

OF CASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abdel El Battah

v.

Pennsylvania-America Water Company

C-20055478

DOCUMENT
FOLDER

SECRETARY'S BUREAU

2005 DEC 19 AM 8:35

RECEIVED

DOCKETED
DEC 27 2005

PREHEARING ORDER

An Initial Telephonic Hearing in this case is scheduled for Wednesday, February 1, 2006, at 2:30 pm. You must be available when contacted by the presiding officer or your case will be dismissed. If you will be at a telephone number that is different than the number listed on the Complaint, you must notify me of that telephone number at least five (5) business days before the hearing.

The parties are directed to comply with the following requirements:

1. If you intend to present any documents for my consideration, you must send one copy to the other party and THREE copies to me one week before the hearing
2. If you are an individual, you may either represent yourself or have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall comply with the Commission's appearance requirements. 52 Pa. Code § 1.24(b).

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). The requesting party must contact the other party to determine whether there is agreement to the change prior to contacting the presiding officer. Requests for changes of initial hearings must be sent to me with copies to all parties of record. The correct address is: Administrative Law Judge Susan D. Colwell, Office of Administrative Law Judge, P.O. Box 3265, Harrisburg PA 17105-3265. *Changes are granted only in rare situations where sufficient cause exists.*

5. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

6. This hearing is a formal proceeding and will be conducted in accordance with the Commission's rules of practice and procedure. 52 Pa. Code Chapters 1, 3 and 5.

7. **Commission policy is to encourage settlements. 52 Pa. Code § 5.231(a). Because it appears that this Complaint could be satisfied, you are encouraged to discuss informally between yourselves the possible settlement of this case as soon as possible but no later than at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.**

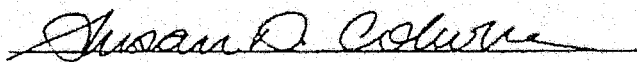
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code § 5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

9. Complainant bears the burden of proving his allegations and must do so with testimony and/or documentary evidence.

10. **COMPLAINANT IS RESPONSIBLE FOR PAYMENT OF BILLS FOR USAGE INCURRED PENDING THE RESOLUTION OF THIS COMPLAINT.**

11. Utility must prepare a report of customer contacts regarding the allegations of this Complaint.

Dated: December 15, 2005



SUSAN D. COLWELL
Administrative Law Judge



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

PLEASE DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

January 3, 2006

Abdel El Battah
670 Tioga Avenue
Kingston PA 18704

Seth A. Mendelsohn, Esquire
Pennsylvania-American Water Company
800 West Hershey Park Drive
P.O. Box 888
Hershey PA 17033-0888

RE: Abdel El Battah v. PA-American Water Company
PUC Docket No. C-20055478

Dear Mr. Battah and Mr. Mendelsohn:

The Prehearing Order issued in the above-captioned case indicates the wrong time for the initial telephonic hearing. The time listed on the Telephone Hearing Notice is correct. The hearing is scheduled as follows:

Wednesday, February 1, 2006
10:00 am

My apologies for any confusion that this may have caused.

Signed,

Susan D. Colwell
Administrative Law Judge

Cc: official file



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

PLEASE DOCKET

IN REPLY PLEASE
REFER TO OUR FILE

January 25, 2006

Seth A. Mendelsohn, Esquire
Pennsylvania-American Water Company
800 West Hershey Park Drive
P.O. Box 888
Hershey PA 17033-0888

RE: Abdel El Battah v. PA-American Water Company
PUC Docket No. C-20055478

Dear Mr. Mendelsohn:

This letter is in response to your letter dated January 25, 2006, received by fax today in which you request a continuance.

Please note that paragraph 3 of the prehearing order issued in this matter requires a party requesting a continuance to contact the opposing party before contacting the presiding officer. I want to know whether Mr. El Battah agrees or opposes your request before I consider it.

Please contact Mr. El Battah and determine if he agrees with your request or opposes it. Then let me know.

