not  
15 disputing that. I do remember the conversations where  
16 I did ask for that information, yes.

17 Q. Okay. I mean --- well, the thing you just gave  
18 me, it says there's two conversations here; okay?

19 A. Right. That's what I'm .

20 Q. Two conversations?

21 A. Right.

22 Q. I'm saying the purpose of the second conversation,  
23 which it says here lasted 30 seconds, okay, was you  
24 calling back and saying, now FAX me everything; okay?  
25 Do you think it makes a difference if we have one

1 conversation and you say, FAX me the death certificate  
2 and then we're done, and then we have another  
3 conversation where you say, FAX me everything? And  
4 then when I don't do it --- okay? Do you see that as  
5 different than just in one conversation you telling  
6 me, we want everything and I'm saying I'll do it, and  
7 then I don't do it?

8 A. Well, when I asked you for the documentation,  
9 whether we had one or two conversations, I would still  
10 need the information that I asked for. In other  
11 words, I couldn't just --- unless you were saying that  
12 sending me the death certificate meant that from that  
13 point, you, in fact, would be responsible, then yes,  
14 that's a whole different flip on it. If you're  
15 saying, here's the death certificate and I am  
16 responsible from this point on --- okay? But if  
17 that's not the case, then we would need different  
18 information.

19 Q. Okay. Did you explain this to me in any of our  
20 conversations that day?

21 A. Yes.

22 Q. Okay. So in other words, my testimony, you  
23 disagree with?

24 ATTORNEY NIESEN:

25 There's no reason to argue, and I

1 think ---.

2 JUDGE JONES:

3 He's just making a statement right now,  
4 Mr. Niesen.

5 ATTORNEY NIESEN:

6 Okay. If that doesn't ---. I'm sorry.

7 MR. FALCONE:

8 Okay. I'm sorry.

9 BY MR. FALCONE:

10 Q. Why did Aqua set up a new account for me?

11 A. To settle your PJC dispute.

12 Q. Why did Aqua remove the previous tenant's bill  
13 from my account?

14 ATTORNEY NIESEN:

15 I object to the previous tenant's part.  
16 He's provided no documentation about that. In fact,  
17 what we know is, he was living there prior to that  
18 time.

19 JUDGE JONES:

20 Mr. Niesen, I understand your objection.  
21 Mr. Falcone, why don't we say your grandfather's  
22 account?

23 BY MR. FALCONE:

24 Q. Why did Aqua transfer my grandfather's account  
25 to ---? Why did Aqua transfer my grandfather's

1 balance out of my account?

2 A. Well, we just closed your grandfather's account.  
3 We didn't transfer. We opened up a new account for  
4 you. We didn't transfer. We closed out your  
5 grandfather's account.

6 MR. FALCONE:

7 I'm done. Thank you, Your Honor.

8 JUDGE JONES:

9 Ms. Latrachiano?

10 A. Very good.

11 JUDGE JONES:

12 I have a couple questions.

13 A. Oh, sure.

14 JUDGE JONES:

15 Let's start with the last Exhibit, Aqua  
16 Exhibit Six. And I want to clear up something for the  
17 record. It looks like there were two conversations on  
18 August 2nd, 2005. One occurred at 1552 and another  
19 occurred at 1621. Do you agree with that, ma'am?

20 A. Yes.

21 JUDGE JONES:

22 The first conversation took approximately  
23 eight and a half minutes; ---

24 A. Correct.

25 JUDGE JONES:

1 do you agree with that?

2 A. Yes.

3 JUDGE JONES:

4 The second conversation took a little  
5 over two minutes; do you agree with that?

6 A. According to this, yes.

7 JUDGE JONES:

8 Okay. Now, looking further down Aqua  
9 Exhibit Number Six, there is, on August 19th, a call  
10 of a duration of a little over two minutes; do you see  
11 that?

12 A. Yes.

13 JUDGE JONES:

14 You stated that you only had one personal  
15 conversation with Mr. Falcone; is that correct?

16 A. Correct. Your Honor, I remember this conversation  
17 on August the 2nd. The conversation --- were there  
18 two on August the 2nd? I'm not positive. I'm not  
19 positive about that. I remember the first call. Mr.  
20 Falcone said that there was another conversation. I  
21 do not remember it.

22 JUDGE JONES:

23 Okay. So it's possible it could have  
24 been two? You remember one distinctly ---

25 A. Yes, absolutely.

1                   JUDGE JONES:

2                   --- on August the 2nd? As far as August  
3 the 19th, that was a duration of a voicemail message?

4 A. Yes. I had no contact with Mr. Falcone after that  
5 time.

6                   JUDGE JONES:

7                   Okay.

8                   MR. FALCONE:

9                   Can I have another question?

10                  JUDGE JONES:

11                  Not right now, Mr. Falcone.

12                  MR. FALCONE:

13                  All right.

14                  JUDGE JONES:

15                  I am now transitioning to Aqua Exhibits  
16 Four and Five. Looking and comparing the consumptions  
17 of 6/1/2004 and 8/20/2004, do you see those?

18 A. Correct.

19                  JUDGE JONES:

20                  The consumption is 18,000 for 6/1/2004?

21 A. Correct.

22                  JUDGE JONES:

23                  And that would be until when then?

24 A. That was the consumption between March the 3rd to  
25 June the 1st, that billing. It's a 90-day bill

1 period, and the 18,000 gallons was during that period.

2 JUDGE JONES:

3 Okay. And then the consumption on  
4 8/20/2004 is 4,500?

5 A. Correct.

6 JUDGE JONES:

7 And that would be for 80 days?

8 A. Yes.

9 JUDGE JONES:

10 Okay. And then the consumptions after  
11 that get noticeably less; ---

12 A. Yes.

13 JUDGE JONES:

14 --- do you agree with that, ma'am?

15 A. Absolutely.

16 JUDGE JONES:

17 And Aqua assumed based on this data and  
18 other company data as well as the contact by the  
19 Complainant to establish the account on 7/04; is that  
20 correct?

21 A. When we opened the account was 7/1/04, but that's  
22 correct.

23 JUDGE JONES:

24 And that would have been for the  
25 grandson, the Complainant?

1 A. Absolutely.

2 JUDGE JONES:

3 Looking on Aqua Exhibit Number Five, for  
4 8/25/2005, the consumption there is 14,800; correct?

5 A. Correct. Yes.

6 JUDGE JONES:

7 And that is based on what?

8 A. It's based on the start reading that we used,  
9 which is the August 20th ---

10 JUDGE JONES:

11 The 478?

12 A. --- of '04 of 478, which is an actual reading.  
13 And if you go down in the same exhibit, July 22nd of  
14 2005, that reading of 626, which was estimated.

15 JUDGE JONES:

16 Okay. I guess where I'm having a  
17 problem, estimation is based on past usage; is that  
18 not correct?

19 A. It's an average.

20 JUDGE JONES:

21 And the company has already stated that  
22 its bell, if you will, of there being something wrong  
23 with the actual meter was in April of 2005 where it  
24 saw zero; ---

25 A. Correct.

1                   JUDGE JONES:

2                   --- correct?

3 A.    That is correct.

4                   JUDGE JONES:

5                   So the company did what it had at its  
6 resources, and that was to estimate a reading because  
7 it knew that the meter was incorrect?

8 A.    The meter was okay. The meter was calibrating, as  
9 we proved when we went in to make the RF repair. But  
10 we weren't getting a reading from the radio frequency  
11 device. Mr. Doyle will elaborate on that a little bit  
12 more ---

13                   JUDGE JONES:

14                   Okay.

15 A.    --- because he knows a lot more about that.

16                   JUDGE JONES:

17                   Okay. All right. But the company did  
18 notice something fishy, let's say, after two zero  
19 consumption readings?

20 A.    Correct.

21                   JUDGE JONES:

22                   And that occurred before the estimate ---

23 A.    Correct.

24                   JUDGE JONES:

25                   --- on Mr. Falcone, the grandson's

1 account?

2 A. Well, it continued because this was on the  
3 grandfather's account.

4 JUDGE JONES:

5 No. The bell that went off to say that  
6 there was something wrong occurred before ---

7 A. Okay. Wait.

8 JUDGE JONES:

9 --- Mr. Falcone, the grandson's ---

10 A. Correct.

11 JUDGE JONES:

12 --- first estimated reading; correct?

13 A. Correct.

14 JUDGE JONES:

15 I'm not sure you're the right witness,  
16 but I have this question. I am aware that the company  
17 sent out notices to try to get access to the meter.

