

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20055455
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/19/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SYLVESTER, KATHLEEN

RESPONDENT/APPLICANT: W.P. SANITARY CO.

COMP/APP COUNTY: WYOMING

UTILITY CODE: 230550

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE IS A RELIABILITY, SAFETY OR QUALITY PROBLEM WITH HER UTILITY SERVICE.

DOCKETED

OCT 19 2005

DOCUMENT
INDEX

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20055455

ORIGINAL

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name KATHLEEN SYLVESTER

Street/P.O. Box 17 JEANNE DRIVE Apt# _____

City TUNKHANNOCK State PA Zip 18657

County Wyoming

Area Code/HOME Phone 570.836.8622

Area Code/WORK Phone 570.836.4776

Utility Account Number _____
(from your bill)

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. UTILITY NAME (RESPONDENT)

W.P. Sanitary Co. WATER &
WASHINGTON PARK SANITARY
Comp

Name of utility company your complaint concerns:

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE
(local, long distance)

RECEIVED
05 OCT 19 AM 8:51
PA.P.U. BUREAU
SECRETARY'S OFFICE

You do not need to contact the company if your complaint is against a proposed utility rate increase or if you are not a residential service account customer. You do not need to contact the company again if you are filing an appeal from a Bureau of Consumer Services (BCS) determination on an informal complaint.

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

8. **You must sign your complaint.**

In Section Eight (8) of the formal complaint, you must print or type your name in the space provided in the verification paragraph and you must sign and date your formal complaint form on the lines in this Section. If you do not sign the formal complaint form the Commission will not accept it.

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

If your complaint is about your residential service, you do not need a lawyer. You may represent yourself at the hearing. If naming a lawyer, please make sure the lawyer is aware of your complaint and is representing you in this matter. If you have a lawyer representing you in this matter, you and your lawyer must be present at your hearing.

The Commission requires corporations, associations, partnerships and political subdivisions to have a lawyer at hearing and to file any motions, answers, briefs or other legal pleadings.

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

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Keep a copy of your complaint for your records.

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

5. What do you want the Public Utility Commission to do about your complaint?

Some examples of relief that you might request are:

"I want the PUC to order the company to give me a payment agreement where I will pay my budget amount plus \$50.00 each month until my balance is paid in full."

"I want the PUC to order the company to fix the water leak at the corner of Main and First Streets."

NOTE: The PUC can decide that a customer was over billed and can order billing refunds. The PUC can also fine a company for not providing the level of service required by law. You may also file a formal complaint to seek a refund for an over billing or to request that the company be ordered to correct a physical problem with your service.

However, if you want money for injuries or damages to your property, you should file a complaint with your local district justice or the local court of common pleas. Under state law, the PUC cannot decide whether or not companies should pay customers' damage claims.

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

Answer this question by checking "yes" or "no". You are required to answer this question **ONLY** if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement. The Commission needs this information to determine how to process your complaint.

7. Have you spoken to a representative from the utility company about your complaint?

Answer by checking "yes" or "no".

Check "yes" if you are appealing from a BCS determination.

You are required to speak to a company representative about your problem before you file a complaint **ONLY** if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement. If your complaint is about other utility service (telephone service, steam heat or waste water) it is recommended that you call the utility about your problem first, but it is not required.

If you check "no" and your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility and your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement, the Commission cannot accept your complaint and you will be directed to speak to a company representative about your problem before the Commission can accept a complaint from you regarding the same problem.

Pennsylvania Public Utility Commission Formal Complaint Form Instructions

These instructions will help you fill out each section of the complaint form. Please print or type your answers. Make sure you sign the form and mail it to the address shown in Section 10. Facsimiles and/or electronic filings of the complaint form will not be accepted.

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

Print or type your name, mailing address (this must be the address where you receive your mail), county, phone number, utility account number and service address. Complete the next section if your mailing address is different from the address where you receive utility service. If more than one person is filing the formal complaint, use the name, address, phone number and utility account number of the person who will speak for the group. Also, print "et al." after the name. Attach a sheet of paper with the name, address and signature of any others who are part of the formal complaint.

If the Commission schedules a telephone hearing and we are unable to reach you at your home telephone number, the Commission will call you at work if you list a work telephone number.

2. Name of utility company your complaint concerns.

Print the name of the utility company that is the subject of your complaint. This is usually the company that bills you for service. The name of your company is located on your bill.

3. Type of utility.

Check the type of utility service listed in Section Three (3) of the form.

4. What is your complaint?

A. What kind of problem are you having with the company? Check the box that most accurately describes your complaint. For example, are you filing a complaint about a proposed rate increase? Does your problem involve incorrect charges on your bill? A physical problem with the utility service itself? Did you receive a termination of service notice? Do you want to make a payment agreement?