Signed,

Susan D. Colwell
Administrative Law Judge

Cc: Abdel El Battah
Official file

January 25, 2006

RECEIVED

JAN 27 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**VIA FAX AND OVERNIGHT DELIVERY**

The Honorable Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

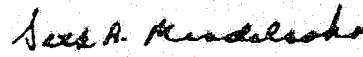
Re: Abdel El Battah v. Pennsylvania-American Water Company
Docket No. C-20055478

Dear Judge Colwell:

Pennsylvania American Water Company (PAWC) respectfully requests a continuance of the February 1, 2006 Initial Telephone Hearing in the above-captioned matter. Complainant concurs with this request. The request is based upon two primary reasons. First, PAWC is awaiting for discovery responses from Complainant that directly affect the issues raised in this matter. He has advised PAWC that he is gathering the requested information and will forward to PAWC as soon as possible though most likely not before the hearing. PAWC needs time to review the information. Second, the parties, while discussing the outstanding discovery requests, engaged in settlement negotiations. At this time, it is too early to tell whether a settlement will be reached; however, both sides are talking in a productive manner and discussing solutions outside of the need for litigation.

Accordingly, PAWC respectfully requests that the February 1, 2006 hearing be continued for thirty (30) days to allow for Complainant to comply with the outstanding discovery requests and to see whether the parties are able to settle this matter without the need for a hearing.

Respectfully submitted,


Seth A. Mendelsohn

Pennsylvania American Water

Seth A. Mendelsohn
Corporate Counsel
800 West Hersheypark Drive
Hershey, PA 17033 USA

T 717 531-3362
F 717 531-3252
E seth.mendelsohn@amwater.com
I www.pawc.com

cc: Abdel El Battah



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 26, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055478

(SEE LETTER DATED 12/13/05)

Abdel El Battah v. Pennsylvania-American Water Company

Meter Dispute

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Telephonic Hearing on the above-captioned case previously scheduled for Wednesday, February 1, 2006, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Telephonic Hearing
Date: Wednesday, March 1, 2006
Time: 10:00 a.m.
Presiding: Administrative Law Judge Susan D. Colwell
PO Box 3265
Harrisburg, PA 17105-3265
Telephone: 717.783.5452
Fax: 717.787.0481

DOCKETED
FEB 01 2006

Please mark your records accordingly.

**DOCUMENT
FOLDER**

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

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

Abdel El Battah	570-239-5089
Seth A. Mendelsohn, Esquire	717-533-5000

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

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

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

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

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

pc: Judge Colwell
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

VIA FAX AND MAIL

2-20-06

THE HONORABLE SUSAN D. COLWELL
ADMINISTRATIVE LAW JUDGE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG PA 17120

REF: DOCKET # C-20055478

DEAR JUDGE COLWELL:

ENCLOSED PLEASE FIND THREE COPIES OF MY ANSWERS
TO ATTORNEY MR. MENDELSON. TWO PAGES TOTAL
ONE PAGE ANSWERS AND SECOND PAGE MARKED EXHIBIT "A".
PLEASE NOTE TO CHANGE TELEPHONE NUMBER FOR
THE HEARING. NEW NUMBER IS 570-288-7766
THANK YOU,

DOCUMENT
FOLDER

RECEIVED

FEB 23 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RESPECTFULLY SUBMITTED,

Abdel Elbattah

ABDEL ELBATTAH

670 TIoga Ave.

KINGSTON PA 18704

570-288-7766 HOME

570-239-5089 cell

C: ATTORNEY MENDELSON

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

ABDEL EL BATTAH / COMPLAINANT

V

PENNSYLVANIA - AMERICAN WATER CO. /

FEB 23 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
RESPONDENT
DOCKET # C-20055478

DOCUMENT
FOLDER

ANSWERS

DOCKETED
JAN 12 2007

- 1- NO WITNESS AT THIS TIME.
- 2- NAME IS BOB GOLDEN
SERVICE TECHNICIAN - PA WATER CO.
WILKES-BARRE FIELD OFFICE
1-800-565-7292
- 3- MY COMPLAINT IS SUBJECT TO THE PROVISIONS
OF 66 PA. CS. § 1529.1 WHICH REFER TO
THE DUTY OF OWNER OF RESIDENTIAL OR MOBILE
HOME PARK WHICH CONTAIN^{ONE OR MORE} NOT INDIVIDUALLY METERED
UNITS. MY UNITS ARE INDIVIDUALLY METERED.
- 4- AS OF JULY 3RD 2005.
- 5- PLEASE REFER TO EXHIBIT "A" ATTACHED.
- 6- PLEASE SEE 052 PA. CODE 65.7 a, b, c, d AND 18.1 PUC#4
- 7- YES,
- 8- VERBAL \$3500⁰⁰ TO \$4000⁰⁰.
- 9- BECAUSE WE HAVE AN EXISTING INDEPENDENT SERVICE
WATER LINE ON THE PROPERTY.

