

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Kathleen Sylvester and William J.
Finkler
v.
Washington Park Water Company and
Washington Park Sanitary Company

Docket No.:
C-20055455
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C-20055473

Administrative Hearing

Pages: 1 - 141

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State Office Building
Public Utility Commission
100 Lackawanna Avenue
Hearing Room 318
Scranton, Pennsylvania 18503

Monday, February 27, 2006
Commencing at 10:00 A.M.

BEFORE:
EMBER S. JANDEBEUR, Administrative Law Judge

APPEARANCES:
KIERAN M. CASEY, Esquire
Borland Law Office
69 Public Square, Suite 1100
Wilkes-Barre, PA 18701
For the Washington Park Water Company and
Washington Park Sanitary Company

RHONDA L. DAVISTON, Esquire
400 North Street
Harrisburg, PA 17120
For the PA PUC Law Bureau

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ERIN L. GANNON, Esquire
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
For Office of Consumer Advocate

MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPORTER: KENNETH D. O'HEARN

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P R O C E E D I N G S

1
2 -----
3 JUDGE JANDEBEUR:

4 This is the time and place for the
5 in-person initial hearing in the matter of, I believe,
6 eight or nine Complainants. We will address whether
7 it's eight or nine Complainants in just a minute. Two
8 intervenors, Public Utility Commission Law Bureau, and
9 the Office of Consumer Advocate, plus the eight or
10 nine, versus Washington Park Water Company and
11 Washington Park Sanitary Company. Now, I have in the
12 courtroom, Erin Gannon for Office of Consumer
13 Advocate; correct?

14 ATTORNEY GANNON:

15 Yes, Your Honor.

16 JUDGE JANDEBEUR:

17 Okay. Do I have Rhonda Daviston? I do
18 not.

19 ATTORNEY DAVISTON:

20 Yes, you do.

21 JUDGE JANDEBEUR:

22 I do have Rhonda Daviston, okay, good.
23 Rhonda Daviston is attorney for the Public Utility
24 Commission Law Bureau. I have Kieran Casey; correct?

25 ATTORNEY CASEY:

1 Correct.

2 JUDGE JANDEBEUR:

3 And Mr. Casey is attorney for Washington
4 Park Water and Washington Park Sanitary. Now, of the
5 Complainants, who do I have here in the courtroom?

6 MS. SYLVESTER:

7 Kathleen Sylvester.

8 JUDGE JANDEBEUR:

9 Thank you, Ms. Sylvester. And sir?

10 MR. FINKLER:

11 William Finkler.

12 JUDGE JANDEBEUR:

13 Okay. I do see your name, William J.
14 Finkler, yes. Thank you, sir. And ma'am, are you one
15 of the Complainants?

16 ATTORNEY CASEY:

17 That is Sandra Kresge.

18 JUDGE JANDEBEUR:

19 Okay. All right. So I only have two
20 Complainants in the courtroom. Now that is not good.
21 We'll deal with that in just a second. Now, Mr.
22 Casey, I assume that Ms. Borland is no longer Counsel
23 of record?

24 ATTORNEY CASEY:

25 Well, no, Your Honor. Actually, Kim

1 Borland is a partner at the firm where I work.

2 JUDGE JANDEBEUR:

3 Okay.

4 ATTORNEY CASEY:

5 We've been handling the matter together.
6 I'm here today, but ---.

7 JUDGE JANDEBEUR:

8 Okay. So both of you still want to stay
9 as Counsel?

10 ATTORNEY CASEY:

11 That's correct.

12 JUDGE JANDEBEUR:

13 Okay. I'll leave her on there. Ms.
14 Daviston, if you would like to pull up a chair?

15 ATTORNEY CASEY:

16 Yes, I just need a couple minutes.

17 JUDGE JANDEBEUR:

18 I mean, I imagine Ms. Gannon will not
19 bite you. So if you would like to pull up a chair,
20 you're welcome to. I, you know, unfortunately don't
21 have three tables.

22 Okay. Now, I do have a little bit of a
23 problem --- I do have a problem with the fact that we
24 only have two Complainants in here. So why don't the
25 three Counselors give me your take on the fact that

1 we're missing a bunch of the Complainants in this
2 matter. As far as I know, and you all can tell me if
3 differently, but the fact that I've got two
4 Complainants, Ms. Sylvester and Mr. Finkler, you both
5 received the January 4th notice of today's hearing, I
6 take it?

7 MS. SYLVESTER:

8 Yes.

9 MR. FINKLER:

10 Yes, we did.

11 JUDGE JANDEBEUR:

12 Okay. Have you had any contact with the
13 other Complainants in this matter?

14 MR. FINKLER:

15 I have not.

16 JUDGE JANDEBEUR:

17 Okay.

18 MR. FINKLER:

19 I have not personally.

20 ATTORNEY GANNON:

21 Your Honor?

22 JUDGE JANDEBEUR:

23 Yes, Ms. Gannon.

24 ATTORNEY GANNON:

25 If I may, I have spoken to a few of the

1 other Complainants ---

2 JUDGE JANDEBEUR:

3 Okay.

4 ATTORNEY GANNON:

5 --- who have received notice of the
6 hearing, but were unable to testify because of
7 childcare concerns or because of work concerns and
8 they were unable to get time off to attend the
9 hearing.

10 JUDGE JANDEBEUR:

11 Okay.

12 ATTORNEY GANNON:

13 I did not speak will all of the customers
14 though.

15 JUDGE JANDEBEUR:

16 And do you know --- you don't really
17 represent the customers though, they really are on the
18 docket under their own name, and you are on the docket
19 as an intervenor.

20 ATTORNEY GANNON:

21 That is correct. In our capacity at the
22 Consumer Advocate's Office, we do have the ability to
23 represent in general the customers of the company, but
24 we do not specifically represent each individual
25 customer.

1 JUDGE JANDEBEUR:

2 Yes. And that's the problem that I have
3 with their failure to appear today. Mr. Casey, you
4 were going to say something?

5 ATTORNEY CASEY:

6 Our position, Your Honor, would be that
7 my recollection is that when we had our initial
8 conference call setting this up, there were some
9 Complainants that registered concerns about their
10 ability to attend, and I think you made clear to them
11 that it was necessary for them to attend. Our
12 position would be that their complaints should be
13 dismissed based on their non-appearance.

14 JUDGE JANDEBEUR:

15 Yes. Unfortunately, I think under the
16 law that is a correct assessment. Go ahead, Ms.
17 Gannon.

18 ATTORNEY GANNON:

19 In our capacity at the Consumer
20 Advocate's Office, per the suggested schedule that I
21 had proposed, which would allow for the submission of
22 expert testimony, which may corroborate the complaints
23 of those customers who have not been able to attend
24 the hearing today. And so in that way, although they
25 are not here to offer testimony on behalf of their own

1 complaint, there are other customers here who can
2 testify and their complaint may be corroborated by the
3 expert witness' testimony later on. So it may be that
4 it's premature at this point, but if the expert
5 testimony then did not corroborate their complaint,
6 they could be dismissed at a later time.

7 ATTORNEY CASEY:

8 I think my objection for that, Your
9 Honor, certainly would be that these people are here
10 and are subject to Cross Examination. Those
11 Complainants certainly would not be. I believe it's
12 our right to have the Complainants be subject to Cross
13 Examination. We're here, they're not here. Again, I
14 think their complaints should be dismissed.

15 JUDGE JANDEBEUR:

16 Okay. And again, the problem that I have
17 with it is that this is indeed a highly formalized
18 process. We do need to stick to the process and I
19 need to administer it the same way, pretty much, each
20 and every time unless the facts warrant different
21 treatment. Unfortunately here, not one of the
22 individuals that is not here has called me to say, can
23 we move this out, can I participate by telephone,
24 which of course was an option. And I'm sure all of
25 you are aware that we do many telephone hearings. The

1 folks that are not here, that might have had
2 difficulty but are indeed at home and not in a working
3 situation could have been patched in by telephone, and
4 they would have participated just as if they were
5 here. Therefore, the Complainants that are not here
6 will be dismissed. And I think that's unfortunate,
7 but nonetheless, I think that's the appropriate
8 result.

9 So that will eliminate Brian DeGroot,
10 Kandi Jo Madill, M-A-D-I-L-L, Joseph Yakoski,
11 Y-A-K-O-S-K-I, James Holly and Sandy Phillips, that is
12 under one docket, Phillips being P-H-I-L-L-I-P-S,
13 Leigh Powell, Leigh being L-E-I-G-H, Powell,
14 P-O-W-E-L-L, Lisa Higgins and Fred Riebeling,
15 R-I-E-B-E-L-I-N-G. Now, there are concurrent docket
16 numbers. Again, those individuals not being here,
17 Kandi Jo Madill will be dismissed from the second
18 docket, as will Fred Riebeling. Kathleen Sylvester
19 and William J. Finkler will continue in their own
20 right since they are obviously here. And the rest of
21 the Complainants will have to rely on their concerns
22 being covered by the Office of Consumer Advocate, and
23 also the Law Bureau certainly has an interest in
24 making sure that the company is operating legally.

25 Okay. Moving on. There is a proposal on

1 the table that I received Tuesday, that was the 21st,
2 right after the holiday, from Ms. Gannon and Ms.
3 Hoover with the Office of Consumer Advocate. And I
4 believe both Ms. Daviston and Mr. Casey, you got that.
5 Ms. Sylvester and Mr. Finkler, I'm not sure if you got
6 that proposal because I don't see you on the e-mail.
7 Did you have a chance to speak with them prior to the
8 hearing?

9 ATTORNEY GANNON:

10 I did speak with them and I spoke with
11 them in general about that.

12 JUDGE JANDEBEUR:

13 Okay. Well, let me walk you through the
14 time schedule that Ms. Gannon has suggested, and Mr.
15 Casey, you reviewed this?

16 ATTORNEY CASEY:

17 I have.

18 JUDGE JANDEBEUR:

19 And Ms. Daviston, you've reviewed this?

20 ATTORNEY DAVISTON:

21 Yes, I have, Your Honor.

22 JUDGE JANDEBEUR:

23 Okay. The time blocks that Ms. Gannon is
24 suggesting is that we use today for oral customer
25 testimony, that would be you, Mr. Finkler, and you,

1 Ms. Sylvester. And then we set up dates for
2 submission of written testimony as opposed to oral.
3 What she has suggested is April 27th, OCA would file
4 written Direct testimony. May 11th, the company would
5 file rebuttal testimony. July 11th would be oral
6 surrebuttal, which is a rebuttal to the rebuttal, and
7 a technical hearing. And then main briefs would be
8 due August 24th, reply briefs would be due September
9 7th. Now, at the outset, let me say that I don't like
10 that schedule. That pushes out resolution to the
11 issues that the customers have raised way too far.
12 And I don't mean to truncate or foreclose thorough
13 hearing, but I do think this is way too generous in
14 terms of a time schedule.

15 For example, when we finish up here
16 today, the transcript will be done one month from
17 today, so the 27th of March, this transcript.
18 Whatever happens today would be available for all to
19 look at. That leads me to believe that the written
20 Direct testimony should be filed March 31st. That
21 would put Washington Park's rebuttal testimony, again,
22 written rebuttal testimony at April 14th. Surrebuttal
23 testimony and technical hearing, I suggest be held May
24 2nd. That means you would get a transcript from that
25 hearing June 2nd. And typically, just so that you

1 know, Sargent's gets them in sooner than that.
2 They're on a 30-day turnaround contract, but typically
3 they're at 17 to 21 days, routinely. So assuming that
4 they're going to meet or beat the contract, that the
5 latest you would see the transcript from a May 2nd
6 hearing would be June 2nd. That would mean main
7 briefs would be due June 23rd, reply briefs due July
8 7th. July 7th would then become the close of the
9 record. My Decision, assuming you all have not
10 settled it without me, would be due 90 days beyond
11 that. And that means that the Final Decision from
12 these hearings would be October 7th. That's still
13 just a tremendous ways into the future for a
14 resolution of what I think are fair issues. And
15 that's why I say I don't like the schedule that you
16 suggested. I would counter with this kind of a
17 suggestion.

18 ATTORNEY GANNON:

19 Your Honor, if I may?

20 JUDGE JANDEBEUR:

21 Yes.

22 ATTORNEY GANNON:

23 I certainly have no objection to trying
24 to move the case forward at a much faster pace. The
25 schedule that I had proposed allowed considerable

1 amount of time for the possibility of settlement
2 discussions, you know, prior to the submission of
3 certain testimony and prior to any further technical
4 evidentiary hearing. So that was really the thought
5 behind that.

6 JUDGE JANDEBEUR:

7 Okay.

8 ATTORNEY GANNON:

9 So I don't have a problem speeding things
10 up considerably. I do have one question. With the
11 Direct, I think you had proposed March 31st?

12 JUDGE JANDEBEUR:

13 Right. And I do have a question mark
14 beside it, knowing that that's pretty optimistic
15 thinking.

16 ATTORNEY GANNON:

17 My main concern there is both with the
18 return of the transcript and having an opportunity to
19 review that, but also with the issue of the site visit
20 and the application that's been already filed with
21 regard to that, because that bears on when my engineer
22 can get to the service territory and conduct his
23 investigation and get his investigation concluded so
24 we can submit any written testimony.

25 JUDGE JANDEBEUR:

1 Okay. So why don't we table the dates
2 for just a second and move into the subpoena. Mr.
3 Casey?

4 ATTORNEY CASEY:

5 Yes.

6 JUDGE JANDEBEUR:

7 I can tell you right now that I'll issue
8 a subpoena if necessary.

9 ATTORNEY CASEY:

10 For the site visit?

11 JUDGE JANDEBEUR:

12 Absolutely. I'm not very nice about that
13 kind of stuff.

14 ATTORNEY CASEY:

15 To the extent that --- well, you know, I
16 believe our --- I appreciate your candor on that. I
17 believe our response to their subpoena is due March
18 6th. Let me talk to ---.

19 JUDGE JANDEBEUR:

20 I have March 4th, just to let you know.

21 ATTORNEY CASEY:

22 Oh, is that right? Okay.

23 JUDGE JANDEBEUR:

24 Which is a Saturday, so it either puts
25 you ---.

1 ATTORNEY CASEY:

2 Maybe that's why I said March 6th.

3 JUDGE JANDEBEUR:

4 Yes, so it either puts you to the 3rd if
5 we're being really aggressive or it puts you to the
6 6th.

7 ATTORNEY CASEY:

8 Okay. To the extent that we may want to
9 preserve any record, we may want to file a response to
10 that just so that any appeal rights are preserved.
11 Let me talk to the clients and to the other Counsel on
12 the case and see if we're going to waive any
13 objections to that, knowing that it's your intention
14 to issue it.

15 JUDGE JANDEBEUR:

16 Okay. With that in mind, I'm sorry that
17 you can't deal with it today. I was hoping that we
18 would be able to deal with any objections today so
19 that we can actually, again, move this along.

20 ATTORNEY CASEY:

21 I'm certainly willing --- and I don't
22 mean to interrupt, but I'm certainly willing to talk to
23 my client about it outside if you'd like us to address
24 it now. We can certainly try to do that.

25 JUDGE JANDEBEUR:

1 This is my hope, so I would appreciate
2 you coming as close to it as you can, there's an
3 absolute right under the discovery regulations that we
4 go by, that being 52 PA Code. I have had to do this
5 once before, and I mentioned this to Ms. Gannon and
6 Ms. Hoover when they indicated that they were going to
7 request a subpoena and that you are aware of that
8 telephone call. I think they let you know, and you
9 were not available.

10 ATTORNEY CASEY:

11 Yes, and I have no objection.

12 JUDGE JANDEBEUR:

13 Okay. Well, they did call, and I have
14 had to use this before. It shouldn't be necessary, is
15 my take on it. They should be able to work with you
16 as an opposing party and make a date with you to come
17 in and to copy documents that they feel are pertinent
18 to their case. They should be able to come in and
19 look at the facilities. And my hope is that parties
20 work out the parameters of exactly what they're going
21 to do and when they're going to do it so that there
22 are no surprises. That, your client is entitled to.
23 He is absolutely entitled to know when they're coming
24 and what it is that they intend to look at and what
25 should be available to them. But that's all stuff

1 that, my take on it is it should be resolved without
2 resort to me. If it gets to the point where it does
3 come to me, I absolutely will issue a subpoena, and I
4 will endeavor to make sure that the parameters of that
5 subpoena are delineated such that your client does not
6 live in fear for what they're going to do on his
7 property. That, your client is entitled to. But the
8 opposing parties are entitled to try and figure out
9 why they're not getting good service. They're
10 entitled to try and figure out what it is that's
11 bothering them, why they've had to take it this far.
12 Okay?

13 So yes, I would like the three of you,
14 and Ms. Sylvester and Mr. Finkler, you're entitled to
15 sit in on these conversations as well and ask
16 questions should they go over your head. I would like
17 you to take maybe ten minutes, or less if necessary,
18 15 if necessary and there is a conference room right
19 around the corner.

20 ATTORNEY CASEY:

21 Can I speak with my client individually
22 first?

23 JUDGE JANDEBEUR:

24 Sure. Absolutely. Yes. So we'll take,
25 you know, we'll wait for you all to come back.

1 ATTORNEY CASEY:

2 Okay.

3 JUDGE JANDEBEUR:

4 Off the record.

5 OFF RECORD DISCUSSION

6 JUDGE JANDEBEUR:

7 Attorney Casey has indicated that
8 Washington Park does not have an objection to a site
9 visit, however, he would like to work out the
10 parameters of the site visit and also timelines. What
11 that leaves us with now is because we don't know when
12 that site visit will occur, we're still back at the
13 same part of trying to figure out when Ms. Gannon's
14 suggested time schedule should kick in.

15 ATTORNEY CASEY:

16 If I may, Your Honor? You had initially
17 indicated that you'd like us all to take a few minutes
18 and see if we can work it out.

19 JUDGE JANDEBEUR:

20 Why don't we do that.

21 ATTORNEY CASEY:

22 And I think that's fine.

23 JUDGE JANDEBEUR:

24 Yes. Why don't you come up with a
25 counter, I gave --- if you all have Ms. Gannon's

1 e-mail in front of you, I gave March 31, April 14th,
2 May 2nd, June 23rd, main briefs, reply briefs July
3 7th. And all of them will be bumped if we change
4 March 31st. So why don't we go off the record and you
5 all can discuss it.

6 OFF RECORD DISCUSSION

7 JUDGE JANDEBEUR:

8 Do we have a date suggestion?

9 ATTORNEY CASEY:

10 I believe we pinned it down to next week,
11 any day from the 7th through the 10th, we're going to
12 try to do the site visit; right?

13 ATTORNEY GANNON:

14 Yes, and I do apologize. Part of the
15 delay was my fault, Your Honor. I was trying to get
16 in touch with the people in my office at their homes.
17 But we are hoping to get the certified operator to
18 also participate in the tour, and so Mr. Kresge needs
19 to get in touch with them and that's why we haven't
20 been able to have a specific date.

21 JUDGE JANDEBEUR:

22 Okay.

23 ATTORNEY GANNON:

24 We did also have an opportunity to look
25 at the post schedule dates as well.

1 JUDGE JANDEBEUR:

2 Okay. Do you have a counter suggestion
3 that works better for all of you?

4 ATTORNEY CASEY:

5 I think based on our proposed date for
6 the ---

7 JUDGE JANDEBEUR:

8 Okay.

9 ATTORNEY CASEY:

10 --- site visit, we altered it a small,
11 little bit.

12 JUDGE JANDEBEUR:

13 Okay. Tell me what the new dates are.

14 ATTORNEY GANNON:

15 What we propose is moving the OCA's
16 pre-filed written Direct testimony to April 12th, and
17 basically bumping all of the other dates that you had
18 suggested two weeks back.

19 JUDGE JANDEBEUR:

20 Okay. Do you have those dates as well?

21 ATTORNEY GANNON:

22 I believe that would be April 26th for
23 the company's rebuttal testimony.

24 JUDGE JANDEBEUR:

25 Yes.

1 ATTORNEY GANNON:

2 May 16th for oral surrebuttal and
3 technical hearing.

4 JUDGE JANDEBEUR:

5 That's three weeks. Yes. Unless I can't
6 count, because you've got the week of May 1st, the
7 week of May 8th and the week of May 15th.

8 ATTORNEY GANNON:

9 Well, originally you had proposed May 2nd
10 for the hearing which is ---.

11 JUDGE JANDEBEUR:

12 Okay.

13 ATTORNEY GANNON:

14 This would be two weeks following that.

15 JUDGE JANDEBEUR:

16 Okay. Keep going.

17 ATTORNEY GANNON:

18 July 7th for the main brief. July 21st
19 for the reply brief. And frankly, Your Honor, for the
20 briefing dates, I would be willing to maybe give up a
21 week there, too, if that were to help the schedule.
22 I'll certainly take the time, but if we need to cut
23 back at any point ---.

