

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Jules Falcone,
v.
Aqua Penn, Incorporated,
Initial Telephonic

Docket No.: C-20055300/
Z-01761777

Pages: 1 - 106

State Office Building
1400 Spring Garden Street
13th Floor
Philadelphia, Pennsylvania

Monday, March 27, 2006
Commencing at 10:00 a.m.

BEFORE:

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

DOCUMENT
FOLDER

RECEIVED

JULES FALCONE, PRO SE
(Via telephone)

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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REPORTER: AMANDA LEWIS

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P R O C E E D I N G S

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

4 This is the time and place for the matter
5 of Jules Falcone versus Aqua Pennsylvania, Inc., at
6 Docket Numbers C-20055300 and Z-01761777. I am
7 Administrative Law Judge Angela T. Jones appointed by
8 the Commission to preside over this matter. I note
9 that this matter was scheduled telephonically;
10 however, the company elected to appear in person. I
11 note the appearance of Mr. Tom T. Niesen, Esquire,
12 representing Aqua Pennsylvania, Inc. And we have on
13 the phone Mr. Jules Falcone representing himself.

14 Are there any preliminary matters that
15 the parties wish to discuss with me before we go on
16 the record proceeding in this dispute?

17 MR. FALCONE:

18 No, Your Honor.

19 ATTORNEY NIESEN:

20 The company has none, Your Honor.

21 JUDGE JONES:

22 Okay. I do note for the record that we
23 did have a pre-hearing conference back in January with
24 Ms. Orth and Mr. Falcone. At that particular
25 conference, it was discussed and Mr. Falcone agreed

1 that he would like his day in court to settle these
2 matters. Is that true, Mr. Falcone?

3 MR. FALCONE:

4 Yes, Your Honor.

5 JUDGE JONES:

6 And does that still avail now, Mr.
7 Falcone?

8 MR. FALCONE:

9 Yes, Your Honor.

10 JUDGE JONES:

11 All right. Very well. Hearing that Mr.
12 Falcone wants to continue to pursue this, I do not
13 believe that it would be fruitful to pursue settlement
14 negotiations in this matter, so all parties are ready
15 to go forward in presenting their case before me; is
16 that true, Mr. Falcone?

17 MR. FALCONE:

18 Yes, Your Honor.

19 JUDGE JONES:

20 Mr. Niesen?

21 ATTORNEY NIESEN:

22 It is, Your Honor.

23 JUDGE JONES:

24 Okay. Very well. Mr. Falcone, please
25 raise your right hand, sir.

1 MR. FALCONE:

2 All right.

3 -----

4 JULES FALCONE, HAVING FIRST BEEN DULY SWORN, TESTIFIED
5 AS FOLLOWS:

6 -----

7 JUDGE JONES:

8 Very well. Mr. Falcone, I am somewhat
9 familiar with your case. However, I do not believe
10 that we formally put forward everything that you wish
11 to discuss and dispute in this dispute. So let's
12 start from the beginning. I believe there are two
13 matters of great concern that you have concerning your
14 service, your water service. Let's start with your
15 name, sir?

16 A. My name's Jules Falcone.

17 JUDGE JONES:

18 And would you spell your last name for
19 the record?

20 A. F, as in Frank, A-L-C-O-N-E.

21 JUDGE JONES:

22 Okay. And your current residence, sir?

23 A. 257 Highland Avenue, Wayne, Pennsylvania 19087.

24 JUDGE JONES:

25 And is this the residence where you

1 receive service from Aqua Pennsylvania?

2 A. Yes, Your Honor.

3 JUDGE JONES:

4 And is this the residence where you have
5 received service that you are disputing, sir?

6 A. Yes, Your Honor.

7 JUDGE JONES:

8 Okay. And are you named after your
9 grandfather, sir?

10 A. Yes, Your Honor.

11 JUDGE JONES:

12 And was there ever a time that there was
13 confusion in your bills between you and your
14 grandfather, sir?

15 A. Yes, Your Honor.

16 JUDGE JONES:

17 And when was that?

18 A. August 2004. I have here August 26, 2004 as I
19 guess is an official date when I faxed them stuff
20 regarding that.

21 JUDGE JONES:

22 Okay. So you did alert the company to
23 confusion in the billing, sir?

24 A. Yes.

25 JUDGE JONES:

1 And that was when?

2 A. I did it on the phone in the summer of 2004. I
3 did it officially by fax August 26th of 2004.

4 JUDGE JONES:

5 And is there an exhibit that you wish to
6 draw to my attention in reference to that, sir?

7 A. That would be Exhibit One.

8 JUDGE JONES:

9 Okay. And Mr. Niesen, are you in
10 possession of Exhibit One, Complainant's Exhibit One?

11 ATTORNEY NIESEN:

12 We have Exhibit One, yes, Your Honor.

13 JUDGE JONES:

14 Okay. We will label it Complainant's
15 Exhibit Number One for identification purposes.

16 (Complainant's Exhibit Number One marked
17 for identification.)

18 JUDGE JONES:

19 And that exhibit consists of one page
20 that has Complainant, now, Exhibit One. The second
21 page that is a letter --- it looks like the head of a
22 fax cover, UPS, from Mr. Falcone, and it's dated
23 8/26/2004. And then a third sheet that is headed
24 Pennsylvania Department of Transportation Temporary
25 Internet Driver's License. A fourth sheet that is

1 headed Commonwealth of Pennsylvania, Department of
2 Health, Local Registrar's Certification of Death. So
3 Exhibit One contains four pages.

4 Okay. Mr. Falcone, this was your first
5 attempt to alert the company of confusion about your
6 name and your grandfather's name; is that correct,
7 sir?

8 A. Not exactly. That's the first thing I faxed. I
9 mean, I'd been speaking to them on the phone before
10 that for --- just numerous conversations.

11 JUDGE JONES:

12 Okay. So you said --- I'm sorry, Mr.
13 Falcone, you said the phone conversations started in
14 the summer of 2004?

15 A. Right.

16 JUDGE JONES:

17 Okay. And this was your first official
18 attempt to alert the company to what you had been
19 experiencing in the confusion of your name and your
20 grandfather's name?

21 A. Yeah. I'm going to explain one thing. I spoke to
22 them. I explained to them. They said, oh, okay, well
23 in that case, send us your ID, your grandfather's
24 death certificate, and everything they listed I just
25 sent. And at that point they said, you know, that's

1 all you need and we will take care of it from there.
2 So I just wanted to make sure I made that clear.
3 Thank you, Your Honor.

4 JUDGE JONES:

5 Okay. All right. So you sent this
6 packet in reference to what they told you?

7 A. Yes.

8 JUDGE JONES:

9 Mr. Falcone, you must speak up.

10 A. Okay. Yes, Your Honor. Thank you.

11 JUDGE JONES:

12 All right. And then what happened, sir?

13 A. They transferred --- they did open up an account
14 in my name, but they transferred the previous tenant's
15 bill to me. I found out that when I received my bill.
16 I called Aqua to let them know that this is not
17 acceptable ---.

18 JUDGE JONES:

19 Okay. Mr. Falcone, let me stop you here.

20 A. Okay.

21 JUDGE JONES:

22 The previous tenant would have been your
23 grandfather?

24 A. Yes.

25 JUDGE JONES:

1 And your grandfather is the same
2 grandfather that has the same name as you?

3 A. Yes, Your Honor.

4 JUDGE JONES:

5 Okay. So that gentleman's bill was
6 transferred to your account?

7 A. Yes, Your Honor.

8 JUDGE JONES:

9 Okay. Now, you may proceed. I just
10 wanted to make your claim clear, sir.

11 A. Okay. Aqua gave me the run-around. I filed with
12 the Pennsylvania Utility Commission. What was --- I
13 did not get a trial.

14 JUDGE JONES:

15 Okay. Wait a minute. You filed a
16 complaint, a letter? What did you file with the
17 Pennsylvania Utility Commission and when did you file
18 what you filed?

19 A. I don't have that exact date in front of me. I
20 filed with the Pennsylvania --- a complaint with the
21 Pennsylvania Utility Commission. And I guess it was
22 called a settlement came up where I would have to pay
23 like \$15 a month. What happened was, I was then given
24 the ability to, what's that called, dispute that,
25 dispute the settlement. And that way I would get my

1 day in court.

2 JUDGE JONES:

3 Okay. It sounds as if you filed --- what
4 you're talking about is an informal process. So there
5 was an informal process and the resolution to that was
6 a settlement of you paying \$15 a month. You were not
7 satisfied with that; is that correct, sir?

8 A. Yes.

9 JUDGE JONES:

10 And so you had an opportunity to file a
11 formal complaint lodging your dissatisfaction; is that
12 correct, sir?

13 A. Yes, Your Honor.

14 JUDGE JONES:

15 Okay. All right. You may proceed, Mr.
16 Falcone.

17 A. Okay. So I felt --- had talked to Aqua. I felt
18 they were being dishonest with me. I would --- the
19 bill is complex. It's not just a straightforward what
20 I owe and this is what I need to pay. I needed to go
21 through, add up all the taxes, all the tariffs, all
22 the little charges, not include the other person's
23 bill. If I was ever late, they were allowed to shut
24 off my water. I made a mistake one time. I paid them
25 11 cents less than I owed them. So they sent me

1 shut-off notices. I called the Pennsylvania Utility
2 Commission ---.

3 JUDGE JONES:

4 Okay. Mr. Falcone?

5 A. Yes.

6 JUDGE JONES:

7 If you notice, when I interject, I need
8 details. Like you say you called the Pennsylvania
9 Utility Commission. I need to know when, if you have
10 documentation to support that in your exhibits, I need
11 to know that. You said that you thought Aqua was
12 being dishonest. That's a conclusion, sir. I need to
13 know why, I need to know what they did to make you
14 feel they were being dishonest. You're giving me
15 conclusions and generalities, and I need details, sir.

16 A. Okay. Okay. I'll jump to March 22nd, 2005. My
17 issue we've been talking about was not resolved yet.
18 But then, that's when new issues started. Okay. So
19 March 22nd, 2005, okay, my sewer backed up. I was
20 told by the --- okay. Fine. I'll just read it.
21 March 22nd, 2005. I was unaware the meter in my house
22 had stopped working.

23 JUDGE JONES:

24 Okay. Wait, wait, wait. Mr. Falcone,
25 what are you reading?

1 A. Okay. I'm sorry. This is something that I wrote
2 dated Monday, January 23rd, 2006, 1:58 p.m. I sent it
3 --- this is, I guess, what I sent in with all my
4 exhibits.

5 JUDGE JONES:

6 Okay. So it's marked then as an exhibit
7 number?

8 A. I don't know if it actually as an exhibit --- this
9 is what I put with my exhibits. I guess it's like the
10 cover letter for my exhibits.

11 JUDGE JONES:

12 Okay. So then we need to mark it.

13 A. Okay.

14 JUDGE JONES:

15 Okay. I have something that's headed
16 Monday, January 23rd, 2006, 1:58 p.m. Could that be
17 what you're referring to, sir?

18 A. Yes, I think, Your Honor.

19 JUDGE JONES:

20 Okay. We will mark this as Complainant
21 Exhibit Number 13.

22 (Complainant's Exhibit Number 13 marked
23 for identification.)

24 ATTORNEY NIESEN:

25 If Your Honor pleases, this is a summary

1 of what Mr. Falcone is ---.

2 A. I'm sorry, are you there, Your Honor?

3 JUDGE JONES:

4 Yes. I thought this would happen, Mr.
5 Niesen. Mr. Falcone cannot hear you.

6 ATTORNEY NIESEN:

7 I'll step up. Your Honor, I question the
8 basis, the reason for marking this particular document
9 as an exhibit. It's a summary, apparently, of Mr.
10 Falcone's conclusions and thoughts about the matter.
11 It is unlike the other material attached that he
12 pre marked as exhibits. I think if he's going to
13 testify to things, he should do it orally, in a
14 narrative fashion like we were doing up to this point,
15 and not by a preconceived summary.

16 JUDGE JONES:

17 Okay. Mr. Niesen, I will take that under
18 advisement. Right now, we have just marked this for
19 identification purposes, only. We have not admitted
20 it into the record. It appears that Mr. Falcone has
21 been experiencing some things over time. And because
22 of that, he wrote notes to make sure that he was
23 accurate. And I am going to allow him to be aided by
24 these notes, simply because this has been something
25 that has been an ongoing process over time. If it is

1 --- when we get to the point that it is asserted to be
2 admitted into the record, Mr. Niesen, I will entertain
3 what you have lodged. Mr. Falcone?

4 A. Yes, Your Honor.

5 JUDGE JONES:

6 I believe you're going with March 22nd,
7 2005?

8 A. Yes, Your Honor.

9 JUDGE JONES:

10 I believe that's where we were when I
11 asked you what you were reading.

12 A. Okay. Should I just read it?

13 JUDGE JONES:

14 Do what you want to do to present your
15 case, Mr. Falcone.

16 A. Okay. March 22nd, 2005. I was unaware that the
17 meter in my house stopped working due to my sewer
18 backing up, because Aqua hired an independent
19 contractor who did a shoddy job, which Aqua does not
20 want to take responsibility for. Aqua was unaware of
21 this, according to their records --- Aqua was aware of
22 this, according to their records, on this day, not
23 June 20th, 2005 as is their position. See Exhibit
24 Two, please.

25 JUDGE JONES:

1 Okay. I have in front of me what has
2 been marked as Exhibit Two. We will mark that as
3 Complainant's Exhibit Two.

4 (Complainant's Exhibit Number Two marked
5 for identification.)

6 JUDGE JONES:

7 Mr. Falcone, I have before me what is
8 marked as Complainant Exhibit Number Two. Mr. Niesen
9 does, as well. What do you wish to elicit from this
10 document, sir?

11 A. Okay. It would be --- if you look in the column
12 that says read date, it has 4/22/2005. If you move
13 over four columns, under consumption and average daily
14 usage, they're both at zero. That would imply for the
15 last month, which would be, again, 3/22. It shows I
16 didn't use any water at that time. So I feel Aqua was
17 aware that I wasn't using water, there was a problem
18 with my water. So that's that.

19 JUDGE JONES:

20 Okay. Go ahead, Mr. Falcone.

21 A. The other thing in the exhibit --- it's from Aqua,
22 it says new matter, it's page four. It's number nine.

23 JUDGE JONES:

24 Wait a minute, Mr. Falcone. Aqua new
25 matter?

1 A. In the exhibit, for my Exhibit Two, it's from
2 Aqua's paperwork. It's page four at the bottom. It
3 says new matter and it's number nine.

4 JUDGE JONES:

5 Just a minute, sir. Okay. Mr. Falcone,
6 I'm a little confused. When you were referencing Aqua
7 new matter, I'm assuming you're referencing Aqua's
8 Answer and New Matter to your case. Now, the Answer
9 --- both complaints, one is the Z docket, and one is
10 the C docket. So Mr. Falcone, I am now looking at the
11 Z docket and their new matter and their new matter on
12 the Z docket, there is no number nine. So I guess
13 what you're trying to draw my attention to is their
14 Answer to the C docket. So let me find that, sir.

15 A. Just so you know, Your Honor, I put it in with my
16 Exhibit Two.

17 JUDGE JONES:

18 Okay. So whatever you're trying to draw
19 --- oh, I see. The second page to or the third
20 page to your Exhibit Two.

21 A. Yes.

22 JUDGE JONES:

23 I see. And this you got from Aqua's
24 Answer?

25 A. Yes.

1 JUDGE JONES:

2 I see. Okay. And what are you trying to
3 draw my attention to, sir?

4 A. Okay. Number nine says, Complainant's bills have
5 been estimated since June 20th, 2005 as shown in the
6 Account Statement attached hereto as Exhibit F.

7 JUDGE JONES:

8 Okay. Mr. Falcone?

9 A. Yes. Yes, Your Honor?

10 JUDGE JONES:

11 I have the company's Exhibit F. Is that
12 what you want me to have before me?

13 A. I don't know. I just --- I'm referring to the two
14 pages --- I'm just referring to my exhibits.

15 JUDGE JONES:

16 Okay.

17 A. I took their exhibits and I used some of them for
18 my own.

19 JUDGE JONES:

20 Okay. All right. So you're trying to
21 bolster your claim that Aqua was aware of your sewage
22 being backed up by giving me what is contained as
23 Complainant Exhibit Two?

24 A. Yes, Your Honor. I would like to --- can I answer
25 that?

1 JUDGE JONES:

2 Yes, you may.

3 A. Okay. Thank you. I feel Aqua has been trying to
4 say they did not know there was a problem until June
5 20th, 2005. And it's clear that they were aware of
6 the problem in March of 2005. That's what I'm trying
7 to say.

8 JUDGE JONES:

9 Okay. I understand.

10 A. Okay. Should I move on?

11 JUDGE JONES:

12 Yes, you may, sir.

13 A. Thank you, Your Honor. Approximately March 25th,
14 2005, a representative of Radnor Township stopped by,
15 talked to one of my neighbors, said that my sewer had
16 backed up onto the lawn, that is a health code
17 violation and that it was my responsibility to get a
18 plumber or he would send the Health Department after
19 me. I do not know what that means, but it sounded
20 bad, so I hired a plumber.

21 March 28, 2005, Horn Plumbing came by and
22 determined that the problem was not on my property,
23 rather under the street. That's not my responsibility
24 --- and advised me not to use the toilet or it will
25 back up into the house. Thus, the start date for

1 unusable water. And if you could please look at
2 Exhibit Three.

3 JUDGE JONES:

4 Okay. Just a minute, Mr. Falcone. Okay.
5 I have what has been pre-marked as Exhibit Three. We
6 will identify it as Complainant Exhibit Three.

7 (Complainant's Exhibit Number Three
8 marked for identification.)

9 JUDGE JONES:

10 Complainant Exhibit three contains a
11 cover page identifying it. The second page with a
12 heading Horn Plumbing and Heating, looks like an
13 invoice stamped page. That is the extent of the
14 exhibit. Mr. Falcone?

15 A. Yes, Your Honor.

16 JUDGE JONES:

17 What do you wish for me to see on this
18 exhibit, sir?

19 A. I wanted to show that Horn came out on this day
20 --- for description it says how they ran a line and
21 they ran into rocks and that they were told --- I was
22 told and they were told by the Township that they
23 would correct the problem. So it's not my
24 responsibility.

25 JUDGE JONES:

1 Very well.

2 A. Okay. April 6th, 2005 until May 5th, 2005.
3 Different crews were outside and inside my house,
4 repairing the shoddy work that Aqua's independent
5 contractor did, that Aqua continues their pattern of
6 refusing to accept responsibility for. Eventually,
7 Bill Farley left me a handwritten note letting me know
8 that they weren't done yet. It got to a point that I
9 had been outside with the crew everyday, that I just
10 left my door open, allowing them to do whatever they
11 needed to do to get my house livable again and so I
12 could go to work.

13 Pipes in my basement were wrenched loose, causing
14 a small flood. Pictures don't do it justice, but if
15 you'd like to inspect for yourself, you'll see the
16 pipes are new. Bill Farley of Radnor Township wrote
17 me a handwritten, undated letter informing me that
18 they needed to come back --- oh, wait. They said it's
19 hooked up with a garden hose, temporarily. The garden
20 hose was new. The garden hose would have been
21 satisfactory for watering a garden, but there was a
22 chalky substance inside the hose as it was a new hose
23 and it made it unsafe to drink.

24 Also during this time, the crews shocked the water
25 with enough chlorine to make the water green and smell

1 for approximately three weeks, making it unfit to
2 drink or wash with. I bought water at the store
3 during this period and went to the neighbors to fill
4 up water bottles, and I bathed at the gym because I
5 was unable to drink the water here or bathe with it or
6 wash anything with it. I could do nothing other than
7 flush the toilet. That's why I say the water is
8 unusable.

9 April 27th, 2005, there was so much work being
10 done that the rocks ended up backing up and clogging
11 my toilet. Hence the bill from Joe's Handyman.
12 Please see Exhibit Four.

13 JUDGE JONES:

14 Okay. We will mark this for
15 identification purposes as Complainant Exhibit Four.

16 (Complainant's Exhibit Number Four marked
17 for identification.)

18 JUDGE JONES:

19 Complainant Exhibit Four consists of the
20 cover page identifying it, a --- looks like
21 handwritten letter addressed to Jules by a Bill
22 Farley, a Horn Plumbing and Heating, Incorporated,
23 invoice, initials at the bottom with JW --- maybe S.,
24 handwritten, another page headed Joe's Handyman, 985
25 Fairview Avenue, Wayne, Pennsylvania 19087. Looks

1 like an invoice to Mr. Falcone. The last page, a
2 Ply-Mar Construction Company, Incorporated, it looks
3 like an invoice and initialed at the bottom,
4 handwritten J, something, something. That ends the
5 contents of Complainant Exhibit Number Four. Mr.
6 Falcone?

7 A. Should I continue? Okay. Thank you, Your Honor.
8 May 23rd, 2005.

9 JUDGE JONES:

10 Wait a minute. Mr. Falcone, what do you
11 wish for me to get from Complainant Exhibit Four?

12 A. When I spoke to Radnor Township, and when I spoke
13 to representatives from Aqua on the phone, I was told
14 this entire situation was rectified in one day. Aqua
15 put in one of their documents --- or actually in some
16 of their documents that this situation was rectified
17 in one day. I have here --- Bill Miller wrote a
18 handwritten letter, I need to come back again. I have
19 here the Horn Plumbing and Heating, Inc. that ---
20 well, they came --- this one letter is from April 6th,
21 2005. That's obviously a different day than the other
22 dates I've been giving so far.

23 The toilet repair bill from Joe's Handyman I put
24 in to show that rocks were coming in from outside,
25 inside. And he came on 4/27, and that is about a

1 month after this thing started. So that's more proof
2 I have that this was not taken care of in one day.

3 Then we go to Ply-Mar Construction Company
4 invoice. They have at least four dates just for this
5 one bill. That doesn't prove that these were the only
6 days anybody was here, but that's just for this one
7 bill. If I can interject at this time, when I
8 received the new, I guess, packet from Aqua, they
9 have, what are they called, witnesses on there. I
10 called the witness for Radnor. He did not return my
11 call. When I spoke with Radnor in the past ---.

12 JUDGE JONES:

13 Wait a minute, wait a minute. Wait a
14 minute, Mr. Falcone. Let's hold off on that.

15 A. Okay. Okay. Fine.

16 JUDGE JONES:

17 Let me do this. I have for
18 identification purposes Complainant Exhibit Numbers
19 One, Two, Three and Four. I am not going to deal with
20 Complainant Exhibit Number 13 as of yet. Do you wish
21 to admit them into the record, sir?

22 A. Yes, Your Honor.

23 JUDGE JONES:

24 Mr. Niesen, is there any objection to
25 those exhibits?

1 ATTORNEY NIESEN:

2 I don't have any objection to those
3 exhibits going into the record. I don't recall
4 whether the representation by Mr. Falcone is that some
5 of these bills are bills to him or not, because they
6 are not. So with the understanding that they are
7 going into the record without a representation ---.

8 A. Your Honor, I can't hear what he's saying.

9 JUDGE JONES:

10 Okay. Mr. Niesen?

11 ATTORNEY NIESEN:

12 All right. We don't have any objection
13 to --- well, maybe we do have an objection to a couple
14 of these exhibits going into the record, if the
15 representation is that some of these bills are bills
16 to Mr. Falcone. They are not bills to Mr. Falcone.
17 The two big bills are, in fact, bills to Radnor
18 Township.

19 JUDGE JONES:

20 Okay. So you're speaking at specifically
21 Complainant Exhibit Number Four, I believe pages three
22 and five; is that correct, Mr. Niesen?

23 ATTORNEY NIESEN:

24 Exhibit ---?

25 JUDGE JONES:

1 Complainant Exhibit Number Four, pages
2 three and five?

3 ATTORNEY NIESEN:

4 Pages three, the Horn bill to --- has a
5 date of April 7 to Radnor Township. And also the
6 Ply-Mar Construction invoice to Radnor Township,
7 that's right.

8 JUDGE JONES:

9 Okay. So your objection is to the fact
10 that those bills are not to Mr. Falcone, but to Radnor
11 Township?

12 ATTORNEY NIESEN:

13 I don't have any objection to them going
14 into the record if it's clear that we are not agreeing
15 in any way that those bills were bills to Mr. Falcone.

16 JUDGE JONES:

17 Mr. Falcone, if I understand you
18 correctly, the rationale you're submitting these bills
19 is to show the timeframe, not specifically that you
20 were the recipient of the bills; is that correct, sir?

21 A. Yes, Your Honor.

22 JUDGE JONES:

23 Okay.

24 ATTORNEY NIESEN:

25 And also, if I might add that in regard

1 to the page from the Aqua Answer with the New Matter,
2 if there's going to be one page admitted into the
3 record, we would like the entire document admitted
4 into the record.

5 JUDGE JONES:

6 Understood, Mr. Niesen. Mr. Falcone?

7 A. Yes, Your Honor?

8 JUDGE JONES:

9 In order to explain Mr. Niesen's
10 objection to your exhibit, I believe that's Exhibit
11 Number Two. Your Exhibit Number Two, you take
12 something that the company submitted, and you take the
13 New Matter, which is four, page four. They actually
14 have several other pages that they provided. And
15 they're saying if they're going to have only page four
16 in the record, they want the entire document put into
17 the record, sir. I'm trying to explain to you what
18 they're stating. Do you understand that, Mr. Falcone?

19 A. Yes, Your Honor.

20 JUDGE JONES:

21 All right. I have no problem with the
22 company's whole Answer and New Matter being put into
23 the record. All right. So we have admitted Exhibits
24 One through Four, noting the company's provisos. I
25 believe Mr. Falcone is in agreement that the invoices

1 identified were not to him. And also, he has not
2 objected to the company's Answer and New Matter in its
3 entirety being put into the record. Okay. Mr.
4 Falcone, those are housekeeping matters that I have to
5 make sure I do. I am sorry to interrupt your
6 testimony, sir. You may continue.

7 A. Thank you, Your Honor. May 23rd, 2005. Spoke to
8 Bill Miller of Aqua and faxed him my bills as it has
9 the confirmation report that Aqua did, indeed, receive
10 the fax. Relevant because it's been Aqua's position
11 that I'm the one avoiding them, when in reality, they
12 have been stalling, being deceptive and not taking
13 responsibility. Please see Exhibit Five.

14 JUDGE JONES:

15 We will mark Exhibit Five for
16 identification purposes as Complainant Exhibit Five.

17 (Complainant's Exhibit Number Five marked
18 for identification.)

19 JUDGE JONES:

20 Which consists of the cover page for
21 identification, a fax cover of UPS to Bill Miller from
22 Jules Falcone, a transmission verification report as
23 sheet three. Mr. Falcone, sheet four is a page that
24 was already admitted in another exhibit, sir.

25 A. Yes, Your Honor. I put it in because I had

1 mentioned it here as well.