18 A. Correct.

19 JUDGE JONES:

20 When was the first notice sent?

21 A. Your Honor, I don't have that information, but Mr.  
22 Doyle will be happy to provide that.

23 JUDGE JONES:

24 Okay. Just a minute. I'm sorry.

25 A. No, that's okay.

1                   JUDGE JONES:

2                   I have no further questions.

3 A.    Thank you.

4                   JUDGE JONES:

5                   Mr. Falcone, do you have any questions  
6 with reference to the questions that I asked, sir?

7                   MR. FALCONE:

8                   Yeah, I do.

9 BY MR. FALCONE:

10 Q.   Are you aware of the conference we had in January  
11 about this?

12 A.   Was I aware of it? No.

13 Q.   Do you know we had a conference in January?

14                   ATTORNEY NIESEN:

15                   She said she wasn't aware.

16 A.   Yeah.

17                   JUDGE JONES:

18                   She said ---.

19 A.   I believe that was with Ms. Orth (phonetic).

20 BY MR. FALCONE:

21 Q.   Did you call me after January ---?

22                   JUDGE JONES:

23                   Wait a minute. Mr. Falcone, I don't see  
24 how this is referencing the questions that I asked.

25                   MR. FALCONE:

1 All right. It's not.

2 JUDGE JONES:

3 Do you have any questions in reference to  
4 the questions that I asked?

5 MR. FALCONE:

6 I don't think I do. Can I ask another  
7 question?

8 JUDGE JONES:

9 Okay.

10 ATTORNEY NIESEN:

11 I do have a question.

12 REDIRECT EXAMINATION

13 BY ATTORNEY NIESEN:

14 Q. Ms. Latrachiano, looking at Aqua Exhibit Five, the  
15 Judge asked you questions concerning the line item for  
16 August 25, the read date July 22, 2005?

17 A. Correct.

18 Q. And then a consumption of 14,800. Just so the  
19 record is clear, the exhibit, I think, is clear in any  
20 event, but that consumption was for how many days?

21 A. That consumption was 386 days.

22 Q. And the average daily usage was ---.

23 A. 38.3.

24 Q. 38.3. So that's a consumption figure based on  
25 running from July 1 of '04 through July 22 of '05?

1 A. That is correct.

2 Q. And I think you explained to the Judge that some  
3 of the information that shows a zero consumption, that  
4 didn't signify a meter that was not registering?

5 A. Oh, no. It just meant we weren't getting a  
6 reading from the device.

7 Q. A reading from the device?

8 A. Device.

9 ATTORNEY NIESEN:

10 That's all I have.

11 JUDGE JONES:

12 Mr. Falcone, do you have any questions in  
13 reference to the questions that Mr. Niesen just asked?

14 MR. FALCONE:

15 No, Your Honor.

16 JUDGE JONES:

17 Thank you, Ms. Latrachiano.

18 A. Very good.

19 JUDGE JONES:

20 You are excused.

21 A. Thank you.

22 JUDGE JONES:

23 Do you wish to admit your exhibits into  
24 the record, Mr. Niesen?

25 ATTORNEY NIESEN:

1 Yes. Thank you, Your Honor. Aqua moves  
2 into the record its Exhibits Four, Five and Six.

3 JUDGE JONES:

4 Mr. Falcone, do you have any objections,  
5 sir?

6 MR. FALCONE:

7 No, Your Honor.

8 JUDGE JONES:

9 They are admitted. Mr. Niesen, you may  
10 call your next witness.

11 ATTORNEY NIESEN:

12 Your Honor, Aqua calls to the stand Mr.  
13 Lawrence J. Doyle.

14 JUDGE JONES:

15 Just a minute. Mr. Doyle, you can have a  
16 seat, sir. We are off the record.

17 OFF RECORD DISCUSSION

18 JUDGE JONES:

19 Please raise your right hand.

20 -----  
21 LAWRENCE J. DOYLE, HAVING FIRST BEEN DULY SWORN,  
22 TESTIFIED AS FOLLOWS:

23 -----

24 JUDGE JONES:

25 You may be seated, sir. Please state

1 your full name, spelling your last name for the  
2 record.

3 A. Lawrence J. Doyle, D-O-Y-L-E.

4 JUDGE JONES:

5 And what is your occupation, sir?

6 A. Manager of Customer Field Services for Aqua  
7 Pennsylvania.

8 JUDGE JONES:

9 Mr. Niesen, you may continue with this  
10 witness.

11 ATTORNEY NIESEN:

12 Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY ATTORNEY NIESEN:

15 Q. Mr. Doyle, what is your business address?

16 A. 700 West Sproul Road, Springfield, Pennsylvania,  
17 19064.

18 Q. How long have you worked for Aqua Pennsylvania or  
19 its predecessor companies?

20 A. Over 25 years.

21 Q. What are your responsibilities as Manager of  
22 Customer Field Services?

23 A. I manage field operations in regards to meters,  
24 meter reading, new business and cross connection  
25 control.

1 Q. As the Manager of Customer Field Services, are you  
2 familiar with claims raised by Mr. Jules Falcone, the  
3 Complainant in this case?

4 A. Yes, I am.

5 Q. And what is the purpose of your testimony in this  
6 matter?

7 A. I'm here to testify in regards to the repair of  
8 the radio frequency transmitter at Mr. Falcone's  
9 house.

10 Q. And were you present for the testimony of Mr.  
11 McBride and Ms. Latrachiano?

12 A. Yes, I was.

13 Q. And do you recall Ms. Latrachiano's testimony  
14 regarding estimated meter readings on Mr. Falcone's  
15 account?

16 A. Yes, I am.

17 Q. Now, since the 2005 time period, how has the water  
18 meter at the property been read?

19 A. Mr. Falcone's property is read through a radio  
20 frequency meter reading system.

21 Q. What is that?

22 A. A radio frequency meter reading system is the  
23 reads from the meter reader are transmitted through  
24 radio frequency meter waves. When we drive a truck  
25 down the residence streets, a transmitter is sending a

1 signal from a truck down to the transmitter located at  
2 the house. The transmitter interprets the meter  
3 reading from the meter and then transmits it back to  
4 the truck.

5 Q. Now, do you know why Mr. Falcone's account was  
6 estimated?

7 A. Yes. I believe there was a broken circuit between  
8 the transmitter located on the outside of the property  
9 to the water meter.

10 Q. And Aqua came to know that in January of '06; is  
11 that correct?

12 A. That's correct, when we were permitted access.

13 Q. And was the circuit fixed?

14 A. Yes.

15 Q. In January of '06?

16 A. Yes.

17 ATTORNEY NIESEN:

18 If Your Honor please, I'd like to have  
19 marked for identification as Aqua Exhibit Seven, this  
20 is a document that has at the top, WO#0001559735. May  
21 that be so marked?

22 JUDGE JONES:

23 It is so marked.

24 (Aqua Exhibit Seven marked for  
25 identification.)

1 BY ATTORNEY NIESEN:

2 Q. Mr. Doyle, I'm showing you what's been marked for  
3 identification as Aqua Exhibit Seven. What is Aqua  
4 Exhibit Seven, please?

5 A. It is a repair service order issued to the  
6 customer from the service department.

7 Q. Can you explain what is shown on the work order?

8 A. Yes. The work order is divided up into several  
9 different sections. The top section is the work order  
10 number. It includes the work order number, the  
11 schedule date, the print date, time that it was  
12 printed, what type of service order it was created  
13 for. The second portion of the service order, the  
14 left hand side is customer information, address, city,  
15 state, ZIP, some billing information. The right hand  
16 side of that section is more or less related to the  
17 meter and the radio frequency serial number, type of  
18 serial number, route stop and some meter information.  
19 Want me to keep going?

20 Q. Sure.

21 A. The third part is a fill-in area that the customer  
22 field service rep would fill in at the time of repair,  
23 of servicing. It was only a meter repair, so the  
24 fourth section, we did not do a meter exchange, so  
25 that is blank. The next section is the ERT number and

1 where it's located and his findings, found black wire  
2 broken and fixed the wire. The bottom portion on the  
3 left-hand side is billing information in regards to  
4 meter readings. The right-hand side is account  
5 information in regards to the billing part, financial.  
6 And it includes some remarks, repair RF, give to  
7 Bernie Stromberg, who is a field service rep, and then  
8 the time that they were asked to be there, and some  
9 handwritten notes at the bottom of the service order.

10 Q. So still looking at the exhibit, this is a work  
11 order for work done on January 31 of '06?

12 A. Correct.

13 Q. At 257 Highland Avenue in Wayne?

14 A. Correct.

15 Q. And you mentioned meter repairs. The repairs that  
16 were done were the fixing of a broken wire?

17 A. Correct.

18 Q. And that wire had to do with the ability of the  
19 radio frequency device to send the radio information  
20 to the receiving truck?

21 A. Correct.

22 Q. And after this repair was done, is the device  
23 working?

24 A. Yes.

25 Q. Can you describe the circumstances that led up to

1 the repair work that was done on January 31 of '06?  
2 You may have to go back to the summer of 2005 to do  
3 that, but can you summarize those for the Judge and  
4 the record?