24 JUDGE JANDEBEUR:

25 No, I think that's fine. So 5/16 is the

1 technical hearing, so that means 6/16 you'll get the
2 transcript. And that means one, two, five weeks to
3 the first brief. That's fine, that should be ample
4 time for everyone. Now, Ms. Daviston?

5 ATTORNEY DAVISTON:

6 Yes, Your Honor.

7 JUDGE JANDEBEUR:

8 Will you be submitting any written Direct
9 testimony?

10 ATTORNEY DAVISTON:

11 Yes, Your Honor.

12 JUDGE JANDEBEUR:

13 Okay. Good. So let's add that in there,
14 that it's Law Bureau and OCA's pre-filed written
15 Direct testimony. And Mr. Casey, yours obviously
16 stands alone. Good, thank you, I appreciate that.
17 And since you've got an agreement, you don't need
18 subpoenas; correct?

19 ATTORNEY CASEY:

20 Yes, I believe that's right. What we've
21 agreed to, Your Honor, is that in addition to, you
22 know, access to the site without limitation, the
23 subpoena had set forth certain documents that the
24 inspector --- engineer, excuse me, had also wanted
25 access to. We represented that we have no objection

1 to turning over those documents to the extent that we
2 have them and that they exist, not all of them do.

3 JUDGE JANDEBEUR:

4 Okay. Then I will assume that you, Ms.
5 Gannon and/or Ms. Daviston and/or Mr. Finkler and Ms.
6 Sylvester, if there are any issues with that, you'll
7 get back to me, but I'll assume that right at the
8 moment it's under control.

9 ATTORNEY GANNON:

10 Yes, Your Honor. Thank you.

11 JUDGE JANDEBEUR:

12 Okay. Good. I believe then we have
13 covered --- two hours into it, one hour into it, we've
14 covered all of the things that we needed to cover with
15 regard to preliminaries. So I think we can actually
16 move --- is there anything else preliminary?

17 ATTORNEY CASEY:

18 Yes, Your Honor. Just as I said at the
19 beginning, I just wanted my client to be clear on the
20 fact that it's my understanding that they will not be
21 able to address any of the allegations made today
22 directly, that they won't have an opportunity to
23 testify; that's accurate?

24 JUDGE JANDEBEUR:

25 They being your client?

1 ATTORNEY CASEY:

2 Correct.

3 JUDGE JANDEBEUR:

4 What Ms. Gannon suggested, and I think
5 it's a fair suggestion, is that we use today to hear
6 from Ms. Sylvester and Mr. Finkler.

7 ATTORNEY CASEY:

8 I guess my only concern is, and I
9 understand he has certainly the opportunity to address
10 some of the problems that are related to a technical
11 nature. And if you tell me he can address the other
12 issues, that being --- there's some issues here ---.

13 JUDGE JANDEBEUR:

14 Who is he?

15 ATTORNEY CASEY:

16 Mr. Kresge, I apologize, my client.
17 There are some issues that have been raised in Ms.
18 Sylvester's complaint, particularly that issues of
19 non-responsiveness, not answering phone calls, things
20 of that nature that seem to be apart from some of the
21 technical difficulties that the allegations, you know,
22 surround. I just want to make sure that my client has
23 the opportunity to address those allegations at the
24 appropriate time.

25 JUDGE JANDEBEUR:

1 Well, it looks to me that that would come
2 in in his written rebuttal testimony.

3 ATTORNEY CASEY:

4 That's fine, that's fine. I just want
5 while we're on the record and while my clients are
6 here, I just want them to have a clear understanding
7 of what's happening, and that they will have an
8 opportunity to address everything they hear today.

9 JUDGE JANDEBEUR:

10 Okay. I would certainly not foreclose
11 him from addressing things today if he would like.

12 ATTORNEY CASEY:

13 Okay.

14 JUDGE JANDEBEUR:

15 That's really your call as Counsel and
16 Mr. Kresge's. But he's not going to be foreclosed
17 from addressing absolutely anything that he hears
18 challenging his company. He has the right to rebut it
19 and he's certainly going to get that. Whether he does
20 it today orally or he leaves it for a written
21 rebuttal, that's your call.

22 ATTORNEY CASEY:

23 Okay. But by not addressing anything
24 today, he doesn't waive anything?

25 JUDGE JANDEBEUR:

1 No, he does not.

2 ATTORNEY CASEY:

3 Okay.

4 JUDGE JANDEBEUR:

5 The record is going to be open until the
6 reply briefs are in. And you can do it orally, Mr.
7 Kresge, or you can do it in writing. Either one is
8 fine with me.

9 ATTORNEY CASEY:

10 Okay.

11 JUDGE JANDEBEUR:

12 Okay.

13 ATTORNEY CASEY:

14 Thank you.

15 JUDGE JANDEBEUR:

16 Now, do you have a preference who will go
17 first, Mr. Finkler or Ms. Sylvester?

18 ATTORNEY GANNON:

19 Ms. Sylvester.

20 JUDGE JANDEBEUR:

21 Ms. Sylvester, would you come up please?
22 I'm going to ask you to raise your right hand for me.

23 -----

24 KATHLEEN SYLVESTER, HAVING FIRST BEEN DULY SWORN,
25 TESTIFIED AS FOLLOWS:

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JUDGE JANDEBEUR:

Thank you, ma'am. Be seated. And if you would, spell your first and last name for us?

A. Kathleen, K-A-T-H-L-E-E-N, Sylvester, S-Y-L-V-E-S-T-E-R.

JUDGE JANDEBEUR:

Okay. And your address?

A. Seventeen (17) Jeanne, J-E-A-N-N-E, Drive, Tunkhannock, Pennsylvania.

JUDGE JANDEBEUR:

Good. Thank you. Now, you have two complaints in front of me, as I understand it?

A. Yes, ma'am.

JUDGE JANDEBEUR:

Okay. One is for the water company and one is for the sanitary sewer service?

A. Yes, ma'am.

JUDGE JANDEBEUR:

Without looking at your complaint, which I think actually is this right here, I'm not sure if you separated that out. Do you understand that it is separate?

A. Yes, ma'am.

JUDGE JANDEBEUR:

1 Okay. And you did separate it out?

2 A. (Indicating yes.)

3 JUDGE JANDEBEUR:

4 Okay. Go ahead and tell me what your
5 complaint is and what you would like done about it.

6 A. Okay. First with the water. I don't even know
7 how to begin. I've lived in the park since 1993 and
8 it's progressively gotten worse. The water situation,
9 not having pressure or not having water. Due to the
10 fact either that more homes are being built in the
11 park and the wells can't keep up with it or they have
12 problems with the wells, I don't know. I don't work
13 for the water company, I have no idea. I have called
14 Mr. Kresge numerous times about the problems. I get
15 told that it's because I'm the highest one in the
16 park, that's why I lose water or pressure first. I
17 mean, we had a big outage in '95 for a week where
18 Wal-Mart came in and brought in ---.

19 ATTORNEY CASEY:

20 I'm going to object, Your Honor, based on
21 the fact that I don't see anything in here, in the
22 complaint about 1995.

23 ATTORNEY DAVISTON:

24 It was 1995.

25 ATTORNEY GANNON:

1 No.

2 JUDGE JANDEBEUR:

3 I'm sorry?

4 ATTORNEY GANNON:

5 Your Honor, if I may? The complaints are
6 notice pleadings. It's not required to have every
7 factual observation listed in a complaint, but in
8 addition, it also goes to show that the problems are
9 ongoing and have not just begun recently.

10 ATTORNEY CASEY:

11 I think my response to that would be
12 that, you know, I think it's difficult for us to have
13 to sit here and answer everything going back for ten
14 years, if that's what we're going to do. I mean, I
15 think there should be certainly some reasonable
16 limitation on the scope of what we're talking about
17 here. We certainly were provided with the complaint
18 and have prepared to answer the complaint, but you
19 know, going back ten years and we're hearing about it
20 now, I think, prejudices my client.

21 JUDGE JANDEBEUR:

22 Okay. Well, there is a statute of
23 limitations that applies, but more importantly, talk
24 to me about what's currently going on with your
25 service, and what your current complaint is within say

1 a span of two years, which I think would be a fair
2 amount of time for you to raise a complaint and still
3 even two years out expect redress for it.

4 A. Okay. That the water pressure has gotten so low
5 that it starts, during summer is the worst, or if you
6 want to say the spring. Friday nights, there is no
7 taking a shower. Saturday, as long as you get up
8 early in the morning, and I mean early, 4:30, 5:30 in
9 the morning to take a shower or if I need my hair
10 washed. If I took my hair down you'd understand,
11 there's a lot to wash to get the suds through. And by
12 Sunday I have no water. This went on all summer in
13 2005. There was no water. It was every Sunday you
14 had to go out to eat or cook on the grill. There was
15 nothing to be used in the house, everything had to be
16 paper products because you couldn't wash it. And then
17 as long as everybody calmed down Sunday night, you
18 know what I mean? Because by then we were all out of
19 water, we let the system build back up again, then we
20 could, early in the morning, Monday, take a shower.

21 JUDGE JANDEBEUR:

22 Okay. How many are in your household?

23 A. Two.

24 JUDGE JANDEBEUR:

25 Just two adults?

1 A. Yes.

2 JUDGE JANDEBEUR:

3 Did you keep any records of your
4 telephone calls to the company?

5 A. I have them from October. I don't have the summer
6 months. When I went back to Verizon, who is our new
7 --- we had a cell phone that we used, I shut it down.
8 I couldn't see paying 12 different companies, you know
9 what I mean? And I threw away all of my - - for
10 Commonwealth Telephone.

11 JUDGE JANDEBEUR:

12 Okay.

13 A. But I do have, this is July, October, November,
14 December and January. There's a copy for you. And I
15 highlighted to the best of my ability, my highlighter
16 wasn't working very well, when I had called Mr.
17 Kresge.

18 JUDGE JANDEBEUR:

19 Okay. Do you have a copy for Mr. Casey?

20 A. Yes, I do. I'm sorry, I'm coming.

21 ATTORNEY CASEY:

22 Thank you.

23 A. You're welcome.

24 ATTORNEY CASEY:

25 Did you highlight this one as well,

1 ma'am?

2 A. Yes, I did.

3 JUDGE JANDEBEUR:

4 Okay.

5 A. I'm sorry, my pink's not very good.

6 JUDGE JANDEBEUR:

7 Do you have any additional copies, or
8 this is it?

9 A. I have my own copy which I can give to you.

10 JUDGE JANDEBEUR:

11 No, you need to work off of that. Ms.
12 Daviston and Ms. Gannon and also the court reporter,
13 I'll make you copies when we take a break, if you all
14 are all right with working without a copy in front of
15 you.

16 A. I'm sorry, it said two copies on my ---.

17 JUDGE JANDEBEUR:

18 It does say two copies on the Hearing
19 Notice. Okay. Tell me what we have in front of me.
20 Now, I've reordered mine to go -- well, you tell me
21 how you want this ordered, I have not marked it yet.

22 A. However you'd like me to talk about it. If you
23 want me to go from most recent to less recent?

24 JUDGE JANDEBEUR:

25 No, why don't you start from July and

1 then work ---.

2 A. Well, I have June 27th, that I called Mr. Kresge
3 at night.

4 JUDGE JANDEBEUR:

5 And that is, oh, down at the bottom. You
6 were right, your highlighter doesn't work very well.

7 A. No, not very well, I'm sorry.

8 JUDGE JANDEBEUR:

9 Okay. I'm going to mark this KS-1, KS
10 being Kathleen Sylvester. So I've marked it KS-1.
11 Okay. Go ahead.

12 (Exhibit KS Number One marked for
13 identification.)

14 A. And I'm sorry, I don't have July or August. I
15 have September. I wasn't very good with the computer,
16 I tried to do this myself.

17 JUDGE JANDEBEUR:

18 Okay. Well, July --- the bill date, July
19 9th, there's just one call dated June 27th; correct?

20 A. Correct.

21 JUDGE JANDEBEUR:

22 Okay. Did you make any record of what
23 you discussed on that telephone call?

24 A. No, I didn't. I'm sorry.

25 JUDGE JANDEBEUR:

1 That's okay. You don't need to be sorry,
2 I'm just checking what we have in front of us. Okay.
3 On the second page, bill date October 9th, 2005. It
4 looks like you have a call into them on ---

5 A. 10/1.

6 JUDGE JANDEBEUR:

7 --- 10/1. And did you make any record of
8 what you discussed with them?

9 A. I didn't make any record at all.

10 JUDGE JANDEBEUR:

11 On any of these, ---

12 A. No.

13 JUDGE JANDEBEUR:

14 --- of what was discussed? Do you have
15 any recollection of any of these calls?

16 A. My recollection starts on October 15th.

17 JUDGE JANDEBEUR:

18 Okay. That's the bill date November 9th.
19 Go ahead.

20 A. I had lost water pressure, and I knew I was losing
21 water. I didn't know what was wrong. I called Mr.
22 Kresge, as you can see it was a 12-minute phone call.

23 JUDGE JANDEBEUR:

24 And you spoke with Mr. Kresge directly?

25 A. Correct.

1 JUDGE JANDEBEUR:

2 Okay. And what happened?

3 A. He said he would have somebody check on it.

4 JUDGE JANDEBEUR:

5 Did he?

6 A. Well, I went up to the --- we call it the teepee,
7 I don't know what it's called.

8 JUDGE JANDEBEUR:

9 Okay. What is it? What is the teepee?

10 A. It's a building where I assume all the water stuff
11 is.

12 JUDGE JANDEBEUR:

13 Okay.

14 A. And I drove up there and I didn't see anybody
15 working on it. I tried numerous times.

16 JUDGE JANDEBEUR:

17 When did your water pressure come back?

18 A. It didn't come back until the 17th, slowly.

19 JUDGE JANDEBEUR:

20 Okay. So two days.

21 A. Actually, oh, no, you can't see. I had to buy
22 water because we were completely out of water by the
23 16th. I do have the bills from that.

24 JUDGE JANDEBEUR:

25 Okay. Well, it looks like you called

1 again on October 16th?

2 A. Yes, because we had no water.

3 JUDGE JANDEBEUR:

4 Okay. Still no water?

5 A. Right.

6 JUDGE JANDEBEUR:

7 And then you called again on the 21st?

8 A. Correct.

9 JUDGE JANDEBEUR:

10 And what was the 21st about?

11 A. Because I was losing water pressure again.

12 JUDGE JANDEBEUR:

13 Okay. And going to the bill date

14 December 9th?

15 A. Right.

16 JUDGE JANDEBEUR:

17 And it looks like you called November

18 25th?

19 A. Right. I was losing water pressure again. And I
20 just keep getting told that too many people are in the
21 park, I'm the highest one in the park, I'm going to
22 lose it first.

23 JUDGE JANDEBEUR:

24 Okay. And then the bill date January

25 9th, 2006, it looks like you called on December 11th?

1 A. Right. I was losing water pressure again.

2 JUDGE JANDEBEUR:

3 Okay.

4 A. And I always wait, figuring if there is a problem
5 and they know about it, you know what I mean? I don't
6 call the second I start losing water pressure. I
7 don't want you to think I'm a noodge or anything, so I
8 wait. And I think, okay, well, maybe it'll come back,
9 maybe it'll come back, maybe it'll come back. And I
10 always call somebody else to make sure I'm not the
11 only one in the park, that it's not a problem with my
12 system, you know what I mean? So I either call my
13 brother who lives behind me, or Mrs. Wheeler who lives
14 next to me, or I see the neighbors outside and I'll
15 say, are you having a problem with your water? We're
16 yelling across the park here. And as long as I make
17 sure I'm not the only one. I always double check to
18 make sure I'm not the only one.

19 JUDGE JANDEBEUR:

20 So with regard to water, we're not
21 dealing with sanitary yet, but with regard to water,
22 your only issue is lack of water pressure and
23 basically running out of water?

24 A. Well, and I mean, I can't drink the water.

25 JUDGE JANDEBEUR:

1 Why not?

2 A. Well, because it either smells like bleach or you
3 can see stuff floating in it.

4 ATTORNEY CASEY:

5 Judge, I'm going to object to this as
6 well. I believe this is --- I lodge the same
7 objection. I believe this is beyond the scope of her
8 complaint.

9 JUDGE JANDEBEUR:

10 Well, let me take a look at it again. I
11 think that Ms. Gannon's assessment of that is correct,
12 that Ms. Sylvester does not have to delineate
13 everything that she is going to testify to, but she
14 does have to put us on notice.

15 ATTORNEY CASEY:

16 And I would --- I guess my point on that
17 would be that there's a difference between water
18 delivery and water quality.

19 ATTORNEY GANNON:

20 Your Honor, I would disagree here. That
21 certainly to some extent, the suitable for household
22 purposes standard that has been used by the Commission
23 for years to measure compliance with Section 1501 of
24 the Public Utility Code. Certainly, it bears on
25 whether customers can drink the water, as well as use

1 it for other household purposes.

2 ATTORNEY CASEY:

3 I'm not suggesting it would have been
4 inappropriate had she put it in the complaint. I'm
5 merely saying that I don't believe it's in her
6 complaint as I'm looking at it, as I'm looking through
7 her narrative.

8 JUDGE JANDEBEUR:

9 I'm going to overrule you, Mr. Casey, and
10 allow Ms. Sylvester a little bit of latitude. Again,
11 I don't see it in here specifically, but I think ---
12 it's two pages, single spaced. And I think that she
13 certainly has put out here that there are significant
14 problems with her water, that she hasn't delineated
15 that there are chlorine issues or debris in the water.
16 I'm going to allow her to at least testify as to all
17 of the problems she has with the water service. Now,
18 back to you, Ms. Sylvester. When you do have
19 water, ---?

20 A. I'm in heaven.

21 JUDGE JANDEBEUR:

22 I'm sorry?

23 A. I'm in heaven.

24 JUDGE JANDEBEUR:

25 Okay. That was a fair answer. Can you

1 do your laundry with it?

2 A. When we have water pressure?

3 JUDGE JANDEBEUR:

4 Yes.

5 A. Yes, ma'am.

6 JUDGE JANDEBEUR:

7 Okay. And you indicated that sometimes
8 you can smell chlorine?

9 A. Yes.

10 JUDGE JANDEBEUR:

11 Sometimes you can't smell chlorine?

12 A. No.

13 JUDGE JANDEBEUR:

14 Can you tell me when --- does there seem
15 to be a time association between the low pressure and
16 when you can smell chlorine?

17 A. No.

18 JUDGE JANDEBEUR:

19 So it's just --- what's the word I want?
20 It is not predictable?

21 A. No, nothing's predictable.

22 JUDGE JANDEBEUR:

23 Okay. Ms. Daviston, questions? Either
24 one of you. Ms. Gannon?

25 ATTORNEY DAVISTON:

1 You should go first.

2 ATTORNEY GANNON:

3 Will we be addressing the wastewater ---?

4 JUDGE JANDEBEUR:

5 Second. Yes, let's try and keep it
6 clean.

7 ATTORNEY GANNON:

8 Sure, no problem.

9 CROSS EXAMINATION

10 BY ATTORNEY GANNON:

11 Q. Ms. Sylvester, most of these are just going to be
12 clarifying questions, just to pick up on a number of
13 things that you said. You've mentioned that your home
14 is the highest in the park. Can you describe your
15 home, is it one story, two story?

16 A. Oh, it's just one story. It's a three bedroom
17 ranch. We live on a corner lot.

18 Q. And within the Washington Park service area, can
19 you describe the other homes?

20 A. Oh, they're all different. Some are two story,
21 some are just like mine. There's apartments, when you
22 first come into the park, there's a whole row of
23 apartments. They are like three or four story,
24 they're brick buildings.

25 Q. And based on your observations, are the customers

1 of the water company typically full-time residents or
2 part-time?

3 ATTORNEY CASEY:

4 I'm going to object, I think that calls
5 for speculation.

6 JUDGE JANDEBEUR:

7 Say your question again.

8 ATTORNEY GANNON:

9 Whether generally the customers are full
10 or part-time residents --- whether it's a full or
11 part-time community.

12 A. Full-time.

13 JUDGE JANDEBEUR:

14 Well, hold up. When there's an objection
15 on the table, don't speak until I actually rule on it
16 because we may allow the question, we may not allow
17 the question. And I have to agree with Mr. Casey, I'm
18 not even sure that Ms. Sylvester would be the one to
19 answer that. Probably Mr. Kresge could answer that
20 better than Ms. Sylvester, so that's sustained. So I
21 will disregard her answer. More questions?

22 ATTORNEY GANNON:

23 Thank you, Your Honor. Yes.

24 BY ATTORNEY GANNON:

25 Q. And I believe you also testified that new homes

1 have been added over the time that you've lived at
2 your current residence?