2 JUDGE JONES:

3 I see. Okay. Page four, which is Horn
4 Plumbing and Heating invoice dated 3/28/2005. Page
5 five, which appears to be a proposal, labeled proposal
6 at the top, looks like from ATL Landscaping in Wayne,
7 Pennsylvania. Page six, which has also already been
8 admitted in another exhibit which is Joe's Handyman,
9 985 Fairview Avenue, invoice to Mr. Falcone.

10 Mr. Falcone, I am going to delete from
11 your exhibit repetitions which would be page four and
12 page six. I am doing that because it just encumbers
13 the record to have repetitions, sir.

14 A. That's fine, Your Honor.

15 JUDGE JONES:

16 So Complainant Exhibit Number Five
17 consists of four pages, the cover page, Complainant
18 Exhibit Five, UPS fax cover, page two, transmission
19 verification report, page three, proposal, ATL
20 Landscaping, page four. Okay. Mr. Falcone?

21 A. Okay. Thank you, Your Honor. June 29th, 2005, I
22 received a three-day shut-off notice. I did not
23 receive a ten-day shut off notice as I'm supposed to.
24 I'm supposed to get it ten days before and I'm
25 supposed to get a three-day three days before; okay?

1 I did not receive it. I got my mail the Friday before
2 the Fourth of July weekend. I quickly called the
3 Pennsylvania Utility Commission and was told to
4 disregard the notice. See Exhibit Six, please.

5 JUDGE JONES:

6 Complainant Exhibit Number Six will be so
7 marked for identification purposes, consists of the
8 cover page for identification and the second page in
9 bold, three-day shut-off notice. Looks like it's from
10 Aqua Pennsylvania, dated 6/29. Mr. Falcone?

11 (Complainant's Exhibit Number Six marked
12 for identification.)

13 A. Yes. Thank you, Your Honor.

14 JUDGE JONES:

15 Wait a minute.

16 A. August 2nd, 2005 ---.

17 JUDGE JONES:

18 Wait a minute, Mr. Falcone. Do you wish
19 to have Exhibit Numbers Five and Six admitted into the
20 record, sir?

21 A. Yes, Your Honor.

22 JUDGE JONES:

23 Mr. Niesen?

24 ATTORNEY NIESEN:

25 I'd only point out, Your Honor, that the

1 last --- Exhibit Five is represented to be bills, I
2 believe, and what is now the last page of the exhibit
3 is not a bill. It is a proposal. With that
4 clarification, which is clear from the document
5 itself, we don't object the admission of the exhibits.

6 JUDGE JONES:

7 Very well. Exhibits Numbers Five and Six
8 are admitted into the record. Mr. Falcone?

9 A. Thank you, Your Honor. August 2nd, 2005, 3:51
10 p.m., Latrechiano from Aqua called. We spoke for
11 about nine minutes, at which time we agreed that the
12 previous tenant's bill would be removed and I'd be
13 credited my overcharges if I simply faxed the death
14 certificate of the previous tenant. Latrechiano said,
15 can you fax it to me tomorrow. I said, I'll fax it to
16 you today. Please see Exhibit Seven. They are my
17 only incoming calls.

18 JUDGE JONES:

19 We will mark Complainant Exhibit Number
20 Seven for identification purposes. It consists of a
21 cover page for identification and a --- looks like
22 Cingular bill, account number --- covering August 2nd
23 through September 1st and there are some markings on
24 the page. Mr. Falcone?

25 (Complainant's Exhibit Number Seven

1 marked for identification.)

2 A. Yes. The markings --- should I go over the
3 markings, Your Honor, or are we okay?

4 JUDGE JONES:

5 You need to present to me what you want
6 me to see from this exhibit.

7 A. Okay. The markings, the first one is reference
8 number 05 dated 8/02, time is 3:51. It's one of my
9 two only incoming calls, and it's nine minutes long.
10 I can --- can I present --- you know what? I'll come
11 back to this. Okay.

12 August 2nd, 2005, 4:20 p.m., I was interrupted
13 from eating before I headed out the door to go to
14 work. On my way, I was going to bring the death
15 certificate to the UPS store, fax it and be done.
16 Latrechiano called and said to me, hey, Jules, we're
17 going to be best friends after this, you know what,
18 just fax me everything you have. For the record, I
19 have mountains of records of my own and the previous
20 tenant's, which I explained to Latrechiano in the
21 previous nine-minute conversation. I have explained
22 it to Aqua in the summer of 2004, when this whole
23 thing started . let me see. Okay. I explained all
24 this, which is why she said I could just send the
25 death certificate to end this. It is not my

1 responsibility to prove that the bill is not mine. I
2 refuse to put any more energy into this situation. I
3 knew Aqua had no right to give me someone else's bill,
4 and had no reason to believe they would not continue
5 to be dishonest and attempt to stall and manipulate
6 the system in every way they can. So I decided I
7 would deal with them only when necessary.

8 Okay. Back to the exhibit, that would be
9 reference number 06, 8/02, time is 4:20 p.m. It was,
10 let's say, a two-minute call. It was probably more
11 like one minute and a little bit because it rounds up.
12 And that was that call. So would you admit that into
13 the record, please?

14 JUDGE JONES:

15 Okay. Are you finished referencing
16 Complainant Exhibit Seven?

17 A. I'm not, but --- okay. I'll jump to that now.
18 Thank you, Your Honor. August 23rd, 2005. Spoke to
19 Aqua for eight minutes. Aqua told me to --- oh, okay.
20 Okay. Sorry. I need to reference Exhibit Eight
21 before I can go back to --- okay. I got a shut-off
22 notice, which I'll get to.

23 JUDGE JONES:

24 Okay. Mr. Falcone, I am sorry. I see
25 from your notes that you want to represent to me

1 Exhibit Eight. My question was only in response to
2 whether I was going to admit Complainant Exhibit
3 Seven.

4 A. Okay.

5 JUDGE JONES:

6 And I wanted to make sure that you had
7 elicited everything you wanted from Complainant
8 Exhibit Seven before I asked Mr. Niesen if he was
9 going to object to you admitting it.

10 A. I don't want to admit it at this time, then.

11 JUDGE JONES:

12 Okay. Do you want me to ---?

13 A. August 18th, 2005, received ten-day shut-off
14 notice from Aqua because they cannot read my meter.
15 Please see Exhibit Eight.

16 JUDGE JONES:

17 We will reference, for identification
18 purposes, Complainant Exhibit Eight as Complainant
19 Exhibit Eight which is one page for identification, a
20 second page in bold, ten-day shut-off notice dated
21 8/18/05. It looks like it's from Aqua Pennsylvania.
22 Another page in bold, ten-day shut-off notice dated
23 8/25/05 with writings on it, and it looks like it's an
24 Aqua Pennsylvania notice. And the exhibit contains
25 those three pages. Mr. Falcone?

1 (Complainant's Exhibit Number Eight
2 marked for identification.)

3 A. Okay. Thank you, Your Honor. Okay. After I
4 received that on August 18th, on August 23rd,
5 2005 ---.

6 JUDGE JONES:

7 Wait a minute, Mr. Falcone. That meaning
8 Complainant Exhibit Eight?

9 A. Part of it. The shut-off notice for August 18th,
10 2005.

11 JUDGE JONES:

12 Okay. All right.

13 A. Thank you, Your Honor. On August 23rd, 2005, I
14 spoke to Aqua for eight minutes. Aqua told me to
15 disregard the shut of notice, it's a mistake. Then,
16 if you can look again at Exhibit Seven --- let me see
17 here. Okay. It's marked off, it's reference number
18 092, August 23rd --- okay. Is that good, Your Honor?

19 JUDGE JONES:

20 You're pointing to August 23rd, 0092, a
21 call, 4:58 p.m.?

22 A. Yes, Your Honor.

23 JUDGE JONES:

24 Okay.

25 A. Okay. August 25th, 2005 --- in other words, I

1 thought it was handled at this point. I thought that
2 they said it was a mistake, so we're done. So anyway,
3 two days later, August 25th, 2005, received ten-day
4 shut-off notices because they can't read my meter, and
5 now if we can again see Exhibit Eight, it's the one
6 dated August 25th, 2005.

7 JUDGE JONES:

8 Yes. I see it, Mr. Falcone.

9 A. Okay. I called Aqua back. So September 1st,
10 2005, spoke to someone in customer service at Aqua for
11 nine minutes and was told to disregard them, they are
12 mistakes. I explained that I keep getting them and it
13 needs to stop because I'm going away and I don't want
14 to miss a warning, not call because I'm away and when
15 I get back, my water's turned off through no fault of
16 my own. I asked the rep for her name. She asked, why
17 do you want my name. I stated, for my records. She
18 said, I'll transfer you to my supervisor. I sat on
19 hold. Eventually, Shuante picked up, informed me
20 she's not a supervisor, just another customer service
21 person. And after I explained how this has been going
22 on for months and it needs to be rectified, she
23 assured me she would and put me back on hold. Shuante
24 was nice, but after waiting a little longer on hold, I
25 couldn't wait anymore and hung up. If you would

1 please, again, look at Exhibit Seven. That would be
2 the phone record, reference number 0130, September
3 1st, 12:52 p.m., nine minutes.

4 JUDGE JONES:

5 Okay. I see another reference to Exhibit
6 Seven, so I'm sorry, go ahead, Mr. Falcone.

7 A. September 28th, --- I'm going to skip that. We
8 talked about that already in the informal talk the
9 other day. Okay. October 3rd, 2005, received a
10 letter from Orth of Aqua. That's Exhibit Nine. I'm
11 going to talk about Exhibit Nine now. Aqua is still
12 denying that I have contacted them. I have here, see
13 Exhibit Seven, I've already proved I have. Okay.
14 Again, on my phone conversations.

15 And Aqua asserts I have not provided plumbing
16 expenses. See Exhibit Five, fax confirmation. Okay.
17 It's Aqua's position that the entire problem was
18 rectified in one day. It's common knowledge that the
19 water is shocked with chlorine after such extensive
20 work is done. Aqua pretending not to notice is a slap
21 in the face to these proceedings and is further
22 evidence that they do not take the privilege they are
23 granted to be able to provide suitable water
24 seriously. Aqua is asserting that Latrechiano and I
25 only spoke once. We spoke twice, see Exhibit Seven.

1 I'll show relevance later.

2 JUDGE JONES:

3 Okay. Mr. Falcone, do you wish Exhibit
4 Numbers Seven and Eight to be admitted into the
5 record, sir?

6 A. Yes, Your Honor.

7 JUDGE JONES:

8 Mr. Niesen?

9 ATTORNEY NIESEN:

10 Your Honor, Seven is the phone list?

11 JUDGE JONES:

12 Correct.

13 ATTORNEY NIESEN:

14 And Eight is the ---?

15 JUDGE JONES:

16 Two shut-off notices.

17 ATTORNEY NIESEN:

18 We have no objection to them.

19 JUDGE JONES:

20 Okay. They are admitted. Mr. Falcone,
21 Exhibit Number Nine is where you're talking about the
22 letter received from Aqua and refuting some of their
23 claims, I assume, ---

24 A. Yes, Your Honor.

25 JUDGE JONES:

1 --- with Exhibits that we've already
2 admitted; correct?

3 A. I'm sorry. I didn't hear the last thing you said,
4 Your Honor.

5 JUDGE JONES:

6 You're refuting their claims with
7 exhibits that we have already admitted; is that
8 correct, sir?

9 A. I'm going to try to answer you this way. I don't
10 believe I admitted it yet. I don't know what they've
11 admitted because ---.

12 JUDGE JONES:

13 Mr. Falcone?

14 A. Yeah.

15 JUDGE JONES:

16 You referenced Exhibit Seven, which we've
17 admitted into the record, Exhibit Five, which are
18 facts, which we've admitted into the record. That's
19 what I'm saying, sir. You're refuting their claims
20 with exhibits that we've already admitted into the
21 record today.

22 A. Yes, Your Honor.

23 JUDGE JONES:

24 Okay.

25 A. Okay.

1 JUDGE JONES:

2 All right. Go ahead, sir.

3 A. Thank you. October 3rd, 2005. Received a letter
4 from Orth of Aqua, see Exhibit Nine. Oh, I think I
5 read that. Okay. Yeah, I did read that. Okay.

6 Okay. So in other words --- can we look at
7 Exhibit Nine now, Your Honor?

8 JUDGE JONES:

9 Yes, we may, sir.

10 A. Thank you. It is from Aqua Pennsylvania, dated
11 October 3rd. It has here, Dear Mr. Falcone, this
12 correspondence serves as my response to a phone
13 message you left on my voicemail ---.

14 JUDGE JONES:

15 Okay. Wait a minute, Mr. Falcone. All
16 of us can read, so we don't need for you to read the
17 letter into the record, sir. Are you going to
18 highlight a certain portion of the letter that you
19 wish to draw my attention to?

20 A. Yes, Your Honor. It would be the first paragraph,
21 starts with this correspondence, it ends with your
22 concern.

23 JUDGE JONES:

24 Okay. And you're highlighting that
25 paragraph because?

1 A. I've mentioned that Aqua keeps saying that I try
2 to avoid them and everything, and I finally have the
3 proof in writing from them that I've been trying to
4 --- they're saying that I avoid them. And I believe I
5 had already shown on numerous occasions that I have
6 been contacting them. They have been giving me the
7 run-around. They continually just lie and say I'm the
8 one avoiding this whole thing and that they're the
9 ones that try to resolve it and I'm the one who's
10 making a big deal out of nothing, when I feel they're
11 just trying to grind me down and try to just kind of
12 push me to the limit and continue to just give me the
13 run-around. So that's the reason for that part of
14 Exhibit Nine.

15 JUDGE JONES:

16 Okay. Anything else on Exhibit Nine?

17 A. Yes. It would be the next page. It's not
18 numbered, but it will be the next page. It will be
19 the first paragraph. It begins with new account, and
20 it ends with phone calls.

21 JUDGE JONES:

22 Yes, I have it, sir.

23 A. Okay. That would be --- I'd admit that for the
24 same reason I just gave. Then we have the next page,
25 it's numbered six.

1 JUDGE JONES:

2 The paragraph is numbered six?

3 A. Yeah. It will be the entire paragraph --- it'll
4 be both paragraphs. All of six.

5 JUDGE JONES:

6 All of six.

7 A. Yes. And then --- that is Exhibit Nine.

8 JUDGE JONES:

9 Okay. We will mark for identification
10 purposes Complainant Exhibit Number Nine, consists of
11 an identification page and three pages of a letter
12 addressed to Mr. Falcone on the letterhead of Aqua
13 Pennsylvania. It does not look like it is the entire
14 letter. Do you wish to have this admitted into the
15 record, sir?

16 (Complainant's Exhibit Number Nine marked
17 for identification.)

18 A. Yes, Your Honor.

19 JUDGE JONES:

20 As well as oh, I did Exhibits Seven
21 and Eight.

22 ATTORNEY NIESEN:

23 Your Honor?

24 JUDGE JONES:

25 Mr. Niesen?

1 ATTORNEY NIESEN:

2 Concerning Exhibit Nine, as you noted, it
3 is not the entire letter and certainly if it's going
4 to be part of the record, it should be the entire
5 letter, and I would note Mediator Bigelow's
6 involvement in this matter as referenced in the first
7 paragraph of the letter. I think Mediator Bigelow got
8 a copy of the letter as would have been clear from the
9 last page of the letter.

10 My understanding of mediation matters is
11 that they're not subsequently made part of the record.
12 But nevertheless, if Your Honor wants to make the
13 letter part of the record, we're not going to object
14 to it, but it should certainly be the entire letter.

15 JUDGE JONES:

16 Understood, Mr. Niesen. And it is my
17 preference to have the letter as part of the record,
18 simply because Mr. Falcone is trying to make a point
19 with the letter and it is the company's letter. I do
20 agree with you, Mr. Niesen, that it should be the
21 letter in its entirety. Mr. Falcone?

22 A. Thank you, Your Honor.

23 JUDGE JONES:

24 Just a minute, sir. I just wanted to
25 make sure I had your attention.

1 A. Yeah.

2 JUDGE JONES:

3 What I am planning to do is to amend your
4 Complainant Exhibit Number Nine to be the full letter,
5 sir. I do know that I have it somewhere in my file.
6 I cannot put my hands on it at this particular time,
7 but it will be amended to contain all of the pages
8 that were put forth on the letter from Ms. Orth dated
9 October 3rd, 2005.

10 A. I understand, Your Honor.

11 JUDGE JONES:

12 So that amended Exhibit Number Nine is
13 admitted into the record.

14 ATTORNEY NIESEN:

15 If Your Honor pleases, in that exhibit,
16 the entire letter would include the exhibits attached
17 to it?

18 JUDGE JONES:

19 Mr. Niesen --- we're off the record.

20 OFF RECORD DISCUSSION

21 JUDGE JONES:

22 I have a problem with all of the exhibits
23 that are attached to it, simply because one of the
24 exhibits, Exhibit Three, is the company's Answer and
25 New Matter, which I've already stated that I would

1 admit. So I am inclined to disturb the letter and
2 admit everything except Exhibit Three. So Complainant
3 Exhibit Nine will be the four pages of the letter from
4 Ms. Orth, who works for Aqua Pennsylvania, to Mr.
5 Falcone, Exhibit Number One cover sheet, the actual
6 Exhibit Number One, Exhibit Number Two cover sheet and
7 the exact, actual Exhibit Number Two.

8 Exhibit Number One is referencing, for
9 Mr. Falcone's benefit, it looks like contacts,
10 customer contacts to Mr. Falcone from the company.
11 And Exhibit Number Two, for Mr. Falcone's benefit, is
12 a letter from Ms. Morris who wrote on an Aqua
13 Pennsylvania letterhead, a letter addressed to Mr.
14 Falcone dated August 27th, 2005.

15 We're back off the record.

16 OFF RECORD DISCUSSION

17 JUDGE JONES:

18 We're back on the record. I have
19 provided for the record the amendment to Complainant
20 Exhibit Number Five --- I'm sorry, Complainant Exhibit
21 Number Nine. Mr. Falcone, we're back to you, sir.
22 You may continue your testimony.

23 A. Thank you, Your Honor. Can I ask you --- I got a
24 little confused. Did I already do October 3rd, 2005,
25 Your Honor?

1 JUDGE JONES:

2 Yes, you did, sir.

3 A. Thank you. I don't believe I did December 13th,
4 2005, Your Honor?

5 JUDGE JONES:

6 No, you did not, sir.

7 A. Thank you, Your Honor. December 13th, 2005.
8 Received letter from Orth of Aqua. See Exhibit Ten.
9 Aqua finally produces the bills I sent via fax. They
10 also produce an undated letter received in May 2005
11 from Radnor stating there were two emergency callouts,
12 proving Aqua knew the whole situation was not fixed in
13 one day. Both times my water was disrupted for
14 approximately one week because of the amount of
15 chlorine used. The emergency callouts are directly
16 related to the shoddy work done by Aqua's independent
17 contractor and would not have been necessary if Aqua's
18 independent contract did not do such a poor job, thus
19 causing me to be without usable water for
20 approximately 30 days. And I just mentioned Exhibit
21 Ten.

22 JUDGE JONES:

23 We will mark for identification purposes
24 Complainant Exhibit Ten, which consists of the
25 identification page, then another identification page

1 labeled Exhibit D, undated letter received in late May
2 2005. Then a third page on the letterhead of Radnor
3 Township, to a Mr. Miller, signed by a Mr. Stauffer,
4 Director of Public Works, I believe in Radnor
5 Township. Then a fourth page on the letterhead of
6 Aqua Pennsylvania dated May 27th, 2005, a letter to
7 Mr. Ronca from a Mr. Michael Fili with handwritten
8 notes on the letter. That is the extent of
9 Complainant Exhibit Ten. Mr. Falcone?

10 (Complainant's Exhibit Number Ten marked
11 for identification.)

12 A. Thank you, Your Honor. Aqua asserts maybe my
13 bills were included in the money they sent to the
14 Township. But the Township's bills clearly show the
15 money does not cover my bills. Okay. Exhibit 11,
16 dated 8/27/04.

17 JUDGE JONES:

18 Wait a minute.

19 A. Yeah.

20 JUDGE JONES:

21 Mr. Falcone, do you wish Exhibit Ten to
22 be admitted into the record?

23 A. Yes, Your Honor.

24 JUDGE JONES:

25 Mr. Niesen?

1 ATTORNEY NIESEN:

2 If I understood what Mr. Falcone said
3 that Exhibit Ten included a letter from Ms. Orth,
4 received letter from Orth of Aqua, see Exhibit Ten.
5 In any event, Exhibit Ten is three pages and four ---.

6 JUDGE JONES:

7 Let me try to clarify the record. It
8 appears that Mr. Falcone received Exhibit D from Aqua,
9 from Ms. Orth. Exhibit Ten encompasses the cover page
10 Exhibit D and then the letter from Radnor Township and
11 then the letter from Aqua. Ms. Orth, it appears,
12 labeled those pages as Exhibit D. Mr. Falcone, then,
13 for his purposes, labeled the entire packet as
14 Complainant Exhibit Ten. That may be what is
15 confusing you, Mr. Niesen.

16 ATTORNEY NIESEN:

17 So Exhibit Ten is a previously
18 distributed Aqua exhibit labeled D?

19 JUDGE JONES:

20 Correct. Does that help you, Mr. Niesen?

21 ATTORNEY NIESEN:

22 Yes. And I have no objection to it.

23 JUDGE JONES:

24 Okay. Exhibit Ten is admitted into the
25 record. You may continue, Mr. Falcone.

1 A. Thank you, Your Honor. Exhibit 11, dated 8/27/04,
2 the company specifically states its position that they
3 want proof of ownership or control of the estate
4 before they will establish service in my name. Then I
5 hung up. Then they agreed to put the account in my
6 name, but transferred the balance to me. Here's what
7 really happened.

8 I explained to the company on at least three
9 occasions in August of 2004, there was a big lawsuit
10 going on. Everything involving the estate, will,
11 property, deeds, et cetera, is tied up and being
12 contested. I just want a new account set up in my
13 name, pay my bill, have water, and get on with my
14 life. I made the same call to PECO, the energy
15 company, who set up a new account for me immediately.

16 Aqua continually lost my paperwork and I had to
17 keep calling back and re fax them, and when they
18 finally set up an account, they transferred the
19 previous tenant's balance to me. Once again, Aqua
20 said it's just an honest mistake.

21 I have shown that a great many times Aqua has not
22 been honest. They've manipulated the system every way
23 they could, they tried to stick me with the previous
24 tenant's bill, then after a year of collecting on the
25 fee agreement, they acted like they were doing me a

1 favor by crediting my account.

2 The reality is, there's no real legal, ethical or
3 moral justification for transferring another person's
4 account to me. Almost every holiday I got a ten-day
5 shut-off notice and had to call the PUC in fear that
6 when the holiday was over, I'd wake up one day without
7 water. They tried to intimidate me and strong-arm me
8 every step of the way and only stopped because their
9 extension on this proceeding ran out. They made the
10 whole thing appear to take place in one conversation.
11 It was many conversations. After repeating myself
12 many times, I eventually hung up.

13 Now, if you look at Exhibit 11, please?

14 JUDGE JONES:

15 Yes, sir. I have it, sir.

16 A. And some of the things --- I didn't know you
17 aren't supposed to repeat stuff in exhibits. So I do
18 have some things duplicated from previous exhibits.
19 Okay. There's the cover --- the first page is Exhibit
20 11. The second page says investigation after BCS
21 contact; okay? This I finally obtained from Aqua, and
22 I bring it up because it shows that we spoke once;
23 okay? And I'm saying that it's not as simple as we
24 spoke once and I hung up on them. We spoke on
25 numerous occasions and after they just kept not

1 listening to me, I eventually hung up on them. And
2 again, this is for 8/27/04, and now we're in, you
3 know, March of 2006. So they've been doing this to me
4 for a long time. That's why I bring this up.

5 JUDGE JONES:

6 Okay. We will mark for identification
7 purposes Complainant Exhibit 11, consists of a cover
8 page identifying the exhibit and another page --- the
9 bottom of the page is dated August 19th, 2005. The
10 top of the page in bold, Investigation After BCS
11 Contact. That is the extent of Exhibit ---
12 Complainant Exhibit 11. Do you wish to have this
13 exhibit admitted, sir?

14 (Complainant Exhibit Number 11 marked for
15 identification.)

16 A. Yes, Your Honor.

17 JUDGE JONES:

18 Mr. Niesen?

19 ATTORNEY NIESEN:

20 Again, Your Honor, if it is one page of a
21 several-page document, and we don't object to it going
22 into the record, but we would like the entire document
23 to be admitted into the record.

24 JUDGE JONES:

25 Very well. Mr. Falcone, what I am

1 inclined to do is the company has the entire document.
2 This is actually a PUC document. And I am inclined to
3 have the entire document into the record, so we will
4 not be admitting into the record Complainant Exhibit
5 11. We will admit into the record a company exhibit,
6 which is the entire document. That poses a problem
7 telephonically, however, because I am not sure you
8 have the entire document with you. Let's go off the
9 record for a moment.

10 OFF RECORD DISCUSSION

11 JUDGE JONES:

12 We're back on the record. After some
13 discussion, the company was able to provide both the
14 Complainant and the ALJ with Aqua Exhibit Number One,
15 which is the entirety of the BCS Decision dated
16 7/19/2005. The Complainant has no objection to Aqua
17 Exhibit One being admitted into the record. It is,
18 therefore, admitted.

19 (Aqua Exhibit Number One marked for
20 identification.)

21 JUDGE JONES:

22 Okay. You may continue, Mr. Falcone.

23 A. Thank you, Your Honor. I am completely aware that
24 this case is not about me being compensated for my
25 out-of-pocket expenses. I bring up those points to

1 show a pattern of behavior. Aqua has said whatever
2 has best served its interests from the beginning of
3 this case which started in August of 2004. It has
4 repeatedly distorted the facts to appear everything's
5 above board. They extol on their website the huge
6 profits they've made in the past few years. I have
7 thoroughly shown how they've overcharged, saved money
8 by using shoddy independent contractors, have poor
9 customer service. Of course they're making huge
10 profits, they have a monopoly, and they're taking
11 advantage of that.

12 Aqua knows they don't have to follow the rules
13 because most people don't have the time to defend
14 themselves or can't afford a lawyer, so they step on
15 the public that they are privileged to provide with
16 water. This would have cost me a fortune to bring a
17 lawyer in for me to get justice. Aqua knows most
18 people can't afford it, so they know they can get away
19 with squeezing the public.

20 The bottom line is, I didn't have usable water for
21 approximately 30 days. I don't have a videotape of
22 the workers outside every day, or of me carrying my
23 bottles of water to my neighbors, or going to the
24 store to get water, or of the green smelly water that
25 was coming out, or the sewage that backed up onto my

1 lawn, or the pipes that were shaken loose in my
2 basement. I was told by the workers it would be done
3 and I went about my life. At the end of the day, my
4 water still came out green.

5 Just like everybody else Aqua serves, I pay my
6 bill and when I turn on the tap, I just want water, I
7 want usable water. I'm not looking to be involved
8 with Aqua, but in all the paperwork they presented,
9 the only time they admit to possibly being at fault is
10 when they have absolutely no ground to stand on
11 anymore. They still waited a year, held my money the
12 entire time, then I put in quotes, as a token of good
13 faith, credited me.