B. State the facts of your complaint. Try to be "to the point" when describing your complaint. Include any specific dates, times or places that are important to understanding your complaint. If the complaint is about a bill, tell us about any charges you believe are not correct.

4. COMPLAINT (check one)

- A. In general, what is your complaint?
- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.
(explain)

B. State the facts of your complaint.

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

All attached

5. RELIEF

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

I would like you to TAKE THIS WATER & SANITARY COMPANY AWAY FROM MR & MRS. KRESGE AND FIX IT OR SELL IT TO SOMEONE WHO WILL MAINTAIN, UPGRADE AND GIVE US WATER.

6. PROTECTION FROM ABUSE

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

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

YES

NO

7. PRIOR UTILITY CONTACT

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

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

YES

(includes appeals of BCS determinations)

NO

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

8. VERIFICATION AND SIGNATURE

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

Verification:

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

Kathleen Sylvester
(Signature)

10.17.05
(Date)

9. LEGAL REPRESENTATION (IF ANY)

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

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

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

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

Keep a copy of your complaint for your records.

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 to 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 ½ 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 to 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

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.

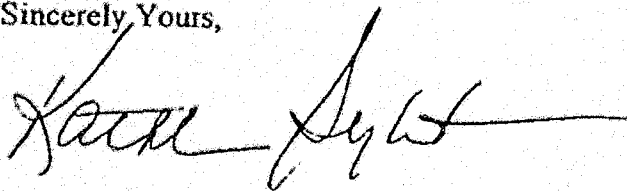
Now I will give you notice ahead of time because this is how it goes every year. Mr. Kresge pulls this every summer. Whether we get rain or not. Then we all complain, we call the township or the PUC. Mr. Kresge gets mad. Puts all three wells back on line and for punishment he will shut one or two pumps 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)

WAL*MART
ALWAYS LOW PRICES.

Always

WE SELL FOR LESS
MANAGER TRINNY HOFFMAN
(570) 836 - 8064

ST# 2024 OP# 00000985 TE# 11 TR# 05273
GV WATER 007874235192 F 0.64 N
GV WATER 007874235192 F 0.64 N
GV WATER 007874235192 F 0.64 N
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GV WATER 007874235192 F 0.64 N
GV WATER 007874235192 F 0.64 N
GV WATER 007874235192 F 0.64 N
SUBTOTAL 6.40
TOTAL 6.40
CASH TEND 20.40
CHANGE DUE 14.00

ITEMS SOLD 10

TC# 4979 7356 6082 0762 8617



Wal-Mart will award over \$8 million in
Safe Neighborhood Hero grants in Oct.
10/16/05 17:54:47

Locally Owned & Operated
Thomas'
FAMILY MARKETS

Tlaga West Shopping Center
Tunkhannock, PA 18657
570-996-0202

10/16/2005 TERM 1 6:09:51 PM

HELLO, MY NAME IS CHRISTINE

SMART WATER 750 1 @ 5.49 5.49 F
SMART WATER 750 1 @ 5.49 5.49 F
SMART WATER 750 1 @ 5.49 5.49 F

SUBTOTAL 3 16.47

TAX 0.00

TOTAL 16.47

DUE=> 16.47

*CASH# 17.00

CHANGE DUE 0.53

THANK YOU! WE APPRECIATE YOUR BUSINESS

STORE MANAGER- JACK DELAY

10/16/2005 CHRISTINE 5:10:14 PM

Washington Park Water and Sanitary Company

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

Invoice

DATE	INVOICE #
10/1/05	8760

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

DESCRIPTION	AMOUNT
Water	16.
Hose	3.
Sewer	18.
Sur Chg	0.
<i>pd 38 25 CR 2409 10-14-05</i>	
005 % 30 Days	
Total	\$38.2

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

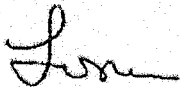
Dear Resident:

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

enc

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

DATE SERVED: OCTOBER 20, 2005

C-20055455

W. P. SANITARY COMPANY
1199 LAUREL RUN ROAD
WILKES-BARRE PA 18702

DOCUMENT
01 05

Dear Sir/Madam:

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

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

CUSTOMER OF A UTILITY

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

COMPANY/UTILITY

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

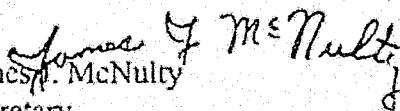
OCTOBER 20, 2005

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

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

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

Very truly yours,


James F. McNulty
Secretary

JHH

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: OCTOBER 20, 2005

KATHLEEN SYLVESTER
Complainant

VS.