3 A. Oh, absolutely, absolutely. At least 20 more
4 homes, if not more.

5 Q. Over what period of time, since you've lived
6 there?

7 A. Since I've lived there, yes.

8 Q. Have you ever received any notice before an
9 outage?

10 A. Never.

11 Q. Have you ever received any advisory not to drink
12 the water?

13 A. I received one and --- everybody gets one. I
14 received this after the 31st of October.

15 JUDGE JANDEBEUR:

16 This would be '05?

17 A. Yes, ma'am.

18 JUDGE JANDEBEUR:

19 Thank you. I'll mark this KS-2.

20 (Exhibit KS Number Two marked for
21 identification.)

22 BY ATTORNEY GANNON:

23 Q. And how did you receive this?

24 A. By mail.

25 Q. By mail.

1 A. I can honestly tell you we were never told about a
2 water boil advisory. It was not on the television.

3 Q. And on the letter that you've circulated, there's
4 handwriting at the top that says 10/31/2005?

5 A. No, that's the way we received it.

6 Q. Have you ever received any information from the
7 company about the quality of your water?

8 A. We get notices maybe once or twice a year. I
9 don't have any on me, I apologize. I didn't realize
10 I'd need all this for court until well after finding
11 out I had to go to court. But if you have problems
12 with your immune system, if you're taking
13 chemotherapy, or anything for cancer treatments, if
14 you have AIDS, I think it is, that you shouldn't drink
15 the water.

16 Q. Have you ever had the pressure at your home
17 tested, the water pressure?

18 A. The first and only time, to my knowledge, that we
19 had it tested was in October. Just before the water
20 went out, before I lost it completely, some gentleman
21 came and asked if he could test the outside water
22 faucet, and I said sure, you know, have a good time.
23 And he came back and he said, you're at an eight, no
24 wonder you have no pressure. I don't know what an
25 eight is. But I said, see, I told you I'm not

1 fibbing. I have no water. And he said he was going
2 to go up and see what was going on at the tanks.

3 Q. Was this an employee of the company?

4 A. Yes. And I didn't write down the gentleman's
5 name, I'm sorry.

6 Q. And I'm sorry, when did you say that that was?

7 A. This had to be October 15th, because the 16th I
8 was completely out of water.

9 Q. Of 2005?

10 A. Right.

11 Q. You testified that you called to complain when
12 your pressure gets low or when you have an outage. I
13 believe that there were two different numbers listed
14 on your copy here --- copy of the telephone calls that
15 you've made?

16 A. Yes, ma'am. There's actually three different
17 numbers that I have. There's one that's on the bill,
18 which is --- I don't know if you need to see the bill
19 or not.

20 JUDGE JANDEBEUR:

21 It's up to you what you think I need to
22 see.

23 A. Okay. Well, just in case. If I'm giving you too
24 much stuff, not giving you enough, let me know. On
25 the bill, which I have to keep a copy for myself,

1 there's one phone number at the top.

2 JUDGE JANDEBEUR:

3 Okay. I will mark this KS-3.

4 (Exhibit KS Number Three marked for
5 identification.)

6 A. And then on a sheet of paper that we received from
7 the township, there's the other number, which you see
8 on the bills, which is 3808, 472-3808. That's the
9 number we received from the township. And then when
10 everybody was calling me on the 15th and 16th, one
11 girl happened to have Mr. Kresge's cell phone, so I
12 called that one. Because I had called the one number,
13 the answering machine wasn't even picking up. I had
14 called the other number, the line was busy. And then
15 I called the cell phone number. And when I did speak
16 to Mr. Kresge that day, he had said nobody had
17 contacted him about the water problem. And then he
18 had stated later on in the conversation that the
19 answering machine wasn't working because it was full.
20 And then when all the neighbors were meeting outside,
21 it was full. I mean, they had all told me they had
22 called and left a message.

23 JUDGE JANDEBEUR:

24 I'm sorry to interrupt. And we're
25 talking mid-October that all this is going on?

1 A. Yes, ma'am.

2 JUDGE JANDEBEUR:

3 Okay. Just checking.

4 BY ATTORNEY GANNON:

5 Q. This is around the time of the outage, that
6 weekend?

7 A. Yes. I even wrote him a letter. I don't know if
8 you have the letter.

9 JUDGE JANDEBEUR:

10 Well, it's not into evidence unless you
11 bring it into evidence, try to put it in today. So
12 even if it's attached to your complaint, it may be
13 part of the file, but it's not part of the record.

14 A. This is the letter that I had written.

15 JUDGE JANDEBEUR:

16 Thank you. This will be KS-4. Now,
17 you're not having any of this in front of you, do you
18 want to work off of mine?

19 (Exhibit KS Number Four marked for
20 identification.)

21 ATTORNEY GANNON:

22 That's okay. If I could just find out to
23 whom the letter was written.

24 A. I wrote it to whom it may concern, and sent it to
25 the DEP people.

1 ATTORNEY DAVISTON:

2 I have a question, Your Honor. Is this
3 the letter that's attached to your complaint or is
4 this a separate letter?

5 JUDGE JANDEBEUR:

6 It looks like it is different. No, it's
7 just a different font. Yes, it is the same letter;
8 correct, Ms. Sylvester?

9 A. I think so, yeah.

10 JUDGE JANDEBEUR:

11 It's dated October 17th, 2005. It says,
12 to whom it may concern, and it is two pages, single
13 spaced. And you're saying you sent this to DEP at
14 what office, Williamsport?

15 A. Whatever the address is on the complaint.

16 JUDGE JANDEBEUR:

17 Well, that's PUC. DEP and PUC is not the
18 same.

19 A. I'm sorry.

20 JUDGE JANDEBEUR:

21 So which did it go to?

22 A. It had to go to both places then. I have a list
23 on the wall anymore, since October 13th, of all the
24 places that I have to call after I call Mr. Kresge and
25 tell him my pressure is going down.

1 JUDGE JANDEBEUR:

2 Okay. So you think this October 17th
3 letter went to PUC on your complaint, and also went to
4 the Department of Environmental Protection?

5 A. Yes.

6 JUDGE JANDEBEUR:

7 Do you think that would have been the
8 Williamsport office of DEP?

9 A. No, it would had to have been Harrisburg.

10 JUDGE JANDEBEUR:

11 Harrisburg, main office, okay.

12 ATTORNEY GANNON:

13 I believe there's also a Wilkes-Barre
14 office.

15 JUDGE JANDEBEUR:

16 There is. Yes, there is.

17 A. No. Everything went to Harrisburg. I have all
18 the 717 phone numbers.

19 BY ATTORNEY GANNON:

20 Q. So you have also called the DEP to report
21 problems?

22 A. Oh, I've called everybody.

23 Q. Who else would you call other than the company and
24 the DEP?

25 A. I called the township. And the township sent this

1 after the October deal.

2 JUDGE JANDEBEUR:

3 I will mark this KS-5, and this says
4 Washington Township, Wyoming County on the top. It's
5 a letter dated October 17th, and it is to the
6 residents. And it says, dear residents, the
7 supervisors of Washington Township have received
8 several calls in regard to the poor water pressure or
9 lack of water. We have been in contact with the
10 Public Utility Commission. The PUC led me to believe
11 that W.P. Water and Sanitary Company has relayed to
12 them that there is not a problem. My phone log speaks
13 differently; therefore I am forwarding the forms to
14 those who have contacted the office. Enclosed is the
15 quote, Official Complaint Form, unquote, from the PUC.
16 It continues to explain that you can fill it out and
17 send it back.

18 (Exhibit KS Number Five marked for
19 identification.)

20 ATTORNEY CASEY:

21 Judge, I'm going to object to the
22 introduction of this letter. There's certainly no one
23 here from Washington Township to authenticate it.

24 JUDGE JANDEBEUR:

25 Ms. Sylvester, you did receive this

1 letter yourself?

2 A. Yes, ma'am.

3 JUDGE JANDEBEUR:

4 Okay. Overruled.

5 A. Bill even got one.

6 JUDGE JANDEBEUR:

7 Okay. The second paragraph states, the
8 supervisors along with the Emergency Management
9 agency, DEP and others have been actively working on a
10 resolution to the problems and issues with this
11 treatment plant. Mr. Kresge is aware of the concerns
12 and addressing them as he sees the need. And then it
13 has, should you have any questions and a number. And
14 it's signed Lora Seidel, S-E-I-D-E-L, Secretary. I
15 assume she's secretary for Washington Township. Okay.
16 So that's KS-5.

17 ATTORNEY GANNON:

18 If I may?

19 JUDGE JANDEBEUR:

20 Yes.

21 ATTORNEY GANNON:

22 I have a few more questions.

23 BY ATTORNEY GANNON:

24 Q. And I apologize for jumping around a little bit.
25 When you were talking about your low pressure and you

1 indicated that you have to time your showers when the
2 pressure's getting low, are you affected in other ways
3 in terms of your daily life?

4 A. Well, yeah, because you start to worry, is the
5 washing machine going to break because it's taking so
6 long to get the washing machine filled up. And when
7 it comes to the rinse cycle, is it rinsing properly
8 because you don't have enough pressure for the washing
9 machine to get all this water into it. I don't have a
10 dishwasher purposely, because I'd be afraid the
11 dishwasher would break. I mean, everything has to be
12 --- you don't realize how much water you use until you
13 need it. So yes, your daily life has to evolve around
14 when you think you're going to have water and when you
15 think you don't. I mean, Mr. Kresge, and I don't have
16 all of this, I apologize, also sent on the back of a
17 bill, and I always cut the top of the bill off and
18 send the check with that. And I didn't realize until
19 later on, on the back of his bill, he tells you when
20 to use the water. During the summer months this was.

21 JUDGE JANDEBEUR:

22 I'll mark this KS-6. And what Ms.
23 Sylvester has given me --- it looks like a part of the
24 top of it is cut off.

25 (Exhibit KS Number Six marked for

1 identification.)

2 A. Right. That's the part I would have sent with the
3 bill.

4 JUDGE JANDEBEUR:

5 So it starts with the phrase, water as
6 possible, exclamation. Hoses would be permissible
7 from 6:00 a.m. The balance of that is cut off. The
8 next line is, to 8:00 p.m. if the hose is handheld, so
9 you can save your garden and new grass. Then there's
10 an explanation. Sprinklers are wasteful and really
11 not allowed by PUC and the tariff the company has on
12 file with the Commission. If we all could help in
13 this matter, we may be able to help the folks in the
14 higher spots in the park to have water and better
15 pressure. The company at this time will not police
16 this and relies on the residents to help in this warm
17 time. I appreciate your time to read the message, and
18 thank you for your cooperation in this regard. Thanks
19 again, Carl Kresge.

20 ATTORNEY CASEY:

21 Judge, I'm going to object to any
22 characterization of this letter that's evident from
23 the face of it that we have in front of us. I don't
24 think we can really see what this letter says.

25 JUDGE JANDEBEUR:

1 Well, it says what it says that I've read
2 into the record. It doesn't say any more, it doesn't
3 say any less than that. Now, based on that, what is
4 your objection?

5 ATTORNEY CASEY:

6 Judge, we don't have the full letter
7 here, Judge. I don't think we should admit a document
8 that's not the full letter, and nor do I think we
9 should listen to --- should receive Ms. Sylvester's
10 characterization of what this letter said when it's
11 not in front of us.

12 JUDGE JANDEBEUR:

13 I agree with you that we don't need
14 characterization of it. I mean, it says what it says,
15 and we are missing a line. However, to the extent
16 that you're objecting to it being submitted because
17 you don't have the whole thing, that is overruled. It
18 might be a good idea for your client to submit the
19 balance of whatever it says.

20 ATTORNEY GANNON:

21 And Your Honor, we would have no
22 objection to that.

23 JUDGE JANDEBEUR:

24 Okay. Continue.

25 BY ATTORNEY GANNON:

1 Q. I believe that the second page of that document is
2 the reverse that shows ---.

3 A. I write on there what check I've sent, what day
4 I've sent it. So that would appear to be the July
5 bill.

6 Q. So it was originally a two-sided document?

7 A. Correct. Which normally nobody ever looked --- I
8 never looked on the back, I just looked on the front.

9 Q. Have you ever received any other instructions from
10 the company regarding conserving water?

11 A. No. I will try and get a full page. I will see
12 if anybody that I know in the park has the full
13 documentation of this. That is the only documentation
14 I have ever received.

15 Q. And we've discussed the October 15th --- the
16 weekend of October 15th, 16th, 17th, the outage that
17 you had. Have you experienced any other outages in
18 the past few years, the past couple years that the
19 Judge indicated?

20 A. I receive outages, other people don't. I receive
21 them because I'm the highest in the park, so I'm the
22 first one to go. Like I can call the next-door
23 neighbor and say, do you have water? And she'll say,
24 I have really low water pressure. But she can still
25 like turn it on and try to fill her tub. She knows if

1 I'm out, she's going. So and then they'll fill their
2 bathtubs, so that way they can flush their toilet,
3 where I'm already gone.

4 Q. How often would you say --- in the past few years,
5 how often do you experience an actual water outage?

6 A. Maybe twice a year.

7 Q. And how long would that typically last, that you
8 have no water whatsoever?

9 A. Anywhere from a day to three days, four days. And
10 it's getting more --- as you can see by the phone
11 bills, it's getting more and more frequent that I'm
12 running low on pressure. I even called Mr. Kresge
13 February 16th. I don't have the bills yet for that,
14 that's why they're not here, and I told him my water
15 pressure was low. And he said he was going to send
16 somebody out to look at it. And the 25th of February
17 my water pressure was low, but I didn't bother calling
18 anybody. I get tired of calling, complaining about
19 the water.

20 Q. So you don't call the company necessarily every
21 single time ---

22 A. No.

23 Q. --- you have low water pressure?

24 A. No. I mean, I'd have been on the horn --- I'm
25 sorry, I would have been on the phone with Mr. Kresge

1 at least once or twice a week last summer if I were to
2 call him all the time. And then I rely on the
3 neighbors, too, you know, so I'm not the one looking
4 like the bad guy all the time. I'm like, would you
5 call for a change instead of me? And they tell me
6 they're going to call.

7 Q. And when you call one of those three numbers that
8 you've indicated you have for Mr. Kresge, are you
9 usually able to reach him on one of those?

10 A. Usually. If not, I leave a message. But it's
11 usually Mr. or Mrs. Kresge, or I think it's a
12 granddaughter that will answer the phone.

13 Q. Do you have any filters installed in your home?

14 A. Yes, I do, absolutely. Because I wouldn't --- no
15 offense, I wouldn't let the dog drink the water.

16 ATTORNEY CASEY:

17 I'm going to object. I don't think
18 someone having a filter in their water is necessarily
19 indicative of poor water quality. There's plenty of
20 people who have filters in their homes. I don't see
21 the relevance of that.

22 JUDGE JANDEBEUR:

23 Overruled. Continue.

24 BY ATTORNEY GANNON:

25 Q. You indicated that you do have filters?

1 A. Yes.

2 Q. Where are they located?

3 A. Downstairs in the basement, hooked to the water
4 system, upstairs in the kitchen, and then we have a
5 water pitcher that has a filter in it also that I use
6 for cooking. I mean, I only drink the bottled water
7 that we purchase. I don't drink any other water.

8 Q. When you said that you have the filter in the
9 basement, is that on the line right when it first
10 comes into the house before it goes to any of your
11 faucets?

12 A. Yes, it's on the hot and cold water.

13 Q. And do you change the filter?

14 A. All the time. I didn't know anything about
15 filters. I was a single mother with two children and
16 you know, just paid my bills and called it a day.
17 There was no time for filters or anything. But I got
18 married almost three years ago, so my husband does all
19 that now.

20 Q. So you've had filters for the past three years or
21 so?

22 A. Oh, yes, yes. I was also diagnosed with
23 Connective Tissue Disease and Lupus, so I can't take
24 the chance of getting sick.

25 Q. And any of the concerns you've had about particles

1 or the cloudiness, did that --- I'm sorry, the
2 particles or the chlorine smell, did that occur before
3 you had the filter or since you've had the filters
4 installed?

5 A. Both.

6 ATTORNEY GANNON:

7 I think that's all I have, Your Honor.
8 If I could just have a moment?

9 BY ATTORNEY GANNON:

10 Q. Ms. Sylvester, I believe that you've already
11 addressed this, but I believe you indicated that
12 additional customers have been connected to the
13 system. There have been additional homes built on the
14 system during the time that you've lived there?

15 A. Absolutely. Since I've lived there, and I moved
16 in in September of '93, and I know that for a fact
17 because I wrote it on the sidewalk, there are at least
18 20 more homes in the park.

19 Q. And I believe you also already testified that the
20 incidents of lower pressure, or the severity of the
21 lower pressure has increased over the years?

22 A. Absolutely. I would only have this problem,
23 normally Christmas Day we have no water because
24 everybody's doing their dishes or all the company and
25 everything else, or the holidays when the kids were

1 home, or a snow day when the kids didn't go anywhere,
2 so there would be more water used so I'd have less.
3 Now, it's all the time. And as you can tell from the
4 bills, I'm calling all the time.

5 ATTORNEY GANNON:

6 Other than the wastewater that we need to
7 get to, I don't have anything further except for
8 moving the exhibits.

9 JUDGE JANDEBEUR:

10 Okay. Let me just check with others.
11 Ms. Daviston, would you like to ask?

12 CROSS EXAMINATION

13 BY ATTORNEY DAVISTON:

14 Q. She did ask a lot of the questions that I would
15 have asked, so I don't want to duplicate your
16 testimony. But whenever you call Mr. Kresge, is he
17 responsive to your phone calls?

18 A. Well, no, sometimes it's I'm the highest one in
19 the park. I get that all the time, I'm the highest
20 one in the park. So if everybody else wouldn't use it
21 that much, you know, if they weren't out watering
22 their lawns, you know, if they weren't filling their
23 pools and if they weren't watering their gardens, then
24 I would have more water. But we can't control what
25 they do, you know, outside watering their lawns and

1 watering their gardens and washing their cars. You
2 know, we pay \$3 a month for a hose, so people want to
3 use it. I mean, I can't tell people what to do. All
4 I know is I'm without water. You know, I've asked
5 them nicely, could you not use your water outside and
6 you know, not water your lawn and not do your car so I
7 can go take a shower, but they pretty much don't care
8 that I'm not getting a shower. So everybody spends a
9 fortune on their lawn. They spend a fortune on
10 flowers for the summer, so they want to keep them
11 nice. I understand that, but I'd like a shower.

12 Q. And you testified that you do use the water for
13 cooking?

14 A. Yes, yes, I do.

15 Q. Does it ruin your clothes when you wash them?

16 A. No, I have a filtration system on the --- no. We
17 have water softeners, we have everything running
18 through the house so it can't. The biggest problem I
19 have is during the summer, if I don't get up early
20 enough to wash my clothes, then to me the suds are not
21 coming out, everything's not being cleaned out, my
22 clothes, because there isn't enough water pressure.

23 ATTORNEY DAVISTON:

24 That's all I have, Your Honor.

25 JUDGE JANDEBEUR:

1 Okay. I have just a few questions and
2 then I'll turn it over to you, Mr. Casey. Describe to
3 me what Washington Park is like as a community, what
4 is it?

5 A. It's a development. It's close. It's about,
6 tops, two miles from P&G, Procter & Gamble. There's
7 six blocks coming in. You have the main block as you
8 turn into the park, and then you make a left and
9 there's houses on both the right and left-hand side.
10 And then there's six blocks on the right-hand side,
11 and then there's another main block. There's like ten
12 homes, 12 homes in between these blocks.

13 JUDGE JANDEBEUR:

14 Is it a gated community or just ---

15 A. No.

16 JUDGE JANDEBEUR:

17 --- a subdivision?

18 A. Just a subdivision.

19 JUDGE JANDEBEUR:

20 And outside of Washington Park, what is
21 the water that folks get, do you know?

22 A. I don't know.

23 JUDGE JANDEBEUR:

24 Okay.

25 A. I don't know if anybody else is on our system, to

1 be honest with you.

2 JUDGE JANDEBEUR:

3 And the terrain of the Washington Park
4 subdivision sounds like it's not level?

5 A. No, not by any means.

6 JUDGE JANDEBEUR:

7 Describe that to me.

8 A. As you come into the park, okay? And then you
9 have ---.

10 JUDGE JANDEBEUR:

11 Describe it to me orally, ---

12 A. Okay.

13 JUDGE JANDEBEUR:

14 --- if you would?

15 A. You have the six blocks, like I'm right on the
16 corner, on the right-hand side, so I'm the highest.
17 So the people down the block from me, like if you have
18 rain, all the water is running down to them, where I'm
19 getting drier more quickly than they are. They might
20 have water in their yards and I don't have any because
21 our end is up higher. But now, all the people that
22 they're putting in after me is like a slope going down
23 this way (indicating).