SUBMITTED RESPECTFULLY
Abdel Elbattah 2-20-06

ALL the following described piece or parcel of land situate in Kingston Borough, Luzerne County, Pennsylvania, bounded and described as follows, to wit:

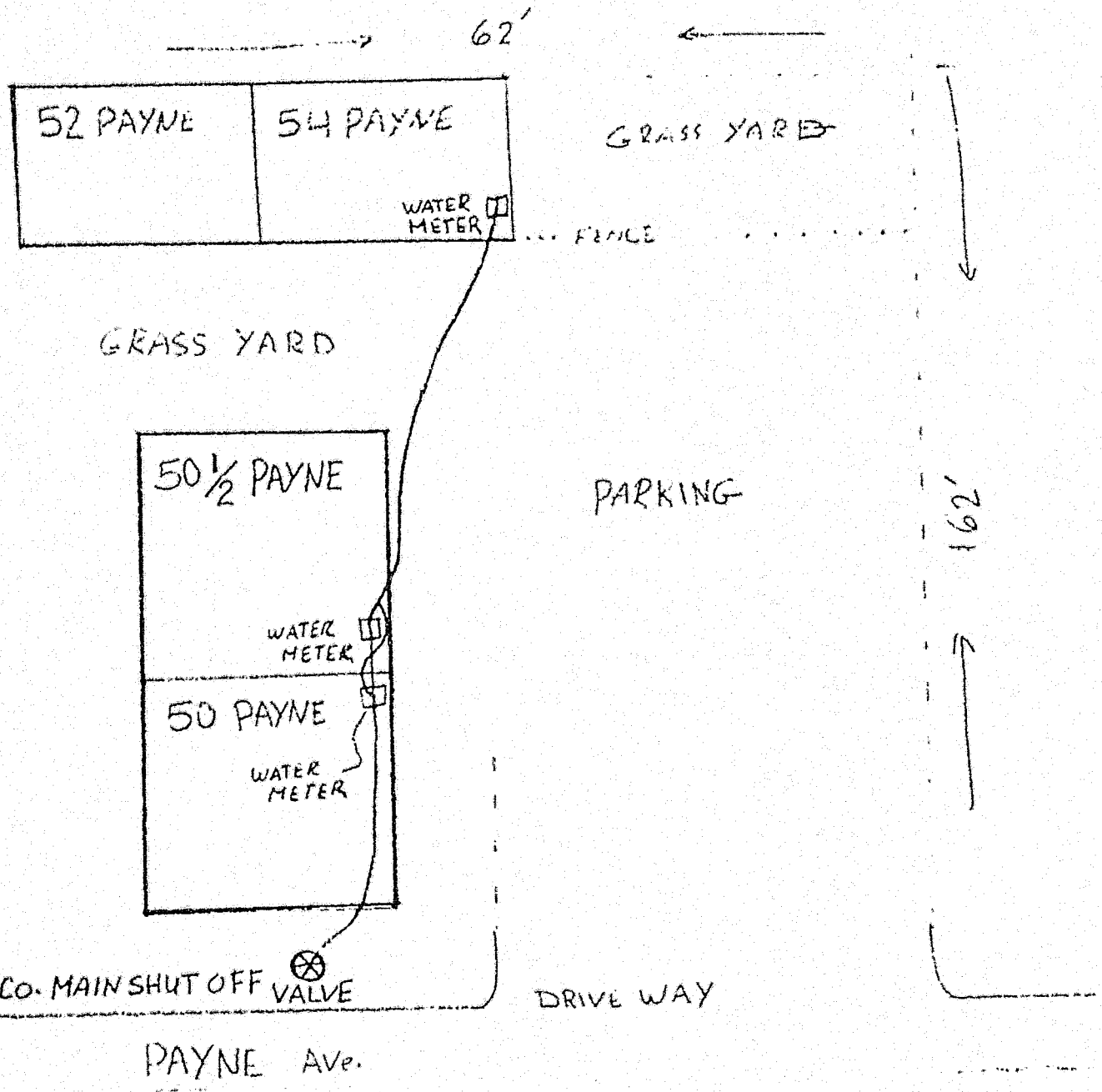
BEGINNING at a corner on Payne Street in line of land now or late of G.W. Poole; THENCE North thirty-four and one-half (34 1/2) degrees West, one hundred sixty-two (162) feet to a corner in line of land now or late of A. Sker; THENCE North fifty-five and one half (55 1/2) degrees East, sixty-two (62) feet to a corner, THENCE South thirty-four and one-half (34 1/2) degrees East, one hundred sixty-two