W. P. SANITARY COMPANY
Respondent

Complaint Docket
No: C-20055455

DOCUMENTED
DOCKETED
OCT 19 2005

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: W. P. SANITARY COMPANY

TAKE NOTICE:

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

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

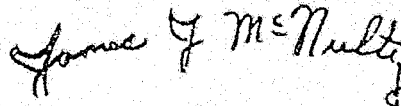
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa.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

prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

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

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

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



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

ORIGINAL

Washington Park Water Company
1199 Laurel Run Road
Wilkes-Barre, Pa. 18702
Phone (570) 472-3871 Fax 472-9501
November 03, 2005

RECEIVED

NOV 04 2005

To: Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Formal complaints # C-20055455 and #C-20055453/ Both Mrs. Kathleen Sylvester.
Registered certified mail # 7005 1160 0002 6957 3637 Date 11-04-05

Dear Sir or Madam:

Mrs. Sylvester has called here to this office two times this summer in the company log, and once to me on the cell phone. She has stated in her letter that she has called at least once a week is a total fabrication on her part as the log does not show it! We have my wife at the office throughout most of the day. We have an answering machine on, if she is not, and I always return sensible calls. Mr. Clamser, her brother has called this office and left messages one of which I have saved on tape and have played for Mr. Fredrick of the PUC at his last visit to my site. That was a call that was unfair but I was there working to get all back on the track again even in the face of this stupidity! When I try to tell her of the company regulations she misconstrues it all out of context, (the hose permit). She evidently wants to use a sprinkler that is clearly not allowed in the company tariff, as the time frame for the hand held hose has her getting ready for work. I find that is not a good idea to try to tell her what I am trying to do. She takes that as argument and I don't mean to imply an argument. Mr. Clamser does the same thing.

This area of the State was the driest I have seen in all my years of this type of work. She is right, as I have worked since I have been 10 years old with my father. This however does not say I know everything there is to know about this service. I feel it gives me an edge as all calls to my office are of the nature of no water from a person who has a well that is not working! I have men and have an emergency plan in effect that will let my men function even in my absence! She mentions that she is the highest elevation in Washington Park and this is not true! The apartment complex of Mr. Dodge is the highest at 1080 feet above sea level and his second floor apartments at least 10 feet higher! She is at 1060 feet above sea level according to USGS maps. He congratulated me for keeping pressure up to all of his apartments except for the well failure of Saturday 15, 2005 for the summer. I started with the letter in 1st of July bill as I could see what was happening, explaining that dry conditions were demanding us to conserve water. On 10-05-05 we replaced pump #2 for the reason it was drawing high amperage and we had come through that summer and all three wells are way down in yield, so we installed a new pump #77

BTL

DOCUMENT
FOLDER

56

feet deep at well #2. Mrs. Ianuzzo and Todd from DEP were there when we were changing the unit and were happy that we were on top of the situation before anything happened!! I am not an absentee Landlord as Mrs. Sylvester tries to imply! I don't mean to brag, but what would have happened if we had not replaced the pump in well #2 and the 3rd well went down? After that pump was replaced the third well went down on the Saturday 15, 2005. I moved the lift truck in on Sunday and pulled that pump Monday 17th 2005. I had a new 5 hp pump on hand as it was installed 11/11/04 and was under guarantee! The unit was not needed as the wires were burned off at 336 feet. This was put back on line by 1:30 PM that day. How can this complaint have any meaning when she thinks I turn the water pumps off and on at my whim to take revenge so to speak on her and others? This is absurd!

On Saturday when it went down my worker connected the pump we had just installed to run all weekend constantly. I put a new magnetic starter in well #2 on Monday as the men were fixing well #3. They got the pressure all the way up and put a new starter on well #3 also! Todd from DEP was there taking water tests through the park and found pressure and chlorine in the system even with all that was going on! He had mentioned that wasn't it good you replaced the deep pump last week or you would have been in a deeper problem! I did put a boil advisory on 3 TV stations, even though I had no knowledge for sure that the pressure went to zero! That was removed by two tests and notified on November 01 with their billing! I have tried to find a way to notify the customers of what really is happening and find most are not getting the information over TV. I have begun to use the bill as a message board and explain if the pressure is low they should watch the three channels. Sue and Todd from DEP brought this thought to me and we will see if it does a better job at getting the message out.

Mr. Dodge came to the pump house#1&2 while I was installing the new Magnetic starter on pump #2. He told me that was the first time that his tenants called him this year! He thanked me for telling what we had to do to get the system working and by the time he arrived it was back on! He had called me and he said the phone would not answer and Sandy was out, but I was at the Park from early morning fixing the problem. If these complaints were 100% true I would have had more calls in the log! Our policy all the time is to get on any poor pressure complaint, as it is easier to stay ahead when the mains are the only storage!