14 Every other aspect of this proceeding, they simply
15 blame me, stating I'm the one who's unresponsive or
16 they plead ignorance. The paperwork Aqua has
17 presented alone should be enough to renounce their
18 charter. They are totally ignorant regarding the ins
19 and outs of supplying the public with water or maybe
20 they're all too aware of the ins and outs of supplying
21 the public with water and how get around it, how to
22 get away with it, how to, you know, take advantage.

23 Yes. Thank you, Your Honor.

24 JUDGE JONES:

25 Thank you, Mr. Falcone. Mr. Niesen?

1 ATTORNEY NIESEN:

2 Your Honor, I would just note for the
3 record that the last presentation was read from the
4 document that we have an outstanding on-the-record
5 objection to.

6 JUDGE JONES:

7 Okay. Mr. Falcone?

8 A. Yes, Your Honor.

9 JUDGE JONES:

10 Does that end your presentation, sir?

11 A. I didn't hear what he said. I don't really
12 understand what you just asked me.

13 JUDGE JONES:

14 Okay. Do you have anything else you wish
15 to bring before me to present your case and your
16 dispute today?

17 A. No, I don't, Your Honor.

18 JUDGE JONES:

19 Okay. Mr. Niesen simply stated that you
20 were reading from the document that we identified for
21 identification purposes as Complainant Exhibit Number
22 13, which he has an objection to. I am not inclined
23 to admit Complainant Exhibit Number 13, as that was
24 Mr. Falcone's testimony. Mr. Falcone, I am concerned,
25 sir, because this hearing is going to take a good

1 hour, hour-and-a-half, and I want to make sure that we
2 are able to continue on your end, sir?

3 A. Yeah, I'm glad you asked. I had no idea it was
4 going to take this long. I have doctors' appointments
5 all afternoon. So I'm glad you asked me that. I had
6 no idea it would take this long.

7 JUDGE JONES:

8 Okay. Mr. Falcone, when do you need to
9 leave, sir?

10 A. I have an appointment that's five minutes away at
11 12:00 today.

12 JUDGE JONES:

13 Mr. Niesen, this presents a problem, sir.
14 It is apparent to me that we will not be finished in
15 time for Mr. Falcone making his appointment. It is
16 also apparent to me that I did not provide him timely
17 with notice that this proceeding could possibly take
18 this long.

19 ATTORNEY NIESEN:

20 Your Honor, I don't know what to suggest
21 in that regard. It's already 11:20 and we have
22 substantial Cross Examination for Mr. Falcone, and
23 then we have --- one, two, three, four, Aqua witnesses
24 and two witnesses that we've subpoenaed who are here
25 today in response to the subpoenas. So I just don't

1 know what we can possibly suggest.

2 JUDGE JONES:

3 Mr. Falcone?

4 A. Yes, Your Honor?

5 JUDGE JONES:

6 These doctor appointments are in stone,
7 they are not flexible, sir?

8 A. No. I mean, they're not flexible, Your Honor.

9 JUDGE JONES:

10 Okay. I am inclined to --- we have
11 subpoenaed witnesses that are here due to the
12 jurisdiction of this Commission. I would like to hear
13 them. I do not want to waste their time. The company
14 has Cross for Mr. Falcone. I am inclined to delay
15 that. That can be dealt with at another time. Also,
16 the company's witnesses can be dealt with at another
17 time. However, I do want to hear the subpoenaed
18 witnesses. I know that presents a problem as far as
19 the company presenting its case. Mr. Niesen, I'm
20 willing to hear you, sir.

21 ATTORNEY NIESEN:

22 Your Honor, it does present a problem.
23 The subpoenaed witnesses were not intended to be the
24 first persons testifying in our case. We had a
25 careful order of witnesses. I'm frankly reluctant to

1 put these subpoenaed witnesses on the stand in the
2 absence of the schedule that we came up with, frankly.

3 JUDGE JONES:

4 In the absence of the schedule ---.

5 ATTORNEY NIESEN:

6 Well, we have --- the schedule of my
7 witnesses, my preferred order of witnesses. And I
8 think to take them out of order potentially does
9 somewhat of an injustice to our full presentation.

10 JUDGE JONES:

11 Okay. I understand that, Mr. Niesen. We
12 are in vernacular dealt this hand and we are now
13 trying to play it. I am inclined to make sure that
14 these witnesses that you have subpoenaed, sir, for
15 this date and time, sir, have not wasted their time
16 out of their livelihoods to be here. So I am inclined
17 to, if you have no further suggestions, sir, hear
18 these witnesses, have Mr. Falcone cross examine them
19 and then we will be done for the day to reschedule a
20 hearing subsequently to take this matter further. Do
21 you have any other suggestion than that, Mr. Niesen?

22 ATTORNEY NIESEN:

23 I do not, Your Honor.

24 JUDGE JONES:

25 Very well. Mr. Falcone?

1 A. Yes, Your Honor?

2 JUDGE JONES:

3 I am sorry, sir. I am going to apologize
4 up front, but I am inclined to hear these witnesses.
5 If it should make you late for your appointment, sir,
6 I suggest that you take matters into your hands now to
7 alert whomever you have to alert. If you should
8 choose not to cross examine these witnesses, I will
9 tell you that you do that at your peril, sir, because
10 that is part of your case. We will not be rehearing
11 them. Do you understand that, Mr. Falcone?

12 A. Yes, Your Honor.

13 JUDGE JONES:

14 Okay. Let's proceed promptly. Mr.
15 Niesen?

16 A. Judge, can I ask a question?

17 JUDGE JONES:

18 Yes, Mr. Falcone?

19 A. Yes. I thought I was going to --- can I get a
20 couple of minutes to make a phone call or something?

21 JUDGE JONES:

22 You need to make a phone call to delay
23 your doctor's appointment?

24 A. For example, if I'm asking improper questions,
25 just tell me. Do we have any idea how long this next

1 part is going to take?

2 JUDGE JONES:

3 Mr. Niesen?

4 ATTORNEY NIESEN:

5 It might take 15 minutes for each
6 witness. It might take more than that.

7 A. I didn't hear what he said.

8 JUDGE JONES:

9 He said we might be able to allot a
10 half-an-hour for the witnesses. It may take more.
11 It's somewhat dependent on you, sir, as to what you
12 would want to cross examine. It's somewhat dependent
13 on what the witnesses say about what occurred on the
14 dates in question. I believe these witnesses are here
15 for the plumbing that was done at your residence, sir.

16 A. Are you going to take a lunch break anyway at a
17 certain time?

18 JUDGE JONES:

19 I am not inclined to do that, sir,
20 because we have already established that we are going
21 to have to have another hearing, sir. So I want to
22 try to get as much done with these witnesses now as
23 promptly as possible so that we can adjourn for the
24 day, sir. I am trying to accommodate you having an
25 appointment today, sir.

1 A. I was just trying to figure it all out. You know
2 what, let's just proceed then. Thank you, Your Honor.

3 JUDGE JONES:

4 You're welcome, sir. Mr. Niesen?

5 ATTORNEY NIESEN:

6 If Your Honor pleases, we would call Mr.
7 Scott Horn to the witness stand.

8 JUDGE JONES:

9 Very well. Mr. Horn? Please raise your
10 right hand, sir.

11 -----
12 SCOTT HORN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS
13 FOLLOWS:

14 -----

15 JUDGE JONES:

16 Thank you, you may be seated. Sir,
17 please state your full name, spelling your last name
18 for the record?

19 A. Scott, middle initial L., Horn, H-O-R-N.

20 JUDGE JONES:

21 And you are self-employed, sir?

22 A. Yes.

23 JUDGE JONES:

24 And your business, sir?

25 A. Horn Plumbing and Heating, Inc.

1 JUDGE JONES:

2 Very well. Mr. Niesen, you may continue
3 with this witness.

4 DIRECT EXAMINATION

5 BY ATTORNEY NIESEN:

6 Q. Mr. Horn, what is your business address?

7 A. It's 304 National Road, Exton, PA 19341.

8 Q. And what is your job title with Horn Plumbing?

9 A. President and master plumber of the business.

10 Q. Are you the owner of Horn Plumbing?

11 A. One of the owners, yes.

12 Q. And how long have you been working for Horn
13 Plumbing and been a master plumber?

14 A. I've been a master plumber for 27 years, and I've
15 owned and operated my own business for 25 years.

16 JUDGE JONES:

17 Just a minute. Mr. Falcone, I heard a
18 buzz. Are you still there, sir?

19 MR. FALCONE:

20 Yes, Your Honor.

21 JUDGE JONES:

22 Are you able to hear, sir?

23 MR. FALCONE:

24 Yes, Your Honor.

25 JUDGE JONES:

1 Thank you. Go ahead, Mr. Niesen.

2 BY ATTORNEY NIESEN:

3 Q. Now, Mr. Horn, you understand that you're
4 testifying today pursuant to a subpoena?

5 A. Yes.

6 Q. And can you tell us when you first became involved
7 with Horn Plumbing and the property at 257 Highland
8 Avenue in Wayne, Pennsylvania?

9 A. I was called by Bill Farley, the sewer
10 superintendent of Radnor Township, that there had been
11 a problem with Mr. Falcone's sewer at that property.

12 Q. Do you recall the date that you received the
13 telephone call from Mr. Farley?

14 A. Yes, hold on. The phone call that I received I
15 would believe was 4/5 of '05.

16 Q. And did you go to the property at 257 Highland
17 Avenue on that day?

18 A. Yes, we did.

19 Q. What did you find when you got to the property?

20 A. We had found that the Township was working on Mr.
21 Falcone's sewer and had pulled apart the water service
22 going into Mr. Falcone's home.

23 JUDGE JONES:

24 Excuse me, Mr. Horn. Let me make sure I
25 understand. You found that the Township pulled apart

1 Mr. Falcone's sewer?

2 A. Yes. Yes, Your Honor.

3 JUDGE JONES:

4 Thank you. You may proceed, Mr. Niesen.

5 ATTORNEY NIESEN:

6 Yes, Your Honor.

7 BY ATTORNEY NIESEN:

8 Q. Now, prior to that April date, had you been to the
9 property to snake the line?

10 A. Yes, we had. The other division in our company
11 had been there, yes.

12 Q. Do you remember the date that the snaking was
13 done?

14 A. Yes.

15 MR. FALCONE:

16 Your Honor, are you there?

17 JUDGE JONES:

18 Yes, I am.

19 MR. FALCONE:

20 He just cut out. The last thing I heard
21 was he said do you remember the date.

22 JUDGE JONES:

23 And he's looking for his document.

24 MR. FALCONE:

25 Oh, my fault.

1 JUDGE JONES:

2 That's okay. You cannot see, Mr.
3 Falcone, and I told you to let us know if you don't
4 hear anything. So you're doing your job, sir.

5 MR. FALCONE:

6 Thanks, Your Honor.

7 A. All right. Your Honor, 4/25 of '05.

8 BY ATTORNEY NIESEN:

9 Q. Let's look at that date. The date of that invoice
10 is what?

11 A. 3/28 of '05.

12 Q. And is the date of 4/25 --- is that the correct
13 date or is that a March 25 date that the snaking was?

14 A. The snaking --- the date was prior to the Township
15 having to come out and take the responsibility of
16 taking a look at the sewer line.

17 Q. So it's prior to the April 7th date?

18 A. Yes, it is.

19 Q. So that date on the invoice should be, probably,
20 March 25th of '05, when you snaked it?

21 A. That's right.

22 Q. Did you do anything at the property between March
23 the 25th and the April date when you were brought back
24 to the property?

25 A. No, sir.

1 Q. What did you find when you snaked the property?

2 A. We found out that when we had ran the sewer cable
3 down the vent pipe, that seven, eight feet outside of
4 the sewer line we could not open up the plumbing pipe,
5 the sewer.

6 Q. Did you contact the Township after finding those
7 results?

8 A. Yes, we did.

9 Q. And then let's go now to the April date. Tell me
10 again, what date was it in April that you were at the
11 property?

12 A. The first time, to snake?

13 Q. No, the second time.

14 A. The second time would have been 4/5 of '05.

15 Q. And on that date, what did you find and what did
16 you do?

17 A. Like I had said, we received a phone call from
18 Radnor Township, Bill Farley, asking the assistance
19 from Horn Plumbing to come out and repair the sewer
20 line that had been temporarily shut off by Radnor
21 Township.

22 Q. So in what way were you then involved with
23 repairing the sewage?

24 A. Radnor Township had asked us to install, from
25 inside the basement to Aqua's curb stop, a brand new

1 three-quarter inch copper water service to accommodate
2 Mr. Falcone's waterline.

3 Q. That's a waterline, not a sewer line?

4 A. That's a waterline, yes.

5 Q. Earlier you spoke about being brought there to
6 repair the sewer line. But you were brought there to
7 repair the waterline; is that correct?

8 A. That's correct.

9 MR. FALCONE:

10 Your Honor, I didn't hear that question.

11 JUDGE JONES:

12 Okay. Mr. Niesen, do you wish to repeat
13 the question or do you wish to have the court reporter
14 read back the question and answer?

15 ATTORNEY NIESEN:

16 I would like the court reporter to read
17 that back.

18 JUDGE JONES:

19 Mr. Falcone, the court reporter is
20 looking for the appropriate place to read the exchange
21 back, sir.

22 MR. FALCONE:

23 I just missed the last question and
24 answer.

25 JUDGE JONES:

1 Understood.

2 COURT REPORTER READS BACK PREVIOUS QUESTION AND ANSWER

3 JUDGE JONES:

4 Mr. Falcone, did you hear that from the
5 court reporter?

6 MR. FALCONE:

7 Yes. Thank you, Your Honor.

8 JUDGE JONES:

9 You're welcome. Mr. Niesen, you may
10 proceed.

11 ATTORNEY NIESEN:

12 Thank you, Your Honor.

13 BY ATTORNEY NIESEN:

14 Q. So the answer to that question, Mr. Horn, you were
15 brought there to repair the waterline, not the sewer
16 line?

17 A. Yes.

18 Q. Let me show you --- this is an invoice that's
19 already in the record in one of Mr. Falcone's
20 exhibits. It has Horn Plumbing and Heating at the
21 top, then an invoice number M-925 ---.

22 JUDGE JONES:

23 Mr. Niesen, can we reference the
24 identification number of the exhibit, sir?

25 ATTORNEY NIESEN:

1 It's Exhibit Four.

2 JUDGE JONES:

3 Okay. Mr. Falcone, for your purposes,
4 sir, the exhibit that is being shown to the witness is
5 Complainant Exhibit Number Four. Your third page,
6 sir. It's an invoice entitled Horn Plumbing and
7 Heating. The April 7th, 2005 to Radnor Township. Do
8 you have that, sir?

9 MR. FALCONE:

10 I'm looking. Exhibit Four. What page in
11 Exhibit Four?

12 JUDGE JONES:

13 The third page, sir, counting the first
14 page as your Exhibit Four identification.

15 MR. FALCONE:

16 Okay. I'm totally confused. Because I
17 only have one page for Exhibit Four. Is it dated
18 August 26th, 2005?

19 JUDGE JONES:

20 This is your exhibit, sir.

21 MR. FALCONE:

22 Oh, my exhibit?

23 JUDGE JONES:

24 Yes.

25 MR. FALCONE:

1 My exhibit. Okay. He wants to reference
2 --- what is it, the Horn bill? Is that what he's
3 talking about?

4 JUDGE JONES:

5 Yes.

6 MR. FALCONE:

7 I'm sorry.

8 JUDGE JONES:

9 That's okay, sir.

10 MR. FALCONE:

11 Okay. You know what? Let's proceed,
12 please.

13 JUDGE JONES:

14 Okay. Go ahead, Mr. Niesen.

15 BY ATTORNEY NIESEN:

16 Q. Right. Mr. Horn, do you have this --- you're
17 looking at this invoice. This is your invoice; is it
18 not?

19 A. Yes, it is.

20 Q. And the invoice lists work that you did at the
21 property at 257 Highland Avenue; is that correct?

22 A. That's correct.

23 Q. And does it describe the work that you did and
24 that you earlier described for the record concerning
25 replacing the waterline from the house to the Aqua

1 curb stop?

2 A. That's correct.

3 Q. And all this work was performed on April the 6th?

4 A. Yes.

5 Q. As it's stated on the invoice. And you used a
6 three-inch hedgehog tool to shoot a new line
7 underground ---.

8 MR. FALCONE:

9 Your Honor, the last thing I heard was,
10 was everything done on April 6th.

11 JUDGE JONES:

12 Mr. Niesen.

13 ATTORNEY NIESEN:

14 I'm sorry.

15 BY ATTORNEY NIESEN:

16 Q. You used a three-inch hedgehog tool to shoot a new
17 line underground without digging up the customer's
18 lawn; is that part of what you did?

19 A. That's correct.

20 Q. And on that day, did you see the Aqua crew working
21 there that day on the part of the line from the curb
22 stop to the Aqua main?

23 A. No, I did not.

24 Q. You didn't see, okay.

25 MR. FALCONE:

1 I'm sorry, what was that last question
2 and answer?

3 ATTORNEY NIESEN:

4 I asked if Mr. Horn saw the Aqua crew
5 working on the part of the service line from the curb
6 stop to the Aqua main while he was at the property.

7 JUDGE JONES:

8 On April 6th, 2005.

9 MR. FALCONE:

10 Thank you, Your Honor.

11 JUDGE JONES:

12 And the answer was no, he did not.

13 MR. FALCONE:

14 Thank you.

15 BY ATTORNEY NIESEN:

16 Q. Now, having completed this work on April 6th,
17 2005, was water service reestablished to Mr. Falcone's
18 property at 257 Highland Avenue?

19 A. Yes, it was.

20 MR. FALCONE:

21 I'm sorry, Your Honor. I didn't get the
22 question.

23 JUDGE JONES:

24 Mr. Niesen asked the witness, after
25 completing the work on April 6th, 2005, was water

1 service established to your property on April 6th,
2 2005. And the answer from the witness was yes, it
3 was.

4 MR. FALCONE:

5 Thank you, Your Honor.

6 BY ATTORNEY NIESEN:

7 Q. Mr. Horn, did you do any chlorinating of the pipe
8 or of the water when you were at the property
9 repairing the service line?

10 A. No, sir.

11 Q. Now, there was testimony about a connection of a
12 garden hose. Could you explain for the Judge,
13 describe for the Judge what happened in that
14 circumstance? How did that work?

15 A. When we arrived on the scene, Mr. Falcone had not
16 had any water. The Township, I believe, shut it off
17 at the curb stop, and we have several hundred-foot
18 lengths of special hose. It's not a garden --- it
19 looks just like a garden hose, but it's for pure
20 water, period. So what we wound up doing for Mr.
21 Falcone is we ran a temporary waterline, which
22 consists of the hose from a neighbor's property so
23 that he would have water for the evening until we got
24 there first thing at 7:00 a.m. the following morning
25 to install the new line.

1 Q. And it's that kind of hose that you used to make
2 the temporary connection for Mr. Falcone's property?

3 A. That's correct.

4 JUDGE JONES:

5 I'm going to stop you.

6 OFF RECORD DISCUSSION

7 JUDGE JONES:

8 We're on the record. Mr. Horn, let me
9 understand your testimony, sir. The previous day,
10 which would be April 5th, 2005, that was when you
11 hooked up this what looked like a garden hose for
12 water service for Mr. Falcone; is that correct?

13 A. That's correct, Your Honor.

14 JUDGE JONES:

15 And then the following day, which would
16 have been April 6th, 2005, you came back to the site
17 and the garden hose was still in operation; is that
18 correct, sir?

19 A. That's correct.

20 JUDGE JONES:

21 And then when you left on April 6th,
22 2005, you restored water service and disconnected
23 what appeared to be a garden hose for water service;
24 is that correct, sir?

25 A. That is correct.

1 JUDGE JONES:

2 Mr. Niesen, you may continue.

3 BY ATTORNEY NIESEN:

4 Q. All right. Mr. Horn, still looking at that
5 invoice, that invoice is to Radnor Township; correct?

6 A. That is correct.

7 Q. Not an invoice to Mr. Falcone; right?

8 A. No, sir.

9 Q. And I see that down at the bottom of the invoice,
10 it indicates that you, at Horn Plumbing, guarantee
11 your work?

12 A. That is correct.

13 Q. After doing the work and since that time, did you
14 have any call about the work questioning service or
15 --- did you have a reason to go back to the property?

16 A. No, sir.

17 JUDGE JONES:

18 Mr. Niesen, are you finished with your
19 witness?

20 ATTORNEY NIESEN:

21 I'm not sure.

22 JUDGE JONES:

23 Mr. Falcone, Mr. Niesen is looking
24 through documents trying to make sure that he has
25 elicited all the testimony from Mr. Horn.

1 MR. FALCONE:

2 Thank you, Your Honor.

3 BY ATTORNEY NIESEN:

4 Q. Mr. Horn, maybe one more question. Did you ever
5 contact the water company, Aqua, about any difficulty
6 or problems concerning the work that you did at the
7 property?

8 A. No, sir.

9 ATTORNEY NIESEN:

10 If Your Honor pleases, that completes our
11 examination of Mr. Horn.

12 JUDGE JONES:

13 Very well. Thank you, Mr. Niesen. As we
14 do not have the luxury of a lot of time, Mr. Falcone,
15 do you have any questions concerning the questions
16 that Mr. Niesen posed to Mr. Horn?

17 MR. FALCONE:

18 I do, Your Honor.

19 JUDGE JONES:

20 You may present those questions now, sir.

21 CROSS EXAMINATION

22 BY MR. FALCONE:

23 Q. Mr. Horn, were you at my --- were you one of the
24 workers at my house the first time Horn Plumbing came
25 out?

1 A. No, I was not.

2 Q. Okay. Were you --- how many times was Horn
3 Plumbing at my house?

4 A. I had been there twice.

5 Q. So Horn Plumbing --- do you know how many times
6 Horn Plumbing was there?

7 A. Yes. The first time we were there to clear the
8 sewer. The second time we were there was to run the
9 temporary garden hose and the third time I was there
10 was when I installed the new water service at your
11 home.

12 Q. The first time you were there to clear the sewer,
13 did you clear the sewer?

14 A. No, we did not. And I was not there.

15 Q. Okay. Well, you're there representing your
16 company, so you need to answer for your company.
17 That's why I asked the question. Were you in my
18 basement?

19 A. Yes, sir, I was.

20 Q. You were there to fix a --- was the pipe on the
21 ground when you came to my basement?

22 A. No, it was not.

23 Q. Okay. Do you know who Bill Farley is?

24 A. Yes, I do.

25 Q. Okay. If I can direct the witness to my Exhibit

1 Five?

2 JUDGE JONES:

3 Just a minute, Mr. Falcone. We are
4 trying to make sure that the witness has possession of
5 your Exhibit Five. Mr. Falcone, Mr. Horn has
6 possession of your Complainant Exhibit Number Five.

7 BY MR. FALCONE:

8 Q. Okay. There's a handwritten letter from Bill
9 Farley to me. Do you have that?

10 JUDGE JONES:

11 Mr. Falcone, I believe you're in error,
12 sir, that would be Complainant Exhibit Four.

13 MR. FALCONE:

14 I'm sorry, Your Honor.

15 JUDGE JONES:

16 The witness does have the exhibit in
17 front of him, sir.

18 BY MR. FALCONE:

19 Q. You testified that it was not a garden hose; is
20 that correct, sir?

21 A. Yes, it is a type of garden hose, but it ---.

22 Q. That's not my question. My question is, did you
23 testify that it is not a garden hose?

24 A. That's right.

25 Q. Okay. So when you just said it's a type of garden

1 hose, which is it?

2 A. It is a garden hose that you may use to hook up
3 and run pure water from junction to junction, yes.

4 Q. Okay. You said earlier under examination that
5 it's not a garden hose. You're changing your answer.

6 A. Yes, it is a garden hose.

7 Q. Okay. When you came back the second day, okay,
8 was the sewer and the waterline fixed?

9 A. No. No, it wasn't, Mr. Falcone.

10 Q. Okay. Was the sewer fixed?

11 A. No, it wasn't, Mr. Falcone.

12 Q. By the time you left, was the sewer fixed?

13 A. I don't believe that it was. I believe that was
14 the second step of the project.

15 Q. Do you know when the sewer line was fixed?

16 A. Immediately --- I can't tell you exactly. I would
17 believe that the Township was in there fixing the
18 sewer as soon as I restored the water back to service.

19 Q. When you left your second day, did I have water
20 service?

21 A. Yes, you did.

22 Q. Did you come into my house and test the water?

23 A. No, I did not.

24 Q. Did you test the water in any capacity?

25 A. No, I did not.

1 Q. Okay. So it's your testimony that there is no
2 chalky substance inside this garden hose or type of
3 garden hose that would come out in the water?

4 A. That is correct.

5 Q. Okay. Is it common not to test the water before
6 you leave?

7 A. Very common. That's not my job. I know that the
8 water that's coming from Aqua after we flush the line
9 is pure to hook back into the meter.

10 Q. But how do you know it's a flushed line if you
11 didn't test it?

12 A. I did test the line. I test the waterlines for
13 leaks. I did not test the waterline for chlorination
14 or for potable water.

15 Q. Okay. Are you saying it's not common for the work
16 you did to put any kind of chlorine into the water?

17 A. Positively not.

18 Q. Okay. If my water came out green, is there any
19 explanation for that in all your years of plumbing?

20 A. No, sir. I'd have to see it. The only thing I
21 can tell you is with the new waterline that had been
22 restored, with the amount of pressure and flow that
23 had come through the new line, your old --- the piping
24 that exists in the house, you might have had to flush
25 those lines out in order to maybe get some of that,

1 what I would call, green scale that had been in the
2 piping for how many years.

3 Q. Green scale, is that chlorine?

4 A. No, it isn't, it's from ---.

5 Q. Well, then my question was ---?

6 JUDGE JONES:

7 Wait a minute. Mr. Falcone, you have to
8 allow the witness to answer the question.

9 MR. FALCONE:

10 Okay.

11 JUDGE JONES:

12 We can't have several people talking at
13 the same time.

14 MR. FALCONE:

15 Thank you, Your Honor.

16 JUDGE JONES:

17 Mr. Horn, I believe you were trying to
18 explain?

19 A. Yes, Your Honor. That green substance would have
20 come from the existing plumbing in the house, not from
21 the water main or not from the service.

22 BY MR. FALCONE:

23 Q. Okay. Does this green substance smell like
24 chlorine?

25 A. No, it doesn't.

1 Q. Then if it looks like chlorine, it's green, it
2 smells like chlorine, is your answer still that it's
3 probably this substance you're talking about, or could
4 it possibly be chlorine?

5 A. I don't understand the question.

6 Q. Okay. I'll say it again. If my water is coming
7 out and it looks like it's green, it looks like
8 chlorine, and it has that smell of chlorine, do you
9 still want to say your answer is that it's the green
10 substance from the pipes?