(162) feet to a corner in line of said Payne Street;

THENCE by said Payne Street South fifty five and one-half (55 1/2) degrees West, sixty-two (62) feet to the place of beginning

Improved upon thereon by Residential Dwelling known as 50-50 1/2, 52-54 PAYNE AVENUE, KINGSTON, PA 18704

TITLE TO SAID PREMISES IS VESTED IN Barbara Stone, Unmarried by Deed from Ray F Nickerson, Jr. and Melanie F Nickerson. Said deed dated on 06/27/2000 and recorded on 06/28/2000 in Deed book 2725 at Page 960 Pin No. # G9SW3 B002 L014



⊗ MAIN SHUT OFF AND WATER LINE SERVING ALL UNITS 50-50 1/2 AND 54

EXHIBIT 'A'
N.T.S

2-20-06

VIA FAX AND MAIL

Mr. SETH MENDELSON, ESQUIRE
800 WEST HERSHEY PARK DRIVE
HERSHEY, PA 17033

REF: ABDEL ELBATTAH
V.

PA - AMERICAN WATER CO.
DOCKET # C-20055478

DEAR ATTORNEY MENDELSON :

ENCLOSED PLEASE FIND TWO COPIES OF MY RESPONSE
TO YOUR QUESTIONS. TWO PAGES ATTACHED ONE
PAGE THE ANSWERS AND 2ND PAGE EXHIBIT "A".

I SHALL FAX AND SEND THREE COPIES TO THE
HONORABLE JUDGE SUSAN D. COWELL.

PLEASE NOTE CHANGE IN TELEPHONE NUMBER FOR THE
UPCOMING HEARING.

570-288-7766 MY HOME TO REPLACE CELL 570-239-5089

IF YOU HAVE ANY QUESTIONS, PLEASE CALL.

RESPECTFULLY,

Abdel Elbattah

ABDEL ELBATTAH

670 TIoga Ave.
KINGSTON PA 18704

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ABDEL EL BATTAH / COMPLAINANT

V

PENNSYLVANIA - AMERICAN WATER CO. / RESPONDENT
DOCKET # C-20055478

ANSWERS

- 1- NO WITNESS AT THIS TIME.
- 2- NAME IS BOB GOLDEN
SERVICE TECHNICIAN - PA WATER CO.
WILKES-BARRE FIELD OFFICE
1-800-565-7292
- 3- MY COMPLAINT IS SUBJECT TO THE PROVISIONS
OF 66 PA. CS. § 1529.1 WHICH REFER TO
THE DUTY OF OWNER OF RESIDENTIAL OR MOBILE
HOME PARK WHICH CONTAIN^{ONE OR MORE} NOT INDIVIDUALLY METERED
UNITS. MY UNITS ARE INDIVIDUALLY METERED.
- 4- AS OF JULY 3RD 2005.
- 5- PLEASE REFER TO EXHIBIT "A" ATTACHED.
- 6- PLEASE SEE 052 PA. CODE 65.7 a, b, c, d AND 18.1 PUC#4
- 7- YES.
- 8- VERBAL \$3500⁰⁰ TO \$4000⁰⁰.
- 9- BECAUSE WE HAVE AN EXISTING INDEPENDENT SERVICE
WATER LINE ON THE PROPERTY.

