

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jules Falcone

v.

Aqua Pennsylvania, Inc.

DOCKET C-20055300
Z-01761777
FALCONE

PREHEARING CONFERENCE ORDER

As scheduled, a telephonic prehearing conference took place on January 30, 2006, regarding Mr. Jules Falcone ("Complainant") filed formal Complaint against Aqua Pennsylvania, Inc. ("Aqua" or "Company" or "Respondent"). Mr. Falcone is provided residential water service at his residence, 257 Highland Avenue, Wayne, Pennsylvania 19087 ("Property"). The purpose of the prehearing conference was to clarify the issue(s) in dispute between Mr. Falcone and Aqua and to obtain whether issues raised had been resolved.

Mr. Falcone appeared representing himself and Ms. Frances P. Orth, Esquire appeared representing the Company. My initial agenda item for the prehearing conference was to confirm through the parties that access to the Property was arranged in compliance with my Order dated December 27, 2005 to give the Company access to the meter at the Property. I noted that Mr. Falcone had provided three (3) proposed dates in compliance with my Order and questioned whether the Company had indeed made arrangements to be at the Property on one of the three proposed dates. Ms. Orth stated that the Company planned to be at the Property on Tuesday, January 31, 2006 at or about 9 a.m. The Company intended to examine the meter, replace it, and test it off-site. The Company did not foresee the process taking more than the allotted time Mr. Falcone had provided to access the Property.

Mr. Falcone has raised several instances of interaction with the Company and its services to him as a customer. Mr. Falcone is not requesting that any audit or accounting or accuracy assessment be performed on his account regarding the charges to the Property when

occupied by his grandfather, also named Mr. Jules Falcone. Mr. Falcone is not disputing what the Company has assumed as his initial date to use the water services provided by the Company to his Property or the amount credited to his account to correct charges that may have been attributed to Mr. Falcone when he did not occupy the Property. Mr. Falcone is not seeking damages relating to the sanitary lateral disconnect to his property from the main in Radnor Township or any other consequences or repairs resulting from that circumstance. Mr. Falcone understands that any award of damages must be sought through another appropriate judicial entity and cannot be provided by this Commission. Similarly, Mr. Falcone recognizes that any damages to his Property or to his use of water at his Property attributable to the Company's repair by contractor or lack thereof cannot be awarded through this proceeding. Mr. Falcone also raised an issue of what he perceives as an overcharge for service on his September 2005 bill.

Mr. Falcone raises all of the above circumstances to demonstrate a persistent pattern of behavior by the Company of inadequate, unsafe and unreasonable service to him as a customer. Mr. Falcone is not intending to pursue any of the matters individually for the substance of the dispute or matter highlighted. Mr. Falcone's intention is to establish a pattern by the Company of inadequate, unsafe and unreasonable service as a violation of Commission regulation warranting a fine or civil penalty. See 66 Pa. C.S. § 1501. This is the dispute that Mr. Falcone is bringing before the Commission at these consolidated Docket Nos. C-20055300 and Z-01761777.

As to the substance of the overcharge for service on Mr. Falcone's September 2005 bill, the Company will provide what it perceives as a reasonable explanation for the charge on the September 2005 bill. Mr. Falcone has agreed to alert the Company in writing if he finds the explanation satisfactory. If the Company does not obtain a response from Mr. Falcone within seven (7) days of the date the correspondence was sent, the Company can assume that Mr. Falcone still disputes the charge. If Mr. Falcone continues to dispute the charge for any result other than to establish a pattern of behavior by the Company of inadequate, unsafe and unreasonable service, he is free to file a formal Complaint on the issue against the Company and the dispute will be addressed at a subsequent proceeding.

Both parties have notice of the scope of this proceeding through and by this Order.

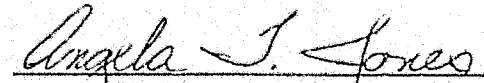
THEREFORE,

IT IS ORDERED:

1. That the issue in dispute of the consolidated formal Complaints of Jules Falcone against Aqua Pennsylvania, Inc, at Docket Nos. C-20055300 and Z-01761777 is whether the Company violated the Public Utility Code at 66 Pa. C.S. § 1501 by providing inadequate, unsafe or unreasonable water service.