11 A. First of all, the green substance has nothing to
12 do with chlorine at all. The green substance is the
13 scaling that has been over the years inside your own
14 plumbing system. And the smell of chlorine is maybe
15 what Aqua purifies the water with. It has nothing to
16 do with anything that had been done with the service
17 at your home.

18 Q. Okay. So you agree that it isn't necessarily this
19 green substance you're talking about?

20 A. So in other words, you're asking me is the green
21 substance chlorine? No, it is not.

22 Q. Okay. Thank you. The green substance that I was
23 finding in my water, it is not necessarily the green
24 substance you're trying to say is that were in my
25 pipes or could have been in my pipes; is that correct?

1 A. I don't understand that question, either.

2 Q. What was that?

3 A. I don't understand that question, either.

4 Q. Okay. Can you --- do you have any way of knowing
5 or proving that the green substance that was coming
6 out of my water comes from my pipes?

7 A. Most definitely. It most definitely is from your
8 piping system.

9 Q. Okay. So the fact that you already said it does
10 not smell like chlorine and I'm saying this stuff
11 smelled like chlorine, you're disregarding that?

12 A. I don't understand what he's getting at, Your
13 Honor.

14 ATTORNEY NIESEN:

15 Your Honor, I think he's just arguing
16 with Mr. Horn at this point. Mr. Horn is here under
17 subpoena.

18 JUDGE JONES:

19 Mr. Niesen, I would agree. Mr. Falcone,
20 it just appears that there's a difference of opinion.
21 You believe that it's chlorine, Mr. Horn believes that
22 it's a green substance from the existing piping in the
23 house. I believe you've made your point. Mr. Horn is
24 sticking with his point. I don't think you're going
25 to get anywhere as far as arguing with the witness,

1 sir.

2 MR. FALCONE:

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

4 JUDGE JONES:

5 I have a couple questions for you, Mr.
6 Horn. I'm not clear. I believe that your company was
7 at the residence of Mr. Falcone three times; is that
8 correct, sir?

9 A. That is correct.

10 JUDGE JONES:

11 Okay. And the first time, you were not
12 there personally, but your company was there; is that
13 correct, sir?

14 A. That is correct.

15 JUDGE JONES:

16 And that first time date would be?

17 A. That first time date was 4/25 of '05.

18 JUDGE JONES:

19 Okay. Now, that date is the date that
20 Mr. Niesen pointed out to you that possibly could have
21 been a typographical error and possibly could have
22 been March 25th as opposed to April 25th; is that
23 correct, sir?

24 A. That's exactly right.

25 JUDGE JONES:

1 Okay. All right. Mr. Niesen, do you
2 have any questions based on the questions I asked of
3 the witness?

4 ATTORNEY NIESEN:

5 No, Your Honor, we have no further
6 questions.

7 JUDGE JONES:

8 Mr. Falcone, do you have any questions?

9 MR. FALCONE:

10 No, Your Honor.

11 JUDGE JONES:

12 Mr. Horn, you are excused, sir.

13 A. Thank you.

14 JUDGE JONES:

15 Mr. Niesen, your next witness, sir?

16 ATTORNEY NIESEN:

17 If Your Honor pleases, we would call Mr.
18 Steve Amarant to the stand.

19 JUDGE JONES:

20 Please raise your right hand, sir.

21 -----

22 STEVEN AMARANT, HAVING FIRST BEEN DULY SWORN,

23 TESTIFIED AS FOLLOWS:

24 -----

25 JUDGE JONES:

1 Thank you, you may be seated. Please
2 state your full name, spelling your last name for the
3 record.

4 A. Steven Amarant, A-M-A-R-A-N-T.

5 JUDGE JONES:

6 And by whom are you employed, sir?

7 A. Radnor Township Sewer Department.

8 JUDGE JONES:

9 Mr. Niesen, you may proceed with your
10 witness, sir.

11 ATTORNEY NIESEN:

12 Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY ATTORNEY NIESEN:

15 Q. Mr. Amarant, what is your business address,
16 please?

17 A. 301 Iven Avenue, Wayne, PA 19087.

18 Q. And what is your job title with the sewer
19 authority?

20 A. Sewer technician.

21 JUDGE JONES:

22 Mr. Niesen, may I ask you to move closer
23 to the phone, sir, so Mr. Falcone can hear your
24 questions?

25 BY ATTORNEY NIESEN:

1 Q. And Mr. Amarant, how long have you worked for the
2 sewer authority?

3 A. Seven-and-a-half years.

4 Q. And what are your current responsibilities?

5 A. Taking care of sewer stoppages and maintaining the
6 lines and the pumping stations.

7 Q. Now, were you involved in work at 257 Highland
8 Avenue in your capacity as an employee of the sewer
9 authority?

10 A. Yes, I was.

11 Q. Can you describe for the Judge what your
12 involvement --- what you did and the dates that you
13 did it?

14 A. I'm not sure of the exact date we got the first
15 call, but we got a call that there was a sewage
16 stoppage sometime at the end of March.

17 JUDGE JONES:

18 Of what year, sir?

19 A. 2005. So we got there and saw sewage coming out
20 of the stack, so we tried to resolve the problem.

21 BY ATTORNEY NIESEN:

22 Q. And what did ---?

23 MR. FALCONE:

24 Your Honor, can they both talk louder for
25 me, please?

1 JUDGE JONES:

2 Thank you, Mr. Falcone. You're doing
3 your job, sir. I appreciate that. Gentlemen, you've
4 heard the request.

5 BY ATTORNEY NIESEN:

6 Q. And what did you do to try to resolve the problem?

7 A. First we tried plunging off the stoppage, and that
8 didn't work, so we used our plumber's snake to try to
9 clear the line.

10 Q. And then what happened?

11 A. We couldn't get our plumber's snake through the
12 trap part of the plumbing.

13 Q. And did repairs occur after that?

14 A. Mr. Falcone was informed that since we couldn't
15 access the plumbing line through his trap, that he
16 needed to call a plumber.

17 Q. And do you know, did he call a plumber?

18 A. Yes, he called Horn Plumbing.

19 Q. And is that when Horn Plumbing came out and snaked
20 the property?

21 A. Yes, it is.

22 Q. And then were you involved --- was the sewer
23 authority involved after the snaking?

24 A. Yes, it was.

25 Q. And could you describe for the Judge in what way

1 the sewer authority became involved?

2 A. Scott Horn informed us that he was able to access
3 the line through the trap and got into the line, seven
4 or eight feet. So we went back with our snake and
5 finally got through a broken trap into the line.

6 Q. And then did repairs subsequently ensue after
7 that?

8 A. Yes, they did.

9 Q. And tell me, did the sewer authority arrange the
10 repairs?

11 A. Yes, they did.

12 Q. And what repairs did the sewer authority arrange?

13 A. To dig up the sewer line from the trap to the main
14 in the street.

15 Q. And the trap, what's a trap?

16 A. A trap is a --- it's called a running trap. It's
17 basically the same thing as a trap underneath your
18 kitchen sink. It holds sewer gas and prevents the
19 sewer gas from backing into somebody's house. It also
20 provides access to your sewer line into the sewer
21 main.

22 Q. And what firm did the sewer authority engage to do
23 the digging and the repair?

24 A. Originally, Radnor Township.

25 Q. And subsequently, then, was a Ply-Mar Construction

1 Company employed?

2 A. Yes, they were.

3 Q. And can you tell me what Ply-Mar did?

4 A. Ply-Mar replaced the sewer trap, the line leaving
5 the sewer trap, the lateral, out to the sewer main.

6 Q. What date did they do that?

7 A. I believe April 6th or 7th, somewhere around
8 there.

9 ATTORNEY NIESEN:

10 Your Honor, I'd like to show the witness
11 the Ply-Mar invoice, number 2039.

12 JUDGE JONES:

13 Okay. Mr. Niesen, I believe that is part
14 of the Complainant exhibits.

15 ATTORNEY NIESEN:

16 It is.

17 JUDGE JONES:

18 So let's try to help ourselves in
19 referencing exhibits that are already admitted.

20 ATTORNEY NIESEN:

21 We think it may be part of Number Four.

22 JUDGE JONES:

23 It is the last page of Complainant
24 Exhibit Number Four. Mr. Falcone?

25 MR. FALCONE:

1 Yes.

2 JUDGE JONES:

3 Mr. Amarant is being given your
4 Complainant Exhibit Number Four referencing your last
5 page, sir.

6 BY ATTORNEY NIESEN:

7 Q. Do you have that in front of you, Mr. Amarant?

8 MR. FALCONE:

9 Is that Ply-Mar at the top?

10 JUDGE JONES:

11 Yes.

12 MR. FALCONE:

13 Okay. Thank you, Your Honor.

14 BY ATTORNEY NIESEN:

15 Q. Do you have that invoice in front of you? It's
16 number 2039?

17 A. Yes.

18 Q. All right. And the invoice shows a --- well, why
19 don't you describe what the invoice indicates?

20 A. A repair crew being out onsite on April 7th for 12
21 hours. And then on April 8th, a temporary paving
22 patch being done, sidewalk replacement on April 15th
23 and a permanent paving repair to the street on 5/5.

24 Q. Was the hole for the lateral repair opened and
25 closed the same day?

1 A. Yes, it was.

2 Q. On April 7th?

3 A. Yes, I do believe so.

4 Q. And then it indicates that the temporary paving
5 patch occurred on April 18th (sic), obviously after
6 the hole was closed?

7 A. April 18th?

8 Q. Oh, I'm sorry, April 8th; right?

9 A. Yes.

10 Q. And as the invoice indicates, this work was done
11 for Radnor Township for the Radnor Township Sewer
12 Authority?

13 A. Yes, it was.

14 Q. Were you involved at all with contacting Aqua
15 about repairs to the water service?

16 A. Not personally, no.

17 Q. Was the water service line damaged during the
18 Ply-Mar repair effort?

19 A. Yes, it was.

20 MR. FALCONE:

21 Actually, Your Honor, there's a lot of
22 crackling going on.

23 JUDGE JONES:

24 I'm sorry. That's me, Mr. Falcone. I
25 was putting back some papers as far as your Exhibit

1 Four. I am sorry, sir. I will try to be more
2 careful.

3 MR. FALCONE:

4 Thank you.

5 JUDGE JONES:

6 You may continue, Mr. Niesen.

7 BY ATTORNEY NIESEN:

8 Q. How did Ply-Mar damage the waterline when it was
9 working at the property?

10 A. It accidentally hit the waterline with the
11 backhoe.

12 Q. And you heard Mr. Horn testify; did you not?

13 A. Yes, I did.

14 Q. And Mr. Horn, at the request of the Township or
15 the Authority, repaired the waterline from the Aqua
16 curb stop to Mr. Falcone's basement property?

17 A. Yes.

18 MR. FALCONE:

19 Your Honor?

20 JUDGE JONES:

21 Yes, Mr. Falcone?

22 MR. FALCONE:

23 The last one, I didn't really hear. I
24 didn't hear the question or answer.

25 JUDGE JONES:

1 Mr. Niesen asked the witness if he heard
2 Mr. Horn's testimony, and his response was yes. And
3 then Mr. Niesen asked if the witness recalled that Mr.
4 Horn testified that he repaired the waterline on the
5 date that he was out there, and Mr. Amarant replied,
6 yes. Is that sufficient, Mr. Falcone?

7 MR. FALCONE:

8 Yes, thank you, Your Honor.

9 BY ATTORNEY NIESEN:

10 Q. Now, looking at the invoice again, this is to
11 Radnor Township. Did Radnor Township pay this invoice
12 to Ply-Mar Construction?

13 A. Yes, they did.

14 Q. And then was Radnor Township reimbursed for its
15 payment to Ply-Mar; to your knowledge?

16 A. Yes, they were.

17 Q. And who reimbursed Radnor Township for the Ply-Mar
18 invoice?

19 A. Aqua.

20 Q. Was sewer service reestablished as of April 7th,
21 2005?

22 MR. FALCONE:

23 I'm sorry, Your Honor, I didn't hear the
24 question.

25 BY ATTORNEY NIESEN:

1 Q. Was sewer service reestablished to Mr. Falcone's
2 property on April 7th, 2005?

3 A. Yes, it was.

4 Q. Did the Township or the Authority receive any
5 complaint from Mr. Falcone subsequent to April 7th
6 about a lack of water or a lack of sewer capability?

7 A. Not that I'm aware of.

8 JUDGE JONES:

9 Mr. Falcone, Mr. Niesen is conferring to
10 make sure that he has completed all of his questions
11 for this witness.

12 ATTORNEY NIESEN:

13 Your Honor, may I just have one brief
14 moment?

15 JUDGE JONES:

16 We don't have the luxury of time, Mr.
17 Niesen, please make it brief.

18 ATTORNEY NIESEN:

19 I will.

20 BY ATTORNEY NIESEN:

21 Q. Mr. Amarant, when did you first contact Aqua about
22 a problem at Mr. Falcone's property; if you remember?

23 A. It would be the day that we realized that the
24 snake only went seven feet into the line that we had a
25 problem.

1 Q. The day that Mr. Horn was out doing the snake?

2 A. Yes, that's what I would say. I'm not sure of the
3 exact date, but right around there.

4 ATTORNEY NIESEN:

5 If Your Honor pleases, that completes our
6 examination of Mr. Amarant.

7 JUDGE JONES:

8 Thank you, Mr. Niesen. Mr. Falcone?

9 MR. FALCONE:

10 Yes, Your Honor?

11 JUDGE JONES:

12 Do you have any questions for Mr.
13 Amarant?

14 CROSS EXAMINATION

15 BY MR. FALCONE:

16 Q. Mr. Amarant, have you ever been to my property?

17 A. Yes, I have.

18 Q. Have we met?

19 A. No.

20 Q. I can't hear you, have we met?

21 A. No. No, we have not met.

22 Q. Okay. You mentioned somebody hit something with a
23 backhoe. Do you know what day that was?

24 A. April 7th.

25 Q. April 7th. What were they working on that they'd

1 have a backhoe there and they would hit something with
2 it?

3 A. Digging up your sewer line so we could repair your
4 sewer line.

5 Q. Okay. So on April 7th, was the sewer did I
6 have sewer service and/or water service on April 7th?

7 A. You always had sewer service.

8 MR. FALCONE:

9 Your Honor, I can't understand that.

10 A. You always had sewer service.

11 BY MR. FALCONE:

12 Q. Just so I understand, on April 7th I did not have
13 water service, like drinking water?

14 A. Yes, you did.

15 Q. Okay.

16 JUDGE JONES:

17 Wait a minute, wait a minute. Please do
18 not help the witness. This is the witness's testimony
19 and it's from the witness's memory. Mr. Falcone, you
20 may proceed.

21 MR. FALCONE:

22 Okay.

23 BY MR. FALCONE:

24 Q. On April 7th, did I have sewer service?

25 A. Yes.

1 Q. On April 7th, did I have water service?

2 A. Yes.

3 Q. Okay. So why did a backhoe hit my line on April
4 7th if everything was working?

5 A. The backhoe hit your waterline the day that we dug
6 your sewer line. Within three or four hours, your
7 water service was again up and running through a
8 temporary hose.

9 MR. FALCONE:

10 Your Honor? I'm just having a hard time
11 understanding what he's saying.

12 JUDGE JONES:

13 Okay. Mr. Falcone, I believe that this
14 witness may have a little discrepancy in dates based
15 on the previous witness's testimony. But his
16 testimony is what it is. You may have a dispute as to
17 the correctness of his dates, and you're free to
18 dispute that in closing argument --- well, actually in
19 briefing. I'm sure that we're not going to get to
20 that stage today. But his answers are his answers.

21 MR. FALCONE:

22 Your Honor, it's not that I disagree with
23 --- I can't make out certain words he's saying.

24 JUDGE JONES:

25 I see. Mr. Amarant is getting closer to

1 the phone so that you can make out the words that he's
2 saying.

3 MR. FALCONE:

4 Okay. I'll ask the question.

5 BY MR. FALCONE:

6 Q. If my sewer was working and my water was working,
7 can you explain to me why a backhoe, then, was out
8 there and would hit something and would disrupt my
9 sewer and/or water?

10 A. Your sewer was working, but it wasn't working
11 properly. So we came out with the backhoe to dig up
12 your sewer lateral, in the process, hit your
13 waterline. The same day, within probably three or
14 four hours, you had a temporary water service hooked
15 up. So you were never without water service for more
16 than a couple of hours. And your sewer service
17 continued to run into the hole that we had in the
18 ground. So you always had sewer service running.

19 Q. Were you at my property on April 7th, 2005?

20 A. Yes, I was.

21 Q. Okay. Was there water shooting up out of the
22 ground?

23 A. Yeah, for about five minutes until we turned it
24 off with a curbkey at the curb stop of the water
25 company.

1 Q. Okay. Did you guys ever --- did Radnor ever use
2 any chlorine?

3 A. No.

4 MR. FALCONE:

5 No further questions, Your Honor.

6 JUDGE JONES:

7 Thank you, Mr. Falcone. Mr. Amarant, I
8 want to make sure that I have the right dates in my
9 mind. You were present for the testimony of Mr. Horn,
10 you have already stated that; correct, sir?

11 A. Yes.

12 JUDGE JONES:

13 Mr. Horn hooked up what was and has been
14 referred to as a garden hose for temporary service on
15 April 5th of 2005, I believe that was his testimony.
16 I'm sorry, on April 5th of 2005. I believe that was
17 his testimony. I believe also his testimony was on
18 April 6th, 2005, they were completed and took out or
19 disengaged what has been referred to as a garden hose.
20 Now, critical in your testimony is when the backhoe
21 incident occurred to damage the water service, when
22 did that occur, sir?

23 A. I'm not sure of the exact date. It would have
24 been the day that the temporary water service was
25 hooked up.

1 JUDGE JONES:

2 Okay. All right.

3 A. Whatever date that is.

4 JUDGE JONES:

5 I understand, okay.

6 MR. FALCONE:

7 Your Honor, can I ask one question?

8 JUDGE JONES:

9 You have to wait, Mr. Falcone. I am in
10 the midst of asking questions, and I'm sure you do not
11 want me to have to wait on you.

12 MR. FALCONE:

13 Thank you, Your Honor.

14 JUDGE JONES:

15 Mr. Amarant, okay, so based on your
16 memory, the backhoe incident occurred the same day
17 that Mr. Horn came out to hook up the temporary water
18 service; correct?

19 A. Yes. That's correct.

20 JUDGE JONES:

21 Okay. Now, your testimony also was there
22 was never any non-sewage service; correct?

23 A. It always ran. Maybe not properly, but it always
24 ran.

25 JUDGE JONES:

1 Okay. And your testimony also was the
2 water service was disrupted; however, it was only
3 disrupted between the timeframe of the incident with
4 the backhoe and the temporary garden hose service; is
5 that correct, sir?

6 A. Yes, it is.

7 JUDGE JONES:

8 Okay. That is the extent of my
9 questions. Mr. Falcone, I believe you wanted to ask
10 some questions, sir?

11 MR. FALCONE:

12 Thank you, Your Honor.

13 RE-CROSS EXAMINATION

14 BY MR. FALCONE:

15 Q. The Ply-Mar Construction bill, the date for the
16 sidewalk replacement was 4/15. Then for the permanent
17 paving repair was 5/5. Why was it --- you know, a
18 week apart and a week apart?

19 A. That's just the way it worked out with their
20 schedule. They were doing emergency work for us and
21 that's the soonest they could get back.

22 MR. FALCONE:

23 Thank you. I'm done.

24 JUDGE JONES:

25 Mr. Niesen?

1 ATTORNEY NIESEN:

2 No further questions.

3 JUDGE JONES:

4 Very well. Mr. Amarant, you are excused,
5 sir, thank you. Mr. Falcone, we have tried to work
6 within your time constraints, sir. I apologize that
7 we are over the timeframe. In light of that, I will
8 not prolong my comments. I will just say that we are
9 going to continue this proceeding. We will no longer
10 be hearing from the subpoenaed witnesses of the
11 company. However, we will be hearing from further
12 witnesses of the company, as well as Cross Examination
13 of you, Mr. Falcone, and your testimony. Do you
14 understand that, sir?

15 MR. FALCONE:

16 Yes, thank you, Your Honor.

17 JUDGE JONES:

18 We will be sending you documentation from
19 the PUC to provide you with the ability to appear in
20 person or over the phone, sir.

21 MR. FALCONE:

22 Thank you, Your Honor.

23 JUDGE JONES:

24 You're welcome. We are adjourned for the
25 day.

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HEARING CONCLUDED AT 12:15 P.M.

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stenographic reporter, that the foregoing
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Amanda Lewis
Court Reporter

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Driver's License Number: 22768207


Date of Birth: 08/18/1972

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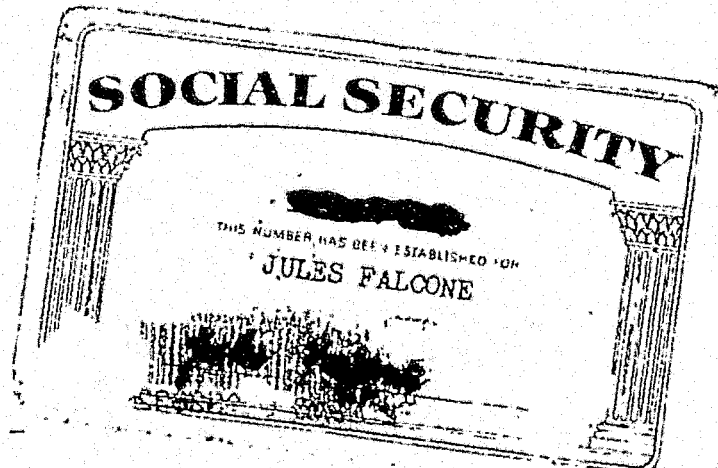
(Please sign on the line above.)

PENNSYLVANIA DRIVER'S LICENSE	22 768 207	Issued	Birth Date	Expires
		10/06/00	08/18/72	08/19/04
		Sex	Height	Eyes
		M	5' 07"	BLU
		Class	Endorsements	
		C		
	Com./Mod. Restrictions			
	*11			
	257 HIGHLAND AVE WAYNE PA 19087			

JULES J FALCONE
AL 44

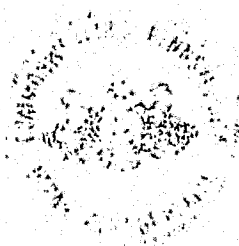


Logout



4903427

June 15, 2001



Jules

J.

Falcone

male

June 13, 2001

April 16, 1919

Wayne, PA

Wayne Center

Delaware

Radnor

Pennsylvania

white

clerk

yes

married

257 Highland Avenue, Wayne, PA 19087

Ellen Falcone

Stephen J. Alleva

Alleva Funeral Home, Paoli, PA 19301

Acute cardiac arrest

Atherosclerosis

XX

Mark A. Monaco, DO

Broomall, PA 19008

Susan E. Armstrong

15-164

June 14, 2001

1013 Adams Way West Chester, PA 19382

Exh 2

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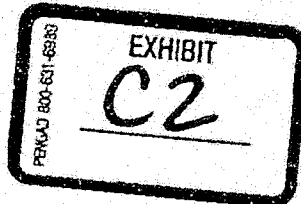
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C-20055300 & Z-01761777
March 27, 2006
Philadelphia



Customer's Name: Falcone, Jules
 PUC Docket # Z-0761777

Aqua Pennsylvania, Inc. Account# 204840-204840

Read Date	# of Days	Meter Read	Read Type	Consump	Avg. Daily Usage	TL Current Charges	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt. Advt	Balance	Comments
-----------	-----------	------------	-----------	---------	------------------	--------------------	----------	--------------	----------	-------------	--------------------	---------	----------

Previous Balance

6/2/2000	98	6311	A	15,000	153.1	\$85.23	6/30/00	\$0.00	\$175.00	\$0.00	3/1/00	\$83.75	
9/5/2000	95	6442	A	13,100	137.9	\$81.69	10/5/00	\$1.05	\$6.00	\$0.00	N/A	\$166.49	
12/4/2000	60	6559	A	11,700	130.0	\$75.35	1/3/01	\$4.17	\$0.00	\$0.00	N/A	\$246.01	
3/3/2001	64	6666	A	10,700	120.2	\$72.40	3/29/01	\$2.07	\$109.52	\$0.00	12/28/00	\$210.96	
6/5/2001	65	6792	A	12,600	132.6	\$81.66	7/3/01	\$7.95	\$218.91	\$0.00	4/23/01	\$81.66	
9/8/2001	64	6880	A	8,800	93.6	\$64.41	10/8/01	\$1.02	\$82.68	\$0.00	9/9/01	\$64.41	
12/3/2001	86	6981	A	10,100	117.4	\$71.46	1/10/02	\$0.00	\$65.00	\$0.00	10/5/01	\$70.87	
3/4/2002	91	7062	A	8,100	89.0	\$61.98	4/4/02	\$0.00	\$70.87	\$0.00	12/26/01	\$61.98	
4/4/2002	92	7128	A	6,600	71.7	\$54.83	7/5/02	\$0.00	\$61.98	\$0.00	3/15/02	\$54.83	
9/5/2002	93	7184	A	5,600	60.2	\$50.94	10/3/02	\$0.00	\$54.83	\$0.00	6/24/02	\$50.94	
12/4/2002	90	7237	A	5,300	58.9	\$54.26	1/10/03	\$0.00	\$50.94	\$0.00	9/26/02	\$54.26	
3/5/2003	91	7296	A	5,900	64.8	\$58.55	4/8/03	\$0.00	\$54.25	\$0.00	1/23/03	\$58.55	
6/4/2003	91	7507	A	21,106	231.9	\$140.92	7/8/03	\$1.46	\$58.55	\$0.00	6/4/03	\$142.38	
9/5/2003	93	8017	A	51,006	548.4	\$305.11	10/9/03	\$0.00	\$142.38	\$0.00	7/5/03	\$305.11	
11/18/2003	74	8444	A	42,700	577.0							\$305.11	Meter Exchange Cur 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	Meter Exchange In Read
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	93	433	A	18,000	200.0	\$127.25	7/6/04	\$14.26	\$0.00	\$0.00	N/A	\$580.05	
9/20/2004	82	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
2/20/2004	27	540	A	1,300	48.1	\$17.07	2/22/05	\$0.00	\$18.43	\$0.00	12/8/04	\$597.50	Bill Canceled
2/21/2005	31	558	A	1,800	58.1	\$20.03	3/22/05	\$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
5/22/2005	31	588	A	0	0.0	\$10.35	6/16/05	\$0.00	\$25.35	\$0.00	5/23/05	\$560.85	Bill Canceled
5/20/2005	28	607	E	1,900	67.9	\$20.70	7/18/05	\$6.62	\$25.00	\$0.00	6/22/05	\$563.18	Bill Canceled
7/22/2005	32	626	E	1,900	59.4	\$20.80	8/17/05	\$18.18	\$42.32	\$0.00	7/15/05	\$555.84	Bill Canceled
7/12/2004	30	478	A	4500	150.0	\$33.75	9/16/05	\$0.00	\$51.98	\$0.00	8/15/05	\$541.61	Final Bill
									\$264.90		8/23/05	\$278.71	Adjustment Canceled Bills
										\$337.09	8/25/05	\$613.80	Payments applied to Account # 521315 204840

related to his water service account which is the subject of dispute in Docket Z-01761777, but denies that he had contact with the Company related to the alleged damages for which he seeks reimbursement.