In 1993 we drilled the third well and proved that water quality and applied for a Pennvest Loan. That was funded in November 1994! The loan was never allowed to close and the job was never done, because the DEP made a lot of problems. That well has never been paid to Carl L. Kresge & Sons Inc. The 50,000 gallon storage tank and pump station was never built, and the meters were never installed! On this account the pressure and water are close to one and other and is being used as a person living from check to check with no savings! I had to fight the DEP to get an operations permit to leave that 3rd well on. Mr. Stan Brown from PUC had me turn that well on and DEP made me turn it off! This has to be where she says I turn the well off at will in her letter. This was in 1999 and that issue was resolved then and I

see no reason this be brought up all these years later as it is of no merit! After the DEP caused the problem they allowed me to draw the well installation as it existed and a permit was given. All I wanted to do was that since the dry spell of 1995! This took 6 years and it did not take that long to build it!

What Mrs. Sylvester says is only partly true and has most of the story backwards. She has spread this to many neighbors and when I have gone there and tested their pressure at their outside faucet to never find pressure down to 20 PSI. It is always 40 + PSI. I have always tried to stay on top of this as she had called and my men were almost there and got right to the last problem! The company is purchasing a water pressure chart to be able to find if the complaint is true, if the pressure is low, and at what times, and if the pressure problem is in their own home!

She explains that I will be turning off the pump for Thanksgiving. I have no idea what she is trying to do here! ALL PUMPS ARE ON LINE ALL THE TIME AND READINGS ARE TAKEN DAILY OF WATER PRODUCED! With all those homes using water for the holidays they may go down with the higher demand as we have NO STORAGE! Well #1 will yield 22GPM in the wetter part of the year, and at this time is able to do 12 GPM well #2 can yield 8GPM and is doing 8 GPM. Well #3 can do 30 GPM but I have to keep that at 11 GPM as DEP feels that is all that well will yield so that has to be throttled to 11 GPM. This does not give much lead way, for a quick demand could sack the line as the ground water is NOT BACK TO NORMAL YET even with all the rain we have just had! I assure you that I do not limit the pump run!

The Pennvest loan should have been finished here and this work needs to be done! This was shown to Mr. Lash from the PUC on 10-19-05.

Mr. Larry Lash from the PUC went over this with me and I have not received his report yet and I know he is in agreement with what has to be done! The reason the Pennvest job was not done was the DEP under Mr. Larry Pawlush had called to Pennvest and told them they were not getting their value for the Wilbar Loan # 30149 and the Washington Park loan was never closed and was taken away! If the Township supervisors and Emergency management people including local Senators and Representatives would look in here they would find a pile of room to help! I am not a political person, but if it would help I will do just that. It appears the customer uses that venue, but I have never had a call from the Senator or Representatives offices relaying their calls to this office. If Mrs. Sylvester counts the calls she makes to those offices this is unfair, as I cannot log those in! Mr. Dodge was happy with the way we went through this past difficult dry summer!

If Mrs. Sylvester is sick and tired of my stories she has not heard it yet because the messages she got are in this letter to you. If she spent as much time to try to contact people including us who have the keys to the system instead of trying to create the idea that I am an absentee land lord and am not to be trusted is really wrong as I will do anything possible to help these people. I have proved that in the

past. I can only act if she calls this office! I do not want to hear that I threaten people when I have her brother on tape that I have purposely not answered as it was nothing but a call to try to get me started!

If you will look in to the Tariff that is on file for the Washington Park Water Company you will find that the company is not held liable for equipment failure or drought conditions. The company has not sat back done nothing when we know these conditions were and are apparent! We have gone and spent money and drilled wells for the Pennvest loan and provided the best possible service in the face of MUCH OPOSITION!

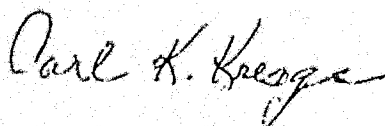
We are sorry that she has had such poor service and she has had to contact your office. There were 134 other customers that have not claimed that the service was so poor. Mr. Dodge and I thought we had done a great job at getting through last summer. We are sorry the company has no funds available to reimburse her for the water she had to buy.

This day finds us being there every day to stay ahead of her problems and will have the pressure recorder installed as soon as it comes.

If you have questions or concerns please don't hesitate to contact this office. We do answer the Phone, Fax & Mail. It is the source of my business!