2. That this adjudication proceeds to hearing as expeditiously as possible.

Date: February 1, 2006


Angela T. Jones
Administrative Law Judge

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20055300, Z-C-761777		YES	NO
Case Name:	Jules Falcone v. Aqua Pennsylvania, Inc.	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
Date:	January 30, 2006	Estimated Add'l Days:		
ALJ:	Angela T. Jones	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<p style="text-align: center;">DOCUMENT FOLDER</p> <p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">FEB - 6 2006</p> <p style="text-align: center;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		REMARKS:	PREHEARING TO CONFIRM CO. ON-SITE VISIT & TO CLARIFY THOSE MATTERS STILL IN DISPUTE	
			PLS EXPEDITE SCHEDULE FOR HEARINGS !!!	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address			Who are you representing?
Mr. Jules Falcone	257 HIGHLAND AVE.			SELF
	City WAYNE	State PA	Zip 19087	
Telephone: 484 432-5993	E-mail Address:			Fax Number:
Ms. Frances P. Orth, Esq.	762 W. LANCASTER AVE.			AQUA PA, INC.
	City BEVN MAWR	State PA	Zip 19010	
Telephone: 610. 645. 1126	E-mail Address:			Fax Number:
	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:

Check this box if additional parties or attendees appear on back of form.

Karen Burkett
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 6, 2006

PLAIN

DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055300
Z-01761777

(SEE LETTER DATED 11/23/05)

Jules Falcone v. Aqua Pennsylvania, Inc.

Billing/Service dispute.

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephonic hearing.

Date: Monday, March 27, 2006

Time: 10:00 a.m.

Presiding: Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

DOCUMENT
FOLDER

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

DOCKETED
FEB 10 2006

At the above date and time, the Presiding Officer will contact the parties as follows:

Jules Falcone	484.432.5993
Frances P. Orth, Esquire	610.645.1126

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Jones
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

SUITE 500

212 LOCUST STREET

P. O. BOX 9500

HARRISBURG, PA 17108-9500

www.ttanlaw.com

FIRM (717) 255-7600

FAX (717) 236-8278

THOMAS T. NIESEN

Direct Dial: (717) 255-7641
E-Mail: tniesen@ttanlaw.com

CHARLES E. THOMAS
(1913 - 1998)

February 9, 2006

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

DOCUMENT
FOLDER

In re: Dockets Nos. C-20055300 and Z-01761777
Jules Falcone v. Aqua Pennsylvania, Inc.

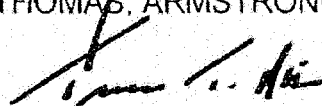
Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of our Notice of Appearance in the above matter. A copy of the Notice is being served upon the persons and in the manner set forth on the Certificate of Service attached to it.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By



Thomas T. Niesen

Encl.

cc: Certificate of Service (w/encl.)
Frances P. Orth, Esquire (w/encl.)

u60z09McNulty.wpd

3/5

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULES FALCONE

v.

AQUA PENNSYLVANIA, INC.

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Docket No. C-20055300
Docket No. Z-01761777

NOTICE OF APPEARANCE

Please enter the appearance of the following as counsel for Aqua Pennsylvania,
Inc. in the above-captioned matter:

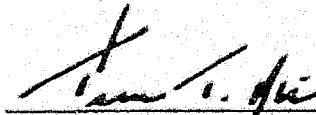
**DOCUMENT
FOLDER**

Thomas T. Niesen, Esquire
THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500
Voice: 717.255.7641
Telefax: 717.236.8278

On the basis of this notice, I request a copy of each document filed hereafter by
any party or issued by the Commission in this matter.

Respectfully submitted,

DOCKETED
FEB 15 2006


Thomas T. Niesen

DATED: February 9, 2006

RECEIVED
FEB 15 2006

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULES FALCONE

v.

AQUA PENNSYLVANIA, INC.