8. No response is required.

NEW MATTER

9. Complainant's bills have been estimated since June 20, 2005 as shown in the Account Statement attached hereto as Exhibit F.

10. The Company has checked the remote device on the outside of the Property and determined that the remote tested properly.

11. Therefore, the Company needs to gain access to the inside of the Property to investigate why the remote is not transmitting the reads from the meter.

12. Complainant has not responded to Aqua's various requests for access (as reflected in the Company's Answer with New Matter filed at Docket Z-01761777 attached hereto as Exhibit G and incorporated herein).

13. Complainant has informed Mediator Bruce Bigelow that Complainant will not discuss any of the issues arising in Dockets Z-01761777 and C-20055300 with the Company, but rather desires to be heard by an administrative law judge.

14. Complainant continues to refuse to allow the Company access to the Property in violation of the Company's Tariff Rule 55. See Exhibit E.

15. Until Complainant agrees to schedule a meter visit, his bills will continue to be estimated.

16. The Company requests this Court order the Complainant to allow the Company to access the Property to maintain and/or repair its equipment.

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SEP 22 2006

Exs. 3

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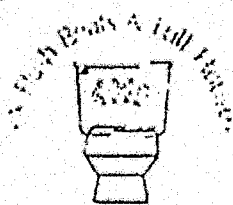
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C-20055300 & Z-01761777
March 27, 2006
Philadelphia

PHILADELPHIA 800-637-6808
EXHIBIT
C3



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

SEND TO:
Mr. Jules Falcone 257 Highland Ave. Wayne, PA 19087

JOB LOCATION:

PO#	TERMS
01494	Due on rec...

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

EXS. 4

DOCKETED
SEP 22 2006

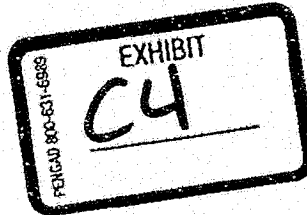
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PA PUBLIC UTILITY COMMISSION
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C-20055300 & Z-01761777
March 27, 2006
Philadelphia

Jules,

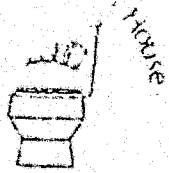
You HAVE water
but we HAVE to come back
tomorrow. Plumber will
THEN fix it PERMANENTLY.
Right now it's coming in via
A garden hose.

We still haven't fixed your
sewer either. We'll be back
tomorrow. Thanks

Bill Farley

610-721-2118

P.S. You'll have to leave
your door open again



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:	\$ <u>300.00</u>
	\$ 2,650.00

TOTAL AMOUNT DUE: \$ 2,650.00

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

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

Phone: (610) 275-7473

TO Radnor Township
 301 Irvan Avenue
 Wayne, PA

INVOICE

2039

DATE	May 6, 2005
JOB	Highland Road Sewer Lateral Repair

	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



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SEP 22 2006

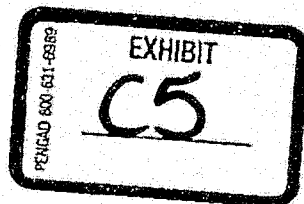
Ex 5

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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C-20055300 & Z-01761777
March 27, 2006
Philadelphia

The UPS Store
303 W. Lancaster Ave.
Wayne, PA 19087
610.975.0860 Tel
610.975.0864 Fax
store1152@theupsstore.com



Fax Cover



To: Bill Miller Fax #: 610 528-4085
~~541-4163~~

Date: 5/24/05 # of Pages (including cover sheet): 4

From: Jules Falcone Phone #: 484-452-5998

Subject: 257 Highline Ave John Smith - Redon Sent you last
Wayne PA 19097 my fax & vid.

Thanks

TRANSMISSION VERIFICATION REPORT

TIME : 05/23/2005 22:40
NAME :
FAX : 6109750864
TEL :
SER.# : 000B5J486914

DATE, TIME	05/23 22:39
FAX NO./NAME	16103284065
DURATION	00:00:59
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM



HORN PLUMBING & HEATING, INC.

304 NATIONAL ROAD, SUITE 100 EXTON, PA 19341

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

Invoice
PAID

Karen

DATE	INVOICE #
3/28/2005	25388

SEND TO:
Mr. Jules Falcone 257 Highland Ave. Wayne, PA 19087

JOB LOCATION:

PO#	TERMS
01494	Duc on rc...

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

Proposal

Page # _____ of _____ pages

ATL Landscaping
70. 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 this 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

Ex 5. 6

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SEP 22 2006

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PHMSA 800-637-6368
EXHIBIT
C6

C-20055300 & Z-01761777
March 27, 2006
Philadelphia

3-Day Shut Off Notice

DATE NOTICE ISSUED:

6-29

Name:

Falcone J

Service Address:

257 HIGHLAND AVE

Serial No

Account No. 000204840-204840

For Aqua Pennsylvania, Inc. to continue supplying water service, we need your assistance. If the information marked below is not provided within the next 3 days, we will shut off the water service at the above address on or after 8:00 A.M. on 7-5

THIS ACTION WILL BE TAKEN FOR THE FOLLOWING REASON:

1. Your Bill For \$ 535.00 is Overdue. Call 1-800-711-4779 (press option 2).

2. Need to Apply for Water Service or Give Meter Access to:

Read Meter

Instal Meter

Inspect or Repair Meter Equipment

Exchange Meter

Call 1-800-711-4779 (press option 5).

3. Need to Meet Required Specifications for Meter Installation:

No Heat

No Pressure Reducing Valve

Incorrect or No Meter Space

No Phone Jack

Call 610-328-9510.

4. Other: _____ Call 1-800-711-4779 (press option 3).

TO STOP THE SHUT OFF, YOU MUST DO THE FOLLOWING AT ONCE:

- **Billing:** Pay the total amount due or call 1-800-711-4779 (press option 2) to request a payment arrangement; let us know that you made the payment, or dispute the overdue bill. If we shut off your water, you may have to pay the following charges to have your water turned back on. Overdue Amount \$ _____, Turn-on Charge \$ 50; Security Deposit \$ _____; Total Amount Due \$ _____. Payments will not be accepted by our representative, it must be paid at an authorized payment location (call us for the nearest payment location's address).
- **To Give Meter Access or Apply for Water Service:** Call 1-800-711-4779 (press option 5) to apply for service or make an appointment so our representative can gain access to the water meter.
- **To Meet Required Meter Installation Specifications:** Call the builder or plumber and have them correct the problem. Then call our Senior Administrative Clerk at 610-328-9510 to schedule an inspection appointment.
- Call 1-800-711-4779 (press option 2) if you or someone in your home has a serious illness or a medical condition. Read the Medical Emergency Notice shown (on the back).
- If you need water to heat your property, please contact the company immediately at 1-800-711-4779 (press option 2) so we can arrange a service visit to verify that need. The company will act in accordance with public utility law with respect to water service shut offs.

If you have any questions or need more information, please call us. If you are not satisfied after you talk to us, you may file a complaint with the Public Utility Commission by calling 1-800-692-7380 toll free, or by writing to P.O. Box 3265, Harrisburg, PA 17105-3265. The Public Utility Commission will delay the shut off if you file a complaint before the shut off date.

AQUA
Pennsylvania.

762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Form B-264 Rev. 6/04

DOCKETED
SEP 22 2006

REV. 2

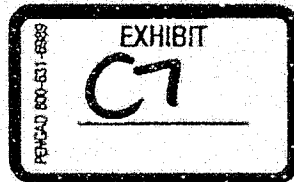
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C-20055306 & Z-01761777
March 27, 2006
Philadelphia

HOME AIRTIME AND LONG DISTANCE CHARGES

VOICE USAGE FOR 484-432-5993

Ref	Date	Time	Number Called	Calls To	Calls From	Minutes	Air Distance	Total
0001	8/02	9:32A	484-432-5993	BALACYNWYD PA		2		00
0002	8/02	9:33A	610-832-7439	CONSHOCHKN PA		4		00
0003	8/02	3:01P	484-432-5993	BALACYNWYD PA		1		00
0004	8/02	3:02P	610-845-4280	ARDMORE PA		9		00
0005	8/02	3:51P		INCOMING		2		00
0006	8/02	4:20P		INCOMING		14		00
0007	8/02	6:59P	215-639-0418	EDDINGTON PA		1		00
0008	8/02	7:48P	215-496-9001	PHILA PA		2		00
0009	8/02	7:50P	215-564-2575	PHILA PA		2		00
0010	8/02	12:07P	484-881-4000	W CHESTER PA		2		00
0011	8/02	12:08P	484-432-5993	BALACYNWYD PA		2		00
0012	8/02	1:15P	610-802-0606	WAYNE PA		2		00
0013	8/02	1:17P	917-913-5906	NEW YORK NY		2		00
0014	8/04	10:30A	484-368-2107	CONSHOCHKN PA		1		00
0015	8/04	11:20A	484-368-2107	CONSHOCHKN PA		1		00
0016	8/04	5:11P	215-814-2988	PHILA PA		3		00
0017	8/04	5:16P	610-447-3250	CHESTER PA		1		00
0018	8/04	5:19P	484-250-5815	NORRISTOWN PA		5		00
0019	8/05	11:37A	484-432-5993	BALACYNWYD PA		2		00
0020	8/05	11:39A	610-525-6277	BRYN MAWR PA		2		00
0021	8/05	11:41A	484-432-5993	BALACYNWYD PA		1		00
0022	8/05	11:41A	201-869-4449	UNION CITY NJ		1		00
0023	8/05	11:42A	484-432-5993	BALACYNWYD PA		2		00
0024	8/05	11:44A	201-869-4449	UNION CITY NJ		2		00
0025	8/05	11:45A		INCOMING		27		00
0026	8/05	12:13P	201-859-4449	UNION CITY NJ		8		00
0027	8/05	12:14P		INCOMING		6		00
0028	8/05	2:26P	610-447-3250	CHESTER PA		2		00
0029	8/05	2:28P	484-250-5991	NORRISTOWN PA		1		00
0030	8/05	2:28P	201-869-4449	UNION CITY NJ		1		00
0031	8/05	4:16P	800-447-8477	800 SERV		1		00
0032	8/05	4:54P	215-333-2200	PHILA PA		5		00
0033	8/05	5:03P		INCOMING		6		00
0034	8/05	5:20P	610-933-6366	PHOENIX PA		1		00
0035	8/05	5:24P	201-869-4449	UNION CITY NJ		2		00
0036	8/07	4:45P	484-432-5993	BALACYNWYD PA		2		00
0037	8/07	4:46P	610-933-6366	PHOENIX PA		6		00
0038	8/07	4:58P	610-933-6366	PHOENIX PA		1		00
0039	8/08	5:38P	484-432-5993	BALACYNWYD PA		7		00
0040	8/08	5:41P	215-238-9240	PHILA PA		2		00
0041	8/08	5:48P	917-913-5906	NEW YORK NY		1		00
0042	8/08	7:25P	917-821-1770	UNION CITY NJ		3		00
0043	8/08	7:35P	201-869-4449	UNION CITY NJ		3		00
0044	8/09	8:53A	484-432-5993	BALACYNWYD PA		2		00
0045	8/09	8:54A	610-832-7439	CONSHOCHKN PA		1		00
0046	8/09	11:50A	609-976-1025	SOMERS PT NJ		7		00
0047	8/09	2:41P	868-606-8665	800 SERV		1		00
0048	8/10	12:31P	484-432-5993	BALACYNWYD PA		2		00
0049	8/10	8:47P	805-480-3654	NEWBURYPAR CA		1		00
0050	8/10	8:50P	610-933-6366	PHOENIX PA		3		00
0051	8/10	10:51P	484-432-5993	BALACYNWYD PA		1		00
0052	8/10	10:52P	917-913-5906	NEW YORK NY		2		00
0053	8/10	10:54P	201-869-4449	UNION CITY NJ		3		00
0054	8/11	12:41P	484-432-5993	BALACYNWYD PA		2		00
0055	8/11	12:44P	201-865-4449	UNION CITY NJ		2		00
0056	8/11	12:49P	610-688-2911	WAYNE PA		2		00
0057	8/11	12:49P	610-688-2911	WAYNE PA		2		00
0058	8/11	12:7P	609-926-1025	SOMERS PT NJ		1		00
0059	8/11	2:12P	610-688-2911	WAYNE PA		2		00
0060	8/11	2:25P	610-688-2911	WAYNE PA		1		00
0061	8/11	4:38P	201-869-4449	UNION CITY NJ		2		00
0062	8/12	8:09A	484-881-4000	W CHESTER PA		1		00
0063	8/12	8:12A	484-881-4000	W CHESTER PA		5		00
0064	8/12	9:44A	610-688-2911	WAYNE PA		2		00
0065	8/12	9:45A	484-432-5993	BALACYNWYD PA		2		00
0066	8/12	12:11P	484-432-5993	BALACYNWYD PA		1		00



HOME AIRTIME AND LONG DISTANCE CHARGES (CONTINUED)

VOICE USAGE FOR 484-432-5993

Ref	Date	Time	Number Called	Calls To	Calls From	Minutes	Air Distance	Total
0067	8/12	12:12P	610-832-7439	CONSHOCHKN PA		3		00
0068	8/12	2:15P	610-832-7439	CONSHOCHKN PA		2		00
0069	8/12	2:43P	484-432-5993	BALACYNWYD PA		1		00
0070	8/12	2:51P	610-832-7439	CONSHOCHKN PA		2		00
0071	8/12	3:36P		INCOMING		2		00
0072	8/12	4:00P		INCOMING		8		00
0073	8/13	12:10P	610-933-6366	PHOENIX PA		4		00
0074	8/13	12:33P		INCOMING		11		00
0075	8/13	12:38P		INCOMING		1		00
0076	8/13	8:49P	610-933-6366	PHOENIX PA		13		00
0077	8/14	8:01P	484-432-5993	BALACYNWYD PA		1		00
0078	8/15	1:41P	917-913-5906	NEW YORK NY		1		00
0079	8/15	7:03P	484-432-5993	BALACYNWYD PA		2		00
0080	8/17	2:52P	484-432-5993	BALACYNWYD PA		2		00
0081	8/17	2:53P	610-933-6366	PHOENIX PA		2		00
0082	8/17	8:43P	917-913-5906	NEW YORK NY		27		00
0083	8/19	10:40A	800-449-1350	800 SERV		7		00
0084	8/19	8:21P	484-432-5993	BALACYNWYD PA		1		00
0085	8/21	5:04P	484-432-5993	BALACYNWYD PA		2		00
0086	8/21	5:18P	201-869-4449	UNION CITY NJ		2		00
0087	8/21	10:24P	201-869-4449	UNION CITY NJ		2		00
0088	8/22	7:10P	484-432-5993	BALACYNWYD PA		2		00
0089	8/22	7:11P	610-933-6366	PHOENIX PA		26		00
0090	8/23	1:30P	484-432-5993	BALACYNWYD PA		4		00
0091	8/23	2:40P	856-714-7498	800 SERV		4		00
0092	8/23	4:58P	800-711-4775	800 SERV		8		00
0093	8/23	8:53A	610-832-7439	CONSHOCHKN PA		1		00
0094	8/25	3:54A	610-825-4683	CONSHOCHKN PA		1		00
0095	8/25	9:02A	610-265-7718	NORRISTOWN PA		2		00
0096	8/25	9:52A	610-688-2911	WAYNE PA		2		00
0097	8/25	10:18A	610-688-2911	WAYNE PA		4		00
0098	8/25	8:37P	610-265-7718	NORRISTOWN PA		4		00
0099	8/25	8:38P	484-432-5993	BALACYNWYD PA		1		00
0100	8/25	11:44A	201-869-4449	UNION CITY NJ		1		00
0101	8/25	11:44A	800-755-7828	800 SERV		1		00
0102	8/25	11:57A	610-265-8221	NORRISTOWN PA		6		00
0103	8/27	11:11A	484-432-5993	BALACYNWYD PA		2		00
0104	8/27	8:28P	610-933-6366	PHOENIX PA		9		00
0105	8/28	3:06P	484-432-5993	BALACYNWYD PA		2		00
0106	8/28	3:07P	610-265-5605	NORRISTOWN PA		2		00
0107	8/28	3:12P	610-933-6366	PHOENIX PA		10		00
0108	8/28	5:11P	610-933-6366	PHOENIX PA		3		00
0109	8/28	5:13P	201-869-4449	UNION CITY NJ		6		00
0110	8/28	10:51A	484-432-5993	BALACYNWYD PA		1		00
0111	8/28	10:54A	610-832-7439	CONSHOCHKN PA		1		00
0112	8/28	10:54A	610-688-2811	WAYNE PA		1		00
0113	8/28	10:55A	484-432-5993	BALACYNWYD PA		1		00
0114	8/28	12:33P	610-688-2911	WAYNE PA		1		00
0115	8/29	9:33P	610-933-6366	PHOENIX PA		18		00
0116	8/31	4:53P	610-832-7439	CONSHOCHKN PA		3		00
0117	8/31	5:23P	484-432-5993	BALACYNWYD PA		3		00
0118	8/31	5:23P	610-832-7439	CONSHOCHKN PA		2		00
0119	8/31	10:21P	201-869-4449	UNION CITY NJ		2		00
0120	8/31	10:26A	484-432-5993	BALACYNWYD PA		2		00
0121	9/01	10:56A	610-688-2911	WAYNE PA		2		00
0122	9/01	10:59A	609-876-5997	EDDINGTON PA		1		00
0123	9/01	11:00A	302-293-3971	WILMINGTON DE		1		00
0124	9/01	11:01A	609-713-6944	BARNEGAT NJ		1		00
0125	9/01	11:21A	215-688-0065	EDDINGTON PA		2		00
0126	9/01	11:45A	609-876-5997	CAMDEN NJ		1		00
0127	9/01	11:45A	609-876-5997	MOBILE		3		00
0128	9/01	12:51P	484-432-5993	BALACYNWYD PA		1		00
0129	9/							

RECEIVED

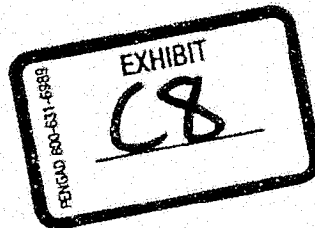
APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
SEP 22 2006

Ex. 8

DOCUMENT
FOLDER



C-20055300 & Z-0176-777
March 27, 2006
Philadelphia

DOCUMENT
FOLDER

10-Day Shut Off Notice

DATE NOTICE ISSUED: 8/18/05

Name:

Service Address:

257 Highland ave

Serial No.

Account No.

204840

For Aqua Pennsylvania, Inc. to continue supplying water service, we need your assistance. If the information marked below is not provided within the next 10 days, we will shut off the water service at the above address on or after 8.00 a.m. on 8/28/05.

THIS ACTION WILL BE TAKEN FOR THE FOLLOWING REASON:

1. Your Bill For \$ _____ is Overdue. Call 1-800-711-4779 (press option 2).

2. Need to Apply for Water Service or Give Meter Access to:



Call 1-800-711-4779 (press option 5).

3. Need to Meet Required Specifications for Meter Installation:



Call 610-328-9510.

4. Other: _____ Call 1-800-711-4779 (press option 3).

TO STOP THE SHUT OFF, YOU MUST DO THE FOLLOWING AT ONCE:

- **Billing** — Pay the total amount due or call 1-(800) 711-4779 (press option 2) to request a payment arrangement; let us know that you made the payment, or dispute the overdue bill. If we shut off your water, you may have to pay the following charges to have your water turned back on. Overdue Amount \$ _____; Turn-on Charge \$ 50-; Security Deposit \$ _____; Total Amount Due \$ _____. Payments will not be accepted by our representative, it must be paid at an authorized payment location. (Call us for the nearest payment location's address.)
- **To Give Meter Access or Apply for Water Service** — Call 1-(800) 711-4779 (press option 5) to apply for service or make an appointment so our representative can gain access to the water meter.
- **To Meet Required Meter Installation Specifications** — Call the builder or plumber and have them correct the problem. Then call our Senior Administrative Clerk at (610) 328-9510 to schedule an inspection appointment.
- Call 1-(800) 711-4779 (press option 2) if you or someone in your home has a serious illness or a medical condition. Read the Medical Emergency Notice shown (on the back).

If you have any questions or need more information, please call us. If you are not satisfied after you talk to us, you may file a complaint with the Public Utility Commission by calling 1-(800) 692-7380 toll free, or by writing to P.O. Box 3265, Harrisburg, PA 17105-3265. The Public Utility Commission will delay the shut off if you file a complaint before the shut off date.

AQUA
Pennsylvania.

10-Day Shut Off Notice

DATE NOTICE ISSUED: 8-25-05

Name: Falcone, J.

Service Address: 257 Highland ave.

Serial No.

Account No. 204840

For Aqua Pennsylvania, inc. to continue supplying water service, we need your assistance. If the information marked below is not provided within the next 10 days, we will shut off the water service at the above address on or after 8:00 a.m. on 9-4-05

THIS ACTION WILL BE TAKEN FOR THE FOLLOWING REASON:

1. Your Bill For \$ _____ is Overdue. Call 1-800-711-4779 (press option 2).

2. Need to Apply for Water Service or Give Meter Access to:

Read Meter

Install Meter

Call 1-800-711-4779 (press option 5).

Inspect or Repair Meter Equipment

Exchange Meter

3. Need to Meet Required Specifications for Meter Installation:

No Heat

No Pressure Reducing Valve

Call 610-328-9510.

Incorrect or No Meter Space

No Phone Jack

4. Other: _____ Call 1-800-711-4779 (press option 3).

TO STOP THE SHUT OFF, YOU MUST DO THE FOLLOWING AT ONCE:

- Billing — Pay the total amount due or call 1-(800) 711-4779 (press option 2) to request a payment arrangement; let us know that you made the payment; or dispute the overdue bill. If we shut off your water, you may have to pay the following charges to have your water turned back on. Overdue Amount \$ _____; Turn-on Charge \$ _____; Security Deposit \$ _____; Total Amount Due \$ _____. Payments will not be accepted by our representative, it must be paid at an authorized payment location. (Call us for the nearest payment location's address.)
- To Give Meter Access or Apply for Water Service — Call 1-(800) 711 4779 (press option 5) to apply for service or make an appointment so our representative can gain access to the water meter
- To Meet Required Meter Installation Specifications — Call the builder or plumber and have them correct the problem. Then call our Senior Administrative Clerk at (610) 328-9510 to schedule an inspection appointment.
- Call 1-(800) 711-4779 (press option 2) if you or someone in your home has a serious illness or a medical condition. Read the Medical Emergency Notice shown (on the back).

If you have any questions or need more information, please call us. If you are not satisfied after you talk to us, you may file a complaint with the Public Utility Commission by calling 1-(800)-692-7380 toll free, or by writing to P.O. Box 3265, Harrisburg, PA 17105-3265. The Public Utility Commission will delay the shut off if you file a complaint before the shut off date.

Sharon TC
Customer Service
AQUA
Pennsylvania.

762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

*1st Payment subject
to be made
sent on check
D. J. [Signature]*

Ex 9

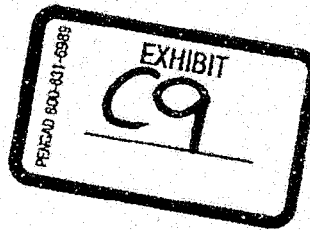
DOCKETED
SEP 22 2006

DOCUMENT
FOLDER

RECEIVED

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



DOCUMENT
FOLDER

C-20055300 & Z-01761777
March 27 2006
Philadelphia

AQUA
Pennsylvania.

*check notes
for [unclear]*

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

Frances P. Orth, Esquire
Assistant General Counsel

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

October 3, 2005

*possible on [unclear]
on [unclear] Bill*

Mr. Jules Falcone
257 Highland Ave.
Wayne, PA 19087

Re: PUC Docket No. Z-01761777
PUC Docket No. C-20055300
Jules Falcone v. Aqua Pennsylvania, Inc.

Dear Mr. Falcone:

Bill Miller

This correspondence serves as my response to the phone message you left on my voicemail on September 28, 2005, at 10:48 p.m., well after normal business hours. While I appreciate you finally contacting Aqua Pennsylvania, Inc. ("Aqua"), I am disappointed that you chose to call late in the evening and did not leave a telephone number where I could reach you to discuss your issues. As you are aware, Bruce Bigelow of the Office of Administrative Law Judge at the Pennsylvania Public Utility Commission ("PUC") contacted both of us in an attempt to mediate your concerns. Mr. Bigelow reported to me that you were reluctant to contact Aqua since your prior phone calls to Aqua were not returned. I was surprised to learn that information since our records reflect a good deal of actual contact during the past months with representatives of Aqua, as well as Aqua's attempts to contact you. Nonetheless, Aqua will continue to act in good faith with the intention of resolving your concerns.

Since you have not provided me with the opportunity to discuss this matter, I will provide you herein with the facts I have been able to piece together. Hopefully, you will fill in the gaps at a later date.

1. Upon reviewing the records of Aqua, I am unable to determine any time when you phoned Aqua and such a call was not returned, as further described hereinafter.

2. In fact, Aqua's records reflect that Ms. Bernie Latrechiano, a customer service representative, spoke to you directly on August 2, 2005 regarding the outstanding balance of your late grandfather's account. As I understand the issue, you have indicated that you have the same name as your grandfather, and that when you moved into 257 Highland Avenue, Wayne, Pennsylvania, 19087 (the "Property") and became responsible for payment of the water bills, Aqua did not close your grandfather's account and open a

Per Dr. [unclear]

new account in your name for service to you. At the time of your conversation with Ms. Latrechiano, you agreed to fax to her some documentation reflecting the date of your move-in to the Property. Our records show that your conversation with Ms. Latrechiano was the last time you contacted Aqua prior to filing your civil lawsuit against Aqua and Radnor Township. I have attached hereto as Exhibit 1 the note screen for your account which reflects that Ms. Latrechiano called you on August 3 and left a message for you, since she had not received the requested documentation. She also called and left messages on August 4 (two calls), August 5, August 11, August 12 and August 15, 2005. Our records reflect that you never returned Ms. Latrechiano's phone calls.

Those messages were followed up by a letter from Ms. Margaret A. Morris, Esquire, noting, "it was imperative that you contact Aqua immediately". A copy of the letter is attached as Exhibit 2. To date, Ms. Morris has not received a response to her letter. (Note that the letter is incorrectly dated August 27, 2005, as Aqua has acknowledged in its filings to the PUC.)