24 JUDGE JANDEBEUR:

25 Okay. Mr. Casey?

1 ATTORNEY CASEY:

2 Yes.

3 CROSS EXAMINATION

4 BY ATTORNEY CASEY:

5 Q. Ms. Sylvester, you indicated that you typically
6 have water pressure problems during the spring and
7 summer on the weekends. It's my understanding that
8 you said you've had those water pressure problems
9 throughout the spring and summer of 2004 and 2005; is
10 that accurate?

11 A. I've actually had those problems since I moved in
12 in 1993, but you told me not to bring up that ---.

13 Q. But sticking within the Judge's parameters of the
14 last two years, it's your testimony that you've
15 experienced those problems for 2004 and 2005?

16 A. Yes, sir.

17 Q. Okay. Now, did you do anything to document the
18 water pressure problems that you had during the spring
19 or summer of 2004 that we have with us here today?

20 A. No, I did not.

21 Q. Okay. You didn't send any letters to Mr. Kresge?

22 A. Not that I remember, no.

23 Q. Okay. You didn't make any prior complaints to the
24 Public Utility Commission?

25 A. I didn't know we were allowed to.

1 Q. You didn't make any prior complaints to the
2 Department of Environmental Protection?

3 A. Again, I didn't know we were allowed to.

4 Q. The first complaint then that you made would be
5 the PUC complaint that we're here on today; correct?

6 A. I'm not sure if I hadn't called the PUC the summer
7 before.

8 Q. You have no record of that, do you?

9 A. I have no record of that, no, sir. I didn't know
10 I'd be in court and we'd need all these records, I
11 apologize.

12 Q. You didn't call --- let me withdraw that.

13 Let me take a look at the first exhibit that you
14 had for us, the delineation of the phone calls that
15 you made.

16 A. Okay.

17 Q. The first one is on --- do you have that in front
18 of you?

19 A. Yes, I do.

20 Q. Okay. The first one you pointed our attention to
21 was on June 27th?

22 A. Correct.

23 Q. All right. And that was a complaint about low
24 water pressure?

25 A. Yes.

1 Q. Did you speak to Carl directly that time?

2 A. Oh, I'm sure I did.

3 Q. Well, do you remember specifically?

4 A. No, sir, I'm sorry, that was in June.

5 Q. So you don't remember what the contents of that
6 conversation were?

7 A. No. I can absolutely tell you the contents would
8 have been, I have low water pressure.

9 Q. Do you remember ---?

10 A. That would have absolutely been every conversation
11 I've ever had with Mr. Kresge.

12 Q. Well, do you remember what --- if you don't
13 remember what you said, how do you remember what Mr.
14 Kresge said in response?

15 A. Because Mr. Kresge says the same thing every time
16 I call.

17 Q. Do you have any specific recollection of what
18 he said to you ---?

19 A. No, I didn't tape the conversations, I'm sorry.

20 Q. If you'll just allow me to finish my question,
21 ma'am. Do you have any specific recollection of what
22 he said to you on June 27th of 2005?

23 A. No.

24 Q. Okay. Your answer was no. All right. The next
25 phone call that we have a record of, I believe, is

1 October 1st. Now, this phone call looks like it was
2 one minute. Is it reasonable to assume that you left
3 a message?

4 A. Correct.

5 Q. Do you remember what your message was on that
6 occasion?

7 A. As I've stated before, every time I've ever called
8 Mr. Kresge, I've had low water pressure.

9 Q. Do you remember if Mr. Kresge called you back on
10 that occasion?

11 A. I do not recall.

12 Q. So he may have?

13 A. He may have, yes.

14 Q. Okay. Do you recall how that situation was
15 addressed?

16 A. I'm assuming I got water pressure, because I don't
17 see any phone calls until two weeks later.

18 Q. So then the next set of phone calls we have span
19 from October 15th to October 17th. Now, October 15th
20 was a Saturday; correct?

21 A. I can't honestly tell you. I don't have a
22 calendar.

23 Q. Well, I believe that's in your complaint, ma'am,
24 if you want to take a look at your complaint?

25 A. Okay. If I have it written down as a Saturday,

1 then it must have been a Saturday.

2 Q. Okay. So then after you talked to Mr. Kresge ---
3 I'm assuming you talked to Mr. Kresge directly on that
4 day; right?

5 A. Yes.

6 Q. Okay. The 10:15 phone call was to Mr. Kresge?

7 A. Okay.

8 Q. Is that accurate? You spoke to Mr. Kresge on the
9 15th of October?

10 A. At 10:07, yes.

11 Q. Okay. All right. And then in looking at your
12 complaint, it looks like within a half an hour,
13 someone from Mr. Kresge's company showed up at your
14 residence; correct?

15 A. Yes, the gentleman's name was Tony, yes.

16 Q. Okay. So then that would certainly be an instance
17 of Mr. Kresge being responsive to your concerns;
18 correct?

19 A. Correct.

20 Q. Okay. Now, this particular incident that
21 traversed the weekend of the 15th through the 17th,
22 did anyone offer you --- did any of the people who you
23 saw at the plant, they told you that it was a
24 technical malfunction; didn't they?

25 A. Tony said that the second well wasn't hooked up.

1 Q. Okay. Did they tell you that one of their wells
2 had stopped operating due to a technical malfunction?

3 A. No, just that the second well wasn't hooked up.

4 Q. Do you know how many wells there are at the park?

5 A. Three.

6 Q. Okay. So it's your testimony no one told you that
7 on that particular day --- let me withdraw that.

8 Did anyone tell you that on that particular day,
9 October 15th, that one of the wells stopped
10 functioning due to a technical malfunction?

11 A. No.

12 Q. Okay. It's your testimony though that someone
13 told you that one of the wells was not on line?

14 A. Correct.

15 Q. Can you tell me everything you remember about that
16 conversation?

17 A. He just said that he'd hook it up. And then it
18 would take at least 24 hours to fill it.

19 Q. Now, you said that you had no water on Sunday,
20 October 16th?

21 A. Correct.

22 Q. None at all?

23 A. None at all.

24 Q. Was there anyone from the company who came to your
25 residence on that day?

1 A. No.

2 Q. I see no --- why did you not call Mr. Kresge on
3 the 16th to tell him that you had no water? I don't
4 see any calls to him on that day.

5 A. If you look at number 36 on that sheet, I did call
6 Mr. Kresge.

7 Q. Okay. You just hadn't highlighted it.

8 A. My highlighter is not very good, I'm sorry. I
9 called at 4:51 p.m. ---

10 Q. Okay.

11 A. --- and spoke with him for four minutes.

12 Q. And what's your recollection of what he told you?

13 A. That they were working on it.

14 Q. Okay. So then by the 17th you had water again;
15 right?

16 A. Yes.

17 Q. Okay. So you registered your complaint of low
18 water pressure on the 15th. It's your testimony you
19 had no water on the 16th, but by the 17th the
20 situation was rectified; correct?

21 A. Correct.

22 Q. Okay. Now, you said there are other instances
23 when you've had water outages?

24 A. Yes.

25 Q. You said approximately two times a year?

- 1 A. Correct.
- 2 Q. This incident on October 16th, that was the last
3 time that occurred; correct?
- 4 A. Where I had no water?
- 5 Q. Yes.
- 6 A. Yes.
- 7 Q. Okay. When was the time previous to that?
- 8 A. During the summer.
- 9 Q. During the summer of?
- 10 A. 2005. I can honestly tell you during the summer
11 of 2005, I didn't have water on any Sunday evening. I
12 had no water.
- 13 Q. Do you have any record of that?
- 14 A. No, I don't have any record of that at all, no.
- 15 Q. Do you have any record of the water outages, the
16 specific day that it happened during the summer of
17 2005?
- 18 A. No.
- 19 Q. And you've made no complaint to any regulatory
20 agency about that water outage?
- 21 A. No.
- 22 Q. All right. Looking at your phone call of --- the
23 next highlighted phone call appears to be October
24 21st?
- 25 A. Correct.

1 Q. That looks like that was probably also a message
2 to Mr. Kresge as well?

3 A. Right.

4 Q. It's your recollection that that was probably for
5 low water pressure?

6 A. Correct.

7 Q. Do you recall if you got a call back on that?

8 A. I don't know.

9 Q. All right. The next phone call appears to be
10 about a month later; right, on November 25th, 2005?

11 A. Correct.

12 Q. Okay. That phone call apparently also lasted for
13 approximately one minute, so I'm assuming that was a
14 message that you left as well?

15 A. Correct.

16 Q. All right. Do you recall if you got a return
17 phone call on that, based on that particular phone
18 call?

19 A. I don't recall.

20 Q. You may have?

21 A. I may have, yes. I'm not saying he didn't call
22 me.

23 Q. Okay. The last phone call we have here is
24 December 12th --- or excuse me, December 11th of 2005.
25 And that also looks like it was a message that you

1 left for Mr. and Mrs. Kresge; correct?

2 A. Correct.

3 Q. Do you recall if you received a phone call back?

4 A. I don't recall.

5 Q. So the only records that you have regarding the
6 alleged low water pressure at the park, for the last
7 two years, are the complaint that you lodged with the
8 PUC, which is duplicated in your letter of October
9 17th to DEP, and these phone calls; correct?

10 A. Correct.

11 Q. You also said that there are occasions when you
12 smelled chlorine in your water?

13 A. Yes.

14 Q. You said you have filters. Explain to me where
15 your filters are situated.

16 A. Okay. I have one that's on the nozzle in the
17 kitchen sink, you know, that you flip down if you want
18 to drink water out of it, and you keep it up if you
19 don't.

20 Q. Right.

21 A. And then I have a filtered pitcher to pour water
22 from.

23 Q. Where is that?

24 A. Where is that?

25 Q. Yes.

1 A. It's just right in the kitchen. I have two things
2 of filtered water.

3 Q. Okay. But are those both attached to the kitchen
4 sink?

5 A. No, only one is attached to the kitchen sink, the
6 other one sits there. My water pressure isn't good,
7 so if you put the one on on the kitchen faucet, run
8 the filter through it, it's really, really slow.

9 Q. So the filter negatively affects your water
10 pressure?

11 A. Yes, because I don't have very good water pressure
12 to begin with.

13 Q. You run all your water through filters?

14 A. Yeah, except in the bathroom. I don't have any
15 filters coming out of the showerhead or anything like
16 that, no. And then I have the filters in the basement
17 attached to the main lines.

18 Q. The main lines coming into the house?

19 A. Yes.

20 Q. So does that mean that everything coming into the
21 house gets filtered, whether it goes to the bathroom
22 or the washer or to the sinks that are used for
23 washing and drinking?

24 A. Yes.

25 Q. Okay. So they're filtered once at the general

1 intake going into the house?

2 A. Correct.

3 Q. And then they're filtered again at particular
4 points throughout the house?

5 A. Except for in the bathroom, yes.

6 Q. Okay. And you have a separate filter on the water
7 going into your washer?

8 A. No.

9 Q. Okay. That would just be affected by the general
10 filter you have at the intake point?

11 A. Yeah. Same thing with the bathroom, there's no
12 filter on the system in the bathroom.

13 Q. All right. So all the water gets filtered once,
14 and then some of it goes through secondary filters?

15 A. The one in the kitchen, yes.

16 Q. There's two in the kitchen; right?

17 A. One's in a pitcher already, so I can pour it
18 quickly. When I get up in the morning, I want a cup
19 of coffee right away. I'm not waiting for it to come
20 through a filter, so I just pour it right --- you
21 know, I have a pitcher filled so I can make a pot of
22 coffee instantly.

23 Q. But it's your testimony the filters reduce your
24 water pressure?

25 A. Yes, they do.

1 Q. Okay. Now, with regard to you smelling the
2 chlorine, have you ever had the water tested
3 independently?

4 A. No.

5 Q. Have you ever registered a complaint about your
6 smelling chlorine in the water to any regulatory
7 agency?

8 A. No.

9 Q. Have you ever registered a complaint to Mr. Kresge
10 about you smelling chlorine in the water?

11 A. A couple of times when I was on the phone with
12 him.

13 Q. When would those instances be?

14 A. I don't have it written down, I'm sorry.

15 Q. And you have no letter to Mr. Kresge documenting
16 any ---

17 A. No.

18 Q. --- problems with chlorine or water quality?

19 A. No.

20 Q. You have no letters to anybody documenting ---

21 A. No.

22 Q. --- any water quality problem? Again, ma'am, I'm
23 just going to --- just for purposes of keeping the
24 record clean, I'm just going to ask you to let me
25 finish my question.

1 A. All right.

2 Q. So again, my question was, you have no letters or
3 documentation to anyone documenting any evidence of
4 water quality problems?

5 A. No, sir.

6 Q. You said your home was the highest in the park,
7 but the Dodge apartment buildings are higher than
8 yours; right?

9 A. Maybe on the fourth floor.

10 Q. You also talked about additional homes being
11 built?

12 A. Yes.

13 Q. Are you alleging that Mr. Kresge has anything to
14 do with the approval of additional homes being built
15 in the park?

16 A. I don't know if he does or not, sir.

17 Q. And just so I'm clear then, the only water --- in
18 addition to what we've talked about already, the only
19 water outage that you have documentation of is the
20 water outage that occurred in October; right?

21 A. Correct.

22 Q. You said you called Mr. Kresge on February 16th?

23 A. Yes, I did.

24 Q. Did you speak to him directly?

25 A. Yes, I did.

1 Q. And what did he tell you?

2 A. He said he was down there that day and he didn't
3 see a problem, but he would go down, take a look and
4 see what was going on.

5 Q. Did you follow-up with him to see if he did that?

6 A. No, I didn't.

7 ATTORNEY CASEY:

8 Just one moment, Your Honor.

9 BY ATTORNEY CASEY:

10 Q. Ma'am, did you encourage any of the other
11 residents to file PUC complaints against Mr. and Mrs.
12 Kresge?

13 A. Yes. Washington Township. The paperwork that we
14 filled out.

15 Q. The letter that they transmitted, the complaint
16 you're talking about?

17 A. Right.

18 Q. Okay.

19 A. I went door to door on some of them and handed
20 them to people. I first discussed, you know, they
21 didn't need to do this, they didn't have to do this.
22 It wasn't mandatory.

23 Q. How many of the original Complainants did you
24 speak to? Did you speak to all of them?

25 A. No.

1 Q. Who did you not speak to?

2 A. I don't know who James Holly and Sandy Phillips
3 are. I don't know Lisa Higgins. And I don't know
4 Fred Riebeling.

5 Q. Everyone else you encouraged to make a complaint?

6 A. I said if they had a problem to fill this out.

7 Q. So you brought them the complaint?

8 A. Yes. Just the people on my block and Rosemary
9 Drive, not the people above me.

10 Q. I'm sorry, ma'am, what was the ---? What was it
11 you said, the block above you; is that what you said?

12 A. I didn't do anybody above me. I did Jeanne Drive
13 and Rosemary Drive.

14 Q. Okay. Well, who's above you if you're the highest
15 house in the development?

16 A. No, no, no. What I meant by above me is the first
17 three blocks into the park, that's what I meant by
18 above. It's Karin Drive, Thomas Drive and Joan Drive
19 and Washington Park Drive, I didn't do any of those.

20 ATTORNEY CASEY:

21 I have no further questions.

22 JUDGE JANDEBEUR:

23 Anything additional from either of you?

24 ATTORNEY DAVISTON:

25 I have one.

1 JUDGE JANDEBEUR:

2 Ms. Daviston?

3 RECROSS EXAMINATION

4 BY ATTORNEY DAVISTON:

5 Q. You submitted one boil water advisory into
6 evidence?

7 A. Yes.

8 Q. Have you received any more?

9 A. No.

10 ATTORNEY DAVISTON:

11 Okay. Thank you.

12 JUDGE JANDEBEUR:

13 Anything, Ms. Gannon?

14 ATTORNEY GANNON:

15 Yes, Your Honor, just a few questions.

16 RECROSS EXAMINATION

17 BY ATTORNEY GANNON:

18 Q. Ms. Sylvester, do you recall calling Mr. Kresge to
19 complain about water pressure outages during 2004?

20 A. Yes, ma'am.

21 Q. Do you believe that you did call him, although you
22 did not submit telephone records to that effect?

23 A. Absolutely, yes.

24 Q. And you did have water pressure and outage
25 problems during 2004?

1 A. Absolutely.

2 Q. Have you called Mr. Kresge for a reason other than
3 to complain about water pressure or outages?

4 A. No.

5 Q. You mentioned a person named Tony when you were
6 reviewing a letter with Mr. Casey. Was Tony the
7 person who tested your water pressure?

8 A. Yes, ma'am.

9 Q. And where did he conduct that pressure test?

10 A. Right from the outside spigot. And a spigot that
11 isn't tied up to the filtration system.

12 Q. It's not filtered?

13 A. No.

14 Q. Did you have any pressure problems before the
15 filters were installed in your home?

16 A. Absolutely, yes.

17 Q. And where did you get the formal complaint form
18 from that you took around to some of your neighbors?

19 A. From Lora Seidel, from Washington Township.

20 Q. That was attached to the letter that you received
21 from Washington Township?

22 A. Yes.

23 ATTORNEY GANNON:

24 Thank you. That's all I have.

25 JUDGE JANDEBEUR:

1 Any Redirect (sic)?

2 ATTORNEY CASEY:

3 I just have one.

4 RECROSS EXAMINATION

5 BY ATTORNEY CASEY:

6 Q. Attorney Gannon had briefly mentioned the boil
7 advisory. We had looked at a letter dated 10/31/05
8 that referred to a prior boil advisory. It's your
9 testimony that despite what this letter says, there
10 was no boil advisory given out between October 15th
11 and 17th?

12 A. Correct.

13 Q. Is it possible that you just didn't see it or you
14 missed it?

15 A. I had asked the neighbors that, that maybe I had
16 missed it. Nobody got one.

17 Q. So it's your testimony here that the Kresges are
18 lying?

19 ATTORNEY GANNON:

20 Objection. Ms. Sylvester did not ---.

21 JUDGE JANDEBEUR:

22 She didn't characterize it that way, yes.
23 That's a pretty offensive characterization, but I'm
24 going to overrule you and Ms. Sylvester, you can
25 answer that or re-characterize it as you see fit.

1 A. I'm not saying anybody's lying. All I'm saying,
2 to the best of my knowledge, it was not on the
3 television and it was not on the --- it was not put in
4 my mailbox, and I received no phone call telling me
5 that there was a boil advisory.

6 BY ATTORNEY CASEY:

7 Q. You didn't watch television every hour of every
8 day between ---?

9 A. Absolutely not, no. I had to run to Wal-Mart to
10 get water and everything else, so no.

11 ATTORNEY CASEY:

12 Nothing further.

13 JUDGE JANDEBEUR:

14 Okay. You're not released from bondage
15 yet, you're still up there, but now we're going to
16 discuss Washington Park sewer issues.

17 A. Okay.

18 ATTORNEY CASEY:

19 Again, Judge, I'm going to --- I know
20 that she filed two separate complaints, which I
21 believe were just reproduced because she named the
22 water park and the sanitary operation, but I don't
23 believe they were substantively different. I believe
24 the same narrative was attached to both complaints,
25 although they were docketed with different numbers.

1 And I don't see anything in this narrative that talks
2 about the sewage treatment.

3 JUDGE JANDEBEUR:

4 And your point being?

5 ATTORNEY CASEY:

6 My point being that I don't think it's
7 appropriate for us to have any testimony about any
8 complaints she might have about the sewage operation,
9 because there's nothing in this complaint other than
10 naming the sewage company and us resulting in two
11 separate --- having two separate complaints with
12 individual docket numbers. The allegations are
13 exactly the same.

14 ATTORNEY GANNON:

15 Your Honor?

16 JUDGE JANDEBEUR:

17 And I honestly don't know what she's
18 going to say either, but she has checked it off on the
19 form. And that's exactly why there is a form that has
20 it separated out, so that a complainant can actually
21 see it. As I know you're well aware, all of these
22 folks are pro se complainants, and they're certainly
23 not aware of the need to delineate things very, very
24 carefully, the way that an attorney might. I haven't
25 a clue what Ms. Sylvester is going to say about the

1 sewer aspect issues, but she's entitled to speak,
2 based on the fact that she has said she has a
3 complaint about the sanitary part of the company.
4 Now, just for background, are the three attorneys in
5 the room aware of why this was docketed separately?

6 ATTORNEY GANNON:

7 Your Honor, I believe that we may have
8 discussed part of this during the pre-hearing, but my
9 understanding is that more than one customer had
10 checked off both the water company and the wastewater
11 company. Then the secretary's office, I believe, when
12 docketing the complaints noted that, lodged the
13 complaints and then submitted one for each.