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Docket No. C-20055300

Docket No. Z-01761777

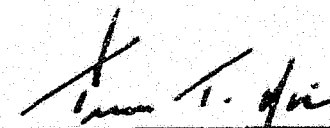
CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of February, 2006, served a true and correct copy of the foregoing Notice of Appearance, upon the persons and in the manner indicated below:

FIRST CLASS MAIL, POSTAGE PREPAID

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

Jules Falcone
257 Highland Avenue
Wayne, PA 19087



Thomas T. Niesen

SECRET

SECRET

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

SUITE 500
212 LOCUST STREET
P. O. BOX 9500

HARRISBURG, PA 17108-9500

www.ttanlaw.com

FIRM (717) 255-7600

FAX (717) 236-8278

ORIGINAL

THOMAS T. NIESEN

Direct Dial: (717) 255-7641
E-Mail: tniesen@ttanlaw.com

CHARLES E. THOMAS
(1913 - 1998)

February 28, 2006

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
2006 FEB 28 PM 3:10
SECRETARY'S BUREAU
PA PUC

In re: Dockets Nos. C-20055300 and Z-01761777
Jules Falcone v. Aqua Pennsylvania, Inc.

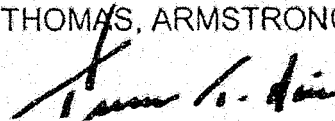
Dear Secretary McNulty:

Enclosed for filing on behalf of Aqua Pennsylvania, Inc. in the above referenced matter are an original and three (3) copies of its Application for Subpoena Re Attendance of Scott Horn. A copy of the Application is being served upon the persons and in the manner set forth on the Certificate of Service attached to it.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By



Thomas T. Niesen

Encl.

cc: Certificate of Service (w/encl.)
Frances P. Orth, Esquire (w/encl.)

060228McNulty.wpd

86

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2006 FEB 28 PM 3:30
PA PUC
SECRETARY'S BUREAU

JULES FALCONE

v.

AQUA PENNSYLVANIA, INC.

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Docket No. C-20055300
Docket No. Z-01761777

APPLICATION FOR SUBPOENA RE ATTENDANCE OF SCOTT HORN

NOW COMES, Aqua Pennsylvania, Inc. ("Aqua"), by its attorneys, and, pursuant to 52 Pa. Code §5.421, applies for a subpoena for the attendance of Scott Horn as a witness in the above captioned proceeding. In support thereof, Aqua submits as follows:

1. This proceeding involves the formal Complaint of Jules Falcone against Aqua. Mr. Falcone claims that certain circumstances demonstrate a pattern of behavior of inadequate, unsafe and unreasonable service to him as a customer at 257 Highland Avenue, Wayne, Pennsylvania, in violation of Section 1501 of the Public Utility Code, 66 Pa. C.S. §1501. Those circumstances include the disconnection of the sanitary lateral to Mr. Falcone's property and other consequences or repairs resulting from that circumstance as presented in the Prehearing Conference Order dated February 1, 2006.

2. An evidentiary hearing has been scheduled in the matter for March 27, 2006, at 10.00 a.m. in Philadelphia with Administrative Law Judge Angela T. Jones presiding.

3. Mr. Horn has knowledge of the matters about which Mr. Falcone complains concerning circumstances at 257 Highland Avenue. Mr. Horn is the plumber who was hired by Mr. Falcone to investigate the backup on Mr. Falcone's sewer lateral

and was also hired by Radnor Township to repair the damage to Mr. Falcone's water service line which occurred during the repair of his sewer lateral.

4. Mr. Horn's address is:

Scott Horn
c/o Horn Plumbing
304 National Road
Suite 100
Exton, PA 19341

5. Pursuant to 52 Pa. Code §5.421(b), notice is hereby given that an answer or objection to this application shall be filed with the Public Utility Commission and the presiding administrative law judge within 10 days of service of this application addressed as follows:

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

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

6. The proposed subpoena is attached to this Application.

WHEREFORE, Aqua Pennsylvania, Inc. prays that Administrative Law Judge Jones and the Pennsylvania Public Utility Commission issue a subpoena for the attendance of Scott Horn at the hearing in Philadelphia on March 27, 2006, at 10:00 a.m. and any hearings held thereafter.

Respectfully submitted,

By 

Thomas T. Niesen, Esquire
THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

Frances P. Orth, Esquire
AQUA PENNSYLVANIA, INC.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Attorneys for
Aqua Pennsylvania, Inc.

DATED: February 28, 2006



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Jules Falcone

Docket No. C-20055300 and Z-01761777

v.

Aqua Pennsylvania, Inc.