3. In addition to the civil complaint, you have also filed two Formal Complaints with the PUC. I have enclosed a copy of Aqua's Answer filed with the PUC on August 29, 2005, regarding the first Formal PUC Complaint. (See Exhibit 3.) The Answer sets forth the background and origin of the confusion regarding billings for water service to the Property arising from the fact that both you and your grandfather are named Jules Falcone. As stated on pages 2 and 3 (see highlighted portion), Aqua has been unsuccessful in its attempts to contact you, and you have not responded to contact from Aqua attempting to resolve your complaints.

4. While the message you left on my voicemail at 10:48 p.m. stated that Mr. Bigelow conveyed to you that Aqua had "made an offer or compensation" to you, and that it must have been "lost in the mail", I have not had any of the paperwork sent to your Property address returned to me. You also requested that I resend the "offer or compensation" and you would "let Bruce know and if you get nothing, you will let Bruce know that".

Your characterization of Aqua's action of an "offer or compensation" is curious, but I assume you are referring to the establishment of the water account in your name and the decision of Aqua not to charge you the full amount for the time period you have stated you have been living at the Property. In essence, having not heard from you, Aqua attempted to address your billing concerns, and without your assistance corrected the accounts as per my letter to you dated August 26, 2005, regarding your initial bill. (See Exhibit 4.) As that letter states, since you did not provide documentation as to when you moved into the Property, Aqua opened an account in your name effective July 1, 2004. However, you were not charged for water consumed at the Property until August 20, 2004. The result is your water consumption from July 1 until August 20, 2005 was not billed to you. Furthermore, all payments you made that were applied to your grandfather's account have now been removed from his account and applied to your new account.

5. Our records also reflect, as stated in Exhibit 4, that you have been receiving estimated bills. Aqua must gain access to service its equipment in order to determine why the remote transmitter is not conveying remote readings. I must stress to you that PUC Regulations allow Aqua to terminate water service if you do not permit Aqua access to its equipment. I have delayed issuing termination notices because I wanted to speak with you about this issue. Since you have not provided me that opportunity and did not respond to my letter, I would ask you now to contact Ms. Latrechiano at 610-645-4280 to schedule that appointment. If we are unable to access the equipment, you will leave me no alternative but to begin the process for terminating your water service. In an effort to bring this to closure, please call Ms. Latrechiano.

6. Because you have never provided specific information to me concerning the issue of damages (i.e., plumbing expenses) or unusable water service at the Property, I am not entirely sure what you are now claiming as damages from Aqua. By way of background, the first notice Aqua received about potential damage to your sanitary lateral line occurred when Aqua received a letter from Radnor Township dated May 27, 2005, attached hereto as Exhibit 5. From what I can piece together, when Aqua's contractor was installing a new water main on Highland Avenue in July 2004, the contractor hit and damaged the Township's sanitary main, but was unaware that your sanitary lateral line had been disconnected from that sanitary "trunk line" main. The sanitary main was repaired and sewer service was restored to the trunk line. Since the contractor was unaware that your sanitary lateral line was disconnected, however, no reconnection was made. The ditch was backfilled with 2A modified stones which then acted as a French drain, thus apparently allowing your sanitary lateral line to discharge undetected into the trench.

I gather you eventually contacted Radnor Township concerning the damage to the sanitary lateral line, and that ultimately the Township paid for the repair work. In turn the Township requested reimbursement from Aqua, and Aqua's contractor reimbursed the Township as requested. See Exhibit 5 which contains a copy of our contractor, Ronca's, cancelled check to Radnor Township for the requested reimbursement. I have attempted to contact you to ascertain, among other things, what bills, if any, you are claiming were not reimbursed. If you have outstanding bills relating to Aqua or its contractor's role in this incident at the Property, please provide copies to me for review.

7. I have also learned that during the repair of your sanitary lateral line, Aqua's water main and your water service lateral were damaged by a plumbing contractor. Aqua repaired both our water main and your water service line that same day, thus reconnecting water service to your Property. I cannot locate any record of a report from you, your plumber, Radnor Township or anyone else that you were without water for "approximately 30 days". I would appreciate you providing me with that information, so that I can investigate that issue. I am puzzled by your claim since our records reflect your service was promptly repaired.

Wastewater - Charles A. Ned.

~~There~~ I have no records of her not using water
see - my call to her to her not notified or I do.
No record of her 7 or the big 5.0.

No record
of Aqua
contractor

AQUA
Pennsylvania.

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

Frances P. Orth, Esquire
Assistant General Counsel

T: 610.645.1126
F: 610.520.9127
fpoth@aquaaamerica.com
www.aquapennsylvania.com

October 3, 2005

Mr. Jules Falcone
257 Highland Ave.
Wayne, PA 19087

Re: *PUC Docket No. Z-01761777*
PUC Docket No. C-20055300
Jules Falcone v. Aqua Pennsylvania, Inc.

Dear Mr. Falcone:

This correspondence serves as my response to the phone message you left on my voicemail on September 28, 2005, at 10:48 p.m., well after normal business hours. While I appreciate you finally contacting Aqua Pennsylvania, Inc. ("Aqua"), I am disappointed that you chose to call late in the evening and did not leave a telephone number where I could reach you to discuss your issues. As you are aware, Bruce Bigelow of the Office of Administrative Law Judge at the Pennsylvania Public Utility Commission ("PUC") contacted both of us in an attempt to mediate your concerns. Mr. Bigelow reported to me that you were reluctant to contact Aqua since your prior phone calls to Aqua were not returned. I was surprised to learn that information since our records reflect a good deal of actual contact during the past months with representatives of Aqua, as well as Aqua's attempts to contact you. Nonetheless, Aqua will continue to act in good faith with the intention of resolving your concerns.

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6. Because you have never provided specific information to me concerning the issue of damages (i.e., plumbing expenses) or unusable water service at the Property, I am not entirely sure what you are now claiming as damages from Aqua. By way of background, the first notice Aqua received about potential damage to your sanitary lateral line occurred when Aqua received a letter from Radnor Township dated May 27, 2005, attached hereto as Exhibit 5. From what I can piece together, when Aqua's contractor was installing a new water main on Highland Avenue in July 2004, the contractor hit and damaged the Township's sanitary main, but was unaware that your sanitary lateral line had been disconnected from that sanitary "trunk line" main. The sanitary main was repaired and sewer service was restored to the trunk line. Since the contractor was unaware that your sanitary lateral line was disconnected, however, no reconnection was made. The ditch was backfilled with 2A modified stones which then acted as a French drain, thus apparently allowing your sanitary lateral line to discharge undetected into the trench.

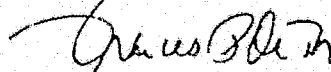
I gather you eventually contacted Radnor Township concerning the damage to the sanitary lateral line, and that ultimately the Township paid for the repair work. In turn the Township requested reimbursement from Aqua, and Aqua's contractor reimbursed the Township as requested. See Exhibit 5 which contains a copy of our contractor, Ronea's, cancelled check to Radnor Township for the requested reimbursement. I have attempted to contact you to ascertain, among other things, what bills, if any, you are claiming were not reimbursed. If you have outstanding bills relating to Aqua or its contractor's role in this incident at the Property, please provide copies to me for review.

7. I have also learned that during the repair of your sanitary lateral line, Aqua's water main and your water service lateral were damaged by a plumbing contractor. Aqua repaired both our water main and your water service line that same day, thus reconnecting water service to your Property. I cannot locate any record of a report from you, your plumber, Radnor Township or anyone else that you were without water for "approximately 30 days". I would appreciate you providing me with that information, so that I can investigate that issue. I am puzzled by your claim since our records reflect your service was promptly repaired.

In closing, I am unclear as to what outstanding issues still exist. If you really want to resolve your concerns, I suggest we talk, and I welcome Mr. Bigelow's participation if you feel Mr. Bigelow will bring this matter to closure. Please contact me so that we can schedule a convenient time to discuss your concerns, and I can thereafter transfer you to Ms. Latrechiano to schedule an appointment for service of your equipment.

I look forward to hearing from you, and am typically in the office between 8:00 a.m. - 5:00 p.m.

Sincerely,



Frances P. Orth

Enclosures

cc: Bruce Bigelow with enclosures
Bernie Latrechiano

EXHIBIT 1

NOTE SCREEN FOR ACCOUNT OF

JULES FALCONE

Note Number:

Note Header

Type:	CUST	Customer	Date:	
Customer:	204840	FALCONE, JULES	Activity:	03-AUG-2001
Premise:	204840	0257 HIGHLAND AVE WAYNE, PA	Remnd:	
Service:			Exp:	03-NOV-2084
Remnd:			Origin:	UCANOTE

Note Detail

8/2 I SPOKE TO MR F. I REQ A COPY OF THE DEATH CERTIFICATE AND ANY OTHER PERTINENT INFO THAT HE CAN PROVIDE SO THAT WE CAN RESOLVE THIS ISSUE. HE SAID HE WOULD FAX THAT INFO TO ME DIRECTLY.	04-AUG-2005
8/3 I CALLED I NEVER RECEIVED ANY INFO. I CALLED N/A LM/AM	04-AUG-2005
8/4 I CALLED AGAIN N/A LM/AM *BL*	04-AUG-2005
8/4 I CALLED N/A LM/AM *BL*	04-AUG-2005
8/5 CALLED N/A LM/AM *BL*	04-AUG-2005
8/11 I CALLED AGAIN LM/AM *BL*	05-AUG-2005
8/12 LM/AM *BL*	11-AUG-2005
	12-AUG-2005
	15-AUG-2005

EXHIBIT 2

**LETTER FROM MARGARET A. MORRIS
TO JULES FALCONE
INCORRECTLY DATED AUGUST 27, 2005
REQUESTING DOCUMENTATION
OF MOVE-IN DATE AND METER INVESTIGATION**

AQUA
Pennsylvania.

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

www.aquapennsylvania.com

Direct Dial
610-645-1058

August 27, 2005

Mr. Jules Falcone
257 Highland Ave.
Wayne, PA 19087

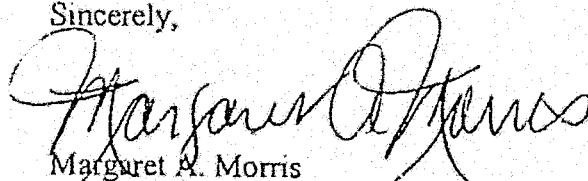
Re: Complaint Docket No. Z-01761777
Jules Falcone v. Aqua Pennsylvania, Inc.

Dear Mr. Falcone:

Ms. Bernie Latrechiano, a representative of Aqua Pennsylvania, Inc., has attempted to reach you regarding the documentation that you indicated on August 2, 2005 that you would fax to her. Ms. Latrechiano left messages at your home on August 3rd, 4th, 5th, 11th and 12th. You have not returned any phone message nor have you faxed the requested documents. It is imperative that you contact Aqua immediately so that an appointment can be scheduled to remove and to test the meter in an effort to resolve your concerns. Please call me at 610-645-1058 as soon as practicable.

I thank you for your consideration.

Sincerely,



Margaret A. Morris

EXHIBIT 4

**LETTER FROM FRANCES P. ORTH
TO JULES FALCONE
DATED AUGUST 26, 2005
SENDING INITIAL BILL AND
REQUESTING SITE VISIT**

AQUA
Pennsylvania.

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

Frances P. Orth, Esquire
Assistant General Counsel

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

August 26, 2005

Mr. Jules Falcone
257 Highland Ave.
Wayne, PA 19087-4763

RE: Account Number 000521315 0204840

Dear Mr. Falcone:

As you requested, Aqua Pennsylvania, Inc., has opened a new account for your water service to property located at 257 Highland Avenue, Wayne, Pennsylvania, effective July 1, 2004. The July 1 date was selected since you have not responded to the contacts from our representative, Bernie Latrechiano, concerning the specific date that you became responsible for paying for water service to the property. However, since our first meter reading after you moved into the property is August 20, you will not be charged for water service prior to that date.

Accordingly, I am enclosing your revised bill which reflects charges for water service as stated above in paragraph 1. After applying payments you have made in the amount of \$337.09, you now have a credit in the amount of \$123.76.

Finally, Aqua still needs access to your property to service its equipment in order to determine why the remote transmitter is not conveying readings for your current usage which is resulting in estimated bills. That situation cannot continue. Accordingly, I would ask you to contact Ms. Latrechiano at 610- 645-4280 to schedule an appointment for service.

Please contact me if you have any questions.

Sincerely,



Frances P. Orth

Enclosure
cc: Bernie Latrechiano

AQUA
Pennsylvania

Service to:
JULES FALCONE
0257 HIGHLAND AVE
WAYNE, PA 19087-4763

Account Number
000521315 0204840
MAIN DIVISION

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Tel: 800.711.4779
Fax: 610.645.1160
e Mail: custserv@aquaaamerica.com

Questions about your water service? ... Contact us before the due date.
Bill Date: **August 25, 2005**
Credit Balance: **(\$ 123.76)**

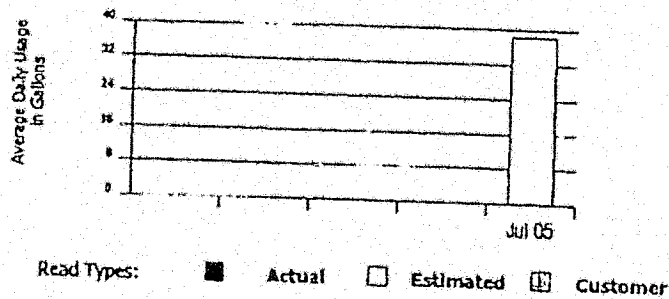
Meter Data

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage	Units
61448134	5/8	07/22/05	386	Estimated	62600	14,800	Gallons
		07/01/04		Actual	47800		
Average Daily Usage = 38 Gallons		Total Days: 386		Total Usage:		14,800	Gallons

Billing Detail

Amount Owed From Last Bill \$ 525.73
 Total Payments Received 0.00
 Balance 525.73
 Adjustments 525.73 Credit
 Minimum Charge At Old Rate 9.92
 3,304 gallons @ \$0.005271 per gallon 6.87
 Water Charges at Old Rate 16.79
 Minimum Charge At Current Rate 117.34
 3,496 gallons @ \$0.005271 per gallon 71.10
 Water Charges at Current Rate 188.44
 Total Water Charges 205.23
 MIC Charge 8.10
 Payment Reversal 337.09 Credit
 Amount Due 09/16/05 \$ 123.76 Credit

Water Usage History



REVISED BILL

Message Center

Effective July 1, 2005 the allowable DSIC charge is 3.95%. This reflects \$78.1 million in system improvements made by the company since July 2004. These improvements include the replacement of aging water pipes and other infrastructure as well as improvements to the quality of the water that we serve.
 To pay by phone, simply call our toll free number at (800) 285-8325.
 New security standards have made it necessary for Aqua PA to discontinue walk-in service to customers at our Bryn Mawr office. Please call -800-711-4779, a representative will address your concerns and schedule an appointment if necessary.

IMPORTANT NOTICE: SEE REVERSE SIDE FOR OTHER INFORMATION

Return this portion with your payment. Keep top portion for your records.

AQUA
Pennsylvania

762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Address Service Requested
S#50 228590 APAP P. CSOL
F. PAID/PAID

Service To
JULES FALCONE
0257 HIGHLAND AVE
WAYNE, PA 19087-4763

Water Bill

Account Number
000521315 0204840

Credit Balance
(\$ 123.76)

Do Not Pay

You have a credit balance on your account.

**SINGLE-PIECE COPY
JULES FALCONE
257 HIGHLAND AVE
WAYNE PA 19087-4763

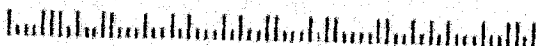


EXHIBIT 5

COPY OF CANCELED CHECK TO RADNOR TOWNSHIP

AND

LETTER TO RADNOR TOWNSHIP

AND

LETTER TO AQUA'S CONTRACTOR

REGARDING INCIDENT AT

257 HIGHLAND AVENUE
WAYNE, PA.

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

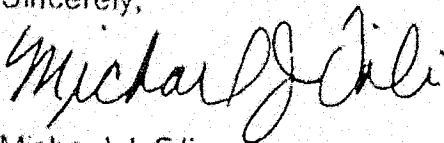
Re: 257 Highland Avenue
Radnor Township, Delaware County, PA
Extension No. 7077-W, Summary No. 15900220743
Damaged Sanitary Lateral

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 6th.

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, and send Aqua Pa an invoice
for 2650 - for their share*

JAMES M. PIERCE, ESQ.
President

HARRY G. MAHONEY, ESQ.
Vice-President

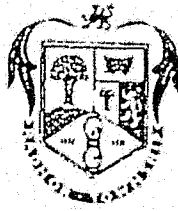
ANN-MICHELE G. HIGGINS, ESQ.

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

DAVIDA BASHORE
Township Manager XLH
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

DOCKETED
SEP 22 2006

RECEIVED

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Ex 5 10

DOCUMENT
FOLDER

DOCUMENT
FOLDER

EXHIBIT
C10
PENNSAID BOX 631-6983

C-20055300 & Z-01761777
March 27, 2006
Philadelphia

EXHIBIT D

DOCKET NO. C-20055300

**JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.**

**UNDATED LETTER
RECEIVED IN LATE MAY 2005
FROM JOHN E. STAUFFER AT RADNOR TOWNSHIP
TO WILLIAM MILLER AT AQUA PENNSYLVANIA**



JAMES M. PILRCE, ESQ.
President

HARRY G. MAHONEY, ESQ.
Vice President

ANN MICHELE G. HIGGINS, ESQ.

WILLIAM A. SPINCLER

ENRIQUE R. HERVALDA

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 1124

CONCETTA R. CLAYTON, CMC
Secretary

DAVID C. 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/ht

QA
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

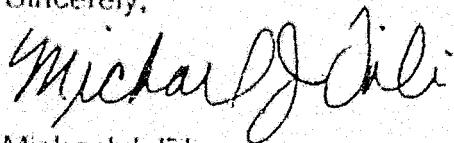
Re 257 Highland Avenue
Radnor Township, Delaware County, PA
Extension No. 7077-W, Summary No. 15900220743
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If you have any questions, Bill Miller can be reached at 610.541.4163. He will be on vacation the week of May 30, 2005 and will return on Monday, June 6th.

Sincerely,



Michael J. Fili
Superintendent of Southern and Western Construction

Cc: William B. Miller

*6/13/05 Aqua w/ B. Miller @ Aqua Pa. re see to
pay Radnor \$8554; and send Aqua Pa. or amount
in \$2650 - to Home Depot*

DOCKETED
SEP 22 2006

EX-11

DOCUMENT
FOLDER

C-20055300 & Z-01761777
March 27, 2006
Philadelphia

DOCUMENT
FOLDER

not admitted

RECEIVED

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation After
BCS Contact

8/27/04, grandson (Jules Falcone) faxed copy of ID and death certificate of grandfather (Jules Falcone). Company asked for proof of ownership or control of estate. Grandson hung up. Last customer contact regarding this specific matter, prior to the PUC filing.

Company Tell
Customer

Since grandfather (Jules Falcone) did not discontinue service in his name because he is deceased, the Company will accept the grandson (Jule Falcone) as the new ratepayer of record as of the date of his grandfather's death.

Company Final
Position To BCS

Attachments

Misc

Date
Opened

8/27/2004

Reason for
Contact

ON - PAR NEEDED (#
61)

Business
Name

Problem

Company
Position

08/27/2004 AQUA PA
WANT PROOF OF THE
DEED, BEFORE THEY
CAN PUT THE SERVICE
IN HIS NAME. CO
INFORMED THE CU
THAT SERVICE WILL
BE TERM SOON

Related
Information

DENIAL OF SERVICE /
ON CU STATED THAT
HE GAVE THE CO
EVERYTHING THEY
WANTED TO HAVE
THE SERVICE
SWITCHED INTO HIS
NAME, BUT THEY WILL
NOT ASST HIM. CU
GRANDFATHER HAS
PASSED AWAY AND
THE GRANDSON HAS
BEEN TRYING TO
HAVE SERVICE PUT
INTO HIS NAME FOR

Exs. 12

DOCKETED
SEP 22 2006

RECEIVED

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

DOCUMENT
FOLDER



C-20055300 & Z-01761771
March 27, 2006
Philadelphia

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Tel: 800.711.4779
Fax: 610.645.1160
E Mail: custserv@aquaamerica.com

Questions about your water service? ... Contact us before the
Bill Date **September 28, 2005 (\$ 87.19)**
Credit Balance

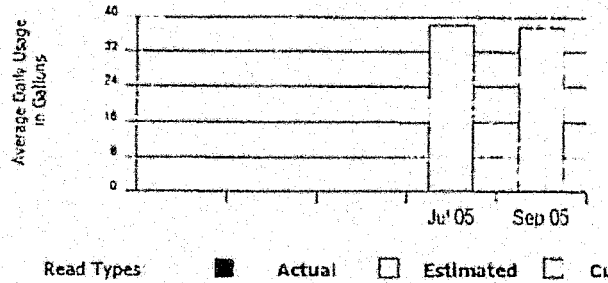
Meter Data

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage
61448134	5/8	09/26/05	66	Estimated	65100	2,500
		07/22/05		Actual	62600	
Average Daily Usage = 37 Gallons		Total Days 66		Total Usage:		2,500

Billing Detail

Amount Owed From Last Bill	\$ 213.33
Total Payments Received	337.09
Balance	123.76 Credit
Minimum Charge	22.00
2,500 gallons @ \$0.005271 per gallon	13.18
Total Water Charges	35.18
DSIC Charge	1.39
Amount Due 10/21/05	\$ 87.19 Credit

Water Usage History



Message Center

Effective July 1, 2005 the allowable DSIC charge is 3.95%. This reflects \$78.1 million in system improvements made by the company since July 2004. These improvements include the replacement of aging water pipes and other infrastructure as well as improvements to the quality of the water that we serve.

This bill is based on an estimated reading. Your actual usage could be higher. Please refer to the back for estimated billing procedure.

To pay by phone, simply call our toll free number at (800) 285-8325.

New security standards have made it necessary for Aqua PA to discontinue walk-in service to customers at our Bryn Mawr office. Please call 1-800-711-4779, a representative will address your concerns and schedule an appointment if necessary.

IMPORTANT NOTICE: SEE REVERSE SIDE FOR OTHER INFORMATION

Return this portion with your payment. Keep top portion for your records.

AQUA
Pennsylvania

762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Address Service Requested
SH39 CH3014 232793 APAP P CCB
F APAP H314440

SINGLE-PIECE COPY
JULES FALCONE
257 HIGHLAND AVE
WAYNE PA 19087-4763

Service to
JULES FALCONE
0257 HIGHLAND AVE
WAYNE, PA 19087-4763

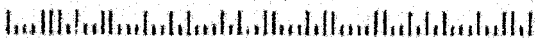
Water Bill

Account Number
000521315 0204840

Credit Balance
(\$ 87.19)

Do Not Pay

You have a credit balance on your account



00052131502048400000000087199

Mon, Jan 23, 2006 1:58 PM

13

From: Jules ~~XXXXXX~~@comcast.net>

C-20055300 & Z-01761777
March 27, 2006
Philadelphia

To: <Aqua>

Date: Monday, January 23, 2006 1:58 PM

DOCUMENT
FOLDER

Statement prepared by Jules Falcone January 23, 2005,

RECEIVED

re: c-20055300, z-01761777

APR 11 2006

Jules Falcone v Aqua Pennsylvania inc

DOCKETED
SEP 22 2006

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

August 26, 2004 - Faxed info. Aqua requested to establish account in my name. See exhibit 1.

March 22, 2005 - I was unaware that the meter in my house stopped working due to my sewer backing up, because Aqua hired an independent contractor who did a shoddy job, which Aqua does not want to take responsibility for. Aqua was aware of this according to there records on this day not June 20, 2005 as is there position. See exhibit 2.

Apx. March 25, 2005 - A representative of the township stopped by when I was working on eof my three jobs and told a neighbor that the sewer backing up onto my lawn was a health code violation, and that I needed to get a plumber or I'd be written up.

March 28, 2005 - Horn Plumbing came by and determined that the problem was not on my property rather under the street thus not my responsibility. And advised me not to use the toilet or it will back up into the house. Thus the start date for unusable water. See exhibit 3.

April 6, 2005 untill May 5, 2005 - Different crews were outside and inside my house repairing the shoddy work that Aqua's independent contractor did, that Aqua continues there pattern of refusing to accept responsibility for. Eventually Bill Farley left me a hand written note letting me know they weren't done yet. It got to the

DOCUMENT
FOLDER

Not admitted

Mon, Jan 23, 2006 1:58 PM

point that I had been outside with the crew everyday that I just left my door open, allowing them to do what ever they needed to do to get my house livable again and so I could go to work.

Pipes in my basement were wrenched loose causing a small flood. Pictures don't do it justice but if you'd like to inspect for yourself you'll see the pipes are new.

Bill Farley of Radnor township wrote me a handwritten undated letter, informing me that they need to come back and that it's hooked up temporarily with a garden hose. The garden hose was new. And was would be satisfactory for watering the garden but the chalky substance on the inside of the hose made it unsafe to drink.

Also, During this time the crews shocked the water with enough chorine to make the water green and smell for approximately three weeks. Making it unfit to drink or wash with. I bought water at the store during this period and went to the neighbors to fill my water bottles, and bathed at a gym I belong to.

April 27, 2005 - There was so much work being done that rocks ended up backing up and clogging my toilet hence the bill from Joe's handyman.

See exhibit 4.

May 23, 2005 - Spoke to Bill Miller of Aqua, and faxed him my bills. As it has the confirmation report that Aqua did indeed receive the fax. Relevant because it's been Aqua's position that I'm the one avoiding them when in reality they have been stalling, being deceptive and not taking responsibility. See exhibit 5.

June 29, 2005 - I received a 3 day sut off notice. I did not receive a 10 day shut off notice. I got my mail the Friday before the Fourth of July weekend. I quickly called the PUC, and was told to disregard the notice. See exhibit 6.

August 2, 2005, 3:51 PM - Latrechiano called from Aqua. We spoke for 9 minutes. At which time we agreed that the previous tenant's bill would be removed and I'd be credited my overcharges, if I

Mon, Jan 23, 2006 1:58 PM

simply faxed the death certificate of the previous tenant. Latrechiano said: "Can you fax it to me tommorow?" I said: "I'll fax it to you today." See exhibit 7. They are my only incoming calls.

August 2, 2005 4:20 PM - I was interrupted from eating before I head out the door to go to work. On my way I was going to bring the death certificate to the UPS store fax it and be done. Latrechiano said to me: "Hey Jules, we're going to be best friends after this. Ya' know what, just fax me everything you have." For the record. I have mountains of records of my own and the previous tenants, which I explained in the previous nine minute conversation with Lectriano, which is why she said I could just send the death certificate to end this. It is not my responcebility to prove that that bill is not mine. I refused to put any more energy into this situation. I knew Aqua had no right to give me someone else's bill and had no reason to believe they would not continue to be dishonest and attempt stall and manipulate the system in every way they can so I decided that I would deal with them only when necessary. See exhibit 7

August 18, 2005 - Received 10 day shut off notice, because they can't read my meter. See exhibit 8

August 23, 2005 - Spoke to Aqua for eight minutes. Aqua told me to disregard it, it's a mistake. See exhibit 7.