SUBMITTED RESPECTFULLY
Abdel Elbattah 2-20-06

ALL the following described piece or parcel of land situate in Kingston Borough, Luzerne County, Pennsylvania, bounded and described as follows to wit:

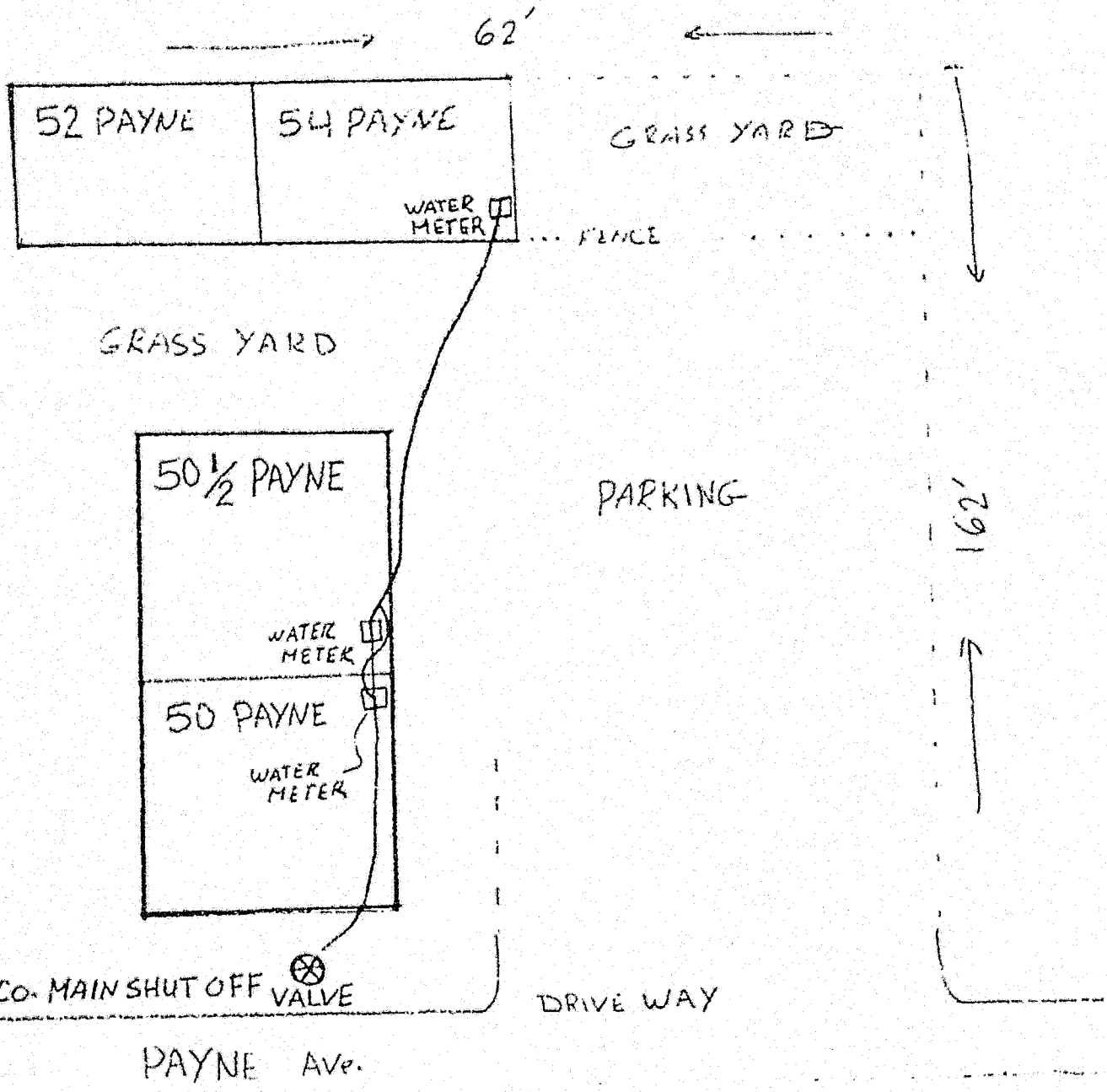
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⊗ MAIN SHUT OFF AND ONE WATER LINE SERVING ALL UNITS 50-50 1/2 AND 54

EXHIBIT 'A'
N.T.S

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ABDEL EL BATTAH / COMPLAINANT