SUBPOENA

To: Scott Horn, c/o Horn Plumbing, 304 National Road, Suite 100, Exton, PA 19341

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to 1302 Philadelphia State Office Building, at 1400 West Spring Garden Street, Philadelphia, Pennsylvania 19130, on March 27, 2006, at 10:00 o'clock a.m., in the above case, to testify on behalf of the Respondent, Aqua Pennsylvania, Inc. and to remain until excused;

2. And bring with you and produce the following: all documents relating to work performed at 257 Highland Avenue, Wayne, PA 19087.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date _____

Administrative Law Judge

Commonwealth of Pennsylvania)
) SS:
County of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20__ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20__

Notary Public

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JULES FALCONE

v.

AQUA PENNSYLVANIA, INC.

:
:
:
:
:

Docket No. C-20055300

Docket No. Z-01761777

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of February, 2006, served a true and correct copy of the foregoing Application for Subpoena, upon the persons and in the manner indicated below:

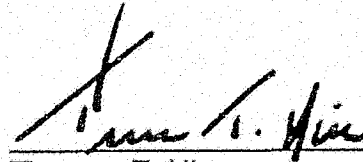
FIRST CLASS MAIL, POSTAGE PREPAID

Scott Horn
c/o Horn Plumbing
304 National Road
Suite 100
Exton, PA 19341

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

Jules Falcone
257 Highland Avenue
Wayne, PA 19087

RECEIVED
2006 FEB 28 PM 3:30
PA PUC
SECRETARY'S BUREAU



Thomas T. Niesen

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

SUITE 500

212 LOCUST STREET

P. O. BOX 9500

HARRISBURG, PA 17108-9500

www.ttanlaw.com

FIRM (717) 255-7600

FAX (717) 236-6278

CHARLES E. THOMAS
(1913 - 1998)

THOMAS T. NIESEN

Direct Dial: (717) 255-7641
E-Mail: tniesen@ttanlaw.com

March 3, 2006

RECEIVED
2006 MAR -3 PM 3:49
PA PUC
SECRETARY'S BUREAU

DOCUMENT
FOLDER

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

In re: Dockets Nos. C-20055300 and Z-01761777
Jules Falcone v. Aqua Pennsylvania, Inc.

Dear Administrative Law Judge Jones:

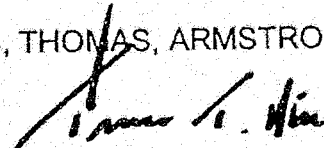
We represent Aqua Pennsylvania, Inc. in the above referenced Complaint of Mr. Jules Falcone. In the Prehearing Conference Order of February 1, 2006, Mr. Falcone's Complaint is described as one alleging a pattern of inadequate, unsafe and unreasonable service to him as a customer at 257 Highland Avenue, Wayne, Pennsylvania, in violation of Section 1501 of the Public Utility Code, 66 Pa. C.S. §1501.

A telephonic evidentiary hearing is presently scheduled to be held on March 27, 2006 before your Honor in Philadelphia. Aqua intends to present several witnesses at the hearing in its defense to Mr. Falcone's claims and believes that its defense can be better presented in person rather than by telephone. Consequently, with your permission, Aqua will appear at the hearing in Philadelphia in person on March 27 to present its case. Aqua does not object to Mr. Falcone's participation by telephone. We would appreciate acknowledgment that the above is acceptable to you.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By



Thomas T. Niesen

cc: Mr. Jules Falcone
257 Highland Avenue
Wayne, PA 19087



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 15, 2006

Thomas T. Niesen, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

DOCUMENT
FOLDER

Re: Jules Falcone v. Aqua Pennsylvania, Inc.
Docket Numbers C-20055300 and Z-01761777

Dear Mr. Niesen:

Enclosed please find an original and three copies of a subpoena directed to Mr. Scott Horn, issued pursuant to your application in the above-referenced case.

In accordance with the provisions of 52 Pa.Code §5.421(c), serve the subpoena on Mr. Horn and file the original and an Affidavit of Service with respect to the subpoena with the Secretary. At the time of filing, please provide a true and correct copy to me.

Very truly yours,

Angela T. Jones
Administrative Law Judge

Encls.

cc: Chief ALJ Veronica A. Smith
New Filing



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:
Jules Falcone v. Aqua Pennsylvania, Inc.