P.S. Use regular mail when you can as our rural delivery takes the registered letters back to the post office as he won't even blow the horn to have us sign for it. We have to go to the Post office to pick them up and then the postman has them with him and it takes many attempts to finally get the letter!

Sincerely Yours,



Carl K. Kresge, President

THE LAW OFFICES OF
BORLAND & BORLAND, L.L.P.
11TH FLOOR
69 PUBLIC SQUARE
WILKES-BARRE, PENNSYLVANIA 18701-2597

KIMBERLY D. BORLAND
RUTH SLAMON BORLAND
DAVID P. TOMASZEWSKI
KIERAN M. CASEY

TELEPHONE (570) 822-3311

FAX (570) 822-0894

borlandk@borlaw.com
borlandr@borlaw.com
tomaski@borlaw.com
caseyk@borlaw.com

November 7, 2005

JAMES J McNULTY
SECRETARY
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265
HARRISBURG PA 17105-3265

RECEIVED

NOV 7 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

Re. W.P. Water Company v. Corey
Pries
Docket #C-20055452
W.P. Water Company v. Brian P.
DeGroot
Docket #C-20055451
W.P. Water Company v. James Holly
& Sandy Phillips
Docket #C-20055461
W.P. Water Company v. Leigh Powell
Docket #C-20055468
W.P. Water Company v. Joseph
Yakoski
Docket #C-20055460
W.P. Water Company
Docket #C-20055473
W.P. Water Company
Docket #C-20055472
W.P. Sanitary Company v. Kandl Jo
Madill
Docket #C-20055456
W.P. Sanitary Company v. Kathleen
Sylvester
Docket #C-20055455
W.P. Sanitary Company v. Kathleen
Sylvester
Docket #C-20055453
File #LK/57292

102

Dear Mr. McNulty:

By copy of this letter please enter my appearance on behalf of W.P. Water Company with regard to the above-referenced matters.

I am also requesting a 15 day extension in which to respond to these complaints as I just received them today, November 7, 2005.

Thank you for your consideration.

Very truly yours,


Kimberly D. Borland

KDB/jp

VIA OVERNIGHT MAIL
TRACKING #1Z F13 96R 22 1000 067 0

pc Carl Kresge

DOCUMENT
FOLDER

RECEIVED

NOV 07 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
DEC 08 2005



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
November 9, 2005

PLEASE DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055455

KIMBERLY D. BORLAND, ESQUIRE
BORLAND & BORLAND, L.L.P.
69 PUBLIC SQUARE, 11TH FLOOR
WILKES-BARRE, PA 18701-2597

DOCUMENT
FOLDER

Kathleen Sylvester v. W. P. Sanitary Company

NOTICE

Please be advised that your request for extension of time to file an answer on the above-captioned complaint has been granted.

An answer must be filed on or before November 28, 2005. Failure to submit an answer by that date may result in the scheduling of a hearing.

If you have any questions regarding this response, please contact the scheduling office at (717) 787-1399.

pc: Ms. Kathleen Sylvester
Mr. Bruce Bigelow, Mediator
Beth Plantz
Docket Section

DOCKETED
NOV 16 2005

THE LAW OFFICES OF
BORLAND & BORLAND, L.L.P.
11TH FLOOR
69 PUBLIC SQUARE
WILKES-BARRE, PENNSYLVANIA 18701-2597

KIMBERLY D. BORLAND
RUTH SLAMON BORLAND
DAVID P. TOMASZEWSKI
KIERAN M. CASEY

TELEPHONE (570) 822-3311

FAX (570) 822-9694

borlandk@borlaw.com
borlandr@borlaw.com
tzwowski@borlaw.com
caseyk@borlaw.com

November 21, 2005

JAMES J McNULTY
SECRETARY
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265
HARRISBURG PA 17105-3265

ORIGINAL

DOCUMENT
FOLDER

Re: W.P. Water Company v. Corey
Pries
Docket #C-20055452
W.P. Water Company v. Brian P.
DeGroot
Docket #C-20055451
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& Sandy Phillips
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W.P. Water Company v. Joseph
Yakoski
Docket #C-20055460
W.P. Water Company
Docket #C-20055473
W.P. Water Company
Docket #C-20055472
W.P. Sanitary Company v. Kandi Jo
Madill
Docket #C-20055456
W.P. Sanitary Company v. Kathleen
Sylvester
Docket #C-20055455
W.P. Sanitary Company v. Kathleen
Sylvester
Docket #C-20055453
File #LK/57292

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PA P.U.C.
SECRETARY'S BUREAU

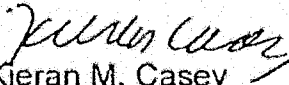
24

Dear Mr. McNulty:

Enclosed please find Respondents Answers to the above noted
Complaints.