5 A. Yes. In April of 2005, we began having the same  
6 repeated meter reading repeat itself. And our  
7 computer system is set up that if we see the same  
8 meter reading repeat itself for zero consumption more  
9 than two times, on the third time, a service order is  
10 generated at that time to automatically go out and  
11 make a repair at the property.

12 Q. Now, let me stop you there and then you can come  
13 back and continue where you left off. But it doesn't  
14 mean the meter wasn't recording. It just means the  
15 message wasn't being sent by the device?

16 A. Correct. The RF device has a memory in it, so it  
17 memorizes the last good reading that it received. So  
18 that stays in its memory. We continually, continually  
19 get that. And we don't know whether it's a vacant  
20 property or it's a broken circuit or we have a bad  
21 meter, so we let two of them ride. And on the third  
22 one, we start sending out postcards process to request  
23 access to repair the meter reading system.

24 Q. And I interrupted you, but continue with the ---  
25 just summarize what occurred after that initial matter

1 with the ---.

2 A. On June 23rd of '05, the system generated a repair  
3 work order for us to repair the meter reading system.  
4 And at that time, a postcard program is started in  
5 process. The next day, on the 24th, the first of  
6 three postcards was mailed out to Mr. Falcone's  
7 property requesting access to the property.

8 Q. What color postcard would that have been?

9 A. Green. After that, I believe somewhere around  
10 July 18th, we received the first formal complaint in  
11 regards to Mr. Falcone's account. And August 18th of  
12 '05, we issued a ten-day termination notice for access  
13 to the property. August 24th, the service order was  
14 cancelled due to the PUC complaint.

15 Q. The service order for the ---?

16 A. The first service order that was generated for the  
17 non-incrementing reads was cancelled.

18 Q. And that's a termination notice?

19 A. The service order was still a repair service  
20 order, but the process was up to a ten-day  
21 termination. Ms. Latrachiano, again, I believe tried  
22 to call Mr. Falcone and request access to make a  
23 repair to the RF. She generated another service order  
24 for us to go out and make a repair. We attempted to  
25 try to go out and make a repair, and we left another

1 ten-day on August 25th. Mr. Falcone called, contacted  
2 the customer service department requesting a  
3 supervisor, and we put him on hold. He was put on  
4 hold. Before the supervisor came back, he had hung  
5 up. In September, we attempted to make contact again  
6 at the property. We left a door hanger at 1:03, which  
7 is just a friendly reminder that we were there trying  
8 to gain access. In September of '05, we received a  
9 second formal complaint in regards to Mr. Falcone's  
10 account. And August 1st of '05, we tried to gain  
11 access to the property again. The customer refused  
12 access and said he was waiting for a hearing date and  
13 did not want us to access the property, and that  
14 service order was cancelled. And December 9th of '05,  
15 since that service order was cancelled, the system  
16 picked up the estimates --- or the non-incremented  
17 accounts and then started the postcard program all  
18 over again. And a green postcard was mailed out on  
19 the 9th. A pink postcard was mailed out on the 27th,  
20 and the yellow postcard was mailed out on the 10th.

21 Q. The 10th of?

22 A. January '06, I apologize, yes. On January 25th of  
23 '06, that service order was cancelled. On January  
24 25th of '06, a service order was created for us to  
25 make repair to the RF in accordance with the interim

1 order issued on 12/27/05. And on January 31st of '06,  
2 we made the repair.

3 ATTORNEY NIESEN:

4 Your Honor, I have several exhibits I'd  
5 like to have identified. First is Aqua Exhibit Eight.  
6 This is a copy of the computer printout, and it's  
7 captioned service order number 1416415. May that be  
8 so marked?

9 JUDGE JONES:

10 It will be so marked.

11 (Aqua Exhibit Eight marked for  
12 identification.)

13 ATTORNEY NIESEN:

14 And as Aqua Exhibit Nine, a document that  
15 has a designation as service order number 1457754.  
16 May that be so identified?

17 JUDGE JONES:

18 It will be so marked.

19 (Aqua Exhibit Nine marked for  
20 identification.)

21 ATTORNEY NIESEN:

22 Thank you. As Aqua Exhibit Ten, a  
23 document designated as service order number 1533022.  
24 May that be so marked?

25 JUDGE JONES:

1 It will be so marked.

2 (Aqua Exhibit Number Ten marked for  
3 identification.)

4 ATTORNEY NIESEN:

5 As Aqua Exhibit 11, a green customer  
6 postcard. May it be so marked?

7 JUDGE JONES:

8 It will be so marked.

9 (Aqua Exhibit 11 marked for  
10 identification.)

11 ATTORNEY NIESEN:

12 And as Aqua Exhibits 12 and 13, the  
13 postcards --- well, 12 is a pink postcard and 11 is a  
14 yellow ---.

15 JUDGE JONES:

16 Thirteen (13).

17 ATTORNEY NIESEN:

18 I'm sorry. Which ---?

19 JUDGE JONES:

20 Twelve (12) and 13. You said 12 and 11.

21 ATTORNEY NIESEN:

22 I'm sorry. Twelve (12) is the pink card.  
23 Thirteen (13) is the yellow. Thank you. May they be  
24 so ---?

25 JUDGE JONES:

1           They will be so marked.

2           (Aqua Exhibits 12 and 13 marked for  
3           identification.)

4           ATTORNEY NIESEN:

5           Thank you.

6 BY ATTORNEY NIESEN:

7 Q.   Now, Mr. Doyle, looking at the exhibits that have  
8   been marked and are in front of you, do these exhibits  
9   address the matters that you've already identified for  
10   the record concerning circumstances leading up to the  
11   January 31, '06 work order repair?

12 A.   Yes, they do.

13 Q.   And just very briefly, Mr. Doyle, what is Aqua  
14   Exhibit Eight?

15 A.   Aqua Exhibit Eight is a screen print of the  
16   customer information system where it reflects the work  
17   order that issued on June 23rd, 2005.

18 Q.   And Aqua Exhibit Nine?

19 A.   Aqua Exhibit Nine is a second service order that  
20   we referred to, and that was created on August 24th of  
21   2005.

22 Q.   Aqua Exhibit Ten?

23 A.   Aqua Exhibit --- it's the third service order that  
24   was issued --- that was generated on 12/8/2005.

25 Q.   And now the postcards, green, pink and yellow

1 identified as Aqua Exhibits 11, 12 and 13, what are  
2 they?

3 A. Yes. This is the postcards that are generated  
4 through the system and are mailed out to the  
5 customer's house. The green is the first. The yellow  
6 --- Exhibit 11 was the first. Exhibit 12, the yellow,  
7 is the second, and Exhibit 13 is the third issued.

8 Q. Let me ask you those again. What's the sequence  
9 of cards?

10 A. No, I'm sorry. I apologize. Those are the  
11 exhibits. I apologize. It's the green goes out  
12 first, the pink goes out second and the yellow goes  
13 out third.

14 Q. Did you do a calculation of Mr. Falcone's average  
15 usage before and during the problem with the radio  
16 frequency device?

17 A. Yes.

18 Q. And for the period, let's say from when the  
19 account was opened in his name through, it would be  
20 --- when's the last time that there was ---? Prior to  
21 that difficulty with the radio frequency device,  
22 when's the last actual meter reading that was  
23 available?

24 A. I'm sorry. Repeat that again?

25 Q. The meter reading for February of '05 was --- or

1 March of '05 was the last meter reading before the  
2 radio frequency device stopped sending the signal?

3 A. Yes.

4 Q. And what was the average usage on Mr. Falcone's  
5 account during that time period before ---?

6 A. Approximately 50 gallons per day.

7 Q. And during the time that the radio frequency  
8 device was not registering, what was the average usage  
9 at the location?

10 A. Fifty-three (53) gallons per day.

11 Q. How did you make that calculation?

12 A. By taking the in read up to the January 31st  
13 repair.

14 Q. And dividing it by the number of days?

15 A. Number of days of service.

16 ATTORNEY NIESEN:

17 If Your Honor pleases, that completes our  
18 examination of Mr. Doyle.

19 JUDGE JONES:

20 Thank you, Mr. Niesen. Mr. Falcone, you  
21 may do you have Cross for this witness?

22 MR. FALCONE:

23 Yes, Your Honor.

24 JUDGE JONES:

25 You may proceed, sir.

1 CROSS EXAMINATION

2 BY MR. FALCONE:

3 Q. Are you aware that when I received the shutoff  
4 notices, I called Aqua about them?

5 A. We would only be aware if they put them in a  
6 service order.

7 Q. So are you aware?

8 A. We are not aware of your phone calls, no.

9 Q. In your testimony, did you mention that I was  
10 waiting for a supervisor and then hung up?

11 A. Yes.

12 Q. Okay. So are you aware that I called Aqua after I  
13 received the shutoff notices?

14 A. I only knew that from the review of the  
15 account ---

16 Q. Okay.

17 A. --- due to your complaint. I wasn't aware of that  
18 at the time you were getting the notices, no.

19 Q. I'm sorry? What did you say?

20 A. I only knew that after reviewing the account. I  
21 was not aware of that at the time you were getting the  
22 notices.