14 JUDGE JANDEBEUR:

15 Right. And that is correct. The reason
16 that the intake folks at our end of it docket it
17 separately is Mr. Kresge has two different certificate
18 numbers of public convenience. And it is problematic
19 when you have an Initial Decision that goes to Final
20 Order, and two different companies are on that one
21 initial Decision. So that's why the intake folks
22 separated it out. Even though you basically filed one
23 complaint, you checked off that you had issues with
24 the sanitary and that you had issues with the water.
25 Effectively that made it two complaints, because

1 Kresge has two different certificates of public
2 convenience to operate, one under the sanitary and one
3 under the water. That being the case, and Ms.
4 Sylvester not being an attorney, again, I will allow
5 her latitude. If there are valid complaints there, we
6 will hear it, and if there are valid complaints, Mr.
7 Kresge will be provided an opportunity to respond to
8 them.

9 ATTORNEY GANNON:

10 Your Honor?

11 JUDGE JANDEBEUR:

12 Yes.

13 ATTORNEY GANNON:

14 If I may just add, Ms. Sylvester also
15 mentioned with more specificity some of her concerns
16 regarding the wastewater operations during the
17 pre-hearing.

18 JUDGE JANDEBEUR:

19 Okay. Thank you. Okay. So now, if you
20 will, Ms. Sylvester, talk to me about what are the
21 issues that you have seen with the sanitary/sewer part
22 of Washington Park Service?

23 A. The only problem I have was during the summer. I
24 cannot be specific as to which day it was, I didn't
25 write it down. There was a stench in my bathroom

1 coming from the toilet water and also coming from the
2 bathroom sink. During that same time there was a
3 severe stench outside of my home.

4 JUDGE JANDEBEUR:

5 Do you have some guesstimate of when this
6 occurred? I mean, you said summer. Are we talking
7 summer '05?

8 A. Oh, yes, ma'am.

9 JUDGE JANDEBEUR:

10 Okay. So we're what, June through the
11 end of August?

12 A. Correct.

13 JUDGE JANDEBEUR:

14 June 1 through the end of --- somewhere
15 between June 1 ---

16 A. And August.

17 JUDGE JANDEBEUR:

18 --- to August 31 ---

19 A. Yes, ma'am.

20 JUDGE JANDEBEUR:

21 -- of '05, we're talking about. And you
22 didn't hear anything from the company, neighbors or
23 anything about what this might be about?

24 A. No.

25 JUDGE JANDEBEUR:

1 So the only complaint that you're really
2 putting in front of me is that sometime between June 1
3 and August 31 of 2005, something caused the sanitary
4 aspect of Washington Park to malfunction, but you
5 don't know ---

6 A. I don't know what it was.

7 JUDGE JANDEBEUR:

8 --- what happened?

9 A. Right.

10 JUDGE JANDEBEUR:

11 Okay. Questions, Ms. Daviston, Ms.
12 Gannon, either one?

13 RE CROSS EXAMINATION

14 BY ATTORNEY DAVISTON:

15 Q. So your only problem is the smell?

16 A. Yes.

17 Q. Did you happen to get any sewage in your basement?

18 A. No.

19 Q. Or in your yard?

20 A. No.

21 Q. Or in your water?

22 A. I don't know. All I smelled is the smell from the
23 bathroom faucet and the bathroom toilet water.

24 Q. But did the water look differently?

25 A. No.

1 Q. Okay.

2 A. We have blue in our toilet, so I couldn't tell you
3 if it looked differently in there. And I don't pay as
4 close attention to the bathroom water because I don't
5 drink it at all, as I do to the kitchen water which I
6 do drink. Well, not drink, but use to cook and make
7 coffee and stuff like that.

8 Q. And you didn't have that same smell in your
9 kitchen?

10 A. No, no.

11 ATTORNEY DAVISTON:

12 Okay.

13 JUDGE JANDEBEUR:

14 Ms. Gannon?

15 RECROSS EXAMINATION

16 BY ATTORNEY GANNON:

17 Q. You said that the smell was from your toilet and
18 bathroom faucets ---

19 A. Right.

20 Q. --- as well as outside your home?

21 A. Right.

22 Q. Was it just outside your home or was it a broader
23 area?

24 A. Oh, no, you could smell it like a couple of blocks
25 away, because we take the dog for a walk and that and

1 you could really smell it. And it was so pungent
2 those few days that we didn't even go in that
3 direction when we took the dog for a walk.

4 Q. And from what direction was it coming?

5 A. Towards the water. I don't know if you'd call it
6 the treatment facility plant or whatever it is, it's
7 got a fence around it. You can see water in it. We
8 didn't go down there, so I don't know. We haven't
9 been down there in years. I don't know what it looks
10 like right at the moment.

11 JUDGE JANDEBEUR:

12 Is that what you were referring to as the
13 teepee?

14 A. No, that's in the other ---.

15 JUDGE JANDEBEUR:

16 Two separate things?

17 A. Two separate places, yes, ma'am.

18 BY ATTORNEY GANNON:

19 Q. Had you ever experienced --- you said that was a
20 few days during between probably June and August 2005,
21 had you ever had that smell either in your bathroom
22 or ---

23 A. No.

24 Q. --- in the park otherwise?

25 A. No.

1 ATTORNEY GANNON:

2 That's all I have. Thank you.

3 JUDGE JANDEBEUR:

4 Cross?

5 ATTORNEY CASEY:

6 Yes, briefly.

7 RECROSS EXAMINATION

8 BY ATTORNEY CASEY:

9 Q. Let's start outside first. You talked about it
10 was beyond just your house outside?

11 A. Correct.

12 Q. All right. Now, there's a farmer who has
13 livestock?

14 A. Oh, yes.

15 Q. Right?

16 A. Yes.

17 Q. Now, is that in the direction of where you were
18 walking?

19 A. Yes, but they're two different smells. I know the
20 smell of a farm and it is horrible. There are certain
21 times during the summer, too, you have to really watch
22 when they put the manure down to do whatever they're
23 doing up there. It stinks. These were two different
24 smells.

25 Q. Did you have any farm smell at all at the same

1 time with what you're talking about?

2 A. We usually have the farm smell in the spring,
3 that's when it's really, really bad, when they're
4 laying it in the fields.

5 Q. So you did or --- there was or there was not any
6 smell from the farm at the time?

7 A. No.

8 Q. Are you sure?

9 A. Yes.

10 Q. Do you have a sump pump, ma'am?

11 A. Yes.

12 Q. Where does it discharge to?

13 A. The side of the house.

14 Q. The side of the house?

15 A. Right.

16 Q. Now, could that have contributed to the smell
17 outside of your house, the discharge from the sump
18 pump?

19 A. No, there hadn't been any rain.

20 Q. Were you washing clothes at the time that you
21 smelled what you smelled in the sink and the toilet?

22 A. No.

23 Q. And you didn't make any complaint or document it?

24 A. No, sir, I did not.

25 Q. There's also --- Procter & Gamble also have a

1 paper plant in your vicinity; correct?

2 A. Yes.

3 Q. Does that ever cause any odor to be emanated?

4 A. It used to a few years ago where I had the plant
5 guys at my house, they also smelled it. But my
6 understanding is they shut down that part of it in the
7 last year or two.

8 Q. So you think that this smell was distinguishable
9 from any smell that the P&G plant or the farmer in the
10 vicinity might have been the root of?

11 A. Yes.

12 ATTORNEY CASEY:

13 I have no further questions.

14 JUDGE JANDEBEUR:

15 Is there anything that you wish to add,
16 Ms. Sylvester, to your testimony before we allow you
17 to step down?

18 A. Can I say one thing?

19 JUDGE JANDEBEUR:

20 You may.

21 A. Okay. You're not holding everybody up forever so
22 that way if we have water this summer, you know what I
23 mean?

24 JUDGE JANDEBEUR:

25 No. I mean, did you participate in the

1 conversation they had about the timeline?

2 A. Yes.

3 JUDGE JANDEBEUR:

4 Okay. And are you adverse to that
5 timeline, is that what you're telling me?

6 A. Well, no, but I had even mentioned it to Erin that
7 I ---.

8 JUDGE JANDEBEUR:

9 That was my concern in trying to move it.
10 I think we're on a fair schedule now. Do you want to
11 tell me something about that schedule that you think
12 could be sped up? I mean, everybody including
13 yourself does need a fair amount of time to address
14 the issues. I honestly think we're on a fair schedule
15 at this point.

16 A. Okay.

17 JUDGE JANDEBEUR:

18 I mean, I know it's a long time, and that
19 was my original concern, but unfortunately there are
20 formal legal issues that all parties need to be able
21 to address fully. So I can't speed it up to such a
22 degree that people, including Mr. Kresge, don't have a
23 fair opportunity to address them. I apologize for
24 that, but that is the way that it goes.

25 A. Okay.

1 JUDGE JANDEBEUR:

2 Okay? Anything else?

3 A. No, ma'am.

4 JUDGE JANDEBEUR:

5 Okay. You may step down. Thank you.

6 Does anyone feel the need to keep Ms. Sylvester here,
7 or can we dismiss her?

8 ATTORNEY CASEY:

9 I have no problems with her being
10 dismissed.

11 JUDGE JANDEBEUR:

12 Okay. You're dismissed.

13 MS. SYLVESTER:

14 Thank you very much.

15 JUDGE JANDEBEUR:

16 Thank you for coming. Okay. Now, we can
17 either go right ahead with Mr. Finkler, or we can
18 break for lunch. Mr. Finkler, how are you doing
19 without nourishment?

20 MR. FINKLER:

21 I'm fine.

22 JUDGE JANDEBEUR:

23 Okay.

24 MR. FINKLER:

25 We can proceed if you want to.

1 JUDGE JANDEBEUR:

2 Do you want to continue on?

3 ATTORNEY CASEY:

4 I'm fine with continuing. It looks to me
5 --- I'm not sure that this is going to be predictive,
6 but it looks like Mr. Finkler's complaint is a lot
7 less detailed than Ms. Sylvester's, so I'm fine going
8 forward.

9 JUDGE JANDEBEUR:

10 Okay. And court reporter, how are your
11 fingers doing?

12 COURT REPORTER:

13 Fine, thank you.

14 JUDGE JANDEBEUR:

15 You're fine, okay. And you two are fine?

16 ATTORNEY GANNON:

17 I'm fine, thank you.

18 ATTORNEY DAVISTON:

19 Yes.

20 JUDGE JANDEBEUR:

21 All right. Mr. Finkler, can I ask you to
22 come up, please?

23 MR. FINKLER:

24 Sure.

25 JUDGE JANDEBEUR:

1 Can I ask you to raise your right hand.

2 -----

3 WILLIAM J. FINKLER, HAVING FIRST BEEN DULY SWORN,
4 TESTIFIED AS FOLLOWS:

5 -----

6 JUDGE JANDEBEUR:

7 Thank you very much, sir, be seated. And
8 your name is William J. Finkler?

9 A. Correct.

10 JUDGE JANDEBEUR:

11 F-I-N-K-L-E-R. And your address, sir?

12 A. It's 18, Jeanne Drive, J-E-A-N-N-E, Drive,
13 Tunkhannock.

14 JUDGE JANDEBEUR:

15 Thank you. Go ahead and tell me your
16 complaint and what you would like done about it.

17 A. Well, my complaint is ---.

18 JUDGE JANDEBEUR:

19 Oh, I'm sorry, we need to back up. We
20 did not admit her exhibits. That's not good.

21 ATTORNEY CASEY:

22 You know, I think we --- I made any
23 objections to the ones that I thought were
24 objectionable, you ruled on them in the spirit of what
25 we've been talking about, that she's a pro se

1 Complainant. You know, I guess it's okay.

2 JUDGE JANDEBEUR:

3 No, it's not okay. But we will assume
4 that she wants them admitted, and they are. I'm sorry
5 to interrupt you.

6 A That's okay.

7 JUDGE JANDEBEUR:

8 KS-1 through 6. And I assume that
9 neither of you have objections to them coming in, ---

10 ATTORNEY GANNON:

11 No.

12 ATTORNEY DAVISTON:

13 No.

14 JUDGE JANDEBEUR:

15 --- even under the circumstances, so I
16 will consider those so admitted. In absentia, I
17 apologize to Ms. Sylvester.

18 Okay. Back to you, Mr. Finkler. Go
19 ahead and tell me your complaint.

20 A. More or less the lack of water pressure. I have
21 --- my house sits right next door to Ms. Sylvester's,
22 it's just on the opposite side of the street. I moved
23 in in June of --- or actually July 15th of 2004. I
24 was barely new to the park, didn't know anybody. Was
25 from the area, but not essentially to Washington Park.

1 So when all this stuff started happening with the low
2 water pressure, I didn't just jump right in and make
3 contact with Mr. Kresge. I did, however, talk to Ms.
4 Sylvester when the lack of water was happening. More
5 or less there was just the lack of the water pressure
6 that we had at first. And then when we did not have
7 any water, and I did not receive any notice, you know,
8 I don't even know if he knows who I am or not, but I
9 was not informed of any of the water situations that
10 had been in the past. So when we did have low water
11 pressure, to me it didn't --- it bothered me, but I
12 didn't know the circumstances of the park,
13 essentially. So as I started to get to know more
14 people in the park, they started to tell me that, you
15 know, to be careful of the water. That, you know, if
16 there is any low water pressure, you know, you should
17 say something about it. And I didn't think that it
18 was a really big issue at the time. And then over the
19 summer of 2005, we did experience that one day --- one
20 to two days of no water whatsoever. We were not told
21 that it was going to be happening. I did not
22 personally call Mr. Kresge. I had talked to a
23 resident inside the park, and they told me that it was
24 an ongoing thing with them and Mr. Kresge, that they
25 would call and find out what was going on. But they

1 said that I shouldn't call because it wasn't --- I was
2 going to get like a run-around type thing.

3 Now, I speak for myself, so I didn't really think
4 that it was necessary to call at the time. So I've
5 not had any phone conversations with Mr. Kresge
6 whatsoever. All I know is that having that one to two
7 days of water --- without any water, it hurts a family
8 like us. You know, we didn't have any water. So it
9 really impacted, you know. And then after that, we
10 had ended up going another day, another time without
11 water. And this is the October 31st, '05 letter. I
12 don't know if I'm supposed to submit this as well.
13 It's pretty much the same thing that Ms.
14 Sylvester ---.

15 JUDGE JANDEBEUR:

16 Well, let me look at it.

17 A. It's pretty much the same thing that she had
18 submitted.

19 JUDGE JANDEBEUR:

20 Okay. So it's the Washington Park
21 10/31/05 letter. And it has been submitted already.
22 And you received this as well is what ---

23 A. Right.

24 JUDGE JANDEBEUR:

25 --- I'm understanding from you?

1 A. Right.

2 JUDGE JANDEBEUR:

3 Okay. And this is relative to the ---
4 yes, October 16th, 2005 to October 17th, 2005?

5 A. Correct.

6 JUDGE JANDEBEUR:

7 Okay. We don't need it --- it is in the
8 record already, and you're welcome to tell me about
9 your personal experiences during that time block. You
10 obviously don't have to relate what Ms. Sylvester has
11 related. I would suggest that you relate to me how it
12 affected you.

13 A. Right. We did not know that we were under a boil
14 advisory. I actually got a phone call from my mother
15 around, I believe it was around the 15th or 16th of
16 October. And she had said that it was on the news,
17 she did see it on the news, however it was the stop of
18 the ban. It was not the --- it was the lifted ban.
19 So like all this time we had been drinking the water
20 and using the water, and we did not know that we even
21 had to boil the water. So when I had seen the news,
22 because she had seen it at 5:30, and I had seen it at
23 6:00, when I did see it, they had said that it was
24 already --- the ban was already lifted. So in that
25 whole time I was drinking water and doing everything

1 that I had to do without even boiling it. Then we got
2 this notice on 10/31 of '05, and it said that it was
3 on the TV, but you know, it still doesn't say that I
4 had been --- I had even known that one was even in
5 effect.

6 JUDGE JANDEBEUR:

7 When you say we, who is we? Who's in
8 this house?

9 A. We is my wife. There's me, 24, my wife, she's 22,
10 and I have a soon to be three-year-old daughter in
11 April. And one coming on the way, actually, it's due
12 May 1st.

13 JUDGE JANDEBEUR:

14 Okay.

15 A. We have a relatively --- you know, we're young and
16 we have, you know, our whole lives to do, you know.
17 And we bought this house in Washington Park thinking
18 that, you know, this was going to be our start and our
19 future. And then, you know, we've just been tied up
20 in this, it's not ---. You know, it almost makes me
21 sometimes regret of even moving there, if I would have
22 known that all these problems was even happening.

23 JUDGE JANDEBEUR:

24 Okay. So you've told me about a summer
25 outage, and I assume again that's summer '05. And

1 then beyond summer '05, you've talked about the
2 October outage?

3 A. Yeah, October.

4 JUDGE JANDEBEUR:

5 And is there any other issues you've had
6 with your water service?

7 A. Still to this day, I don't have any documents
8 stating this, but to this day, even as of last night,
9 the quality of the water. I turned on the bathroom
10 faucet and there's like sediments actually --- when
11 you get done using the water, like, when you turn the
12 water on and you'll fill up a sink, when you get done
13 filling up the sink and you let all the water drain
14 out, there's actually sediments left at the bottom of
15 my sink. And I don't know exactly what it is, and I
16 don't have the type of money to go and investigate
17 that. However, in my eyes, it is a problem to us.
18 It's just financially it's hard to go and ---.

19 JUDGE JANDEBEUR:

20 Do you experience issues with doing your
21 laundry?

22 A. Yes, we do.

23 JUDGE JANDEBEUR:

24 And what are they?

25 A. Because of low water pressure there is some times

1 that we have to only put --- like what a standard size
2 load would be, we'd have to cut it in half just to get
3 everything clean, because there's just no water, you
4 know, hardly any water to use to clean the laundry.
5 We have also noticed that it's not really --- like,
6 it's not really the fact of --- well, too much stuff
7 is being run at the same time. You can go right into
8 my house at any time of the day and go to do something
9 with the water and you know, whether it's wash
10 clothes, go take a shower, or try to run the
11 dishwasher, and you still get the same low pressure
12 24/7. There is no change in mine. There is also a
13 smell of chlorine that we have been smelling. My wife
14 is allergic to chlorine. She doesn't use it. It's
15 been very, very hard to, you know, it's just so much
16 of an inconvenience to us, it just really is. That's
17 about all I have. We just want the problem situated,
18 that's all.

19 JUDGE JANDEBEUR:

20 Okay.

21 A. You know, being that it's a fairly new house that
22 was built in 1995, it is just like Ms. Sylvester's is.
23 It's a three bedroom ranch style house and we just
24 moved in in 2004. You know, we didn't expect to go
25 through all this, you know.

1 JUDGE JANDEBEUR:

2 Okay. Questions, Ms. Gannon or Ms.
3 Daviston?

4 ATTORNEY DAVISTON:

5 Yes, I have a few.

6 CROSS EXAMINATION

7 BY ATTORNEY DAVISTON:

8 Q. You said you didn't feel the need to call Mr.
9 Kresge about your problems?

10 A. I felt like, in my eyes that, you know, I was a
11 new person there. I don't want to speak for Mr.
12 Kresge, but I just thought that, you know, he would
13 just overlook me. And I don't want to say that he
14 would, but you know, I just felt like a little man,
15 you know, doing it. That's why I went to the neighbor
16 first, you know. And I didn't go through a neighbor
17 that just moved in like me, I went to someone --- I
18 went to Ms. Sylvester and Ms. Madill, I believe her
19 name is, Kandi, across the street. So I talked to
20 them and they had informed me of what was going on.
21 And they said that we would take care of it, you know.
22 And I felt like I could trust them.

23 Q. Did you get your water tested independently?

24 A. Yes, I actually did. I do not recall what date it
25 was, but it was before the October 15th and 16th

1 incident. It was sometime in the summer of '05. I
2 had woken up that one day and found attached to my
3 mailbox a test kit bottle in a Ziplock bag. And it
4 had a paper in it stating that, you know, first thing
5 in the morning, get up, before you even touch your
6 water system whatsoever, fill the bottle up with
7 water, put it outside, and it would be, you know,
8 whoever it was would be picking it up between 9:00 and
9 10:00 in the morning. And I did, I followed the
10 directions just right, and they had picked it up. I
11 just thought personally it was something throughout
12 the water department. You know, I did see down the
13 road that there was a couple of other ones on
14 different mailboxes. But I did the test and they
15 ended up picking them up.

16 And about three or four days later, I received a
17 phone call from a company called Water Medic, and
18 found out that it was them that actually did it, that
19 is an independent company. They wanted to speak with
20 me and come into my house, because they felt that,
21 after the sample that I gave them, it was very
22 imperative that they come and meet me. So I, you
23 know, said that yeah, I would be available in a couple
24 of days, and they came to my house. And they said
25 that after what they'd found in the water, they wanted

1 me to try their water system out. And that's when I
2 knew that it had nothing to do with Washington Park
3 water whatsoever. So I knew that it was an
4 independent company. But he ran his tests, and then
5 he showed me the proof and, you know, it cleaned up
6 our water very good.