Thank you for your consideration.

Sincerely,


Kieran M. Casey

KMC/jp
Enclosures

pc: Carl Kresge (w/encl.)
Cory Pries (w/enc.)
Brian DeGroot (w/encl.)
Kandi Jo Madill (w/encl.)
Kathleen Sylvester (w/encl.)
James Holly & Sandy Phillips (w/encl.)
William J. Finkler (w/encl.)
Lisa Higgins (w/encl.)
Leigh Powell (w/encl.)
Joseph Yakoski (w/encl.)

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FA P.U.C.
SECRETARY'S BUREAU

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2005 NOV 22 AM 9:14

PA P.U.C.
SECRETARY'S BUREAU

KATHLEEN SYLVESTER
Complainant

VS.

W.P. SANITARY COMPANY
Respondent

Complaint Docket
No C-20055455

Answer to FORMAL COMPLAINT FORM

ANSWER TO FORMAL COMPLAINT

1. CUSTOMER NAME (COMPLAINANT)

Admitted

2. UTILITY NAME (RESPONDENT)

Respondent's proper address is: W P. Water Company, 1199
Laurel Run, Rd., Wilkes-Barre, PA 18702

3. TYPE OF UTILITY

It is admitted that Respondent provides water and waste water
service to Complainant.

4. COMPLAINT

It is denied there is a reliability, safety or quality problem with the
utility service Respondent provides to Complainant.

4(b) FACTS OF THE COMPLAINT

Paragraph 1 – Respondent does not know how long Complainant
has lived in Washington Park. It is denied there have been
consistent service problems since 1993. It is disputed that
residents of Washington Park are constantly told to conserve.
Washington Park's water supply comes from three wells that are
operating at the park. As such, during particularly dry periods of
time, the water supply can be reduced, which can lead to reduced
water pressure for service recipients. The summer of 2005 was
particularly dry. As such, Respondent included a letter requesting
residents to conserve with the July 2005 billing. In this letter,
Respondent suggested times when residents might consider using
their hoses to do outside watering. It is denied Ms Sylvester called

Respondent on a weekly basis. It is denied Respondent's offered inconsistent explanations to service recipients regarding the reason for occasional poor water pressure.

Paragraph 2 and 3 – The second and third paragraphs of Complainant's attachment refer to Saturday and Sunday, the 15th and 16th of October 2005. As noted above, the water supply in Washington Park comes from three wells which are situated in the park. On October 5, 2005, the monitoring systems for well #2 indicated that it was functioning below acceptable capacity. As such, Respondent took pump two off line so that the motor and pump could be replaced. Respondent acted promptly to make the necessary repairs to well #2. By October 12, 2005, he had obtained a new motor and pump for this well. However, he had not received a new electric starter by that day. Respondent had hoped to wait to place well #2 back on line until he had obtained a new starter so that this well could function efficiently when made operational again. Accordingly, from October 5 through October 15, 2005, two wells were sufficiently supplying residents with water.

Respondent admits that Complainant called Carl Kresge to complain about poor water pressure on Saturday October 15th. Respondent did not indicate that Complainant was the only person having problems or suggest that he could not or would not address the Complainant's problem. Rather, Respondent indicated that that he had employees in the area doing general maintenance and would direct them to check on Complainant's problem. As the Complaint indicates, an employee of Respondent's soon arrived to check on Complainant's problem. Those employees soon discovered that well # 3 had shut down due to a mechanical failure. As such, the low water pressure Complainant experienced was a combination of a period of low precipitation and the fact that only one well was functioning on October 15th.

To remediate this problem, Respondent promptly directed that well #2 be brought back on line, despite the absence of a new electric starter.

Respondent acknowledges that he spoke to Complainant again on Sunday October 16, 2005. Any difficulty Complainant experienced in contacting Mr. Kresge on that day was due to an isolated problem with his answering machine. It is denied that Complainant had no water throughout the day of October 16. Respondent did receive some phone calls on October 16 regarding low pressure. He explained to each of these callers that the low pressure was due to a period of low precipitation and the well malfunction described

above. Mr Kresge explained that as well #2 was only recently placed back on line, the water pressure from that line would take approximately one day to build back up. On Monday, October 17, well # 3 was repaired and a new starter was placed on well #2. Accordingly, by the end of that day, all three wells were functioning efficiently.

Paragraph 4 – Respondent has no knowledge of the telephone calls Complainant made or the calls she received regarding this incident. Therefore, the allegations in paragraph 4 are denied.