23 Q. Okay. So right now, are you aware that I received  
24 shutoff notices and that I called Aqua in response to  
25 those shutoff notices?

1 A. I was unaware of it.

2 Q. Are you aware of it now?

3 A. Yes.

4 Q. Okay. Are you aware that I was told to disregard  
5 the shutoff notices?

6 A. No.

7 Q. Okay. If I was told that and then Aqua --- every  
8 time I called customer service, I was told, disregard  
9 the shutoff notice, and then they continued to come,  
10 would you say that's a problem?

11 A. Yes.

12 Q. Okay. Thank you. Are you aware that we had a  
13 conference about this in January and I was not  
14 supposed to receive any phone contact from Aqua?

15 A. No, I was not.

16 Q. Okay. Are you aware that Aqua called me by phone  
17 after the conference in January?

18 A. I believe the conference set up the appointment  
19 for you to have us to come out and repair the RF  
20 device.

21 Q. Excellent point. Other than to set up the  
22 appointment, are you aware that Aqua called me after  
23 the conference?

24 A. No.

25 Q. Would it surprise you to find out that they did

1 call me?

2 ATTORNEY NIESEN:

3 I object to that question. Surprise has  
4 nothing to do with it. It's an irrelevant question.  
5 And I don't know if he's established that there were  
6 calls made.

7 JUDGE JONES:

8 I'm going to allow the question.  
9 However, I believe the question needs to be rephrased,  
10 Mr. Falcone.

11 MR. FALCONE:

12 Okay.

13 BY MR. FALCONE:

14 Q. Are you aware that Aqua sent in writing to myself  
15 and the Judge saying that they did call me after they  
16 were supposed to?

17 A. No.

18 Q. Okay.

19 MR. FALCONE:

20 Thank you. I'm done. Thank you, Your  
21 Honor.

22 JUDGE JONES:

23 Okay. Mr. Doyle, I think you answered my  
24 question, but I want to make sure.

25 A. Okay.

1                   JUDGE JONES:

2                   You may not have this in front of you,  
3 Aqua Exhibit Four. Do you have that in front of you?

4 A. No.

5                   ATTORNEY NIESEN:

6                   May I approach?

7                   JUDGE JONES:

8                   Yes. Okay. And I think I heard you say  
9 that the first postcard was sent to the property May  
10 24th, 2005; is that correct?

11 A. It was June 2005. June 23rd, 2005.

12                   JUDGE JONES:

13                   June 23rd?

14 A. June 24th the first postcard was mailed. I'm  
15 sorry.

16                   JUDGE JONES:

17                   Okay. So let's make sure the record is  
18 clear. The first postcard was sent June 24th, 2005?

19 A. Correct.

20                   JUDGE JONES:

21                   Okay. And you said that the postcard is  
22 sent automatically from the system; is that correct?

23 A. It's generated automatically.

24                   JUDGE JONES:

25                   Okay. And it's based on three

1 consecutive same readings?

2 A. Correct.

3 JUDGE JONES:

4 Okay.

5 A. Three consecutive zero consumptions.

6 JUDGE JONES:

7 Understood. Okay. Now, look on Aqua  
8 Exhibit Four on May 23rd, 2005.

9 A. Yes.

10 JUDGE JONES:

11 That would be the third 588; correct?

12 A. Correct.

13 JUDGE JONES:

14 And so that's why I thought it was May.

15 A. The first 588 had consumption, so it ignored that  
16 one. It's the zero consumptions that it's looking at.

17 JUDGE JONES:

18 I see. Okay. So that's why it was June  
19 24th?

20 A. Yes, ma'am.

21 JUDGE JONES:

22 Okay. Now, in September of 2005, you  
23 said you were there and you put a door --- there  
24 meaning at 257 Highland Avenue in Wayne, Pennsylvania,  
25 and you put a door hanger on the property?

1 A. Yes, ma'am.

2 JUDGE JONES:

3 And that was to give notice to the  
4 Complainant that you were there and what else?

5 A. And request access.

6 JUDGE JONES:

7 Okay. Referencing Aqua Exhibit Number  
8 Seven, in the section where it actually has the  
9 consumption, meter readings and the amount; do you see  
10 where I am? You divided this exhibit into several  
11 sections, and I don't want to ---.

12 A. Yes, ma'am.

13 JUDGE JONES:

14 But do you see where I am?

15 A. Down here?

16 JUDGE JONES:

17 Yes.

18 A. Yes.

19 JUDGE JONES:

20 Okay. I'm assuming this is the  
21 information you used to determine the daily  
22 consumption over the period; is that correct?

23 A. Yes. And prior to that, going back to --- yes,  
24 the actual read that we're using ---.

25 JUDGE JONES:

1                   Because this happened before, so ---.

2 A.   Right.   And then using the 782 number.

3                   JUDGE JONES:

4                   Right.

5 A.   Yes, ma'am.

6                   JUDGE JONES:

7                   Right.   Even though we were talking over  
8 each other, I think we were at the same wavelength,  
9 unlike your RF reading.

10 A.   Yes.

11                   JUDGE JONES:

12                   Okay.   So I am correct that this is the  
13 information used to determine the consumption at ---

14 A.   Yes, ma'am.

15                   JUDGE JONES:

16                   --- 257 Highland Avenue?

17 A.   Yes, ma'am.

18                   JUDGE JONES:

19                   Okay.   And that consumption was 50 ---  
20 I'm sorry.   You did say it.

21 A.   About 50 gallons per day.   It was a little bit in  
22 excess of that.

23                   JUDGE JONES:

24                   Right.   Okay.   All right.   I have no  
25 further questions.   Mr. Niesen, do you have Redirect

1 for this witness?

2 ATTORNEY NIESEN:

3 I have a couple of questions.

4 JUDGE JONES:

5 Go ahead, sir.

6 REDIRECT EXAMINATION

7 BY ATTORNEY NIESEN:

8 Q. Mr. Doyle, you have on the table there postcards,  
9 the green, yellow and pink postcards?

10 A. Yes.

11 Q. They are not shutoff notices; are they?

12 A. They are not.

13 Q. And the door hanger that was discussed a little  
14 earlier, is that a shutoff notice?

15 A. No, it is not.

16 Q. And there were actually two shutoff notices issued  
17 for lack of access in respect to 257 Highland Avenue?

18 A. Correct.

19 Q. And they were in August of '05?

20 A. Correct.

21 Q. And these postcards that ---.

22 ATTORNEY NIESEN:

23 That's all I have.

24 JUDGE JONES:

25 Mr. Falcone, do you have any questions in

1 reference to Mr. Niesen's?

2 MR. FALCONE:

3 No, Your Honor.

4 JUDGE JONES:

5 Mr. Doyle, thank you for your attendance.

6 You are excused.

7 A. Thank you.

8 JUDGE JONES:

9 Mr. Niesen, do you wish to admit your  
10 exhibits into the record, sir?

11 ATTORNEY NIESEN:

12 Yes, I do, Your Honor. We offer into the  
13 record Aqua Exhibits 7, 8, 9, 10, 11, 12 and 13.

14 JUDGE JONES:

15 Very well. Mr. Falcone, do you have any  
16 objection to their admittance?

17 MR. FALCONE:

18 No, Your Honor.

19 JUDGE JONES:

20 They are admitted, Exhibits 7 through 13.

21 Mr. Niesen, do you have anything further, sir?

22 ATTORNEY NIESEN:

23 Just one brief moment, please, Your  
24 Honor.

25 JUDGE JONES:

1 Sure.

2 ATTORNEY NIESEN:

3 We have nothing further, Your Honor.

4 JUDGE JONES:

5 Very well. Mr. Falcone, we have come to  
6 the time of the end of the actual facts of the case.  
7 At this point, I will take all of the record evidence,  
8 your complaint and the company's answer to review, and  
9 come up with an initial decision. However, I do want  
10 to ask, is there a need for briefing of this  
11 proceeding?

12 ATTORNEY NIESEN:

13 We would like to submit something, Your  
14 Honor.

15 JUDGE JONES:

16 Okay. The company would like to submit a  
17 brief?

18 ATTORNEY NIESEN:

19 Yes.

20 JUDGE JONES:

21 Mr. Falcone, would you like to submit  
22 something in writing, sir, as a synopsis of your side  
23 of this proceeding?

24 MR. FALCONE:

25 Yes. Yes, I would.

1                   JUDGE JONES:

2                   Actually, I think you have done so. I  
3 don't wish to have what I already have repeated. If  
4 you wish to submit something different, however, I  
5 will entertain that.