7 Q. Did he tell you what was in the water?

8 A. He didn't specifically tell me.

9 ATTORNEY CASEY:

10 I'm going to object, I think it calls for
11 hearsay.

12 BY ATTORNEY DAVISTON:

13 Q. And did he ---?

14 JUDGE JANDEBEUR:

15 Hold on, Ms. Daviston. Your answer was
16 he didn't specifically tell you; right?

17 A. No, right.

18 JUDGE JANDEBEUR:

19 Okay. I agree, it's hearsay. So let's
20 leave it at that. He didn't specifically tell you.

21 A. Okay.

22 JUDGE JANDEBEUR:

23 Sustained.

24 BY ATTORNEY DAVISTON:

25 Q. And did he give you anything in writing to tell

1 you about the quality of the water?

2 A. He did, but it all went down on record in their
3 company. More or less, they wanted me to get all this
4 money together and you know, buy their water
5 filtration system. You know, and they gave me a deal,
6 in five years and ---.

7 ATTORNEY CASEY:

8 Again, I'm going to object. I think this
9 is all hearsay.

10 JUDGE JANDEBEUR:

11 Well, it's okay. It's not going
12 anywhere. I mean, this is a gentleman that's trying
13 to sell you a filtration system?

14 A. Right. Yeah.

15 JUDGE JANDEBEUR:

16 Overruled. I mean, there's not much I
17 can make with that anyway, no matter what you testify
18 to. This is a salesman.

19 A. Yeah.

20 JUDGE JANDEBEUR:

21 He gets discounted real quick.

22 BY ATTORNEY DAVISTON:

23 Q. Was that the only ---?

24 A. That was the only time that I have ever had a
25 water sample done in my house.

1 Q. And you drink and cook and everything with the
2 water?

3 A. We have bottled water. We have bought a Pur ---
4 it's water filtration that comes off of the tap in the
5 kitchen, but nothing more, nothing more. We mainly
6 use, for more or less my daughter's sake, you know,
7 our daughter. We more or less use the bottled water
8 and stuff to do her --- brush her teeth in the
9 morning, you know, get her ready, what not. But I
10 mean, as far as drinking the water goes, we have been
11 drinking and using the water extensively.

12 JUDGE JANDEBEUR:

13 Anything else, Ms. Daviston?

14 BY ATTORNEY DAVISTON:

15 Q. About how often do you have water outages?

16 A. Outages?

17 Q. Outages.

18 A. The only one that I can recollect is the one that
19 happened in the summer and the one that happened on
20 10/15 and 16 of 2005. That is the only time that I
21 have experienced water completely out. But as far as
22 a lack of water pressure, that is on a daily basis.
23 But as far as the no water pressure whatsoever, just
24 these twice occasions that I have been there.

25 ATTORNEY DAVISTON:

1 I have no further questions, Your Honor.

2 JUDGE JANDEBEUR:

3 Ms. Gannon?

4 ATTORNEY GANNON:

5 Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY ATTORNEY GANNON:

8 Q. Again, I apologize in advance if I jump around, so
9 bear with me.

10 A. That's okay.

11 Q. You mentioned with regard to that --- when we were
12 discussing the 10/31/2005 letter, you mentioned that
13 you didn't receive notice of the advisory or the ban
14 not to drink your water?

15 A. Correct.

16 Q. But your mother called, and then you also saw the
17 notice that you were able to drink your water?

18 A. Right, that the boil advisory was actually lifted,
19 yes.

20 Q. Do you remember when that was or how long
21 after ----?

22 A. When it was? It was --- I believe it was the
23 night of the 16th, of October 16th. I'm not exactly
24 100 percent sure though, but I believe that it was
25 that evening.

1 Q. Were you receiving water by that point? Was the
2 outage over?

3 A. The outage was actually over on the 16th. We had
4 pressure and we had water, but it was very, very
5 little. It started trickling out early in the
6 morning, and then towards the evening we finally got
7 pressure back up.

8 Q. And that was on Sunday the 16th ---

9 A. Correct.

10 Q. --- you started getting your water back?

11 A. Correct, yes.

12 Q. And you never saw or received any other advisories
13 about drinking the water since you've moved there?

14 A. No, I have not.

15 Q. And I believe you said that the low pressure is
16 year-round, it's not just in the summer?

17 A. Yes, it is. It's not just in the summer and it
18 hasn't just been in a certain time frame of the day.
19 Morning, night, evening, you know, I work swing shift
20 at Procter and Gamble, so I come home at one, two
21 o'clock in the morning, everybody's asleep and I still
22 have zero water pressure hardly, you know. So to me
23 it's a very, very inconvenience because I'm there
24 days, nights, nights, days and I just can't win with
25 water.

1 Q. I believe that you mentioned that you have a
2 filter on your kitchen faucet?

3 A. Yes, we do.

4 Q. Do you have any other filters in your house?

5 A. No, I do not.

6 Q. Do you have low water pressure at taps other than
7 your kitchen faucet?

8 A. Yes, we do. Yes. We have them in our master
9 bathroom, our shower, sink and also my daughter's
10 shower, sink and her faucet inside of her bathroom,
11 which is located at the other end of the house.

12 Q. And do you use water at your outside tap?

13 A. Yes, we do.

14 Q. And how's the water pressure there?

15 A. It's the same as what it is in the house. Washing
16 your cars and stuff, it's --- you know, it's really
17 terrible. You know, nothing really comes out of the
18 hose when you squeeze it.

19 Q. Have you ever been told to conserve water?

20 A. Personally been told to conserve water? I had a
21 letter --- I have that letter actually. No, actually
22 I do not have that letter. That would be the letter
23 that Ms. Sylvester actually had. The other half of
24 that letter that was missing, I do have that, however
25 it is not present with me. But that did have all the

1 information on it.

2 Q. And I believe that was the back of a bill?

3 A. Yes, it was. Yeah.

4 Q. Other than that, have you been told to conserve?

5 A. No.

6 Q. You've indicated that you have talked to neighbors
7 when you have low pressure incidents or outages, that
8 you've talked to your neighbors who've indicated that
9 they have called the company?

10 A. Correct.

11 Q. Have they provided any information to you about
12 why there's an outage or why there's low pressure?

13 ATTORNEY CASEY:

14 I'm going to object. I think that calls
15 for hearsay as well.

16 ATTORNEY GANNON:

17 Your Honor, if I may, that would be an
18 exception to the hearsay rule if it's something that
19 he's being told at the time. In addition to the fact
20 that this is an administrative hearing.

21 JUDGE JANDEBEUR:

22 Yes, that's the one that I would hang my
23 hat on. Overruled. Continue. You can go ahead and
24 answer.

25 A. Okay. Can you repeat it again? Sorry.

1 BY ATTORNEY GANNON:

2 Q. Have you received any information as to why you
3 have low pressure or why there's an outage?

4 A. No. Personally, the people that I have talked to,
5 they said that it was an ongoing situation with Mr.
6 Kresge. Just like I said, I was not aware of
7 everything when I moved into Washington Park.
8 However, it seemed like they were in a constant battle
9 for years on end, especially the two people that I
10 have had communication with, which are my neighbors.
11 And I more or less let them call and you know ---.

12 JUDGE JANDEBEUR:

13 So the upshot is you don't know why
14 there's low pressure?

15 A. I don't really know why, no, no. I don't really
16 -- and actually to me it doesn't really bother me as
17 why we don't, I just --- I want it fixed, that's all.
18 You know, I'm not necessarily saying that I want Mr.
19 Kresge not to be responsible for this. I'm just
20 saying that I just want it situated, you know, I just
21 bought --- I just paid all this money for this house
22 and you know, it's just something that has been a
23 headache since we have moved in.

24 JUDGE JANDEBEUR:

25 What's your water bill monthly,

1 approximately?

2 A. \$38.25, right on the dot. I have paid every one
3 of my water bills, too. Never had a problem.

4 JUDGE JANDEBEUR:

5 Anything else, Ms. Gannon?

6 ATTORNEY GANNON:

7 Just a few more and I'll be done.

8 BY ATTORNEY GANNON:

9 Q. Mr. Finkler, when you mentioned another neighbor,
10 would that be one of the other Complainants, Kandi Jo
11 Madill ---

12 A. Yes, it is.

13 Q. --- that you were referencing? And I was unclear.
14 You mentioned that you give your daughter bottled
15 water to brush her teeth with, and I assume to drink
16 then?

17 A. Correct, yes.

18 Q. But you and your wife do drink the water?

19 A. Yes, we do.

20 Q. You mentioned the smell of chlorine. Is that the
21 only problem that you have with the quality of the
22 water?

23 A. No, it has been cloudy with sediments in it. We
24 have also smelled, on top of the chlorine smell, we
25 have also smelled a mossy smell. And what I mean by

1 mossy is like a creek water almost. It's almost got
2 that strange odor to it. And that's all throughout
3 the house, it's not just located in one area. That
4 would be --- you could be in the kitchen, the faucet,
5 and turn on the water and sometimes you could smell
6 that.

7 Q. But also in other faucets in the bathroom and ---?

8 A. Oh, yeah. Other faucets in the house, yes.

9 Q. How often would you experience a moss smell or a
10 chlorine? Has that been ongoing or ---?

11 A. Daily. Ongoing within the last --- a good, almost
12 a half a year now, at least.

13 Q. And the sediment problem that you mentioned, has
14 that been ongoing?

15 A. The sediment actually within the last month or so
16 has just started. You know, everything was cloudy
17 since the boil advisory got over with, and things like
18 that. But where you can actually see the sediments
19 when you like let all the water out of the sink, you
20 can actually see the sediments sitting at the bottom
21 of the sink. That has just recently started happening
22 within the last month or so.

23 ATTORNEY GANNON:

24 I believe that's all I have, thank you.

25 JUDGE JANDEBEUR:

1 Cross.

2 CROSS EXAMINATION

3 BY ATTORNEY CASEY:

4 Q. You said that the moss and the chlorine smell had
5 been every day for a half a year?

6 A. Correct.

7 Q. Why is it --- I understand that you testified you
8 never called Mr. Kresge, but if that's the case, why
9 --- if that's something that's happened every day, why
10 haven't you called?

11 A. Because I knew more or less how everything has
12 been playing out. I knew about the failed
13 communications by other neighbors. And to me, I felt
14 like nothing was being done by the people that have
15 been there for eight, nine years, nothing's going to
16 be done for a person that just moved in two years.

17 Q. But that's your own conclusion.

18 A. That's my own conclusion, yes.

19 Q. And you're ---?

20 A. Personally, I'm not one --- sorry, go ahead.

21 Q. No, no, go ahead.

22 A. I wasn't one to just call up Mr. Kresge and tell
23 him that I was having problems, you know.

24 Q. And you're basing your theory that he would have
25 been non-responsive to you on your conversations with

1 your neighbors?

2 A. I felt that he would be non-responsive because ---
3 not because of what my neighbors were saying, or what
4 they were talking with him, but why when I'm only
5 there for like two years. I felt like he'd be
6 unresponsive to me because of me just moving in, not
7 having to deal with what was going on with neighbors.
8 I don't want to characterize Mr. Kresge like that.

9 Q. But I mean, essentially you had no basis for that
10 belief though?

11 A. No, I did not.

12 Q. You've already talked about the fact that you said
13 you didn't think it was necessary to call him. Did
14 Ms. Sylvester approach you with a PUC complaint to
15 fill out?

16 A. Yes, she did.

17 Q. And prior to that, obviously, you had filed no
18 prior complaints or documented any of what you're
19 saying here today?

20 A. No.

21 Q. And had you taken any steps to file a complaint
22 independently after the October water outage?

23 A. No, I did not.

24 Q. Now, I'm a little bit unclear about that October
25 outage. You said you had water by Sunday the 16th?

1 A. Yeah, later on that night. It was nothing at
2 first when we first got up. As if the day progressed,
3 we started getting more and more. And by that evening
4 I did, at my house, have --- it's hard to say
5 substantial amount of water, but the normal water
6 amount, which still in my eyes wasn't enough. But I
7 mean, there was stuff coming out of, you know, there
8 was enough water coming out of the house to ---.

9 Q. Were you without water on Saturday as well?

10 A. Saturday, I was without water. That was the all
11 day that I was out of water.

12 Q. And then by Monday, the 17th, you had water?

13 A. Everything was pretty much taken care of by
14 Monday.

15 Q. You talked about a previous water outage. Is it
16 your testimony there was another previous water outage
17 in the summer of 2005?

18 A. Yes, I do not recollect when it was, but it lasted
19 about the same amount of time as what this one did.

20 Q. Well, this one apparently lasted for less than one
21 day; right?

22 A. Yes. Well, between one and two days, yeah. But I
23 do not recollect what day it was in the summer.

24 Q. All right. So you saw on the TV the lifting of
25 the boil advisory, but you never saw the actual boil

1 advisory, is that your testimony?

2 A. Correct.

3 Q. Have you ever met Mr. Kresge before?

4 A. Never.

5 Q. You didn't call him about the sediment that you're
6 seeing for the same reason that you thought that he
7 would be non-responsive, because you're a relatively
8 new customer?

9 A. I didn't call him for the sediment reason because
10 the sediment reason just happened within the last
11 month or two. And I didn't know if I was supposed to
12 be in contact with him with all these initial court
13 hearings.

14 Q. Do you know if it was within the last month or
15 within two months?

16 A. Within the last I'll narrow it down within the
17 last month.

18 Q. Do you have aerator screens, do you know, on your
19 faucets and on your showerhead?

20 A. Aerated (sic) screen? I'm not too sure, not
21 exactly what you mean. I don't exactly know what you
22 mean.

23 Q. So you don't know if you do or if you don't?

24 A. No.

25 Q. On those occasions when you've experienced --- let

1 me withdraw that.

2 You did testify that you've had water pressure
3 problems with your shower; right?

4 A. Correct.

5 Q. Okay. On those occasions, have you ever tried
6 running water out of the tub faucet?

7 A. Yes.

8 Q. Okay. And what was the result of that?

9 A. Pretty much the same thing. Everything, you know,
10 no matter where you're at in the house, it's not
11 different on one end of the house than it is on the
12 other.

13 Q. And just so we have it on the record, Water Medic,
14 it is your understanding that that was a filter sales
15 company; right?

16 A. Yes, it was. At first I was under the impression
17 that it was something that had to do with Washington
18 Park Water, but however, when they had come into my
19 house they had showed me, you know, their
20 identification. And it has nothing to do with Mr.
21 Kresge whatsoever.

22 Q. You said your water bill was \$38. \$38 is for your
23 water bill and your sewer services combined; right?

24 A. Correct.

25 Q. So just in summary then, you've never complained

1 about the water pressure, the smell of chlorine, any
2 sediment in your water, or what you've characterized
3 as a mossy smell to Mr. Kresge ever; right?

4 A. No, I have not.

5 ATTORNEY CASEY:

6 Okay. I have no further questions.

7 JUDGE JANDEBEUR:

8 Any Redirect?

9 ATTORNEY DAVISTON:

10 No, but I have a concern. I spoke with
11 Mr. Finkler off the record and he told me that he
12 thought he was filing both complaints against the
13 water and sanitary company, but it wasn't docketed as
14 such.

15 JUDGE JANDEBEUR:

16 Yes, I see that he only checked off one.

17 ATTORNEY DAVISTON:

18 And I don't have a copy of his complaint.

19 ATTORNEY GANNON:

20 I do.

21 JUDGE JANDEBEUR:

22 Well, the type of utility that he has
23 checked off is water. However, I suspect he probably
24 simply didn't realize that they are indeed separate.

25 A. I did not.

1 ATTORNEY DAVISTON:

2 And if you look at number two, and he has
3 written down Washington Park Sanitary Company. He
4 just didn't check the box.

5 JUDGE JANDEBEUR:

6 Right.

7 ATTORNEY DAVISTON:

8 So he attempted to file a complaint
9 against both companies.

10 JUDGE JANDEBEUR:

11 Okay.

12 ATTORNEY CASEY:

13 Well, you know, one, I think that
14 everything that's written down in his complaint has
15 been testified to. So I'm going to object to any
16 further testimony. I'm not sure if there even is any
17 more testimony, but to the extent there is, I object.

18 JUDGE JANDEBEUR:

19 I don't know. However, let me just probe
20 it just a little bit. On your complaint you have WP
21 Water Company and Washington Park Water and Sanitary
22 Company. You've written both of those. Why did you
23 write both of those that way?

24 A. Because that's the way that our bills come up.
25 That's the way it comes on our bills, and I thought

1 that was the name of the company.

2 JUDGE JANDEBEUR:

3 Okay. So your bill doesn't delineate
4 that it's two separate companies?

5 A. It just says Washington Park Water and Sanitary
6 Company, that's all. And I was not aware that there
7 was two ---

8 JUDGE JANDEBEUR:

9 Okay.

10 A. --- different things.

11 JUDGE JANDEBEUR:

12 Bearing that in mind, I think it's pretty
13 clear that your average citizen is not going to pick
14 up on that. In fact, this complaint is the first I've
15 seen our intake folks separate one client into two
16 docket numbers. And I personally did not know why
17 they did that. So I think it's fair to assume that
18 your regular citizen --- if I didn't get it, your
19 regular citizen isn't going to get it. And a number
20 of the Judges did not get it. It took someone that
21 has been here 28 years to tell me why there were two
22 separate docket numbers. So I think it's fair that if
23 you have a complaint about the sanitary part of this,
24 why don't you tell us what it is.

25 A. Okay. The smell that we had mentioned earlier.

1 JUDGE JANDEBEUR:

2 The mossy smell?

3 A. No, the smell of, that potent smell over the
4 summer. I'm not sure when exactly it happened, but it
5 was in the summer. We had smelled something in the
6 air. I had walked outside and had confronted some of
7 the other residents in the park, asking if there was a
8 farm nearby or something that had, you know, because I
9 was smelling this potent smell. And they told me that
10 there was a farm located just down the road, but they
11 said that they were laying manure or what not. And we
12 even smelled this after the fact that spring comes,
13 fall. You can go outside in the middle of wintertime
14 right now and you can still smell the smell that is in
15 the air. What exactly the smell is, I'm not exactly
16 100 percent sure. We also have had incidents with
17 toilets not flushing right in the house. Also water
18 leaving stains on toilets, more or less, more normal,
19 like the yellowish-tar stain, like a lime stain around
20 the toilets and the sinks. And I know that toilets
21 and sinks have lime stains around them, but I think
22 that more or less it happens more frequently in our
23 house because of the water situation itself, not
24 having clear water. You know, problems like that.
25 Other than the fact that the toilet's not flushing

1 regularly at our house, I don't know if that
2 technically is a sanitary problem or if it is a water
3 problem. And other than the smell that we have
4 smelled outside, that is the only two problems that we
5 have had. But as far as the water not filling up the
6 toilets and stuff right, I don't technically know if
7 it has anything to do with the sanitary or if it just
8 has to do with the lack of low water pressure. I'm
9 not exactly 100 percent sure.

10 JUDGE JANDEBEUR:

11 Okay. Ms. Daviston, more?

12 ATTORNEY DAVISTON:

13 Yes.

14 RE CROSS EXAMINATION

15 BY ATTORNEY DAVISTON:

16 Q. Have you ever gone outside and tried to track down
17 where the smell was coming from?

18 A. Yes, I actually did. We took a walk, me and my
19 wife took a walk down to where --- it would be
20 actually where Karin Drive is --- or not Karin Drive,
21 sorry, Debbie Drive. It's the very last road that
22 they are building houses on now. There is, what seems
23 to me like that there's a dirt road that goes down,
24 that is where the smell is coming from. Now, I don't
25 physically know what's down there because I've never

1 walked down there, but I was told that there is a
2 treatment plant down there. So I'm not 100 percent
3 sure, but it's coming from that way. I don't smell it
4 any other way, but when you first come into Washington
5 Park you don't smell it, but as you go back towards my
6 house you start smelling it. And then the further
7 back it starts getting more potent out into the woods
8 and stuff like that. And it's also in the opposite
9 direction as that livestock farmer's. The farmer's
10 actually --- when you first come into the park, the
11 farm is right there. The smell is actually coming
12 from behind my house, and there's no farm out there
13 whatsoever. It is actually barren, commercially-owned
14 land that is for sale.

15 Q. Have you had a problem with sewage in your
16 basement or in your yard?

17 A. No, I have not.

18 Q. Or in your water?

19 A. No. Just more or less the smell of the water that
20 we're having, the mossy smell. But as far as sewage
21 in the water, no.