V

PENNSYLVANIA - AMERICAN WATER CO. / RESPONDENT
DOCKET # C-20055478

ANSWERS

- 1- NO WITNESS AT THIS TIME.
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SERVICE TECHNICIAN - PA WATER CO.
WILKES-BARRE FIELD OFFICE
1-800-565-7292
- 3- MY COMPLAINT IS SUBJECT TO THE PROVISIONS
OF 66 PA. CS. § 1529.1 WHICH REFER TO
THE DUTY OF OWNER OF RESIDENTIAL OR MOBILE
HOME PARK WHICH CONTAIN^{ONE OR MORE} NOT INDIVIDUALLY METERED
UNITS. MY UNITS ARE INDIVIDUALLY METERED.
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- 6- PLEASE SEE 052 PA. CODE 65.7 a, b, c, d AND 18.1 PUC#
- 7- YES.
- 8- VERBAL \$3500⁰⁰ TO \$4000⁰⁰.
- 9- BECAUSE WE HAVE AN EXISTING INDEPENDENT SERVICE
WATER LINE ON THE PROPERTY. SUBMITTED RESPECTFULLY
Abdel Elbattah 2-20-06

ABDEL ELBATTAH

VS. PA-AMERICAN WATER CO.

/DOCKET #

C-20055478

ALL the following described piece or parcel of land situate in Kingston Borough, Luzerne County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner on Payne Street in line of land now or late of G.W. Poole; THENCE North thirty-four and one-half (34 1/2) degrees West, one hundred sixty two (162) feet to a corner in line of land now or late of A. Skeer;

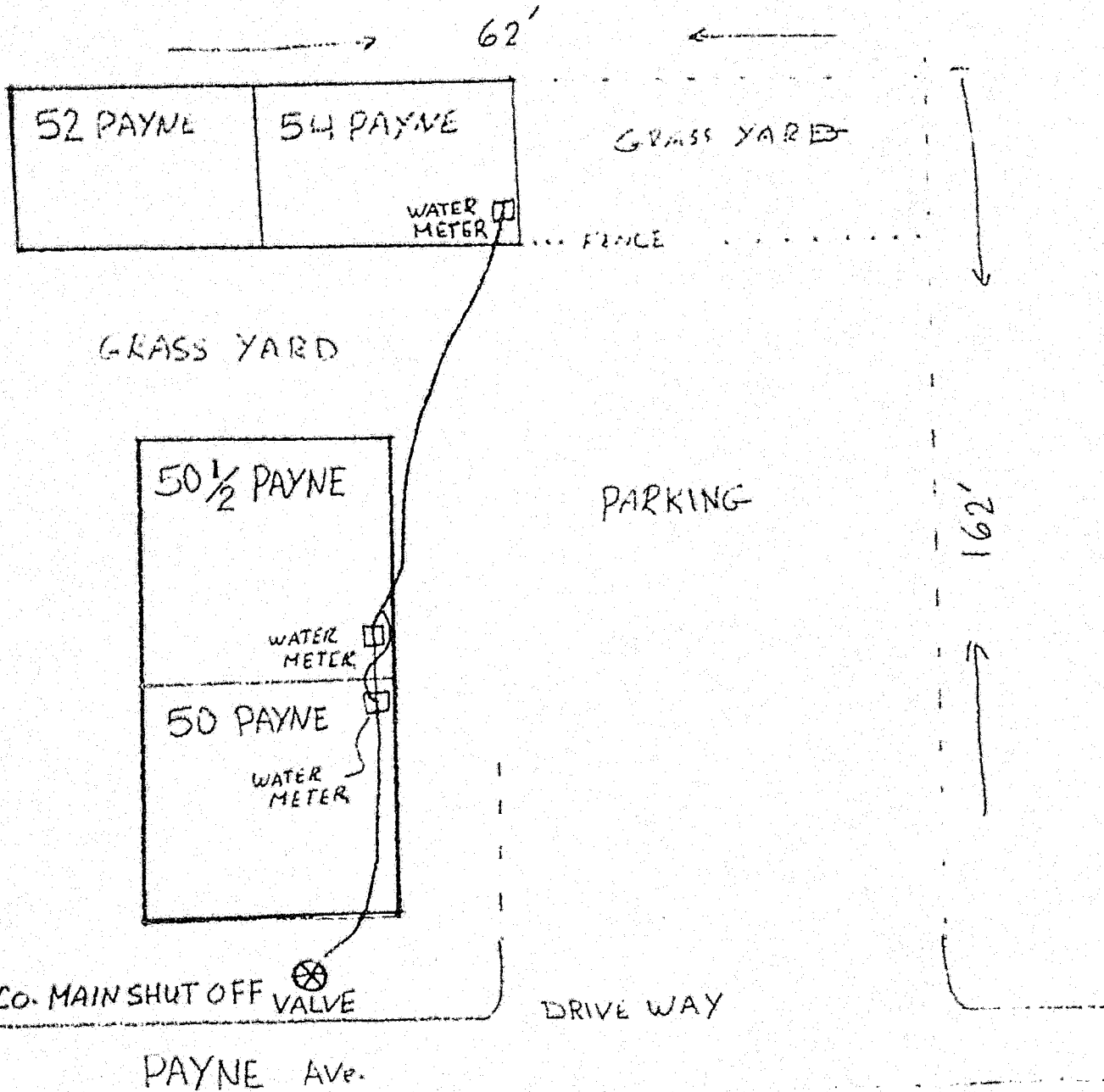
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⊗ MAIN SHUT OFF AND WATER LINE SERVING ALL UNITS 50-50 1/2 AND 54