Docket Nos. C-20055300 and Z-01761777

SUBPOENA

To: Scott Horn, c/o Horn Plumbing, 304 National Road, Suite 100, Exton, PA 19341
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:


1. YOU ARE ORDERED by the Commission to come to the Philadelphia State Office Building, Broad and Spring Garden Streets, scheduled hearing room on 13th floor, Philadelphia, Pennsylvania 19130, on March 27, 2006, at 10:00 a.m. o'clock, in the above case, to testify on behalf of the Respondent, Aqua Pennsylvania, Inc. ("Aqua") to remain until excused;

2. And bring with you and produce the following: all documents relating to work performed at 257 Highland Avenue, Wayne PA 19087.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date March 15, 2006



Angela T. Jones
Administrative Law Judge

Commonwealth of Pennsylvania

)

) SS:

Count of

)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon Scott Horn by handing the same to him/her at _____
_____ on the _____ day of _____, 2006,
at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 2006

Notary Public



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 17, 2006

Thomas T. Niesen, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
P.O. Box 9500
Harrisburg, PA 17108-9500

Re: Jules Falcone v. Aqua Pennsylvania, Inc.
Docket Numbers C-20055300 and Z-01761777

RECEIVED
2006 MAR 27 11:10:53
FA, PU, C. BUREAU
SECRETARY'S BUREAU

Dear Mr. Niesen:

Enclosed please find an original and three copies of a subpoena directed to Mr. Steve Aramant, issued pursuant to your application in the above-referenced case.

In accordance with the provisions of 52 Pa.Code §5.421(c), serve the subpoena on Mr. Aramant and file the original and an Affidavit of Service with respect to the subpoena with the Secretary. At the time of filing, please provide a true and correct copy to me.

Very truly yours,

Angela T. Jones
Administrative Law Judge

Encls.

cc: Chief ALJ Veronica A. Smith
New Filing

BTL



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:
Jules Falcone v Aqua Pennsylvania, Inc.

Docket Nos. C-20055300 and Z-01761777

SUBPOENA

To: Steve Aramant, Sewer Division, c/o Radnor Township, 301 Iven Avenue, Wayne, PA 19341
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

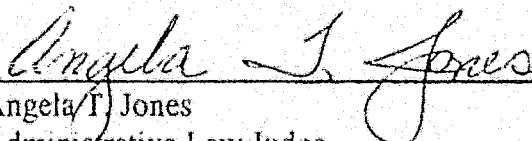
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2. And bring with you and produce the following: all documents relating to work performed at 257 Highland Avenue, Wayne PA 19087.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date March 17, 2006


Angela T. Jones
Administrative Law Judge

Commonwealth of Pennsylvania

)

) SS:

Count of

)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon Steve Amarant by handing the same to him/her at _____
_____ on the _____ day of _____, 2006,
at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 2006

Notary Public



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 30, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055300
Z-01761777

(SEE LETTER DATED 11/23/05)

Jules Falcone v. Aqua Pennsylvania, Inc.

Billing/Service dispute.

**DOCUMENT
FOLDER**

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Further In-Person Hearing

Date: Monday, April 24, 2006

Time: 10:00 a.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130

Presiding: Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

DOCKETED
APR 05 2006

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Jones
Dawn Reitenbach
Beth Plantz
Docket Section
Calendar File

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-2005530C & Z-01761777		YES	NO
Case Name	Jules Falcone v. Aqua Pennsylvania, Inc.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	March 27, 2006	Estimated Add'l Days:	1 DAY	
ALJ:	Angela T. Jones	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Sargent's Court Reporting	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<p align="center">DOCKETED APR 1 6 2006</p>		REMARKS: COMPLAINANT DID NOT PLAN FOR HRS. ALL DAY HAD DOCTOR'S APPT. WILL PROCEED ON FURTHER HRS. DATE TO BE RESCHEDULED 1/1/1		

RECEIVED

2005 MAR 31 PM 12:50

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Thomas T. Niesen Thomas, Thomas, Armstrong + Niesen	P.O. Box 9500 Suite 500 212 Locust St City: Hbs State: PA Zip: 17108	Aqua Pennsylvania, Inc IN-PERSON
Telephone: 717 255 7641	E-mail Address: fniesen@tcaonline.com	Fax Number: 717.236.8278
JULES FALCONE	257 HIGHLAND AVE. City: WAYNE State: PA Zip: 19087	SELF (PHONE)
Telephone: 484.432.5993	E-mail Address:	Fax Number:
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

Amanda Lewis
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.