Paragraph 5 – Respondent has no knowledge of the facts described in paragraph 5. Therefore, to the extent a reply is deemed necessary, these allegations are denied.

Paragraph 6 – It is denied Mr. Kresge has ever engaged in retaliatory conduct of any sort.

Paragraph 7 -9. Respondent has no knowledge of the facts described in these paragraphs. Therefore, to the extent a reply is deemed necessary, the allegations in these paragraphs are denied.

5

RELIEF

It is denied the current operators need to be removed

6

PROTECTION FROM ABUSE

N/A. Complainant's Complaint does not concern a billing problem, application for service problem, a termination of service problem, or a request for a payment agreement.

7

PRIOR UTILITY CONTACT

Admitted.

8

VERIFICATION AND SIGNATURE

8

VERIFICATION AND SIGNATURE

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

Carl K. Kresge
Signature

11-15-05
(Date)

9

LEGAL REPRESENTATION

Respondent is represented by Kimberly D. Borland, Esq. and Kieran Casey, Esq of Borland & Borland, L.L.P.
69 Public Square, Suite 1100
Wilkes-Barre, PA 18701

PENNSYLVANIA PUBLIC UTILITY COMMISSION

KATHLEEN SYLVESTER,
Complainant

VS.

W.P. SANITARY COMPANY
Respondent

Complaint Docket
No. C-20055455

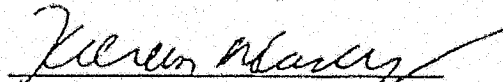
CERTIFICATE OF SERVICE

I, Kieran Casey, Esquire, hereby certify that I mailed a true and correct copy of Respondent's Formal Complaint to the following person at the following address:

KATHLEEN SYLVESTER
17 JEANNE DRIVE
TUNKHANNOCK PA 18657

By First Class Mail this 21st day of November, 2005.

Borland & Borland, L.L.P.


Kieran M. Casey, Esquire



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

IN REPLY PLEASE
REFER TO OUR FILE

November 30, 2005

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

SECRETARY'S BUREAU

2005 DEC - 1 AM 9:55

RECEIVED

Re: Brian P. DeGroot v. WP Water Co. C-20055451
Corey Pries v. WP Water Co. C-20055452
Kathleen Sylvester v. WP Water Co. C-20055453
Kandi Jo Madill v. WP Water Co. C-20055454
Joseph Yakoski v. WP Water Co. C-20055460
James Holly & Sandy Phillips v. WP Water Co. C-20055461
Leigh Powell v. WP Water Co. C-20055468
Lisa Higgins v. WP Water Co. C-20055472
William J. Finkler v. WP Water Co. C-20055473
Fred T. Riebeling v. WP Water Co. C-20055556
Kathleen Sylvester v. WP Sanitary Co. C-20055455
Kandi Jo Madill v. WP Sanitary Co. C-20055456
Fred T. Riebeling v. WP Sanitary Co. C-20055557

Dear Secretary McNulty:

Please find enclosed for filing an original and three copies of Law Bureau Prosecutory Staff's Notice of Intervention in the above-captioned proceeding. Copies have been served on the parties of record in accordance with the Certificate of Public Convenience.

Please contact me at (717) 787-6166, or at the address listed above, if you have any questions. Thank you for your attention to this matter.

Very truly yours,

Rhonda L. Daviston
Law Bureau Prosecutory Staff

cc: Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Brian P. DeGroot v. WP Water Co.	:	C-20055451
Corey Pries v. WP Water Co.	:	C-20055452
Kathleen Sylvester v. WP Water Co.	:	C-20055453
Kandi Jo Madill v. WP Water Co.	:	C-20055454
Joseph Yakoski v. WP Water Co.	:	C-20055460
James Holly & Sandy Phillips v. WP Water Co.	:	C-20055461
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William J. Finkler v. WP Water Co.	:	C-20055473
Fred T. Riebeling v. WP Water Co.	:	C-20055556
Kathleen Sylvester v. WP Sanitary Co.	:	C-20055455
Kandi Jo Madill v. WP Sanitary Co.	:	C-20055456
Fred T. Riebeling v. WP Sanitary Co.	:	C-20055557

DOCKETED
DEC 20 2005

DOCUMENT
FOLDER

NOTICE OF INTERVENTION

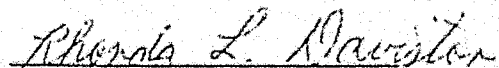
Pursuant to 52 Pa. Code § 5.71-76 and 66 Pa.C.S. § 332(h), Law Bureau Prosecutory Staff (LBPS) hereby gives Notice of Intervention in each of the above-captioned proceedings. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Rhonda L. Daviston
Assistant Counsel
P.O. box 3265
Harrisburg, PA 17105-3265
rdaviston@state.pa.us

On October 19, 20, 2005, and November 11, 2005, the above-captioned Complaints were filed by customers of WP Water Co. and WP Sanitary Co. The Complaints were filed as a result of a water outage as well as water pressure problems and sanitary problems.