6                   MR. FALCONE:

7                   Okay. I've done everything. Thanks,  
8 Your Honor.

9                   JUDGE JONES:

10                  Okay. All right. We are off the record.

11 OFF RECORD DISCUSSION

12                  JUDGE JONES:

13                  After discussion with the parties, we  
14 have established a briefing schedule. Mr. Falcone  
15 has, under his own discretion, decided that he has  
16 submitted information providing - - - written  
17 information providing his side of the case and does  
18 not need to submit a brief. The company, however,  
19 wishes to submit a brief, which will be due June 9th,  
20 no later than 4:30. This Administrative Law Judge  
21 will accept electronic delivery. Mr. Falcone has  
22 waived his right to respond to that brief, which helps  
23 the scheduling immensely, so the record will close on  
24 June 9th, 2006.

25                  ATTORNEY NIESEN:

1                   Your Honor, may I then mail or overnight  
2 the brief to Mr. Falcone on that date?

3                   JUDGE JONES:

4                   Mr. Falcone should receive the brief on  
5 the 9th. If you mail it by regular mail, it should be  
6 received by him on the 9th.

7                   ATTORNEY NIESEN:

8                   If there's no response ---.

9                   JUDGE JONES:

10                  I understand that.

11                  ATTORNEY NIESEN:

12                  Oh. Very good.

13                  JUDGE JONES:

14                  I understand that.

15                  ATTORNEY NIESEN:

16                  We'll get it there. Thank you.

17                  JUDGE JONES:

18                  Mr. Falcone, several things that I wish  
19 to explain to you as far as the process. You are not  
20 required to remember these things. However, it is  
21 good to let you know them up front before they occur  
22 so that when they occur, you are not surprised by  
23 them. The process is that once the record closes,  
24 which we have now established as June 9th, I have  
25 three months, 90 days, to write a decision. After I

1 write the decision, it is possible ---. You will get  
2 a copy of my decision plus a cover letter. The cover  
3 letter will give you instructions as to whether you  
4 disagree with the decision, what to do. It will tell  
5 you that in order to disagree, you must put in writing  
6 why you disagree, and it must be substantiated by the  
7 record. This thing that you would submit in writing  
8 is called exceptions. It will tell you that it is 20  
9 days from the date of the issuance of the initial  
10 decision, and it will have that date flagged so that  
11 you know what date that is that the Commission must  
12 receive your exceptions. If they do not receive your  
13 exceptions by that date, they will assume that you are  
14 okay with the decision.

15                   It is possible that you may be okay with  
16 my decision but the company may not be, so the company  
17 would file exceptions. In that case, you would then  
18 have the opportunity to reply to their exceptions.  
19 The reply date is ten days from the time of the  
20 exception dating toll, so that's effectively 30 days  
21 from the issuance. This is all explained in this  
22 cover sheet to my initial decision. If no one files  
23 exceptions, it is still possible that the Commission  
24 may review the decision, so the decision may not be  
25 final, which is why it's called an initial decision.

1 You will get a notice if the decision is final. You  
2 will get a notice when the decision is final, as well.

3 I believe I have gone through all of the  
4 procedures that you need to know up front before you  
5 receive my initial decision. However, I do not  
6 anticipate any further contact to you or the company,  
7 except for the company submitting their brief, past  
8 today. Do you understand everything that I have  
9 stated?

10 MR. FALCONE:

11 Yes, Your Honor.

12 JUDGE JONES:

13 Okay. Is there anything further from  
14 either party?

15 ATTORNEY NIESEN:

16 No, Your Honor.

17 MR. FALCONE:

18 No, Your Honor.

19 JUDGE JONES:

20 Thank you, gentlemen. We are adjourned.

21 \* \* \* \* \*

22 HEARING CONCLUDED AT 12:19 P.M.

23 \* \* \* \* \*

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C E R T I F I C A T E

I hereby certify, as the  
stencographic reporter, that the foregoing  
proceedings were taken stenographically by  
me, and thereafter reduced to typewriting  
by me or under my direction; and that this  
transcript is a true and accurate record  
to the best of my ability.

Susan Koons

Court Reporter

# IMPORTANT NOTICE

In our ongoing effort to provide reliable and efficient water service, we have noticed a potential problem that requires us to access the water meter inside your property.

To ensure that this problem is corrected promptly, please contact us at 1.877.WTR.AQUA (1-877-987-2782) Tuesday through Friday, 8:30 A.M. to 5:00 P.M. to schedule an appointment.

Your prompt response is appreciated.

RECEIVED

MAY 08 2006

AQUA

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Pennsylvania

DOCUMENT  
FOLDER

C-20055300, Z-01761777  
April 24, 2006  
Philadelphia

Aqua Exhibit 11

PA-D-701A

# IMPORTANT SECOND NOTICE

Recently, we mailed a green postcard to you requesting that you contact us about a potential problem that requires us to access the water meter inside your property. To date, we have not heard from you.

To ensure that this problem is corrected promptly, please contact us at 1.877.WTR.AQUA (1-877-987-2782) Tuesday through Friday, 8:30 A.M. to 5:00 P.M. to schedule an appointment.

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MAY 08 2006

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Pennsylvania

DOCUMENT  
FOLDER

C-20055300, Z-01761777  
April 24, 2006  
Philadelphia

Aqua Exhibit 11

PA-D-701A

### IMPORTANT SECOND NOTICE

Recently, we mailed a green postcard to you requesting that you contact us about a potential problem that requires us to access the water meter inside your property. To date, we have not heard from you.

To ensure that this problem is corrected promptly, please contact us at 1.877.WTR.AQUA (1-877-987-2782) Tuesday through Friday, 8:30 A.M. to 5:00 P.M. to schedule an appointment.

Your prompt response is appreciated.

RECEIVED

MAY 08 2006

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Pennsylvania

DOCUMENT  
FOLDER

C-20055300, Z-01761777  
April 24, 2006  
Philadelphia

Aqua Exhibit 12

.B

### IMPORTANT REMINDER

Recently, we mailed a pink postcard to you requesting that you contact us about a potential problem that requires us to access the water meter inside your property. To date, we have not heard from you.

To ensure that this problem is corrected promptly, please contact us at 1.877 WTR.AQUA (1-877-987-2782) Tuesday through Friday, 8:30 A.M. to 5:00 P.M. to schedule an appointment.

Your prompt response is appreciated.

RECEIVED

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SECRETARY'S BUREAU

Pennsylvania

DOCUMENT  
FOLDER

C-20055300, Z-0.761777  
April 24, 2006

§ 109.4. General requirements.

Public water suppliers shall:

- (1) Protect the water sources under the supplier's control.
- (2) Provide treatment adequate to assure that the public health is protected.
- (3) Provide and effectively operate and maintain public water system facilities.
- (4) Take whatever investigative or corrective action is necessary to assure that safe and potable water is continuously supplied to the users.

Source

The provisions of this § 109.4 adopted December 7, 1984, effective December 8, 1984, 14 Pa.B. 4479; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2621. Immediately preceding text appears at serial pages (139067) to (139068).

Cross References

-----  
This section cited in 25 Pa. Code § 109.705 (relating to sanitary survey).

DOCUMENT  
FOLDER

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MAY 08 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C-20055300, Z-01761777  
April 24, 2006  
Philadelphia

**§ 109.710. Disinfectant residual in the distribution system.**

(a) A disinfectant residual acceptable to the Department shall be maintained throughout the distribution system of the community water system sufficient to assure compliance with the microbiological MCLs and the treatment technique requirements specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements). The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

(b) A public water system that uses surface water or GUDI sources or obtains finished water from another permitted public water system using surface water or GUDI sources shall comply with the following requirements:

(1) As a minimum, a detectable residual disinfectant concentration of 0.02 mg/L measured as total chlorine, combined chlorine or chlorine dioxide shall be maintained throughout the distribution system as demonstrated by monitoring conducted under § 109.301(1) and (2) or (8)(v) (relating to general monitoring requirements).

(2) Sampling points with nondetectable disinfectant residuals which have heterotrophic plate count (HPC) measurements of less than 500/ml are deemed to be in compliance with paragraph (1).

(3) When the requirements of paragraph (1) or (2) cannot be achieved, the supplier shall initiate an investigation under the Department's direction to determine the cause, potential health risks and appropriate remedial measures.

(c) Public water systems may increase residual chlorine or chloramine, but not chlorine dioxide, disinfectant levels in the distribution system to a level that exceeds the MRDL for that disinfectant and for a time necessary to protect public health or to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm runoff events, source water contamination events or cross-connection events.