22 Q. And once again, you did not contact Mr. Kresge
23 about this problem either?

24 A. No, I did not.

25 JUDGE JANDEBEUR:

1 Is that it?

2 ATTORNEY DAVISTON:

3 Yes, I'm done.

4 JUDGE JANDEBEUR:

5 Ms. Gannon?

6 ATTORNEY GANNON:

7 Just a few.

8 RECROSS EXAMINATION

9 BY ATTORNEY GANNON:

10 Q. Mr. Finkler, you said that you experienced the
11 smell outside your home and that you tried to track
12 down the source. When did that occur?

13 A. That occurred right around summer of 2005. Before
14 we lost water actually. I'm not exactly too sure what
15 the date that we lost the water in the summer was, but
16 this was before we lost the water in the summer of
17 '05.

18 Q. But that was just one incident with the smell
19 outside?

20 A. No, that was when we first started smelling it.
21 You could smell it today driving down to my house.
22 You can still smell it in the middle of winter.
23 That's why, in my recollection, I don't feel that it
24 is coming from a farm.

25 Q. So since 2005 up to the present?

- 1 A. Till present, yes.
- 2 Q. And I assume it's a bad smell?
- 3 A. Yes, it is. Yeah.
- 4 Q. And you talked about problems with your toilets
5 not flushing?
- 6 A. Yes.
- 7 Q. How long has that problem been going on?
- 8 A. That's been going on ever since I moved in. It's
9 that and the lack of water pressure. That's why I'm
10 not exactly sure if it has anything to do with the
11 sanitary, or if it's just because we have hardly any
12 water pressure.
- 13 Q. And the stains that you mentioned, is that just in
14 your bathroom or is that in the kitchen sink?
- 15 A. That's everywhere. It goes all the way --- it
16 goes in everything, bathroom sink, toilet, tub,
17 kitchen sink, all throughout the house it's, you know,
18 relatively the same. You know, I almost have to buy
19 like a bottle of Lime Away every two weeks just to get
20 rid of it.
- 21 Q. And that works when you use Lime Away? It removes
22 the stains?
- 23 A. Yes, it does. Yes, it does.
- 24 Q. But basically anything that the water contacted
25 would be stained?

1 A. Yeah, it would. That's why we buy a whole bunch
2 of that stuff every --- it seems like every couple of
3 weeks we're doing the coffee pots, we're doing things
4 like that, everything. It just seems like, you know,
5 the water is just controlling everything, staining
6 everything.

7 ATTORNEY GANNON:

8 That is all I have.

9 JUDGE JANDEBEUR:

10 Any Recross?

11 ATTORNEY CASEY:

12 Yes.

13 RECROSS EXAMINATION

14 BY ATTORNEY CASEY:

15 Q. You're assuming that the farm doesn't do anything
16 to generate smell in the winter, but you don't know
17 that; do you?

18 A. No. I'm not a farmer.

19 Q. All right. So they could be carrying on
20 activities all year long and you'd have no idea?

21 A. Correct.

22 Q. You've never gone --- I mean, you've never talked
23 to the farmer about his schedule; right?

24 A. No, no.

25 Q. Now, he has different --- the farmer there has

1 fields at different locations; right, that surround
2 the development?

3 A. Yes. Well, what do you mean by different
4 locations?

5 Q. In other words, he doesn't just have one field, he
6 has fields at different locations around --- that are
7 close to the development; right?

8 A. Oh, yes.

9 Q. Okay. How many locations does he have?

10 A. That, I'm not too sure of.

11 Q. But you know it's more than one; right?

12 A. Yes, it is.

13 Q. Now, where is the plant, the sewer plant, in
14 relation to Debbie Drive?

15 A. I didn't --- well, I didn't say the plant was down
16 there. I don't exactly know where the plant is. All
17 I know is that when you first come into Washington
18 Park on Washington Park Drive, the teepee is what we
19 see, that first thing that we have seen. I was told
20 that it is wells, but I'm not exactly sure. And as
21 you come down our street and go to the backside of
22 Debbie Drive, out that way, that is where I thought
23 that the plant was, but I'm not exactly sure. That is
24 where the smell is coming from.

25 Q. So you don't know if the plant is --- you don't

1 know if the source of where you're saying the smell is
2 coming from is located near the plant?

3 A. Because I don't know if it's private property or
4 not. I've never walked down past Washington Park.

5 Q. All right. So you don't know where the smell is
6 coming from; right?

7 A. No, I said that the smell is coming from the
8 backside of Debbie Drive, but I didn't say it was
9 coming from the plant. I said I didn't know what lies
10 beyond that.

11 Q. Okay.

12 A. I was told that the plant lies beyond that, but I
13 have not physically seen a plant anywhere.

14 Q. All right. And you don't know how far from Debbie
15 Drive the plant is?

16 A. No.

17 Q. You don't know how far from Debbie Drive any of
18 these various fields that the farmer has are; do you?

19 A. I have no idea. There's posted signs.

20 Q. Posted signs?

21 A. Yeah, there is. There's posted signs beyond
22 Debbie Drive.

23 Q. What do those signs say?

24 A. Mostly no trespassing.

25 Q. So is it your understanding that those signs are

1 for the farmer?

2 A. I don't know whose signs they are. All I know is
3 that it goes beyond Washington Park. And I don't step
4 on no trespassing signs. So all I know is that there
5 is a dirt road down there, but I don't venture out.

6 Q. So are you saying the smell comes from beyond
7 Washington Park; is that what you're saying?

8 A. I'm saying that the smell comes from that
9 direction, but I have never ventured out into that
10 direction.

11 Q. The direction that you're saying is beyond
12 Washington Park?

13 A. Correct.

14 Q. Have you ever taken any pictures of any of the
15 stains that this water has allegedly caused in your
16 house?

17 A. No, I have not.

18 ATTORNEY CASEY:

19 No further questions.

20 JUDGE JANDEBEUR:

21 Anything additional, ladies?

22 ATTORNEY GANNON:

23 Just a follow up.

24 RECROSS EXAMINATION

25 BY ATTORNEY GANNON:

1 Q. You said that the direction of the smell, that you
2 were trying to identify the location of the source,
3 you said that you believe it to be away from the farm?

4 A. Correct.

5 Q. You also said that it was beyond Debbie Drive?

6 A. Correct.

7 Q. Is it also beyond Washington Park, or just beyond
8 Debbie Drive?

9 A. It's beyond Debbie Drive. If you go the opposite
10 way --- if you stay on Washington Park Road and follow
11 that out, it's not there. It's not anywhere in that
12 vicinity. It's behind my house and out past --- out
13 beyond that no trespassing sign, out beyond Debbie
14 Drive. That's the only place that you smell it is
15 behind our house, not on the left, not on the right.

16 Q. Thank you.

17 JUDGE JANDEBEUR:

18 Anything additional?

19 ATTORNEY CASEY:

20 Yes, just a quick follow up.

21 RECROSS EXAMINATION

22 BY ATTORNEY CASEY:

23 Q. Again, you don't know the different locations that
24 this farm is at?

25 A. No.

1 Q. You don't know where the plant is in relation to
2 Debbie Drive?

3 A. I have no idea where anything is in that park, I
4 really don't.

5 ATTORNEY CASEY:

6 I have no further questions.

7 JUDGE JANDEBEUR:

8 Anything that you wish to add, sir?

9 A. Yes, I do, obviously. I don't really have a
10 problem with Mr. Kresge keeping the water situation.
11 I don't really care who has ownership of Washington
12 Park Water and Sanitary Company. I just want to know
13 that as a homeowner and buying a house, I can always
14 depend that I at least have water. That's the only
15 thing that I want out of all of this.

16 JUDGE JANDEBEUR:

17 Thank you, sir. You can step down.

18 A. Thank you.

19 JUDGE JANDEBEUR:

20 Is there any reason to keep Mr. Finkler,
21 or we can release him?

22 ATTORNEY CASEY:

23 I don't think so.

24 ATTORNEY GANNON:

25 No.

1 ATTORNEY DAVISTON:

2 No.

3 JUDGE JANDEBEUR:

4 Okay. You're free to go, sir, if you'd
5 like. And we're going to probably be closing up, so
6 if you wish to stay, you can probably stay as well.

7 A. That's okay, I'll ---.

8 JUDGE JANDEBEUR:

9 You've had enough, all right. Fair
10 enough.

11 A. Thank you.

12 JUDGE JANDEBEUR:

13 You're welcome. Thank you. All right.
14 Now, we are at a good breaking point if we need to
15 break for lunch. However, the only thing left to do
16 today would be if Mr. Kresge wants to address any of
17 this, or if you want to hold it up, I think we're
18 actually finished for today.

19 ATTORNEY CASEY:

20 My understanding is that he can address
21 this through written testimony and we're satisfied
22 with that.

23 JUDGE JANDEBEUR:

24 Okay. Anything else that we need to do
25 today, or are we done for the day?

1 ATTORNEY GANNON:

2 Have we officially established the
3 procedural schedule?

4 JUDGE JANDEBEUR:

5 I think what I will do in light of the
6 fact that I need to dismiss the Complainants that did
7 not show, I will issue an Interim Order addressing the
8 dismissal of the Complainants that did not show and
9 also the schedule. And the schedule that you'll see
10 in that Interim Order will be April 12th for Law
11 Bureau and OCA, written Direct; April 26th for
12 Washington rebuttal, written rebuttal; May 16th for
13 oral surrebuttal and technical hearing; July 7, main
14 brief; July 21, reply brief and close of record.

15 ATTORNEY CASEY:

16 Will there be an Order to that effect,
17 Your Honor?

18 JUDGE JANDEBEUR:

19 Yes. Again, I will issue an Interim
20 Order on those two things, the dismissal and the time
21 schedule.

22 ATTORNEY CASEY:

23 Oh, okay. I apologize.

24 JUDGE JANDEBEUR:

25 No problem. Okay. We are finished here

1 today and we are adjourned. Thank you all.

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HEARING CONCLUDED AT 1:05 P.M.

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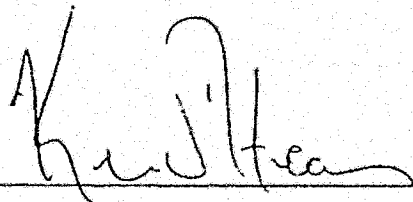
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C E R T I F I C A T E

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



Court Reporter

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MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED

MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Bill date July 9, 2005
Account number 729008027-00001
Invoice number 1095425357

Usage detail continued...

In Your Home Area

Date	Time	Rate	Minutes	Origination	Phone number	Destination	Usage type	Call type	Airtime charges	Long distance and other charges	Total
50	08/17	04:46P	P	2	Noxon PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
51	08/17	06:59P	P	4	Tunkhannoc PA	(570)332-1134	Incoming	CL A	Included	.00	.00
52	08/17	07:39P	P	1	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
53	08/18	03:34P	O	1	Noxon PA	(570)240-0700	Tunkhannoc	PA Y	Included	.00	.00
54	08/18	05:41P	O	1	Wilkes Bar PA	(570)779-4878	Plymouth	PA Y	Included	.00	.00
55	08/18	08:19P	O	1	Wilkes Bar PA	(570)779-4878	Plymouth	PA Y	Included	.00	.00
56	08/18	08:35P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
57	08/18	08:55P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
58	08/18	09:15P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
59	08/18	09:18P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
60	08/18	09:22P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
61	08/18	09:25P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
62	08/18	09:31P	O	1	Wilkes-bar PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
63	08/19	09:09A	O	3	Noxon PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
64	08/19	11:26A	O	3	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
65	08/19	08:52P	O	4	Tunkhannoc PA	(570)332-4815	Mobile	CL MN	Included	.00	.00
66	08/20	08:49A	P	1	Tunkhannoc PA	(570)332-4815	Mobile	CL MN	Included	.00	.00
67	08/20	07:32P	P	1	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
68	08/20	09:01P	O	6	Tunkhannoc PA	(570)332-4815	Mobile	CL MN	Included	.00	.00
69	08/21	10:18A	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
70	08/21	02:27P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
71	08/21	03:01P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
72	08/21	05:11P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
73	08/21	05:13P	P	1	Tunkhannoc PA	(570)332-4815	Wilkesbarre	PA MN	Included	.00	.00
74	08/21	07:57P	P	1	Noxon PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
75	08/21	08:19P	P	1	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
76	08/22	08:18A	P	1	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
77	08/22	01:37P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
78	08/22	05:41P	P	1	Noxon PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
79	08/22	05:47P	P	11	Noxon PA	(570)332-4815	Mobile	CL MN	Included	.00	.00
80	08/22	07:52P	P	3	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
81	08/23	04:49P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
82	08/23	08:46P	P	4	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
83	08/23	07:10P	P	2	Tunkhannoc PA	(570)240-0551	Tunkhannoc	PA A	Included	.00	.00
84	08/23	07:34P	P	3	Noxon PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
85	08/23	08:31P	O	3	Tunkhannoc PA	(570)836-3735	Tunkhannoc	PA Y	Included	.00	.00
86	08/24	08:37A	P	1	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
87	08/24	02:02P	P	3	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
88	08/24	02:07P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
89	08/24	05:28P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
90	08/24	05:49P	P	1	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
91	08/24	05:49P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
92	08/24	08:00P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
93	08/24	07:29P	P	4	Tunkhannoc PA	(570)332-1134	Incoming	CL MN	Included	.00	.00
94	08/25	08:30P	O	17	Tunkhannoc PA	(570)332-1134	Incoming	CL Y	Included	.00	.00
95	08/26	09:23A	O	1	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
96	08/27	01:58P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
97	08/27	04:48P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
98	08/27	04:50P	P	1	Tunkhannoc PA	(570)332-4815	Wilkesbarre	PA MN	Included	.00	.00
99	08/27	07:51P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
100	08/27	08:12P	P	5	Noxon PA	(570)472-3808	Wilkesbarre	PA A	Included	.00	.00

C20055455

DOCUMENT
FOLDER

Scranton

EXHIBIT
KS 1
Kd 2-29-06

REC'D 800-631-6988

Bill date October 9, 2005
 Account number 720008027-00001
 Invoice number 1122245671

Usage detail continued ...

In Your Home Area

Date	Time	Rate	Minutes	Origination*	Phone number	Destination	Usage type	Call type	Airtime charges	Long distance and other charges	Total
80	09/23	07:27P	P	1	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
81	09/24	10:18A	O	5	Tunkhannoc PA	(570)332-4615 Mobile	CL	MN	Included	.00	.00
82	09/24	03:53P	O	1	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
83	09/24	03:55P	O	11	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
84	09/24	04:09P	O	2	Noxen PA	(570)838-3735 Tunkhannoc	PA	Y	Included	.00	.00
85	09/28	05:26P	P	2	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
86	09/28	07:13P	P	4	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
87	09/27	07:35P	P	1	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
88	09/27	07:45P	P	1	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
89	09/28	07:11P	P	2	Tunkhannoc PA	(570)833-0244 Mehoopany	PA	A	Included	.00	.00
90	09/28	07:13P	P	1	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
91	09/28	07:38P	P	2	Tunkhannoc PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00
92	09/28	08:45P	P	1	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
93	09/28	09:06P	O	1	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
94	09/28	09:13P	O	1	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
95	09/29	09:17A	P	2	Tunkhannoc PA	(570)342-6777 Scranton	PA	A	Included	.00	.00
96	09/29	09:21A	P	1	Tunkhannoc PA	(570)332-4615 Wilksbarre	PA	MN	Included	.00	.00
97	09/29	09:37A	P	1	Noxen PA	(570)838-8622 Tunkhannoc	PA	A	Included	.00	.00
98	09/29	05:28P	P	1	Tunkhannoc PA	(570)822-8800 Wilksbarre	PA	A	Included	.00	.00
99	09/29	05:29P	P	1	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
100	09/29	07:35P	P	1	Tunkhannoc PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00
101	09/29	07:38P	P	1	Noxen PA	(570)332-4615 Wilksbarre	PA	MN	Included	.00	.00
102	09/29	07:39P	P	1	Tunkhannoc PA	(000)000-0088 Voice Mail	CL	AR	Included	.00	.00
103	09/30	09:39A	P	2	Tunkhannoc PA	(570)961-3823 Scranton	PA	A	Included	.00	.00
104	09/30	05:41P	P	2	Tunkhannoc PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
105	09/30	05:51P	P	10	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
106	09/30	06:22P	P	1	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
107	10/01	09:39A	O	1	Noxen PA	(570)839-2158 Harveys Lk	PA	Y	Included	.00	.00
108	10/01	02:32P	O	1	Tunkhannoc PA	(570)838-4704 Tunkhannoc	PA	Y	Included	.00	.00
109	10/01	06:22P	O	1	Tunkhannoc PA	(570)472-3808 Wilksbarre	PA	Y	Included	.00	.00
110	10/02	12:15P	O	7	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
111	10/03	05:47P	P	8	Noxen PA	(570)332-4615 Mobile	CL	MN	Included	.00	.00
112	10/03	07:47P	P	2	Tunkhannoc PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00
113	10/04	04:54P	P	1	Noxen PA	(570)822-8800 Wilksbarre	PA	A	Included	.00	.00
114	10/04	07:08P	P	5	Tunkhannoc PA	(570)332-4615 Mobile	CL	MN	Included	.00	.00
115	10/04	07:13P	P	2	Tunkhannoc PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00
116	10/05	11:01A	P	2	Tunkhannoc PA	(570)489-8940 Olyphant	PA	A	Included	.00	.00
117	10/05	07:04P	P	2	Tunkhannoc PA	(570)332-1134 Incoming	CL	MN	Included	.00	.00
118	10/08	09:28A	P	3	Tunkhannoc PA	(570)961-3823 Scranton	PA	A	Included	.00	.00
119	10/08	05:58A	P	2	Tunkhannoc PA	(570)489-8940 Olyphant	PA	A	Included	.00	.00
120	10/06	07:28P	P	1	Tunkhannoc PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00
121	10/07	08:48A	P	1	Tunkhannoc PA	(570)840-1169 Scranton	PA	A	Included	.00	.00
122	10/07	09:12A	P	2	Tunkhannoc PA	(570)332-1134 Incoming	CL	A	Included	.00	.00
123	10/07	09:13A	P	2	Tunkhannoc PA	(570)332-1134 Incoming	CL	A	Included	.00	.00
124	10/07	02:40P	P	2	Tunkhannoc PA	(570)489-8940 Olyphant	PA	A	Included	.00	.00
125	10/07	04:17P	P	2	Olyphant PA	(570)332-1133 Wilksbarre	PA	MN	Included	.00	.00
126	10/07	06:46P	P	3	Dunmore PA	(570)332-1133 Mobile	CL	MN	Included	.00	.00

Usage detail continued ...