By intervening in this proceeding, LBPS seeks to monitor this proceeding to ensure that the standards imposed upon WP Water Co. and WP Sanitary Co. are in compliance with the Respondents' duty to provide safe, adequate, and reasonably continuous service pursuant to 66 Pa. C.S. §1501 of the Public Utility Code, the Commission's regulations, and previous Commission orders.

Respectfully submitted,


Rhonda L. Daviston

Law Bureau Prosecutory Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: December 1, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of December, 2005, served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant).

FIRST CLASS MAIL

Kimberly D. Borland, Esquire
Kieran Casey, Esquire
Borland & Borland, LLP
69 Public Square, Suite 1100
Wilkes-Barre, PA 18701

Brian P. DeGroot
13 Rosemary Drive
Tunkhannock, PA 18657

Corey Pries
19 Rosemary Dr.
Tunkhannock, PA

James Holly and Sandy Phillips
3 Rosemary Drive
Tunkhannock, PA 18657

Kathleen Sylvester
17 Jeanne Drive
Tunkhannock, PA 18657

Leigh Powell
31 Morio Drive
Tunkhannock, PA 18657

Kandi Jo Madill
27 Morio Drive
Tunkhannock, PA 18657

Lisa Higgins
17 Karin Drive
Tunkhannock, PA 18657

Joseph Yakoski
7 Rosemary Drive
Tunkhannock, PA 18657

Fred T. Riebeling
13 Jeanne Drive
Tunkhannock, PA 18657

Rhonda L. Daviston
Rhonda L. Daviston
Assistant Counsel

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

December 1, 2005

SECRETARY'S BUREAU
PA PUC

2005 DEC -1 AM 9:56

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OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (In PA only)

IRWINA POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

January 4, 2006

ORIGINAL

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
P.O. Box 3265
Harrisburg, PA 17120

DOCUMENT
FOLDER

Re: Kathleen Sylvester
v.
WP Sanitary Company
Docket No. C-20055455

Dear Secretary McNulty:

Enclosed for filing please find an original and three (3) copies of the Notice of Intervention and Public Statement of the Office of Consumer Advocate in the above-referenced proceeding.

Sincerely yours,

Erin L. Gannon
Assistant Consumer Advocate

Enclosure

cc: Hon. Ember Jandebour, ALJ
Kimberly D. Borland, Esq.
Rhonda Daviston, PUC Law Bureau
Office of Trial Staff
Office of Small Business Advocate
Office of Special Assistants
Bureau of Fixed Utility Services

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2006 JAN 14 PM 3:51
SECRETARY'S BUREAU

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

KATHLEEN SYLVESTER

v.

Docket No. C-20055455

WASHINGTON PARK SANITARY CO.

DOCUMENT
FOLDER

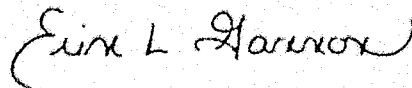
NOTICE OF INTERVENTION

Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following

Erin L. Gannon
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923

DOCKETED
JAN 27 2006

Respectfully submitted,



Erin L. Gannon
Assistant Consumer Advocate
Christine M. Hoover
Senior Assistant Consumer Advocate

DATED January 4, 2006

RECEIVED
2006 JAN 11 4 31 PM
PUBLIC UTILITIES BUREAU

PUBLIC STATEMENT
OF THE CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

DOCUMENT
FOLDER

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and participate in proceedings before the Commission involving Washington Park Sanitary Company (W.P. or Company).

The Consumer Advocate has intervened in this proceeding in order to investigate the Formal Complaint filed by Kathleen Sylvester concerning W.P.'s wastewater service, specifically relating to maintenance and condition of the collection system and treatment plant and customer service. As of the filing date of this Notice of Intervention, two (2) other W.P. customers have filed Formal Complaints expressing similar concerns about their wastewater service. The Consumer Advocate seeks to ensure that W.P. fulfills its obligation to provide safe, adequate, and reliable service to its customers pursuant to the Public Utility Code, 66 Pa.C.S. §1501. By its participation, the Consumer Advocate also seeks to ensure that adequate consideration is given to the concerns raised by Ms. Sylvester's complaint and that the interests of W.P.'s customers are fully protected.

Washington Park Sanitary Company provides service in portions of Kingston Township, Luzerne County and Washington Township, Wyoming County.