**Source**

The provisions of this § 109 710 adopted December 7, 1984, effective December 8, 1984, 14 Pa.B. 4479; corrected December 14, 1984, effective December 8, 1984, 14 Pa.B. 4511; amended March 24, 1989, effective March 25, 1989, 19 Pa.B. 1289; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2621; amended July 20, 2001, effective July 21, 2001, 31 Pa.B. 3895 and 3938; amended August 13, 2004, effective August 14, 2004, 34 Pa.B. 4435. Immediately preceding text appears at serial page (290569).

## Cross References

This section cited in 25 Pa. Code § 109 701 (relating to reporting and record keeping)

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AQUA

Daily Work Order

Date 4-7-05

Pennsylvania.

Address 257 Highland Ave. Raccoon Twp. Acct Unit 4744  
 G/L Account 10-020  
 Work Renew h/f Service SubAccount  
 General 150-00  
 Southern 150-01  
 Western ~~150-02~~ 1590029296  
 Eastern 150-03  
 Great Valley 150-04  
 Finished Unfinished  Start Stop Hours  
 Vehicle Hrs Emp.# Name Alt/Pos AM/PM AM/PM  
 2 1494 J. Addona 2:00 4:00 2  
 1874 B. Schmidt  
 1650 S. Learning  
 1795 A. Lewis  
 Backhoe Hrs Site Total Hours 2

Foreman Joseph Cole Approval Form # R-109 REV 404

AQUA

Daily Work Order

Date 4-7-05

Pennsylvania

OVERTIME REPORT

Address 257 Highland Ave. Raccoon Twp. Acct Unit 4745  
 G/L Account 105029  
 Work Renew h/f Service SubAccount  
 General 150-00  
 Southern 150-01  
 Western ~~150-02~~ 1590029296  
 Eastern 150-03  
 Great Valley 150-04  
 Finished  Unfinished Start Stop Hours  
 Vehicle Hrs Emp.# Name Alt/Pos AM/PM AM/PM  
 520 1 1/2 1494 J. Addona AM → 6:45 7:30 3/4  
 542 1 1/2 1494 J. Addona 4:00 5:30 1 1/2  
 1874 B. Schmidt  
 1650 S. Learning  
 1795 A. Lewis  
 Backhoe Hrs Site Total Hours 6 3/4

Foreman Joseph Cole Approval Form # R-122 Rev. 404

DOCUMENT FOLDER

Aqua Exhibit 2

JAMES M. PIERCE, ESQ.

*President*

HARRY G. MAHONEY, ESQ.

*Vice-President*

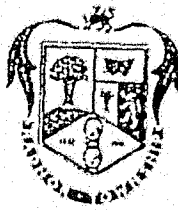
ANN-MICHELE G. HIGGINS, ESQ.

WILLIAM A. SPINGLER

ENRIQUE R. HERVADA

LISA PAOLINO-ADAMS

DAVID CANNAN



## RADNOR TOWNSHIP

301 IVEN AVENUE  
WAYNE, PENNSYLVANIA 19087-5297

Phone (610) 688-5600

Fax (610) 971-0450

www.radnor.com

DAVID A. BASHORE

*Township Manager* *2024*

CONCETTA R. CLAYTON, CMC

*Secretary*

DAVID G. BLAKE, ESQ.

*Solicitor*

WILLIAM J. GLEASON, JR.

*Treasurer*

Dear Mr. Miller:

Please remit the following amount \$8,554.00 to Radnor Township for the connection of the sewer lateral at 257 Highland Avenue, Wayne, Pa. The Township will assume the costs for two emergency call outs of our crew plus lawn & shrubbery restorations.

Thanks for your help in this matter.

Sincerely,

John E. Stauffer,  
Director of Public Works

JES/lt

RECEIVED

MAY 08 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

Aqua Exhibit 3

C-20055300, Z-01761777

April 24, 2006

Philadelphia

A UA  
Pennsylvania.

Aqua Pennsylvania, Inc.  
700 W Sprout Road  
Springfield, PA 19064

T 610 328 7713  
F 610 328 9007  
www.aquapennsylvania.com

May 27, 2005

Michael F. Ronca and Sons, Inc.  
Mr. David Ronca  
179 Mikron Road  
Bethlehem, PA 18020

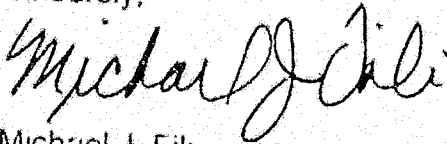
Re: 257 Highland Avenue  
Radnor Township, Delaware County, PA  
Extension No. 7077-W, Summary No. 15900220743  
Damaged Sanitary Lateral

Mr. Ronca:

The main trunk line of the sewer main in Radnor Township was damaged during the installation of the water main on Highland Avenue. The sewer was repaired, but the lateral to the above address was missed and not re-connected. The attached information includes all work involved in the re-connection of the lateral. The Township of Radnor has paid for all work completed and is seeking reimbursement of \$8,554.00. I believe Bill Miller contacted you about this issue sometime at the end of March.

If you have any questions, Bill Miller can be reached at 610.541.4163. He will be on vacation the week of May 30, 2005 and will return on Monday, June 6<sup>th</sup>.

Sincerely,



Michael J. Fili  
Superintendent of Southern and Western Construction

Cc: William B. Miller

*6/13/05 agreed w/ B. Miller @ Aqua Pa. we are to  
pay Radnor \$554.00 and send Aqua Pa on invoice  
for \$2650 - in Home name*

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For Deposit Only  
Radnor Township  
3000 Avenue  
Wayne, PA 19087

BANK OF AMERICA  
ATLANTA, GA 30303  
98/23/05

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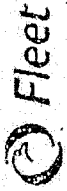
MICHAEL F. RONCA & SONS INC.  
175 WIKRON RD  
BETHLEHEM, PA 18020-9476

55-10/212

DATE 6/20/05

PAY TO THE ORDER OF: RADNOR TOWNSHIP \$ 8,554.00

EIGHT THOUSAND FIVE HUNDRED FIFTY FOUR & XX/100 DOLLARS



Small Business Services  
2008  
257 HIGHLAND AVE, WAYNE, PA

Federick M Ronca

⑆007994⑆ ⑆021200339⑆ 00891 02107⑆

⑆0000855400⑆

PLY - MAR CONSTRUCTION CO., INC.  
 965 PLYMOUTH ROAD  
 PLYMOUTH MEETING, PA 19462

Phone: (610) 275-7473

TO Radnor Township  
 301 Iven Avenue  
 Wayne, PA

# INVOICE

2039

DATE	May 6, 2005
JOB	Highland Road Sewer Lateral Repair

DATE	DESCRIPTION	AMOUNT
4/7	Repair Crew (12 hours)	\$ 3,892.00
4/8	Temporary Paving Patch	330.00
4/15	Sidewalk Replacement	160.00
5/5	Permanent Paving Repair	<u>1,522.00</u>
		\$ 5,904.00

# Proposal

Page # \_\_\_\_\_ of \_\_\_\_\_ pages

ATL Landscaping  
P.O. Box 47  
Wayne, PA 19087

Proposal Submitted To: <u>Jules Falcone</u>	Job Name	Job #
Address <u>257 Highland Ave.</u>	Job Location	
<u>Wayne, PA 19087</u>	Date	Date of Plans
Phone #	Fax #	Architect

We hereby submit specifications and estimates for:

- Install 2 privet Hedge plants  
next to existing hedge.

TOTAL COST @ \$160.00 (Includes labor + materials)

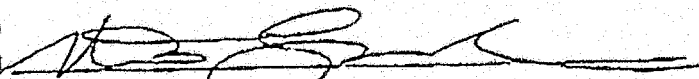
We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

\$ 160.00 Dollars

with payments to be made as follows: \_\_\_\_\_

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted



Note — this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

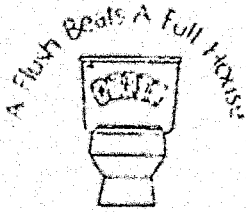
JOE'S HANDYMAN  
985 FAIRVIEW AVENUE  
WAYNE, PA 19087

TO: Jules Falcon

INVOICE # 001

---

DATE	Descriptions	AMOUNT
04/27/05	Toilet Repair	\$75.00
TOTAL AMOUNT DUE		75.00
AMOUNT PAID BY CUSTOMER		-75.00
BALANCE		0.00



# HORN PLUMBING & HEATING, INC.

304 NATIONAL ROAD, SUITE 100 EXTON, PA 19341

(610) 363-4200 FAX (610) 363-9080

April 7, 2005

Invoice# M-925

Radnor Township  
301 Iven Ave.  
St. Davids, PA 19087  
Attn: Mr. Bill Farley  
610-721-2118

Job Location: 257 Highland Ave.  
Wayne, PA

## INVOICE

4/6/2005 - Installed new 3/4" "K" copper water service from inside the basement foundation wall to Aqua Pennsylvania curb stop valve.

Used the 3" holehog tool to shoot a new line underground without digging up customer's lawn.