August 25, 2005 Received 10 day shut off notices, because they can't read my meter. See exhibit 8.

September 1, 2005 - Spoke to someone incustomer service, Aqua for nine minutes, and was told to disregard them they are mistakes. I explained that I keep getting them and it needs to stop because I'm going away and I don't want to miss a warning not call because I'm away and when I get back my water's turned off through no fault of my own. I asked the rep for her name, she asked "Why do you want my name?" I stated: "For my records." She said: "I'll transfer you to my supervisor." I sat on hold. Shuante' picked up, informed me she's not a supervisor, just another customer service person, and after I explained how this has been going on for months and it

Mon, Jan 23, 2006 1:58 PM

needs to be rectified she assured me she would and put me back on hold. Shuante' was nice but after waiting a little longer on hold I couldn't wait any more and hung up. See exhibit 7.

September 28, 2005 - Bill dated same. Minimum charge is \$22.00. It's supposed to be \$10.00. Overcharge of 120%. See exhibit 12.

October 3, 2005 - Received a letter from Orth of Aqua. See exhibit 9. Aqua is still denying that I've contacted them. See exhibit 7 again of my phone conversations and Aqua asserts I have not provided "plumbing expenses". See exhibit 5, fax confirmations. It's Aqua's position that the entire problem was rectified in one day. It's common knowledge that the water is shocked with chlorine after such extensive work is done. Aqua pretending not to know this is a slap in the face to these proceedings, and is further evidence that they do not take the privilege they are granted to be able to provide suitable water seriously. Aqua is asserting that Lectirano and I only spoke once. We spoke twice, see exhibit 7. I'll show relevance later.

December 13, 2005 - Received letter from Orth of Aqua. See exhibit 10. Aqua finally produces the bills I sent via fax. They also produced an undated letter received in May 2005 from Radnor stating there were two emergency call outs. (Proving Aqua knew the whole situation was not fixed in one day), Both times my water was disrupted for approximately one week because of the amount of chlorine used. The emergency callouts are directly related to the shoddy work done by Aqua's independent contractor and would not have been necessary if Aqua's independent contractor did not do such a poor job thus causing me to be without usable water for approximately 30 days.

Aqua asserts maybe my bills were included in the money they sent to the township. but the townships' bills clearly show the money does not cover my bills.

Exhibit 11. Dated 8/27/04 - The company specifically states it's position that they want proof of ownership or control of the estate before they will establish service in my name. Then I hung up. Then they agreed to put the account in my name. But transferred the

Mon, Jan 23, 2006 1:58 PM

balance to me.

Here's what really happened. I explained to the company on at least three occasions in August 2004, there was a big lawsuit going on; Everything involving the estate, will, property, deed etc. is tied up and being contested. I just want a new account set up in my name, pay my bill, have water and get on with my life. I made the same call to Peco who set up a new account for me immediately. Aqua continually lost my paper work and I had to keep calling back and refax them and when they finally set up an account they transferred the previous tenants balance. Once again Aqua said it's just an honest mistake. I have shown that a great many times that Aqua has not been honest. They have manipulated the system every way they could. They tried to stick me with the previous tenants bill, then after a year of collecting on the fee agreement, they acted like they were doing me a favor by crediting my account. The reality is there is no legal, ethcial or moral justification for transferring another person's account to me. Almost every holiday I got a 10 day shutoff notice and had to call the PUC in fear that when the holiday was over I'd wake up one day without water. They tried to initimidate me and strong arm me every step of the way. And only stopped because there extensions on this preceding ran out. They made the whole thing appear to take place in one conversation. It was many conversations. After repeating myself many times I eventually hung up.

I am completely aware that this case is not about me being compensated for my out of pocket expenses. I bring up those points to show a pattern of behavior. Aqua has said whatever has best served it's interests from the beginning of this case in August 2004. It has repeatedly distorted the facts to appear everythings' above board. They extoll on their website the huge profits they've made in the past few years. I have thoroughly shown how they've overcharged, saved money by using shoddy independent contractors, have poor customer service. Of course theyr'e making huge profits they have a monopoly and they're taking advantage of that.

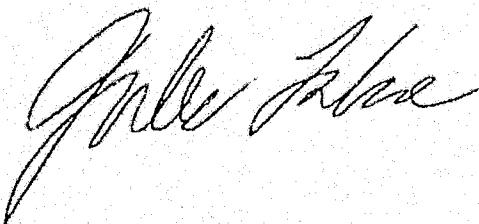
Aqua knows they don't have to follow the rules because most people don't have the time to defend themselves., or can't afford a lawyer. So they step on the public that they are priveledged to

Mon, Jan 23, 2006 1:58 PM

serve. This would've cost me a fortune to bring to a lawyer for me to get justice. Aqua knows most people can't afford it so they know they can get away with squeezing the public. The bottom line is I didn't have usable water for approximately 30 days. I don't have a videotape of the workers outside everyday or of me carrying my water bottles to my neighbors or of the green smelly water that was coming out of my pipes, or of the sewage that backed up onto my lawn, or of the pipes that were shaken loose in my basement. I was told by the workers it would be done and I went about my life and at the end of the day my water still came out green. Just like everybody else Aqua serves I pay my bill and when I turn the tap I just want usable water to come out. I'm not looking to be involved with Aqua but in all the paper work they've presented the only time they admit to possibly being at fault is when they have absolutely no ground to stand on, they still waited a year, held my money the entire time then "as a token of good faith" credited me. Every other aspect of this proceeding they simply blame me stating I'm the one who's unresponsive, or they plead ignorance. The paper work Aqua has presented alone should be enough to renounce their charter they are totally ignorant regarding the in's and out's of supplying the public with water. Or maybe they're all too aware of the in's and out's of supplying the public with water.

In complying with the order Aqua may come to my house to check the meter on Jan. 30, 2006 between 8 am and 10 am Jan. 31 between 8 am and 10 am or Feb.1, between 8 am and 10 am.

Jules Falcone

A handwritten signature in cursive script, appearing to read "Jules Falcone". The signature is written in dark ink and is positioned below the typed name.

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 11 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JULES FALCONE

DOCKETED

SEP 22 2006

COMPLAINT DOCKET

v.

AQUA PENNSYLVANIA, INC.

No. C-20055300

ANSWER AND NEW MATTER

DOCUMENT
FOLDER

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

1. Admitted upon information supplied by Complainant.
2. Admitted that the Respondent's name is Aqua Pennsylvania, Inc.
3. Admitted.
4. Admitted in part and denied in part. By way of background, Complainant initially

filed a Formal Complaint before the Pennsylvania Public Utility Commission (the "Commission") at Docket Number Z-01761777 which is attached hereto as Exhibit A.

Thereafter, the Complainant filed a second Complaint which is the Complaint before this Court at Docket C-20055300 ("Subject Complaint"), attached hereto as Exhibit B. On September 23, 2005, the Company filed the attached Motion to Consolidate both Complaints which is attached hereto and incorporated herein as Exhibit C. The Company has not yet received a ruling on that Motion

C-20055300/Z-01761777
PHILA, 03-27-06

R-1

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

B The Company admits that the first notice Aqua received about potential damage to Complainant's sanitary lateral line occurred when Aqua received an undated letter from Radnor Township in May 2005. Based upon information and belief, Aqua avers that when Aqua's contractor, Michael F. Ronca and Sons, Inc. ("Ronca"), was installing a new water main on Highland Avenue in July 2004, Ronca apparently damaged Radnor Township's sanitary trunk line. Pursuant to the Subject Complaint, someone other than Aqua and its contractor repaired the trunk line and restored sewer service to the trunk line, but apparently failed to reconnect Complainant's sewer lateral to the trunk line resulting in the lateral discharging undetected underground. Aqua further avers, upon information and belief, that Ronca was unaware that Complainant's sanitary lateral line had been disconnected from that trunk line. Aqua further admits that Ronca reimbursed the Township in the amount of \$8,554.00, which was the amount requested by the Township, for the work the Township and/or its contractors performed at the Property. See Exhibit D, attached hereto and incorporated herein, which contains (1) a copy of the undated letter from Radnor Township; (2) a letter from Aqua to its contractor, Ronca, notifying Ronca of the alleged damage, and (3) a copy of Ronca's cancelled check to Radnor Township for the requested amount of the reimbursement. Aqua believes, and therefore avers, that some of the bills contained in Exhibit D, which comprise the \$8,554.00 amount paid by Ronca, are bills for repairs for which the Complainant now seeks reimbursement. The Company further admits that Company representatives have attempted by telephone, correspondence and

through Mediator Bruce Bigelow to obtain back-up documentation for Complainant's damage demand, but Complainant has refused to provide same to date. By way of further response, Aqua admits that while someone other than Aqua and Aqua's contractor was repairing Complainant's sanitary lateral line, Aqua's water main and Complainant's water service lateral were damaged. Aqua repaired both its water main and Complainant's water service lateral line that same day, thus reconnecting water service to Complainant's Property. Aqua denies that Complainant was without water for "approximately 30 days" and strict proof thereof is demanded at time of hearing. After reasonable investigation, the Company is without sufficient information or knowledge so as to form a belief as to the truth or falsity of the remaining allegations of Complainant concerning the back-up of sewage at the Property, communications with Radnor Township, hiring of plumbers or their findings, damage to other utilities, and damage to internal plumbing at the Property, and as such, denies same, strict proof of same is required at time of hearing. The remaining averments are denied as conclusions of law to which no further response is required.

5. The relief requested should be denied. First, the Company's records reflect that water service to the Property was restored within 24 hours, and such restoration is both timely and adequate. Second, Complainant's refusal to permit the Company to access its meter is both a violation of the Company's Tariff Rule 55 (attached hereto and incorporated herein as Exhibit E) and 52 Pa. Code § 56.81. Third, inasmuch as the Commission does not have jurisdiction to award the monetary damages Complainant seeks, the demand for reimbursement of expenses should be dismissed with prejudice.

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

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

related to his water service account which is the subject of dispute in Docket Z-01761777, but denies that he had contact with the Company related to the alleged damages for which he seeks reimbursement.

8. No response is required.

NEW MATTER

9. Complainant's bills have been estimated since June 20, 2005 as shown in the Account Statement attached hereto as Exhibit F.

10. The Company has checked the remote device on the outside of the Property and determined that the remote tested properly.

11. Therefore, the Company needs to gain access to the inside of the Property to investigate why the remote is not transmitting the reads from the meter.

12. Complainant has not responded to Aqua's various requests for access (as reflected in the Company's Answer with New Matter filed at Docket Z-01761777 attached hereto as Exhibit G and incorporated herein).

13. Complainant has informed Mediator Bruce Bigelow that Complainant will not discuss any of the issues arising in Dockets Z-01761777 and C-20055300 with the Company, but rather desires to be heard by an administrative law judge.

14. Complainant continues to refuse to allow the Company access to the Property in violation of the Company's Tariff Rule 55. See Exhibit E.

15. Until Complainant agrees to schedule a meter visit, his bills will continue to be estimated.

16. The Company requests this Court order the Complainant to allow the Company to access the Property to maintain and/or repair its equipment.

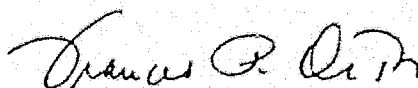
17. The Commission does not have jurisdiction over the awarding of monetary damages. The Commission's authority is limited to that authority set forth in the Public Utility Code, 66 Pa. C.S.A. Section 501 *et seq.*

18. In his Complaint, the Complainant seeks, among other things, reimbursement for "out of pocket plumbing and property damage expenses, etc. Compensation for being without water for a month".

19. Inasmuch as Complainant's requested relief for monetary damages is outside the authority of the Commission to grant, that part of the subject Complaint should be dismissed, with prejudice.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. requests that the part of the Complaint of Jules Falcone relating to the awarding and/or reimbursement of damages be dismissed with prejudice, and the Complainant be ordered to allow the Company to access the Property to repair and/or maintain its equipment within thirty (30) days of the date of this Court's Order.

Respectfully submitted,



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

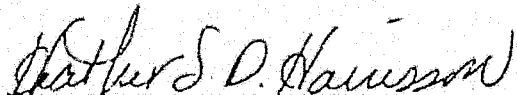
DATED: December 13 2005

COMMONWEALTH OF PENNSYLVANIA


COUNTY OF MONTGOMERY

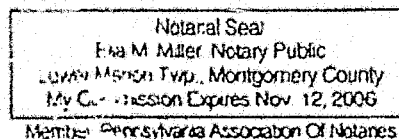
AFFIDAVIT

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


Heather S. Harrison

Sworn and subscribed before
me this 13th day of December 2005


Notary Public



[SEAL]


Re: Jules Falcone
PUC Docket No. C-20055300

CERTIFICATE OF SERVICE

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

FIRST CLASS MAIL:

Jules Falcone
257 Highland Avenue
Wayne, PA 19087



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

Dated: December 13, 2005

EXHIBIT A

DOCKET NO. C-20055300

JULES FALCONE
V
AQUA PENNSYLVANIA, INC.

INITIAL COMPLAINT
DOCKET NO. Z-01761777

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

received
7-18-05

DATE SERVED: JULY 15, 2005

Z-01761777

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

Dear Sir/Madam:

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

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

CUSTOMER OF A UTILITY

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

COMPANY/UTILITY

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

JULY 15 2005

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

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

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

Very truly yours,

James J. McNulty
Secretary

ddi

DATE SERVED: JULY 15, 2005

JULES FALCONE
Complainant

VS.

AQUA PENNSYLVANIA, INC.
Respondent

Complaint Docket
No. Z-01761777

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: AQUA PENNSYLVANIA, INC

TAKE NOTICE:

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

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 561 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 561, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a)

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 561 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq., and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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

James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ST 1761777

AQUA PA
5/9/05

Formal Complaint Form **RECEIVED**

Please print or type.

Z-01761777

EX 9 2005

1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION
REGULATORY BUREAU

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

Name Jules Falcone

Street/P.O. Box 237 Highland Ave Apt # _____

City Wynke State PA Zip 19097

County Delaware

Area Code/HOME Phone 484 432-5995

Area Code/WORK Phone _____

Utility Account Number 0002 08840 0204940
(from your bill)

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns. AQUA Pennsylvania

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

27

4. COMPLAINT (check one)

A. In general, what is your complaint?

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

Other. *Try transferred the last 000 part of 5.77*
(explain) *to my account*

B. State the facts of your complaint.

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

*I did not live here. A bill transferred to
last person's bill to me.*

5. RELIEF

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

I am not paying the last person's bill.

I am not paying the bill from before I lived here.

6. PROTECTION FROM ABUSE

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

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

YES

NO

7. PRIOR UTILITY CONTACT

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

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

YES

(includes appeals of BCS determinations)

NO

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

8. VERIFICATION AND SIGNATURE

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

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

J. K. Kelone
(Signature)

5/5/05
(Date)

9. LEGAL REPRESENTATION (IF ANY)

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

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

If using U.S. Postal Service:

If using overnight delivery service:

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

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

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

Keep a copy of your complaint for your records.

EXHIBIT B

DOCKET NO. C-20055300

**JULES FALCONE
V
AQUA PENNSYLVANIA, INC.**

**SUBJECT COMPLAINT
DOCKET NO. C-20055300**

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

Received
9-21-05

DATE SERVED: September 19, 2005

C-20055300

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

Dear Sir/Madam:

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

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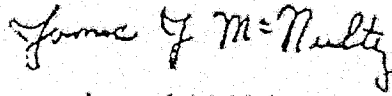
September 19, 2005

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

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

Very truly yours,



James J. McNulty
Secretary

ANE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: September 19, 2005

JULES FALCONE
Complainant

VS.

AQUA PENNSYLVANIA, INC.
Respondent

Complaint Docket
No: C-20055300

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: AQUA PENNSYLVANIA, INC.

TAKE NOTICE:

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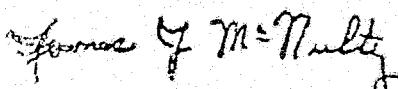
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as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

2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

COPY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Formal Complaint Form

05 SEP 14 AM 8:36

Please print or type.

210104 C-20055300

PA.P.U.C.
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

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

Name Jules Falcon

Street/P O. Box 257 Highland Ave Apt # _____

City Wayne State PA Zip 19087

County Delaware

Area Code/HOME Phone 484-432-5193

Area Code/WORK Phone _____

Utility Account Number: 0002 0484 0020 4840
(from your bill)

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

Name _____

Street/P O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: AQUA

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

11

4 COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase

There are incorrect charges on my bill

There is a reliability, safety or quality problem with my utility service.

I received a notice that my utility service is being terminated.

I would like a payment agreement

Other
(explain)

B. State the facts of your complaint.

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

~~March 19, 2005 my meter hooked up by A&S. & did not have a meter hook up to the main service line, to provide me with my service. I.L.H. is the first.~~

(See additional paper)

5. RELIEF

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

Whatever you can but not limited to:
Ordering A&S stop sending me notices.
Compensation for the cost of rehooked plumbing expenses,
destruction of property, etc.
Compensation for bills without meter work, because
of their wrong doing.

(See additional paper)

6. PROTECTION FROM ABUSE

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

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

YES

NO

7. PRIOR UTILITY CONTACT

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

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

YES

(includes appeals of BCS determinations)

NO



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

8. VERIFICATION AND SIGNATURE

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

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

(Signature)

(Date)

Mon, Sep 12, 2005 9:17 AM

From: joeya <joeyaice@comcast.net>
Date: Monday, September 12, 2005 9:17 AM

I have been overpaying my bill to Aqua and have a case with the PUC, z-01761777, since August of 2004, the following are new matters.

March 19, 2005 - My sewer backed up onto my property and was told by the township I had to hire a plumber and if I did not do so in a timely manner they would have the health department write me a letter. I hired a plumber who discovered that when Aqua was doing work on my street 10 months prior they did not hook my sewer line back into the main sewer line, so my sewage was dumping into the "earth" for 10 months until it finally backed up onto my lawn. A repair crew came out to repair my damaged pipes and hook me into the sewer line. Because Aqua put the pipes in the street in the "wrong" place, the crew who had to cut through the street to do the work, cut through the water main, my gas line and other pipes. Also pipes inside my house were shaken loose and rocks started backing up into my toilet, which forced me to hire another plumber to fix the toilet. I was without water for approximately 30 days. About once a week I receive shut off notices from Aqua, when I call they tell me to disregard them and that they will make sure I don't receive anymore. I still receive them.

5. I would like you to do whatever's in your power, but not limited to Order that Aqua stops harrassing me with shut off notices. Compensates me for my out of pocket plumbing and property damage expenses, etc. Compensation for being without water for a month because of their wrong doing.

EXHIBIT C

DOCKET NO. C-20055300

JULES FALCONE
V
AQUA PENNSYLVANIA, INC.

AQUA PENNSYLVANIA, INC.
MOTION TO CONSOLIDATE

FILE

COPY

AQUA
Pennsylvania.

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

Frances P. Orth, Esquire
Assistant General Counsel

T: 610 645 1126
F: 610 520 9122
fpoorth@aquaamerica.com
www.aquapennsylvania.com

September 23, 2005

VIA FEDERAL EXPRESS

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

SEP 23 2005
FEDERAL EXPRESS
COMMUNICATIONS DIVISION

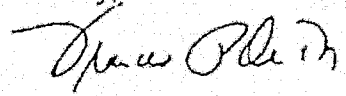
Re: *Complaint Docket No Z-01761777*
Complaint Docket No C-20055300
Jules Falcone v Aqua Pennsylvania, Inc.

Dear Mr. McNulty:

Enclosed for filing, please find the original and three copies of the Motion to Consolidate the Complaints the above-captioned proceedings.

A copy of the Motion to Consolidate has been served upon the Complainant, as evidenced by the enclosed Certificate of Service.

Sincerely,



Frances P. Orth, Esquire

Enclosure

cc: Jules Falcone

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULES FALCONE

v.

AQUA PENNSYLVANIA, INC.

COMPLAINT DOCKETS

No. Z-01761777

No. C-20055300

MOTION TO CONSOLIDATE DOCKETS

NOW COMES the Respondent, Aqua Pennsylvania, Inc. (the "Company"), by its attorney, and hereby files its Motion to Consolidate the two Formal Complaints filed by Jules Falcoae ("Complainant") in the above referenced dockets:

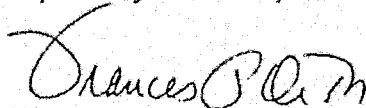
1. Complainant receives water service at 257 Highland Avenue, Wayne, Pennsylvania 19087 ("Property").
2. On July 15, 2005, the Complainant filed an untimely appeal of the Decision of the Bureau of Consumer Services ("BCS Decision"), docketed at Z-01761777, in which he disputed water charges for service to the Property. The Company filed its Answer and New Matter on August 29, 2005.¹
3. On September 19, 2005, the Complainant filed a second Formal Complaint, docketed at C-20055300, wherein he raised issues related to water quality and receiving a notice for termination of water service at the Property.

4. Both Complaints raise issues relating to the Company's water service to the Property.

5. In the interest of administrative efficiency, the Company hereby requests that both Complaints be consolidated into the Z-01761777 docket.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. requests that the Complaint of Jules Falcone filed at Docket No. C-20055300 be consolidated with the pending Complaint filed at Docket No. Z-01761777.

Respectfully submitted,



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

DATED: September 23, 2005

[An extension was granted from August 4, 2005 to September 1, 2005 to file the Answer.

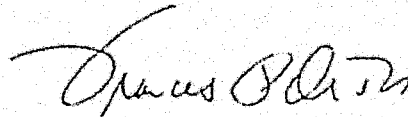
Re: Jules Falcone
PUC Docket No. Z-01761777
PUC Docket No. C-20055300

CERTIFICATE OF SERVICE

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

FIRST CLASS MAIL

Mr. Jules Falcone
257 Highland Avenue
Wayne, PA 19087



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

Dated: September 23, 2005

EXHIBIT D

DOCKET NO. C-20055300

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

UNDATED LETTER
RECEIVED IN LATE MAY 2005
FROM JOHN E. STAUFFER AT RADNOR TOWNSHIP
TO WILLIAM MILLER AT AQUA PENNSYLVANIA



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 KR24

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

A UA
Pennsylvania

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

T 610 328 7733
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

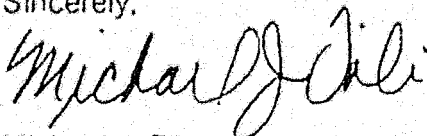
Re: 257 Highland Avenue
Radnor Township, Delaware County, PA
Extension No. 7077-W, Summary No. 15900220743
Damaged Sanitary Lateral

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 6th.

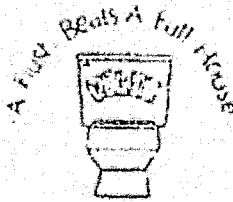
Sincerely,



Michael J. Fili
Superintendent of Southern and Western Construction

Cc: William B. Miller

*6/13/05 request w/ B. Miller @ Lehigh Co. we are to
pay Radnor \$554; and John Boyer Pa on invoice
for \$2650 - in Home Depot*



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

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

INVOICE

2039

Phone: (610) 275-7473

TO Redner Township
301 Iven Avenue
Wayne, PA

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

[Signature]

Proposal

ArtL Landscaping
70. 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 103 EXTON, PA 19341

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

Invoice
PAID

DATE	INVOICE #
5/28/2005	25388

SEND TO:
 Mr. Jules Falcione
 257 Highland Ave.
 Wayne, PA 19087

JOB LOCATION:

PO#	TERMS
01494	Due on rc...

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

EXHIBIT E

DOCKET NO. C-20055300

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

AQUA PENNSYLVANIA, INC.
RULES AND REGULATIONS

RULE NO. 55

TERMINATION OF SERVICE

By Company:

(C)

55. Service may be terminated for any of the following reasons which shall constitute a violation of the Rules and Regulations of the Company:

- (a) For the use of water for any other property or purpose other than that described in the application.
- (b) For willful waste of water through improper or imperfect pipes, fixtures or otherwise, including failure to promptly repair a leak on the Customer service line.
- (c) For molesting any service pipe, meter, meter interface unit, curb stop or seal, or any other appliance of the Company.
- (d) For neglecting to make or renew deposits, or for non-payment of any charge accruing under the Company's tariff or Rules and Regulations.
- (e) For refusal of reasonable access to property for purposes of inspecting or for reading, caring for, removing, or installing meters, including remote and automatic meters and the associated wiring and connections to the Customer's telephone line.
- (f) For making, or refusing to sever, any cross connection between a pipe or fixture carrying water furnished by the Company and a pipe or fixture carrying water or other substances from any other source.
- (g) For failing to comply with the inspection, installation, maintenance or testing requirements of the Company under its back-flow prevention and cross-connection control program instituted for the purpose of protecting the public water supply.
- (h) For vacancy of a premises.
- (i) For failure to make payments under the Company's Water System Connection Loan Program, as described in Rule 62.
- (j) For violation of any other Rules or Regulations of the Company.
- (k) For violation of Pennsylvania law (Criminal Code 18 PA C.S.A. Section 3926) prohibits the activation of a public utility service line without a measuring device (water meter).
- (l) For any other reasons set forth in the Commission's regulations.

Service termination will be performed in the manner prescribed by the Commission's regulations. In addition, service may be terminated for nonpayment of a sewer bill upon proper request of the Sewer System and receipt of a \$35.00 fee per account.

Turn-Off Without Authority

(C)

56. The Customer shall not turn the water on or off at any corporation stop or curb stop, or disconnect or remove the meter, or permit its disconnection or removal, without the consent of the Company.

EXHIBIT F

DOCKET NO. C-20055300

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

ACCOUNT STATEMENT

Customer's Name Falcone, Jules

PUC Docket # Z-01761777

Aqua Pennsylvania, Inc. Account# 521315-204840

Bill Date	Read Date	# of Days	Meter Read	Read Type	Consump	Avg Daily Usage	TL Current Charges	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt or Adj	Balance	Comments
8/24/2005	8/22/2005	417	1131	E	65300	156.6	6/8/1901	9/16/05	\$0.00	\$0.00	\$0.00	N/A	\$0.00	Bill Canceled
8/25/2005	7/1/2004	0	478	A	0	0.0							\$525.73	In Read
8/25/2005	7/22/2005	386	626	E	14,800	38.3	\$213.33	9/19/05	\$0.00	\$0.00	\$526.73	8/24/05	\$213.33	Adjustment Canceled Bill
9/28/2005	9/26/2005	66	651	E	2,500	37.9	\$36.57	10/2/05	\$0.00	\$0.00	\$337.09	8/25/05	-\$87.19	Payment Adjustment
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	
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	

Previous Balance

EXHIBIT G

DOCKET NO. C-20055300

JULES FALCONE
v.
AQUA PENNSYLVANIA, INC.

AQUA PENNSYLVANIA, INC.
ANSWER WITH NEW MATTER
DOCKET NO. Z-01761777

AQUA
Pennsylvania.