In Your Home Area

Date	Time	Rate	Minutes	Origination*	Phone number	Destination	Usage type	Call type	Airtime charges	Long distance and other charges	Total
10	10/12	10:14A	P	3	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
11	10/12	12:42P	P	3	Tunkhannoc PA	(000)000-0088	Voice Mail	CL AR	Included	.00	.00
12	10/12	05:59P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
13	10/12	07:31P	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
14	10/12	07:33P	P	1	Noxen PA	(570)332-4615	Wilkesbarre	PA MN	Included	.00	.00
15	10/12	07:34P	P	4	Tunkhannoc PA	(570)332-4615	Incoming	CL MN	Included	.00	.00
16	10/12	09:16P	O	6	Tunkhannoc PA	(570)838-3735	Tunkhannoc	PA Y	Included	.00	.00
17	10/13	03:05P	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
18	10/13	04:36P	P	1	Noxen PA	(570)838-7014	Tunkhannoc	PA A	Included	.00	.00
19	10/14	08:08A	P	5	Noxen PA	(000)000-0088	Voice Mail	CL AR	Included	.00	.00
20	10/14	08:24A	P	1	Tunkhannoc PA	(000)000-0088	Voice Mail	CL AR	Included	.00	.00
21	10/14	04:12P	P	2	Tunkhannoc PA	(570)838-4776	Tunkhannoc	PA A	Included	.00	.00
22	10/14	04:29P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
23	10/14	07:22P	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
24	10/15	10:07A	O	12	Tunkhannoc PA	(670)472-3808	Wilkesbarre	PA Y	Included	.00	.00
25	10/15	10:21A	O	1	Noxen PA	(570)840-1169	Scranton	PA Y	Included	.00	.00
26	10/15	11:09A	O	7	Noxen PA	(570)840-1169	Scranton	PA Y	Included	.00	.00
27	10/15	12:16P	O	5	Tunkhannoc PA	(570)332-4615	Incoming	CL MN	Included	.00	.00
28	10/15	02:54P	O	6	Noxen PA	(570)840-1169	Scranton	PA Y	Included	.00	.00
29	10/16	04:04P	O	4	Tunkhannoc PA	(000)000-0088	Voice Mail	CL YR	Included	.00	.00
30	10/16	04:07P	O	2	Tunkhannoc PA	(000)000-0088	Voice Mail	CL YR	Included	.00	.00
31	10/16	04:08P	O	4	Tunkhannoc PA	(000)000-0088	Voice Mail	CL YR	Included	.00	.00
32	10/16	04:41P	O	1	Tunkhannoc PA	(570)840-1169	Scranton	PA Y	Included	.00	.00
33	10/16	04:43P	O	2	Tunkhannoc PA	(570)840-1169	Incoming	CL Y	Included	.00	.00
34	10/16	04:48P	O	1	Noxen PA	(570)840-1169	Scranton	PA Y	Included	.00	.00
35	10/16	04:49P	O	2	Tunkhannoc PA	(570)840-1169	Incoming	CL Y	Included	.00	.00
36	10/16	04:51P	O	4	Tunkhannoc PA	(570)780-8348	Wilkesbarre	PA Y	Included	.00	.00
37	10/17	12:33P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
38	10/17	02:30P	P	1	Tunkhannoc PA	(570)838-6871	Tunkhannoc	PA A	Included	.00	.00
39	10/17	02:30P	P	3	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
40	10/17	03:09P	P	4	Tunkhannoc PA	(570)838-6871	Incoming	CL A	Included	.00	.00
41	10/17	04:49P	P	3	Noxen PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
42	10/17	04:52P	P	4	Tunkhannoc PA	(570)840-1169	Scranton	PA A	Included	.00	.00
43	10/17	07:15P	P	1	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
44	10/18	12:58P	P	1	Tunkhannoc PA	(000)000-0088	Voice Mail	CL AR	Included	.00	.00
45	10/18	05:26P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
46	10/18	07:46P	P	2	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
47	10/19	09:30A	P	2	Tunkhannoc PA	(570)840-1169	Incoming	CL A	Included	.00	.00
48	10/19	05:28P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
49	10/19	07:29P	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
50	10/20	10:34A	P	1	Tunkhannoc PA	(717)787-8740	Harrisburg	PA A	Included	.00	.00
51	10/20	06:04P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
52	10/20	06:08P	P	12	Tunkhannoc PA	(570)332-4615	Mobile	CL MN	Included	.00	.00
53	10/20	06:20P	P	5	Noxen PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
54	10/20	07:52P	P	2	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
55	10/20	08:37P	P	2	Tunkhannoc PA	(570)332-4615	Mobile	CL MN	Included	.00	.00
56	10/21	07:57A	P	1	Tunkhannoc PA	(570)472-3808	Wilkesbarre	PA A	Included	.00	.00
57	10/21	08:00A	P	3	Noxen PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
58	10/21	08:15A	P	2	Tunkhannoc PA	(570)840-1169	Scranton	PA A	Included	.00	.00
59	10/21	08:17A	P	1	Tunkhannoc PA	(570)838-6871	Tunkhannoc	PA A	Included	.00	.00
60	10/21	09:22A	P	2	Tunkhannoc PA	(570)826-2301	Wilkesbarre	PA A	Included	.00	.00

Usage detail continued ...

In Your Home Area

Date	Time	Rate	Minutes	Origination*	Phone number	Destination	Usage type	Call type	Airtime charges	Long distance and other charges	Total
81	11/22	02:33P	P	5	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
82	11/23	09:32A	P	3	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
83	11/23	11:44A	P	2	Tunkhannoc PA	Unavailable	Incoming	CL A	Included	.00	.00
84	11/23	11:46A	P	1	Tunkhannoc PA	Unavailable	Incoming	CL A	Included	.00	.00
85	11/23	12:08P	P	5	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
86	11/23	01:42P	P	3	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
87	11/23	02:07P	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
88	11/23	02:10P	P	2	Tunkhannoc PA	(570)332-4815	Mobile	CL MN	Included	.00	.00
89	11/24	10:24A	P	1	Tunkhannoc PA	(570)332-4815	Wilkesbarre	PA MN	Included	.00	.00
90	11/24	12:18P	P	4	Noxen PA	(570)332-4615	Mobile	CL MN	Included	.00	.00
91	11/25	10:15A	P	1	Tunkhannoc PA	(570)489-8940	Olyphant	PA A	Included	.00	.00
92	11/25	11:15A	P	1	Tunkhannoc PA	(570)472-3808	Wilkesbarre	PA A	Included	.00	.00
93	11/25	11:16A	P	2	Noxen PA	(717)787-9740	Harrisburg	PA A	Included	.00	.00
94	11/25	12:20P	P	4	Shavertown PA	Unavailable	Incoming	CL A	Included	.00	.00
95	11/25	12:25P	P	1	Wilkes Bar PA	(570)779-4878	Plymouth	PA A	Included	.00	.00
96	11/26	05:45P	O	3	Tunkhannoc PA	(570)332-4616	Mobile	CL MN	Included	.00	.00
97	11/26	08:35A	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
98	11/26	02:56P	P	1	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
99	11/26	07:37P	P	1	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
100	11/20	04:20P	P	2	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
101	11/29	08:08P	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
102	11/30	03:08P	P	2	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
103	11/30	05:14P	P	1	Factoryville PA	(570)332-4615	Incoming	CL MN	Included	.00	.00
104	11/30	05:23P	P	4	Tunkhannoc PA	(570)332-4615	Mobile	CL MN	Included	.00	.00
105	11/30	08:15P	P	4	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
106	12/01	03:10P	P	2	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
107	12/01	08:04P	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
108	12/02	03:09P	P	2	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
109	12/02	07:53P	P	2	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
110	12/03	11:08A	O	1	Wilkes Bar PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
111	12/03	12:04P	O	1	Wilkes Bar PA	(570)836-3735	Tunkhannock	PA Y	Included	.00	.00
112	12/04	05:49P	O	1	Tunkhannoc PA	(570)240-0700	Tunkhannock	PA Y	Included	.00	.00
113	12/05	05:04P	P	52	Tunkhannoc PA	(570)587-5362	Clarks Summit	PA A	Included	.00	.00
114	12/07	05:41P	P	5	Noxen PA	(570)332-4615	Mobile	CL MN	Included	.00	.00
115	12/08	12:09P	P	1	Factoryville PA	(570)240-8215	Tunkhannock	PA A	Included	.00	.00
116	12/08	05:13P	P	69	Tunkhannoc PA	(570)587-5362	Clarks Summit	PA A	Included	.00	.00
117	12/08	06:23P	P	8	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
118	12/08	06:42P	P	6	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
119	12/09	07:24A	P	1	Noxen PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
120	12/09	07:42A	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
121	12/09	07:56A	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
122	12/09	08:51A	P	5	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
123	12/09	09:22A	P	1	Noxen PA	(570)836-4776	Tunkhannock	PA A	Included	.00	.00
124	12/09	09:37A	P	4	Tunkhannoc PA	(570)332-1133	Mobile	CL MN	Included	.00	.00
125	12/09	04:24P	P	1	Noxen PA	(570)836-4776	Tunkhannock	PA A	Included	.00	.00
126	12/09	04:40P	P	3	Tunkhannoc PA	(570)332-1133	Wilkesbarre	PA MN	Included	.00	.00
127	12/09	07:48P	P	3	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00
128	12/09	08:16P	P	1	Tunkhannoc PA	(570)332-1133	Incoming	CL MN	Included	.00	.00

*Designates the location, city and state, of the call tower or switching center which processed the call.

Bill date January 9, 2006
 Account number 720008027-00001
 Invoice number 1149628437

Charges for 570-332-1134

Raymond Sylvester

Monthly Charges

Current calling plan
 01/10/06 - 02/09/06 \$9.99

Total monthly charges \$9.99

Your Service Profile

Current calling plan: America's Choice II Familyshare Secondary 500 Shr W/Pri \$9.99 2yr 0205
 Monthly charge \$9.99
 Monthly allowance minutes 0 peak, 0 off-peak
 Additional per minute charge \$.45 peak, \$.45 off-peak

Promotional details:

Current: > Beginning on 03/09/05. 15 Home airtime minutes for completing survey
 > Beginning on 02/10/05. Unlimited night and weekend home airtime minute allowance per month

Enhanced services:

3-Way Calling, Busy Transfer, Call Forwarding, No Answer Transfer, Call Waiting, Call Delivery, Basic Voice Mail, TXT MSG W Per MSG Charges, Caller ID, Declined Insurance, Streamline Billing, Natl Enhanced Svc Access, IN Clg Natl Int Share- Sec, Americas Choice LD

Usage Summary 570-332-1134

Raymond Sylvester

In Your Home Area	Peak		Off Peak		Total
	Included	Billable	Included	Billable	
Current Usage					
Promotional Minutes	0	0	47	0	Included
IN-Calling (12/10-01/09)	163	0	12	0	Included
Shared Minutes	113	0	0	0	Included
Usage Totals	276	0	59	0	
Total Current Airtime Usage		276		59	335
Current Usage Charges		\$5.00		\$0.00	\$5.00
Total usage charges in your home area					\$5.00

Total usage charges

\$5.00

Usage detail 570-332-1134

Raymond Sylvester

In Your Home Area

Date	Time	Rate	Minutes	Origination*	Phone number	Destination	Usage type	Call type	Airtime charges	Long distance and other charges	Total
1	12/11 07:45P	O	1	Noxen PA	(570)472-3808	Wilksboro PA	Y		Included	\$0.00	\$0.00
2	12/11 07:46P	O	2	Tunkhanoc PA	(717)787-9740	Harrisburg PA	Y		Included	00	00
3	12/12 05:01P	P	5	Noxen PA	(570)332-4615	Mobile CL MN			Included	00	00
4	12/12 07:19P	P	6	Tunkhanoc PA	(802)362-8460	Manchester VT	A		Included	00	00
5	12/12 07:35P	P	5	Tunkhanoc PA	(517)592-9450	Brooklyn MI	A		Included	00	00
6	12/13 04:35P	P	1	Tunkhanoc PA	(570)836-7014	Tunkhanock PA	A		Included	00	00
7	12/13 05:25P	P	1	Factoryville PA	Unavailable	Incoming CL	A		Included	00	00
8	12/13 05:37P	P	3	Factoryville PA	(570)833-0244	Mehoopany PA	A		Included	00	00
9	12/14 05:26P	P	2	Tunkhanoc PA	(570)332-1133	Wilksboro PA	MN		Included	00	00

Washington Park Water Customer

10-31-05

Dear Customer:

Recently there was a need to institute a boil water advisory. That was done as the company was receiving poor pressure calls. This was done over the three local television stations, channel 16,22, and 28. In the future if you experience low pressure please be attentive to those three news stations to help find if the company has placed a boil advisory in place. This was done October 16, 2005 when the wires 336 feet down on well #3 went down and that pump stopped. We had just replaced a 2hp pump in well #2 as that pump had been causing problems. When well #3 goes down it dose limit the amount of water that can be pumped in to the system. This is the reason for the low pressure.

Water was taken from the Biggar outside faucet and a new home Kintner is building on Debbie Drive 10-25-05 and tested at Kirby Health. Both tests are NEGATIVE or "0". This means the water is bacteriologically safe to drink. THE BOIL IS REMOVED! There probably was no problem in the first place but the company cannot take any chances in this regard.

Recently Mr. Larry Lash an engineer from the PUC came and went over the system. He has taken all the system installations down and what the system needs! He should have his report to us by Friday, October 28,2005. The Company for a long time has tried to upgrade this facility. I personally drilled well #3 in the field and had it tested as a water source in 1993. Milnes engineering was employed to do the plans to gain a Pennvest loan. That loan was granted for\$555,000 in 1994. This would have built a new pump station in the field at well #3, build a 50,000 gallon water tank and install various pipe and fittings to interconnect with the existing system. All customers were to be metered. The job was to commence April 20, 1995. I am of the hope that Mr. Lash will see the ability to get this back on track and it should be a complete GRANT. This will stop the problems that plague you and company. We are using the water as fast as we pump it out of the ground. Since there is no storage there is no extra and the people at the higher elevations go either out of water or have little pressure when high use hits. When the ground water is high in the wetter and colder months the system will work fine. When the hot months come the opposite takes place with out the storage!

There has been no help from DEP in this regard but can get very involved when a problem comes to fore! I am hopeful that the PUC will see what we have tried to do here and get us proper help!

If you have any questions or input we welcome your call. The phone number is (570) 472-3871. We thank you for your Patience!

Carl & Sandy

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MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

DOCUMENT
FOLDER

Scranton
C2005455

EXHIBIT
KS 2
K0 2-27-06

Washington Park Water and Sanitary Company

1199 Laurel Run Road
 Wilkes-Barre, PA 18702
 570 472 3871

Invoice

DATE	INVOICE #
2/1/06	9314

BILL TO
Kathleen Sylvester 17 Jeannie Dr, Wash. Park Tunkhannock, Pa. 18657

DESCRIPTION	AMOUNT
Prev Bal,	38.25
Water	16.55
Hose	3.00
Sewer	18.45
Sur Chg	0.25
DOCUMENT FOLDER	
RECEIVED	
MAR 7 2006	
PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU	
005 % 30 Days	Total \$76.50

C20053455
 Scranton

EXHIBIT
KS 3
 Ko 2-27-06

PENNSA 800-651-6988

October 17, 2005

To Whom It May Concern:

I have lived in Washington Park since 9.1993. There has been a water problem since I moved here. We're constantly told to conserve. We do our best. We pay for a hose we can't use. I have called Mr. Kresge at least once a week, sometimes twice, sometimes three times concerning the water pressure since May, 2005. I was told it was due to the lack of rainfall, others were told it was because the pump was broken. Everyone is told a different story. I will explain to you what happened this last weekend.

I called Mr. Kresge in the a.m. of Saturday, October 15, 2005 and told him I had severely low water pressure. He went on the explain that it was just me, Donald Clamser and Mrs. Weller that were having problems. I was having low water pressure because I'm the highest in the Park. He went on and on about how his father did this for a living and he has been doing this since he's 10 yrs. Old. (I don't care!) He asked what I expected him to do. **FIX IT!!** No one has called him all summer so how could he fix the problem. (remember I said I called at least once a week). He said he would send someone down right away. I was shocked, within a 1/2 hour a gentleman named Tony showed up and said he thought something must have been shut off leading to my house. He tested my water, Mrs. Weller's water, Ms. Madill's water and the vacant house that is for sale (that is currently owned by Kintner Modular Homes). All of us had low water pressure so it wasn't just my problem. Tony said he was going to check the wells up on Washington Park Rd in the Teepee. He came back an hour or so later and informed us that the second well wasn't hooked up and that he just hooked it up but it would take at least 24 hrs for it too fill. OK. Then he went to check the third tank which is by the sewer. That pump was also broken. OK. He said the replacement would either be here Sunday or Monday but we still had the two tanks from the Teepee. OK.

By Sunday I had NO WATER. I called and called Mr. Kresge. He said that I hadn't called him at all. I tried all numbers. Finally someone gave me his cell phone number about 4:00 p.m. Sunday 10.16.05. After calling that number numerous times he answered and said this was the first he'd heard of the problem. Mr. Kresge stated that no one had called him all summer. That Mr. Clamser and I were the only one's complaining. I was shocked. The neighbors had been calling me all weekend and they ALL said they had called him and there was no answer. He said he thought it was funny that everyone would call me and not him. I explained that I had called the day before. He said he was in Bear Creek and on his way. OK. I waited at the Teepee for over an hour and then kept checking up there and I never saw Mr. Kresge.

I called the Washington Park Township supervisors and Jeff Kintner and left messages. I had people calling me all afternoon on the 16th and some were telling me they were afraid of Mr. Kresge, some told me they had called all summer and were sick of calling, some said they had called all weekend and there wasn't even an answering machine, (which I later learned was filled with messages from the people of Washington Park and

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SECRETARY'S BUREAU

MAR 7 2006

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Scranton
C20055455
EXHIBIT
KS 4
KO 2-27-06

that is why there was no answering machine) some said they called Mr. Kresge and he stated he "didn't know there was a problem".

I did everything I was told. I didn't water the lawn, I didn't water the flowers (that I paid a fortune for). Oh don't get me wrong Mr. Kresge said we could water as long as we stood there holding the hose between 6-8 a.m or 6-8 p.m. Well I am sorry I am getting ready for work at that time in the a.m. and by the time I got home the pressure was so low that I had a choice of either washing myself and the dishes or the flowers. I am sorry I opted for us and the dishes.

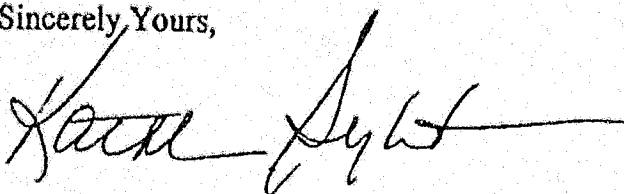
Now I will give you notice ahead of time because this is how it goes every year. Mr. Kresge pulls this every summer. Whether we get rain or not. Then we all complain, we call the township or the PUC. Mr. Kresge gets mad. Puts all three wells back on line and for punishment he will shut one or two pumps down for Thanksgiving so we don't have enough water to do the dishes after eating with our families. Guaranteed!!!!!!! He will do this again this year. He's already threatened people that if they go to the PUC they will pay.

I could go on and on and on. It's never ending what we go through here for our water just as his lies are never ending. I would truly appreciate some help here. We are all in the same boat. We are all begging for this situation to be resolved. There is no sense in calling Mr. Kresge anymore because I am sick of hearing his stories. I will call the township EVERY TIME I HAVE A PROBLEM, which is at least once a week. I hope this will help fix the problem and if there is anything else I can do just let me know.

I am also enclosing what it cost me for water this weekend. Just this weekend. I have to purchase water every week in order to live here. This confuses me because I wonder what I'm paying Mr. Kresge for. I have also enclosed the last water bill. I am debating on sending the check or deducting the money that it cost me for water.

I thank you very much for taking the time to read this letter. If you need more information please feel free to contact me and if you need me to contact you every time this goes on just let me know.

Sincerely Yours,



Kathleen Sylvester
17 Jeanne Drive
Tunkhannock, PA 18657
570.836.8622 (home)
570.332.1134 (cell)
570.836.4776 (work)

Washington Township
Wyoming County

184 Keiserville Road
Tunkhannock, PA 18657

(570) 836-1199 voice
(570) 836-0966 Fax

October 17, 2005

Washington Park Residents:

RE Water & Sewer Service

Dear Resident

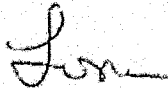
**DOCUMENT
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The Supervisors of Washington Township have received several calls in regards to the poor water pressure and or lack of water. We have been in contact with the P U C. Public Utility Commission. The PUC led me to believe that the W P Water and Sanitary Company has relayed to them that there is not a problem. My phone log speaks differently, therefore I am forwarding the forms to those who have contacted the office. Enclosed is the "Official Complaint form" from the PUC. Each person can fill one out and return it to the PUC. The more complaints that they get will help to rectify the current situation. If you know of someone else who is having problems and would like a form, have them contact the office 836-1199 or the PUC directly. (717) 772-1203. They will need all complaints to be on these forms.

The Supervisors along with the Emergency Management agency, DEP and others have been actively working on a resolution to the problems and issues with this treatment plant. Mr. Kresge is aware of the concerns and addressing them as he sees the need.

Should you have any questions or concerns please do not hesitate to contact the office, (570) 836-1199.

Sincerely



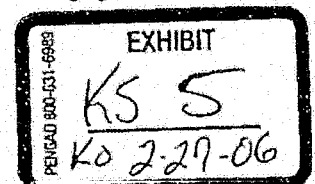
Lora Seidel, Secretary

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MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

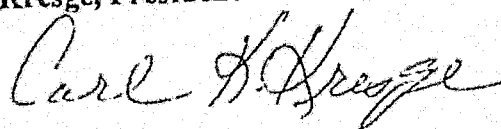


THIS MESSAGE IS FOR YOUR INFORMATION
water as possible! Hoses would be permissible from 6:00 AM to 8:00 PM if the hose is hand held, so you can save your garden and new grass.

Sprinklers are wasteful, and really not allowed by the PUC and the tariff the company has on file with the commission. If we all could help in this matter we may be able to help the folks in the higher spots in the park to have water and better pressure. The company at this time will not police this, and relies on all the residents to help in this warm time!

I appreciate your time to read this message, and thank You for your cooperation in this regard! Thanks again!

Carl K. Kresge, President



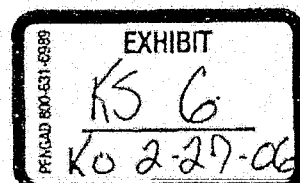
DOCUMENT
FOLDER

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MAR 7 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Scranton
C20053455



DESCRIPTION	AMOUNT
Water	16.55
Hose	3.00
Sewer	18.45
Sur Chg	0.25
<i> Bal 3825 CR 2362 7.25.05 </i>	
005 % 30 Days	Total 538.25