Installed new piping and re-piped the meter and domestic water line as per township code.

Pressure tested all new installations and left the ditch open for the township to repair the sewer line.

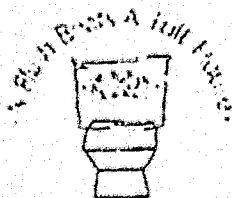
All plumbing work performed by Horn Plumbing & Heating, Inc. is guaranteed.

Labor:	\$ 2,200.00
Material:	\$ 150.00
Holehog Tool:	\$ 300.00
	\$ 2,650.00

**TOTAL AMOUNT DUE: \$ 2,650.00**

May 17 05 12:05p

Horn Plumbing and Heating 610-363-0000



# HORN PLUMBING & HEATING, INC.

304 NATIONAL ROAD, SUITE 100 EXTON, PA 19341  
 (610) 363-4200 FAX (610) 363-9080

Invoice  
**PAID**

DATE	INVOICE #
3/28/2005	25388

<b>SEND TO:</b>
Mr. Jules Falcone 257 Highland Ave. Wayne, PA 19087

<b>JOB LOCATION:</b>

PO#	TERMS
01494	Due on re...

ITEM	DESCRIPTION	TECH	AMOUNT
Plumbing Service	04/25/2005 - Ran a total of 45' hit a break in line at 14'. Pulled back rocks break is in the street. Township will correct problem. No guarantee on sewer work. Also needs vent cap installed.	Frank	245.00
Total			\$245.00

Customer's Name: Falcone, Jules (Grandfather)

PUC Docket # Z-01761777

Aqua Pennsylvania, Inc. Account#: 204840-204840

Read Date	# of Days	Meter Read	Read Type	Consump	Avg. Daily Usage	TL Current Chrges.	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt or Adj	Balance	Comments
Previous Balance													
				15,000	153.1	\$85.23	6/30/00	\$0.00	\$175.00	\$0.00	3/1/00	\$173.52	
6/2/2000	98	6311	A	15,000	153.1	\$85.23	6/30/00	\$0.00	\$175.00	\$0.00	3/1/00	\$173.52	
9/5/2000	95	6442	A	13,100	137.9	\$81.69	10/5/00	\$1.05	\$0.00	\$0.00	N/A	\$83.75	
12/4/2000	90	6559	A	11,700	130.0	\$75.35	1/3/01	\$4.17	\$0.00	\$0.00	N/A	\$166.49	
3/3/2001	89	6666	A	10,700	120.2	\$72.40	3/29/01	\$2.07	\$109.52	\$0.00	12/28/00	\$246.01	
6/6/2001	95	6792	A	12,600	132.6	\$81.66	7/3/01	\$7.95	\$218.91	\$0.00	4/23/01	\$210.96	
9/8/2001	94	6880	A	8,800	93.6	\$64.41	10/8/01	\$1.02	\$82.68	\$0.30	8/9/01	\$81.66	
12/3/2001	85	6981	A	10,100	117.4	\$71.46	1/10/02	\$0.00	\$65.00	\$0.00	10/5/01	\$64.41	
3/4/2002	91	7062	A	8,100	89.0	\$61.98	4/4/02	\$0.00	\$70.87	\$0.00	12/26/01	\$70.87	
6/4/2002	92	7128	A	6,500	71.7	\$54.83	7/5/02	\$0.00	\$61.98	\$0.00	3/15/02	\$61.98	
9/5/2002	93	7184	A	5,600	60.2	\$50.94	10/3/02	\$0.00	\$54.83	\$0.00	6/24/02	\$54.83	
12/4/2002	90	7237	A	5,300	58.9	\$54.26	1/10/03	\$0.00	\$50.94	\$0.00	9/26/02	\$50.94	
3/5/2003	91	7296	A	5,900	64.8	\$58.55	4/8/03	\$0.00	\$54.26	\$0.00	1/23/03	\$54.26	
6/4/2003	91	7507	A	21,100	231.9	\$140.92	7/8/03	\$1.46	\$58.55	\$0.00	6/4/03	\$58.55	
9/5/2003	93	8017	A	51,000	548.4	\$305.11	10/9/03	\$0.00	\$142.38	\$0.00	7/3/03	\$142.38	
11/18/2003	74	8444	A	42,700	577.0							\$305.11	Meter Exchange Out Read
11/18/2003	0	0	A	0	0.0							\$305.11	Meter Exchange In Read
12/3/2003	15	23	E	2,300	153.3	\$276.65	1/6/04	\$0.00	\$305.11	\$0.00	10/20/03	\$276.65	
3/3/2004	91	253	A	23,000	252.7	\$154.97	3/30/04	\$6.92	\$0.00	\$0.00	N/A	\$438.54	
6/1/2004	90	433	A	18,000	200.0	\$127.25	7/6/04	\$14.26	\$0.00	\$0.00	N/A	\$580.05	
8/20/2004	80	478	A	4,500	56.3	\$47.70	9/21/04	\$0.00	\$0.00	\$0.00	N/A	\$627.75	Bill Canceled
9/22/2004	33	494	A	1,600	48.5	\$18.43	10/22/04	\$0.00	\$47.70	\$0.00	9/3/04	\$598.48	Bill Canceled
10/21/2004	29	511	A	1,700	58.6	\$19.20	11/18/04	\$0.00	\$18.43	\$0.00	10/12/04	\$599.25	Bill Canceled
11/23/2004	33	527	A	1,600	48.5	\$18.67	12/28/04	\$0.00	\$18.96	\$0.00	11/3/04	\$598.96	Bill Canceled
12/20/2004	27	540	A	1,300	48.1	\$17.07	1/25/05	\$0.00	\$18.43	\$0.00	12/8/04	\$597.60	Bill Canceled
1/21/2005	32	558	A	1,800	56.3	\$20.03	2/22/05	\$0.00	\$17.07	\$0.00	1/18/05	\$600.56	Bill Canceled
2/22/2005	32	574	A	1,600	50.0	\$18.94	3/22/05	\$0.00	\$20.05	\$0.00	2/22/05	\$599.45	Bill Canceled
3/22/2005	28	588	A	1,400	50.0	\$17.86	4/15/05	\$0.00	\$0.00	\$0.00	N/A	\$617.31	Bill Canceled
4/22/2005	31	588	A	0	0.0	\$10.35	5/23/05	\$0.00	\$18.94	\$0.00	4/1/05	\$608.72	Bill Canceled
5/23/2005	31	588	A	0	0.0	\$10.35	6/16/05	\$0.00	\$32.86	\$0.00	4/1/05	\$575.86	Bill Canceled
6/20/2005	28	607	E	1,900	67.9	\$20.70	7/18/05	\$6.62	\$25.35	\$0.00	5/23/05	\$560.86	Bill Canceled
7/22/2005	32	626	E	1,900	59.4	\$20.80	8/17/05	\$18.18	\$25.00	\$0.00	6/22/05	\$563.18	Bill Canceled
7/11/2004	30	478	A	4,500	150.0	\$33.75	9/16/05	\$0.00	\$42.32	\$0.00	7/15/05	\$559.84	Bill Canceled
									\$0.00	\$0.00		\$541.61	Final Bill for Grandfather's Account 204840-204840
									\$51.98	\$264.90	8/23/05	\$276.71	Adjustment Canceled Bills
													Payments of \$337.09 from 9/3/04 - 8/15/05 applied to Grandson's Account # 521315 - 204840

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C-20055300, Z-01761777  
April 24, 2006  
Philadelphia

Aqua Exhibit 4

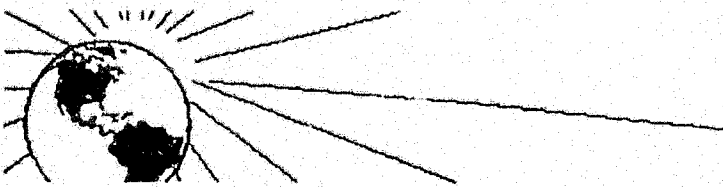
Customer's Name: Falcone, Jules (Grandson)  
 PUC Docket # Z-01761777  
 Aqua Pennsylvania, Inc Account#: 521315-204840