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19310

Frances P. Orth, Esquire
Assistant General Counsel

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

August 29, 2005

VIA FEDERAL EXPRESS

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

Re: Complaint Docket No Z-01761777
Jules Falcone v Aqua Pennsylvania, Inc.

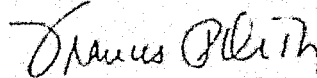
Dear Mr. McNulty:

Enclosed for filing, please find the original and three copies of the Answer and New Matter in the above-captioned complaint.

A copy of the document has been served upon the Complainant's attorney, as evidenced by the enclosed Certificate of Service.

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

Sincerely,



Frances P. Orth

Enclosure
cc. Jules Falcone

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULES FALCONE

COMPLAINT DOCKET

v.

AQUA PENNSYLVANIA, INC

No. Z-01761777

ANSWER AND NEW MATTER

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

1. Admitted
2. Admitted that the Respondent's name is Aqua Pennsylvania, Inc.
3. Admitted.
4. Admitted in part and denied in part.

This Complaint arises from an appeal of the March 11, 2005 Decision of the Bureau of Consumer Services ("BCS Decision") regarding water service to residential property located at 257 Highland Avenue, Wayne, Pennsylvania 19087 ("Property"). A copy of the BCS Decision is attached hereto as Exhibit A. The BCS Decision directed Complainant to pay current bills plus \$15 00 until the arrearage of \$599.45 (as of March 1, 2005) was paid in full. Although the Complainant has made payments pursuant to the BCS Decision, those payments have not been

tinely received by the Company

Upon information and belief, the Company avers that the Property was previously owned by Jules Falcone (grandfather of Complainant), who had an account with the Company (Account # 204840-204840). A copy of the grandfather's Account Statement is attached hereto as Exhibit B.

When the Complainant initially called the Company to establish service in his name, a Company representative notated the call but a separate account for Complainant was not established because a different Company representative who should have completed the task was unaware that there were two people by the name of Jules Falcone associated with the Property, namely, Jules Falcone (grandfather) and Jules Falcone (Complainant). Thereafter, on August 2, 2005, the Complainant notified the Company that his grandfather was deceased and that Complainant was not responsible for the grandfather's outstanding balance for Account # 204840-204840. The Company requested, and the Complainant agreed to fax to the Company, the paperwork evidencing the date on which Complainant moved into the Property and became responsible for payment of water service charges. Having not received those documents, a representative of the Company attempted to contact the Complainant on various occasions (August 3, 4, 5, 11 and 12) as reflected on Exhibit C. The Complainant has not returned any phone messages, nor has he faxed the documents.

Nevertheless, in an effort to bring this matter to closure, on August 22, 2005, the Company set up an Account # 521315-204840 for Complainant using the move-in date of July 1, 2004, since Complainant has not provided documentation of the exact date he moved into the Property. An initial bill was then rendered using the first actual read date available after Complainant's move-in date: namely August 20, 2004. (As a customer relations gesture, Aqua

has not charged Complainant for usage between his move-in date and August 20, 2004.) In addition, \$337.09 representing all payments Complainant has made for the grandfather's usage were transferred to the Complainant's account (payments of September 3, 2004 - August 15, 2005), ultimately resulting in a credit in the amount of \$123.76. Counsel for Aqua also sent a letter to Complainant, a copy of which is attached hereto as Exhibit D, notifying Complainant about the revised billing discussed above. A copy of the Complainant's Account Statement is attached hereto as Exhibit E, and a copy of the Complainant's initial bill is attached hereto as Exhibit F.

By way of further information, Complainant's bills have been estimated since June 20, 2005. The Company has checked the remote device on the outside of the Property and determined that the remote is working. Therefore, the Company needs to gain access to the inside of the Property to investigate why the remote transmitting device for the meter is not operating properly. Complainant has not responded to Aqua's various requests for access as also documented on Exhibits C and D. Until Complainant agrees to schedule that visit, his bills will continue to be estimated.

5. The relief requested should be denied.

The issues raised in the Complaint are moot, inasmuch as the Company has resolved Complainant's issues relating to billing for service at the Property. The Company hereby files this Answer with New Matter because Complainant has not responded to repeated contacts from the Company to resolve this matter. The Company has already established separate accounts for the prior customer (grandfather) and Complainant, even though the Complainant has yet to submit the requested documentation. Additionally, all payments made by the Complainant for service rendered to the grandfather's account have been transferred to the Complainant's

account, resulting in a \$123.76 credit for the Complainant.

6 Unknown to the Company. No response is required.

7 Admitted that Complainant has contacted the Company concerning his account but has failed to send the necessary documentation to confirm when he began residing at the Property.

8-10 No response is required.

NEW MATTER

1 Upon information and belief, the Company avers that the Complainant is not the owner of record of the Property located at 257 Highland Avenue, Wayne, Pennsylvania 19087.

2 Upon information and belief, the Company avers that Jules Falcone, the deceased grandfather of the Complainant, was the former customer of record responsible for water service at the Property.

3 Upon information and belief, the Company avers that the Complainant moved into the Property in June 2004.

4 The Company requested and the Complainant agreed to fax the necessary documentation (i.e. evidence of when he moved into the Property). The Company does not have a record of that documentation.

5 The Company has established an account in the Complainant's name as of July 1, 2004 even though the Complainant indicated that he moved into the Property in June 2004.

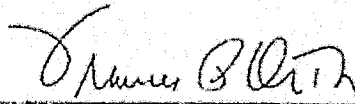
6 The Company, as a customer relations gesture, did not charge Complainant for water service from the time he moved into the Property in June 2004 through August 20, 2004.

7 The Company has transferred payments Complainant paid from the grandfather's account to the Complainant's account

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

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania, Inc. requests that the Complaint of Jules Falcone be dismissed as moot

Respectfully submitted,



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

DATED: August 29, 2005

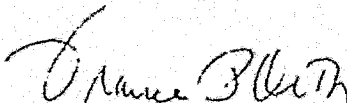
Re: Jules Falcone
PUC Docket No Z-01761777

CERTIFICATE OF SERVICE

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

FIRST CLASS MAIL:

Jules Falcone
257 Highland Avenue
Wayne, PA 19087



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

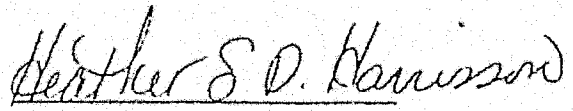
Dated August 29, 2005

COMMONWEALTH OF PENNSYLVANIA

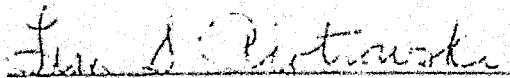
COUNTY OF MONTGOMERY

AFFIDAVIT

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


Heather S. Harrison

Sworn and subscribed before
me this 26th day of August 2005


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Lisa S. Piotrowski, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires Jan. 19, 2008
Member Pennsylvania Association of Notaries

(SEAL)

EXHIBIT A

DOCKET NO. Z-01761777

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

BCS DECISION

General
 Status: CLOSED
 Creation Date: 8/27/2004 1:46:44 PM
 PUC Address: P O Box 5265,
 Harrisburg, PA 17105
 Case Number: 1761777
 Account Number: 204840204840
 Service Class: RESIDENTIAL

Company Name: AQUA PA
 (FORMERLY PSW)
 Company Code: 0388
 Company Type: WATER PRIVATE

BCS
 BCS Investigator Name: REGINA ROBINSON
 BCS Investigator Telephone: (717)7874498
 BCS Intaker Name: NICOLA JAMISON
 Number of times sent: 1
 Number of times faxed: 0
 PUC Fax Number: (717)7876641

Closed Case
 Decision Issue: Yes
 Oral Written: No
 Violation: NO
 Chapter
 Section Rule
 Total Balance: 599.45
 Date Closed: 3/11/2005
 Balance Date: 3/1/2005
 Service Restored Amount
 Service Continue Amount
 Service Continue Date
 Terms: APRIL 2005
 Special Budget Amount
 Regular Budget Amount
 Arrears Payment Plus
 Final Monthly Payment
 Current Monthly Payment
 End Monthly Payment: 15.00
 Letter Description: EGW STRAIGHT PAR/CURRENT
 BILL + END OF MONTH
 PAYMENT
 Head Date: 3/11/2005
 Bill Date

EXHIBIT A

Reconnect
Amount
Payment
Amount

BCS Resolution Text

THE CO HAS CHANGES THE ACCT INTO THE
NAME OF JULE FALCONE SEE CS17 FOR TERMS
OF PAR WAIVE LPC

Customer

Service Address

Customer Name

Customer Home
Telephone

Customer Work
Telephone

Service Address 1

Service Address 2

Service City

Service State

Service ZIP Code

Mailing Address

Mail Address 1

Mail Address 2

Mail City

Mail State

Mail ZIP Code

Family Info

Number of
Resident Adults

Number of
Resident Children

Age

Income Source 1

Income Amount 1

Income Source 2

Income Amount 2

Response

Created Date 8/27/2004 1:46:44 PM

Case Number 1761777

Company Code

Preparer Jason Wilcy

Preparer Phone (610)6454253

Preparer FAX (610)5257317

Prepared Date 7/19/2005

Current Bill Due Date 3/22/2005

Budget Amount

Total Balance 599.45

Report Type To Send INFORMAL

Informal Report Information

Case Heating
Account True

Rate RESIDENTIAL

5/29/04, customer filed a
complaint (BCS#1669240) with
the PUC. 8/5/04, complaint
(BCS#1669240) was closed.
Customer was ordered to pay
\$15.00 each month towards
arrears balance and all current
bills as rendered beginning
9/2004. 8/25/04, grandson (did
not give name) contacted the
Company and requested service in
his name because he stated
grandfather (Jules Falcone is
deceased) Company requested
that he send copy of ID to prove
identity and copy of deed or will
executor papers to prove he is
responsible for utilities or the
estate. He stated it is a
complicated matter and could not
provide information.

Company
Investigation Prior
to BCS Contact

Company

Investigation After
BCS Contact

8/27/04, grandson (Jules Falcone) faxed copy of ID and death certificate of grandfather (Jules Falcone). Company asked for proof of ownership or control of estate. Grandson hung up. Last customer contact regarding this specific matter prior to the PUC filing.

Company Tell
Customer

Since grandfather (Jules Falcone) did not discontinue service in his name because he is deceased, the Company will accept the grandson (Jule Falcone) as the new ratepayer of record as of the date of his grandfather's death.

Company Final
Position To BCS

Attachments

Misc

Date Opened 8/27/2004
Reason for Contact ON - PAR NEEDED (# 61)
Business Name
Problem

Company
Position

08/27/2004 AQUA PA
WANT PROOF OF THE
DEED, BEFORE THEY
CAN PUT THE SERVICE
IN HIS NAME... CO
INFORMED THE CU
THAT SERVICE WILL
BE TERM SOON

Related
Information

DENIAL OF SERVICE /
ON CU STATED THAT
HE GAVE THE CO
EVERYTHING THEY
WANTED TO HAVE
THE SERVICE
SWITCHED INTO HIS
NAME, BUT THEY WILL
NOT ASST HIM. CU
GRANDFATHER HAS
PASSED AWAY AND
THE GRANDSON HAS
BEEN TRYING TO
HAVE SERVICE PUT
INTO HIS NAME FOR

ABOUT A MONTH
MR FALCONE WAS
ABLE TO GET THE
ELECTRIC,GAS IN HIS
NAME THE HOME IS
TIED UP IN COURT....
CU DOES NOT PAY
MORT..

Case Misc Information VER CU INFO.. CU USE
HIS CELLPHONE AS HIS
WK AND HOME
NUMBER..

Hot Issue

Case Origin

Prior Case

No

Universal Service N

Arreage

EXHIBIT B

DOCKET NO.Z-01761777

JULES FALCONE
V
AQUA PENNSYLVANIA, INC.

JULES FALCONE/GRANDFATHER'S

ACCOUNT STATEMENT
(204840-204840)

Customer's Name Falcone, Jules
 PUC Docket #: Z-01761777
 Aqua Pennsylvania, Inc. Account#: 204840-204840

Read Date	# of Days	Meter Read	Read Type	Consump	Avg Daily Usage	TL Current Charges	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt. or ADJ	Balance	Comments
						Previous Balance						\$173.52	
6/2/2000	98	6311	A	15000	153.1	\$85.23	6/30/00	\$0.00	\$-75.00	\$0.00	3/1/00	\$83.75	
9/3/2000	95	6442	A	13100	137.9	\$81.69	10/5/00	\$1.05	\$0.00	\$0.00	N/A	\$186.49	
12/4/2000	90	6559	A	11700	130.0	\$75.35	1/3/01	\$4.17	\$0.00	\$0.00	4/1	\$246.01	
3/2/2001	89	6666	A	10700	120.2	\$72.40	3/29/01	\$2.07	\$109.52	\$0.00	12/25/00	\$210.93	
6/6/2001	95	6792	A	12600	132.6	\$81.66	7/3/01	\$7.95	\$218.91	\$0.00	4/23/01	\$81.66	
9/8/2001	94	6880	A	8800	93.6	\$64.41	10/8/01	\$1.02	\$82.68	\$0.00	8/9/01	\$64.41	
12/3/2001	86	6981	A	10100	117.4	\$74.46	1/10/02	\$0.00	\$85.00	\$0.00	10/5/01	\$70.87	
3/4/2002	91	7062	A	8100	89.0	\$61.98	4/4/02	\$0.00	\$70.87	\$0.00	12/26/01	\$61.98	
6/4/2002	32	7128	A	6600	71.7	\$54.83	7/5/02	\$0.00	\$61.98	\$0.00	3/15/02	\$54.83	
9/5/2002	93	7184	A	5600	60.2	\$50.94	10/3/02	\$0.00	\$54.83	\$0.00	6/24/02	\$50.94	
12/4/2002	90	7237	A	5300	58.9	\$54.26	1/10/03	\$0.00	\$50.94	\$0.00	9/26/02	\$54.26	
3/5/2003	91	7296	A	5900	64.8	\$58.55	4/8/03	\$0.00	\$54.26	\$0.00	1/23/03	\$58.55	
6/4/2003	91	7507	A	21100	231.9	\$140.92	7/8/03	\$1.46	\$58.55	\$0.00	6/4/03	\$142.38	
9/5/2003	93	8017	A	51000	548.4	\$305.11	10/9/03	\$0.00	\$142.38	\$0.00	7/3/03	\$305.11	
11/18/2003	74	9444	A	42700	577.0							\$305.11	Meter Exchange Out Read
12/3/2003	15	23	E	2300	153.3	\$276.65	1/6/04	\$0.00	\$305.11	\$0.00	10/20/03	\$276.65	Meter Exchange In Read
3/3/2004	91	253	A	23000	252.7	\$154.97	3/30/04	\$6.92	\$0.00	\$0.00	N/A	\$438.54	
5/1/2004	90	433	A	18000	200.0	\$127.25	7/6/04	\$14.26	\$0.00	\$0.00	N/A	\$580.05	Bill Canceled
6/20/2004	80	478	A	4500	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	1600	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	1700	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	1600	48.5	\$18.67	12/28/04	\$0.00	\$18.96	\$0.00	11/3/04	\$598.98	Bill Canceled
12/20/2004	27	540	A	1300	48.1	\$17.07	2/22/05	\$0.00	\$18.43	\$0.00	12/8/04	\$597.60	Bill Canceled
1/21/2005	31	558	A	1800	58.1	\$20.03	3/22/05	\$0.00	\$17.07	\$0.00	1/18/05	\$600.56	Bill Canceled
2/22/2005	32	574	A	1600	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	1400	53.0	\$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
5/22/2005	31	588	A	0	0.0	\$10.35	6/18/05	\$0.00	\$32.86	\$0.00	5/23/05	\$575.95	Bill Canceled
6/20/2005	28	607	E	1900	67.9	\$20.70	7/18/05	\$6.62	\$25.00	\$0.00	6/22/05	\$563.19	Bill Canceled
7/22/2005	32	626	E	1900	59.4	\$20.80	8/17/05	\$18.18	\$42.32	\$0.00	7/19/05	\$569.84	Bill Canceled
8/12/2004	30	478	A	4500	150.0	\$33.75	9/18/05	\$0.00	\$51.98	\$0.00	8/15/05	\$541.61	Final Bill
										\$254.90	8/23/05	\$276.71	Adjustment Canceled Bills
											8/25/05	\$513.83	Payments applied to Account # 521315-204840

EXHIBIT C

DOCKET NO.Z-01761777

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

LETTER FROM MARGARET A. MORRIS
TO JULES FALCONE
INCORRECTLY DATED AUGUST 27, 2005
REQUESTING DOCUMENTATION
OF MOVE-IN DATE AND METER INVESTIGATION

A UA
Pennsylvania.

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

www.aquapennsylvania.com

Direct Dial
610-645-1058

August 27, 2005

Mr. Jules Falcone
257 Highland Ave
Wayne, PA 19087

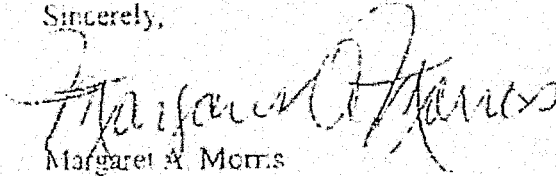
Re: Complaint Docket No. Z-0176177
Jules Falcone v. Aqua Pennsylvania, Inc.

Dear Mr. Falcone:

Ms. Bernie Latrechiano, a representative of Aqua Pennsylvania, Inc., has attempted to reach you regarding the documentation that you indicated on August 2, 2005 that you would fax to her. Ms. Latrechiano left messages at your home on August 3rd, 4th, 5th, 11th and 12th. You have not returned any phone message nor have you faxed the requested documents. It is imperative that you contact Aqua immediately so that an appointment can be scheduled to remove and to test the meter in an effort to resolve your concerns. Please call me at 610-645-1058 as soon as practicable.

I thank you for your consideration.

Sincerely,



Margaret A. Morris

An Aqua America Company

EXHIBIT D

DOCKET NO.Z-01761777

JULES FALCONE
V.
AQUA PENNSYLVANIA, INC.

LETTER FROM FRANCES P. ORTH
TO JULES FALCONE
DATED AUGUST 26, 2005
SENDING INITIAL BILL AND
REQUESTING SITE VISIT

A UA
Pennsylvania.

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

Frances P. Orth, Esquire
Assistant General Counsel

T 610 645 1126
F 610 520 9127
fperth@aquapenn.com
www.aquapennsylvania.com

August 26, 2005

Mr. Jules Falcone
257 Highland Ave.
Wayne, PA 19087-4763

RE: Account Number 000521315 0204840

Dear Mr. Falcone:

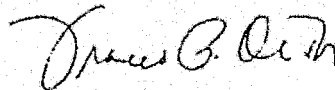
As you requested, Aqua Pennsylvania, Inc., has opened a new account for your water service to property located at 257 Highland Avenue, Wayne, Pennsylvania, effective July 1, 2004. The July 1 date was selected since you have not responded to the contacts from our representative, Bernie Latrechiano, concerning the specific date that you became responsible for paying for water service to the property. However, since our first meter reading after you moved into the property is August 20, you will not be charged for water service prior to that date.

Accordingly, I am enclosing your revised bill which reflects charges for water service as stated above in paragraph 1. After applying payments you have made in the amount of \$337.09, you now have a credit in the amount of \$123.76.

Finally, Aqua still needs access to your property to service its equipment in order to determine why the remote transmitter is not conveying readings for your current usage which is resulting in estimated bills. That situation cannot continue. Accordingly, I would ask you to contact Ms. Latrechiano at 610-645-4280 to schedule an appointment for service.

Please contact me if you have any questions.

Sincerely,



Frances P. Orth

Enclosure
cc: Bernie Latrechiano

EXHIBIT E

DOCKET NO.Z-01761777

JULES FALCONE
V
AQUA PENNSYLVANIA, INC.

COMPLAINANT'S
ACCOUNT STATEMENT
(521315-204840)

Customer's Name: Falcone, Jules

PUC Docket #: Z-0761777

Aqua Pennsylvania, Inc. Account# 521315-204BdG

Bill Date	Read Date	# of Days	Meter Road	Read Type	Consump	Avg Daily Usage	TL Current Chrgs	Due Date	Late Penalty	Payments	Adjustments	Date of Pymt or Adj	Balance	Comments
8/25/2005	7/1/2004	0	478	A	0	0.0							\$0.00	
8/25/2005	7/22/2005	386	626	E	14,800	38.3	\$213.33	9/19/05	\$0.00	\$0.00	\$0.00	8/24/05	\$213.33	In Read
											\$337.09	8/25/05	\$123.76	Payment Adjustment

Previous Balance

EXHIBIT F

DOCKET NO.Z-01761777

JULES FALCONE
V
AQUA PENNSYLVANIA, INC.

COMPLAINANT'S
INITIAL BILL

AUA
 Pennsylvania

JULES FALCONE
 0257 HIGHLAND AVE
 WAYNE, PA 19087-4763

000521315 0204840
 MAIN DIVISION

Aqua Pennsylvania, Inc.
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3489

Tel: 800.711.4779
 Fax: 610.645.1160
 e Mail: custserv@aquapenn.com

Questions about your water service? Contact us before the due date.
 Bill Date: August 25, 2005
 Credit Balance: (\$ 123.76)

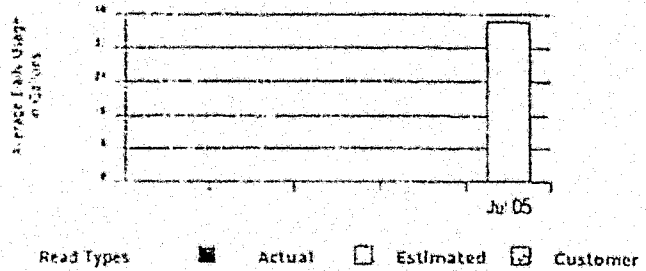
Meter Data

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage	Units
E1448134	5/8	07/22/05	336	Estimated	62600	14,800	Gallons
		07/01/04		Actual	47800		
Average Daily Usage = 38 Gallons		Total Days = 386		Total Usage =		14,800	Gallons

Billing Detail

Amount Owed From Last Bill	\$ 525.73
Total Payments Received	0.00
Balance	525.73
Adjustments	525.73 Credit
Minimum Charge At Old Rate	9.92
1,304 gallons @ \$0.005271 per gallon	6.87
Water Charges at Old Rate	16.79
Minimum Charge At Current Rate	117.34
13,496 gallons @ \$0.005271 per gallon	71.10
Water Charges at Current Rate	188.44
Total Water Charges	205.23
OSIC Charge	8.10
Payment Reversal	337.09 Credit
Amount Due 09/16/05	\$ 123.76 Credit

Water Usage History



REVISED BILL

Message Center

- Effective July 1, 2005 the allowable OSIC charge is 3.95%. This reflects \$78.1 million in system improvements made by the company since July 2004. These improvements include the replacement of aging water pipes and other infrastructure as well as improvements to the quality of the water that we serve.
- To pay by phone, simply call our toll free number at (800) 285-8325.
- New security standards have made it necessary for Aqua PA to discontinue walk-in service to customers at our Bryn Mawr office. Please call 1-800-711-4779, a representative will address your concerns and schedule an appointment if necessary.

IMPORTANT NOTICE: SEE REVERSE SIDE FOR OTHER INFORMATION

AUA
 Pennsylvania

762 W. Lancaster Avenue
 Bryn Mawr, PA 19010-3489

Address Service Requested
 5850 772500 APAPP CSR
 1/04/04/04

**SINGLE-PIECE C I P L
 JULES FALCONE
 257 HIGHLAND AVE
 WAYNE PA 19087-4763

Service To
 JULES FALCONE
 0257 HIGHLAND AVE
 WAYNE, PA 19087-4763

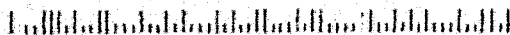
Water Bill

Account Number
 000521315 0204840

Credit Balance
 (\$ 123.76)

Do Not Pay

You have a credit balance on your account.



Customer Service Number 1-800-7-99 or 1-610-525-1400
Fax Number 610-645-1160

e-mail serv@aquapa.com

If you have a billing question or complaint, call or write to us before the due date on your bill. You can contact us for a rate schedule which is an explanation of how to verify that your bill is correct or for an explanation of our charges. Our customer service address is listed on the front of the bill. You may also call, fax or e-mail your comments to one of the customer service telephone numbers or at the e-mail address listed above.

When writing, please use a separate piece of paper and include your name, address, and account number. Notes written on the bill may delay processing of your payment.

EXPLANATION OF TERMS

Actual Read: Meter reading obtained by a company employee or one of our automatic meter reading systems.

Customer Read: Meter reading obtained from our customer.

Distribution System Improvement Charge (DSIC): The DSIC is a percentage charge that is applied to the bill. The charge covers costs associated with replacing aging distribution system facilities, such as water mains, service lines, meters, valves, fire hydrants, etc.

Employee Identification: All company employees carry an identification card showing their picture and employee number.

Estimated Bill: When we are unable to read your meter, we base the bill on your past water use. If you receive an estimated bill, you may have a new bill by reading the meter and calling the company with that reading. Note: revised bills will not be issued after the due date of the estimated bill.

Late Charge: A penalty of 1.25 percent on unpaid balances, not to exceed 15 percent yearly.

Meter Reading: We attempt to read the water meter every billing period. We either have our meter reader visit your property or obtain the reading through one of our automatic meter reading systems.

Method of Payment: You can pay your bill by any of the following methods:

By mail: Place your check or money order in the enclosed pre-addressed envelope. Put a stamp on the envelope and mail it to us: Aqua PA, P.O. Box 1229, Newark, NJ 07101-1229. **DO NOT SEND CASH.**

By phone: Customers with bank accounts may pay their bills by phone. (Call the company or your bank for details.)

BuyPaySM: Allows you to pay in person (with cash or check) at convenient locations throughout Aqua PA's service territory. BuyPaySM payments are credited to your account the same day, or the next business day if you make your payment on a weekend or holiday. Please call our Customer Service Department if you wish to know the BuyPaySM location closest to you.

ZipCheck[®]: A program in which your payment is automatically deducted from your bank account. You save the cost of postage and using bank checks. Details and applications are available from the company. Please call our Customer Service Department.

Minimum Charge: This minimum charge covers the cost of having water service available, including operations, maintenance, meter reading, and other expenses. It will be billed to you whether or not you use any water.

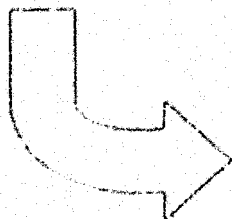
Payment Terms: You should pay your bill on or before the due date.

Return Check Charge: If for any reason your check is returned to us from the bank, we will add a service charge to your account.

State Tax Adjustment Surcharge (Surcharge): This is a charge for certain tax changes, which the Pennsylvania Public Utility Commission allows the company to recover.

Please tear along the fold and return this portion with your payment.

PLACE THIS STUB SO THAT THE
NAME "AQUA PA"
SHOWS THROUGH THE WINDOW
OF THE PAYMENT ENVELOPE



AQUA PA

P.O. Box 1229
Newark, NJ 07101-1229