EXHIBIT 'A'
N.T.S

February 23, 2006

VIA UPS OVERNIGHT DELIVERY

The Honorable Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Abdel El Battah v. Pennsylvania-American Water Company
Docket No. C-20055478

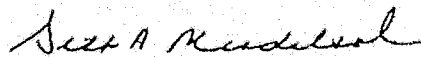
RECEIVED
2006 FEB 27 AM 9:27
P.A.W.C. SECRETARY'S BUREAU

Dear Judge Colwell.

Pursuant to the January 26, 2006, Telephone Hearing Notice for the above-captioned case, I have enclosed three (3) copies of Pennsylvania-American Water Company's Exhibits 1-4, which may be offered into evidence during the initial telephone hearing in the above captioned case scheduled for Wednesday, March 1, 2006, at 10:00 a.m.

As evidenced by the enclosed Certificate of Service, all parties to this proceeding have been duly served.

Respectfully submitted,


Seth A. Mendelsohn

Enclosures

cc: James McNulty, Secretary (Certificate of Service Only)
Abdel El Battah
Judy Jordan

DOCUMENT
FOLDER

Pennsylvania American Water

Seth A. Mendelsohn
Corporate Counsel
800 West Hersheypark Drive
Hershey, PA 17033 USA

T 717 533-5000
F 717 531-3252
E seth.mendelsohn@amwater.com
I www.pawc.com

BTL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ABDEL EL BATTAH,

Complainant

v.

PENNSYLVANIA-AMERICAN WATER
COMPANY,

Respondent

DOCKET NO. C-20055478

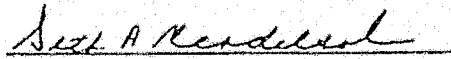
RECEIVED
2006 FEB 27 AM 9:21
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54:

VIA UPS OVERNIGHT DELIVERY

Abdel El Battah
670 Tioga Avenue
Kingston, PA 18704


Seth A. Mendelsohn, Esquire
Pennsylvania-American Water Company
800 West Hershey Park Drive
Hershey, Pennsylvania 17033
(717) 533-5000

Dated this 23rd day of February 2006.

OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.: C-20055478	Prehearing Held:	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
Case Name: Abdel El Battah v. Pennsylvania-American	Hearing Held:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Company	Testimony Taken:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Transcript Due:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hearing Concluded:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: HBG	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date: March 1, 2006	Estimated Add'l Days:				
ALJ: Susan D. Colwell	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Reporting Firm: Commonwealth Reporting	DATE:				
	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	DATE:				
	Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	REMARKS:	CONTINUED -- TO BE SCHEDULED FOR SECOND HEARING IF NOT SATISFIED IN 10 DAYS			

DOCUMENT FOLDER

RECEIVED
MAR - 3 2006
PA D. O. M. SECURITY COMMISSION
SECRETARY'S BUREAU
PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Abdel El Battah Telephone: 570-288-7766	670 Tioga Avenue Kingston PA 18704	Pro Se
Seth A. Mendelsohn Telephone: 717-533-5000	800 W. Hersheypark Drive Hershey PA 17033	PAWC

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

[Handwritten signature] 3/1/06

Marta E. Gentile
Reporter's Signature

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