Bill Date	Read Date	# of Days	Meter Read	Read Type	Consump	Avg. Daily Usage	T/L Current Chrges	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt or Adj	Balance	Comments
Previous Balance														
													\$0.00	
8/24/2005	8/22/2005	417	1131	E	65.300	156.6	\$525.73	9/16/05	\$0.00	\$0.00	\$0.00	N/A	\$525.73	Bill canceled prior to issuance to customer because incorrect read date and meter reading used.
8/25/2005	7/11/2004	0	478	A	0	0.0							\$525.73	In Read of 478 obtained 8-20-04. Water usage charge begins 8-20-04. Account opened 7-1-04.
8/25/2005	7/22/2005	386	626	E	14.800	38.3	\$213.33	9/19/05	\$0.00	\$0.00	\$525.73	8/24/05	\$213.33	Adjustment of \$525.73 for canceled bill of 8-24-05. Issued new bill using last read of 7-22-05 on grandfather's account 204840-204840 which transfers charges from 7-1-04 to 7-22-05. Bill Canceled
9/28/2005	9/26/2005	66	651	E	2.500	37.9	\$36.57	10/21/05	\$0.00	\$0.00	\$337.03	8/25/05	-\$87.19	Payment Transfer of \$337.09 from grandfather's account 204840-204840 for payments made 7-1-04 - 8-15-05, Bill Canceled
10/26/2005	10/24/2005	28	662	E	1.100	39.3	\$16.59	11/18/05	\$0.00	\$0.00	\$0.00	N/A	-\$70.60	Bill Canceled
11/23/2005	11/21/2005	28	673	E	1.100	39.3	\$16.59	12/16/05	\$0.00	\$0.00	\$0.00	N/A	-\$54.01	Bill Canceled
12/28/2005	12/22/2005	31	685	F	1.200	38.7	\$17.15	1/19/06	\$0.00	\$0.00	\$0.00	N/A	-\$36.86	Bill Canceled
1/24/2006	1/20/2006	29	696	E	1.100	37.9	\$16.59	2/14/06	\$0.00	\$0.00	\$0.00	N/A	-\$20.27	Bill Canceled
2/2/2006	1/31/2006	579	787	A	30.900	53.4	\$372.20	2/27/06	\$0.00	\$0.00	\$316.82	2/2/06	\$35.11	Adjustment of \$316.82 for canceled bills from 8/25/05 - 1/24/06. Rebill Actual Read Obtained from RF repair
2/24/2006	2/21/2006	21	802	A	1.500	71.4	\$15.73	3/20/06	\$0.00	\$0.00	\$0.00	N/A	\$50.84	

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 April 24, 2006  
 Philadelphia

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Ext: 3410 - LATRECHIANO, BERNIE  
Organizational Position: PSW

PSW - Bryn Mawr  
Extension Detail Report  
Outcalling Line Side T1's Last Month

Printed: 16 04 Mar 1, 2006

Digits Dialed	Direction	Location	Date	Time	Duration	Cost	Route	Comment
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/12/2005	11:03	0:46	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/2/2005	9:29	0:30	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/2/2005	15:52	8:40	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/2/2005	16:21	2:04	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/3/2005	10:02	0:42	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/3/2005	16:29	0:58	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/4/2005	14:29	0:46	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/4/2005	16:31	0:50	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/1/2005	12:15	0:44	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/11/2005	9:43	0:48	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/25/2005	9:08	0:52	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/15/2005	8:18	0:48	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/19/2005	11:24	2:02	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/22/2005	17:00	0:28	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/23/2005	12:47	0:22	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/24/2005	14:41	0:02	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/24/2005	14:41	1:20	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/24/2005	15:02	1:04	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/24/2005	17:25	0:54	0.07		National
1 484 432-5993	Outgoing	BALACYNWYD PA N01	8/5/2005	10:51	0:24	0.07		National

Ext: 3410

Summary

Cost Field	INCOMING			OUTGOING			TOTALS					
	Calls	Duration	Cost	Calls	Duration	Cost	Calls	Duration	Avg. Dur	Cost	Avg. Cost	
COT	0	0:00	0.00	20	25:04	1.40	20	25:04	1:15	1.40	0.07	
	0	0:00	0.00	20	25:04	1.40	20	25:04	1:15	1.40	0.07	
Total # of Calls: 20							Total Minutes: 25:07		Total Cost		1.40	
										Total with Taxes		\$1.40

Reviewed By \_\_\_\_\_

Approved By \_\_\_\_\_

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SECRETARY'S BUREAU

CUST/PREM 000521315/204840 DIST F STYP RSM1  
 CUST-NAME FALCONE, JULES SCAT WTR  
 SRV-ADDR 0257 HIGHLAND AVE SET-MTR R61448134  
 SRV-CITY WAYNE PA 19087-4763 SET-DATE 18-NOV-2003  
 PHONE# H - - W - - SET-RDG 000478  
 M-NAME SET-SIZE 5/8  
 NONE SET-RMTH RF  
 M-ADDR ARB-RMT#  
 M-CITY ERT 21706208  
 BILLED 24-JAN-2006 A/R-STAT R MIU#  
 DUE-DTE 14-FEB-2006 A/R-BAL 20.27- SERIAL # W014098  
 OCCUPANT AMT-COL .00 EXTENS-#  
 COMP# 1101010 RC=RS ROUTE 03650 STOP 00410  
 CRED-CDS TYPE-HEAT HWTR MTR-CDS 03 27 45 64  
 BILL-FR-12 SWIM(Y,N) N #DL= 5 DD= 1 M= 1/DL= 0 DD= 0 M= 0  
 FROZEN MODEL-1 5/8 X 1/2 SRII ECR3  
 LAST-SIZE 5/8 LAST-DATE 18-NOV-03 MODEL-2  
 PREM-ID

READ ONLY: DATE 1-31-06 INSIDE 007872107  
 TIME READ REMOTE 007872107 EMP# 1967

REM	DATE	READING	MK	METER NUMBER	TEST YEAR	SZ	TYPE HEAT	CHECK X RESEALED	SEAL	CCC DATE
SET								SEALED		
CURB STOP: ON OFF		SWIM POOL: YES NO		EMP#						

ERT# 22088491 REMARKS: *LK*

*FOUND BACK WIRE BROKEN  
 FIXED WIRE*

R-DATE	ACTN	READING	CONSUM	DYS	C	AMOUNT	CHG-DATE	CAT	RATE	BILL-CHG
012006	READ	696	11	29	E	15.80	012306	WTR	0001	15.80
122205	READ	685	12	31	E	16.33	012306	NONE	D001	.79
112105	READ	673	11	28	E	15.80	012306	NONE	S001	.00
102405	READ	662	11	28	E	15.80	122705	WTR	0001	16.33
092605	READ	651	25	66	E	35.18	122705	NONE	D001	.82
072205	READ	626	148	386	A	16.79	122705	NONE	S001	.00
072205	READ	626	148	386	A	188.44	112205	WTR	0001	15.80
070104	CUT	478	45	30	A	32.47	112205	NONE	D001	.79

MTR-INST: LS  
 WORK-ORDER-REMARKS:  
 1/25 REPAIR RF \*\*\*GIVE TO BERNIE STROMBERG \*\*\* MUST BE BETWEEN  
 8:00 AND 10:00 OK BOB MULFINO

APP-Time Start 31-JAN-2006 08:00:00 End 31-JAN-2006 10:00:00  
 Call-Ahead Ord# 1559735 Type Phone# Ext # Min-Before 0

*78720  
 69600  
 9120604*

*R 61448134  
 007872107*

*Found. - ERT 22088491*

Accounts Inventory Financial Ancillary System Setup Utility Window Help

Work Order: Equipment

Work Order Number: 1416415

Work Order Type: [ ] Target System Code: SOMD

Item: 204840 0257 HIGHLAND AVE WAYNE, PA

Contract: 204840 FALCONE, JULES

Printer: AAMETERSO

Complaint Num: [ ]

Widowed Title Appt: [ ]

First Time Appt: [ ]

Follow-up Letter Format: [ ]

Date Created: 23 JUN 2005 Source: URAPROG

Created by: CAPISTAJ

Region Code: [ ] Project No: [ ]

Notes: ZERO, 586, 20 JUN 05; 8/18 TODAY 1982

ACTION 1 DATE = 24 JUN 2005

Appointment: [ ] Call Ahead: [ ] Query MD: [ ] Work Order: [ ]

Record: [ ] <ESC> <DBG>

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April 24, 2006  
Philadelphia

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Accounts Inventory Financial Ancillary System Setup Utility Window Help

Work Order Number: 1533022

Request: REPR Work Order Type: [ ] Meter System Code: [ ]

Request: 204840 Address: 0257 HIGHLAND AVE WAYNE, PA

Contact: 521315 Contact Name: FALCONE, JULES

Contact 2: [ ]

Priority: [ ] Region: AAMETERSO Complaint Num: [ ]

Need Date: 31-DEC-2099 Windowed Time Appl: [ ] Fixed Time Appl: [ ]

Start Date: 08-DEC-2005 Source: UCASQGN Follow-up Letter Format: [ ]

Created by: UZESTSO

Region Code: [ ] Project No: [ ]

Notes:

ACTION-1-DATE=09-DEC-2005 ACTION-2-DATE=27-DEC-2005 ACTION-3-DATE=10-JAN-2006

Appointment: [ ] Call Ahead: [ ] Query MO: [ ] Work Order: [ ]

ESC F10

<ESC> <DBG>

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