

Date	Action	User	TaskNumber	Bureau	Reason	Comment
#####	OSA Histor				Migration	Assignment number 5022 - DOCSCal: 670678
#####	OSA Histor				Migration	Assignment number 5022 - Received Date: Oct 26 2006
#####	OSA Histor				Migration	Assignment number 5022 - Circulated Date: Jul 16 2007
#####	Mainframe				Migration	1 - N - Jun 22 2005 12:00AM - FORMAL COMPLAINT OF SPRING TOWNSHIP V. PA AMERICAN
#####	Mainframe				Migration	2 - N - Jul 26 2005 12:00AM - NOTICE OF COMPLAINT SENT TO RESPONDENT FOR ANSWER I
#####	Mainframe				Migration	3 - N - Aug 17 2005 12:00AM - SFTH A MENDELSONH ATTY FID NOTICE OF APPEARANCE ON
#####	Mainframe				Migration	4 - N - Aug 12 2005 12:00AM - RESPONDENT FLD ANSWER & NEW MATTER TO COMPLAINT
#####	Mainframe				Migration	5 - N - Aug 12 2005 12:00AM - RESPONDENT FILED PRELIMINARY MOTION TO DISMISS COM
#####	Mainframe				Migration	6 - N - Aug 17 2005 12:00AM - OALJ NOTICE TO PRYTS-JF FILING DOCUMENTS RE RESPONDS MOT
#####	Mainframe				Migration	7 - N - Aug 18 2005 12:00AM - ELIZABETH A MAGOVERN ESQ FLD NOT OF APPEARANCE FOR
#####	Mainframe				Migration	8 - N - Aug 23 2005 12:00AM - COMPLAINANT FILED ANS IN OPP TO PRELIMINARY MOTION
#####	Mainframe				Migration	9 - N - Aug 31 2005 12:00AM - UPDATED SERVICE LIST FILED - TAYLORJODI
#####	Mainframe				Migration	10 - N - Aug 29 2005 12:00AM - COMPLAINANT FILED REPLY TO RESPONDENT'S NEW MATTI
#####	Mainframe				Migration	11 - N - Sep 9 2005 12:00AM - CALJ SMITH ORD DENY RESP MOT DISMISS & SETTING RESOL
#####	Mainframe				Migration	12 - H - Feb 28 2006 12:00AM - FURTHER PRE-HRG CONFERENCE HRG RM 3 PLAZA LEVEL KE
#####	Mainframe				Migration	13 - N - Dec 20 2005 12:00AM - CALJ MEMO TO SEC-RPT SUBMITTED TO MEDIATION UNIT F
#####	Mainframe				Migration	14 - N - Jan 26 2006 12:00AM - SEE C20054919 FOR RESP ANS/NEW MTRR TO AMND COMP
#####	Mainframe				Migration	15 - N - Feb 23 2006 12:00AM - SEE C-20054919 FOR OCA FILED ITS PREHEARING MEMORAI
#####	Mainframe				Migration	16 - N - Feb 23 2006 12:00AM - TOWNSHIP OF SPRING FLD INITIAL PRE-HEARING CONF MEN
#####	Mainframe				Migration	17 - N - Feb 23 2006 12:00AM - SEE C-20054919 PA AMERICAN WATER CO FLD INIT PREHRG
#####	Mainframe				Migration	18 - N - Aug 18 2006 12:00AM - MAIN BRIEF FILED BY TOWNSHIP OF SPRING - TAYLORJODI
#####	Mainframe				Migration	19 - N - Aug 18 2006 12:00AM - MAIN BRIEF FILED BY OCA - TAYLORJODI
#####	Mainframe				Migration	20 - N - Aug 18 2006 12:00AM - SEE C-20054919 FOR MAIN BRIEF FILED BY PA AMERICAN W
#####	Mainframe				Migration	21 - N - Jun 6 2006 12:00AM - PENNSYLVANIA AMERICAN WATER COMPANY FILED PREHEAF
#####	Mainframe				Migration	22 - N - Oct 4 2006 12:00AM - ALJ WEISMANDEL'S INITIAL DECISION SERVED TO PARTIES - JF
#####	Mainframe				Migration	23 - N - Oct 24 2006 12:00AM - EXCEPTIONS TO BE FILED - JACOBDIANE
#####	Mainframe				Migration	24 - N - Nov 3 2006 17:00AM - REPLY EXCEPTIONS TO BE FILED - GRAYJOSEPH
#####	Mainframe				Migration	25 - N - Sep 1 2006 12:00AM - REPLY BRIEF W/CERT OF SERVICE FILED BY OCA - SCHADERJO
#####	Mainframe				Migration	26 - N - May 17 2006 12:00AM - SPRING TWP FLD DIRECT TESTIMONY OF JERI DIESINGER &
#####	Mainframe				Migration	27 - N - Jun 9 2006 12:00AM - SEE C-20054919 FOR RESP FILED DIRECT TESTOMY OF C CLAU
#####	Mainframe				Migration	28 - N - Oct 24 2006 12:00AM - EXCEPTIONS W/CERT OF SERVICE FILED BY ROBERT SOTO &
#####	Mainframe				Migration	29 - N - Oct 24 2006 12:00AM - EXCEPTIONS WITH CERTIFICATE OF SERVICE FILED BY NEIL R
#####	Mainframe				Migration	30 - N - Oct 24 2006 12:00AM - EXCEPTIONS WITH CERTIFICATE OF SERVICE FILED BY OCA



CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 06/22/05
8. DOCKET NO: C-20054746	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: SPRING TOWNSHIP C/O WILLIAM B MYERS

RESPONDENT/APPLICANT: PA-AMERICAN WATER CO

COMP/APP COUNTY: BERKS

UTILITY CODE: 212285

ALLEGATION OR SUBJECT

COMPLAINANT STATES THEY WANT TO ORDER THE INSTALLATION OF WARNING AND SHUTOFF SYSTEMS TO PREVENT FUTURE DAMAGE. THEY WANT INSPECTION OF PIPES AND VALVES & THE REPLACEMENT OR REPAIR AS NECESSARY IN TOWNSHIP TO PREVENT FUTURE INCIDENTS. COMPLAINANT ALSO WANTS THEM TO CONDUCT SUBSURFACE TESTING AS NECESSARY AND IDENTIFY AND REMEDIATE DAMAGE CAUSED BY INCIDENT. THEY WOULD ALSO LIKE AN ORDER REMEDIATION OF DAMAGE OCCURRING SINCE WATER MAIN BREAK.

**DOCKETED**

JUL 26 2005

DOCUMENT  
FOLDER

RECEIVED

2005 JUN 22 AM 10:15

PA P.U.C.  
SECRETARY'S BUREAU

**Kozloff Stoudt**  
ATTORNEYS AT LAW PROFESSIONAL CORPORATION

June 17, 2005

Email: [jlondon@kozloffstoudt.com](mailto:jlondon@kozloffstoudt.com)

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

C-20054746

Re: Township of Spring/Pennsylvania-American  
Water Co.  
Our File No. 100744-388

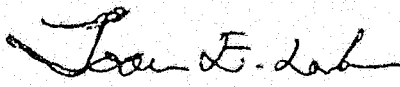
Dear Sir or Madam:

This law firm serves as Solicitor for the Township of Spring, Berks County, Pennsylvania. I enclose an original and four (4) copies of a Formal Complaint that the Township of Spring wishes to file against Pennsylvania-American Water Company, which is a public utility conducting business in the Township. The Formal Complaint stems from a water main break which occurred on February 5, 2005 in the 3100 block of Iroquois Avenue in the Township. Please file the original and return any extra copies of the Complaint, time/date stamped, in the enclosed self-addressed, postage prepaid envelope.

Thank you for your assistance in this matter.

Very truly yours,

KOZLOFF STOUDT  
Professional Corporation

  
Joan E. London

/JEL

Enclosures

cc: Jeri Diesinger, P.G., Township of Spring (w/encl.)  
Kenneth Zielonis, Esq. (w/encl.)  
Richard Fehling, Esq. (w/encl.)  
Mark Bridge, Esq. (w/encl.)

**DOCKETED**

JUL 26 2005

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FOLDER

16

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

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2005 JUN 22 AM 10:45

PA P.U.C.  
SECRETARY'S BUREAU

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

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

Name Township of Spring

Street/P.O. Box 2800 Shillington Road Apt # \_\_\_\_\_

City Reading State PA Zip 19608

County Berks

Area Code/HOME Phone 610-678-5393

Area Code/WORK Phone 610-678-5393

Utility Account Number N/A

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

Name N/A (See Answer to #4(B), below)

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Pennsylvania-American Water Co.

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

TELEPHONE  
(local, long distance)

Moving company, limousine)

**SECRET**

JUL 26 2005

DOCUMENT  
FOLDER

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 notice that my utility service is being terminated.
- 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.

A water main break occurred on the 3100 block of Iroquois Avenue on February 5, 2005. The broken main resulted in the loss of approximately 1.5 million gallons of water into the surrounding neighborhood, causing the activation of sump pumps up to two blocks away, with one residence rendered uninhabitable. There has since the break, been an increase in sink hole activity in the immediate area since February 5, 2005. See documentation attached hereto as Exhibit "A," which includes a report on damage and causation prepared by Enviroscan, Inc., and a letter from Wagner Farms Homeowners' Association and accompanying map showing damage. Pennsylvania-American Water Co. has refused to take responsibility for investigation and remediation of downstream problems and has refused to take steps necessary to prevent future incidents of this nature.

5. **RELIEF**

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

- 1) Order the installation of warning and shutoff systems to prevent future damage;
- 2) Inspect pipes and valves and replace/repair as necessary in Township to prevent future incidents;
- 3) Conduct subsurface testing as necessary and identify and remediate damage caused by incident.
- 4) Order remediation of damage occurring since water main break;

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 CONTRACT

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

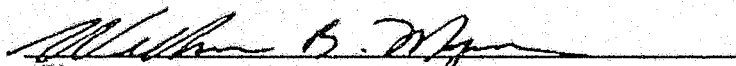
If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

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 William B. Myers, Chairman, Township of Spring Board of Supervisors, hereby state that the facts set forth above 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.A. § 4904 (relating to unsworn falsification to authorities).

  
(Signature)

6-13-05  
(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 Joan E. London, Esquire

Street 2640 Westview Drive, P.O. Box 6286

City Wvomissing State PA Zip 19610

Area Code/Phone Number 610-670-2552

10. **FILING**

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

If using U.S. Postal Service:

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

If using overnight delivery service:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

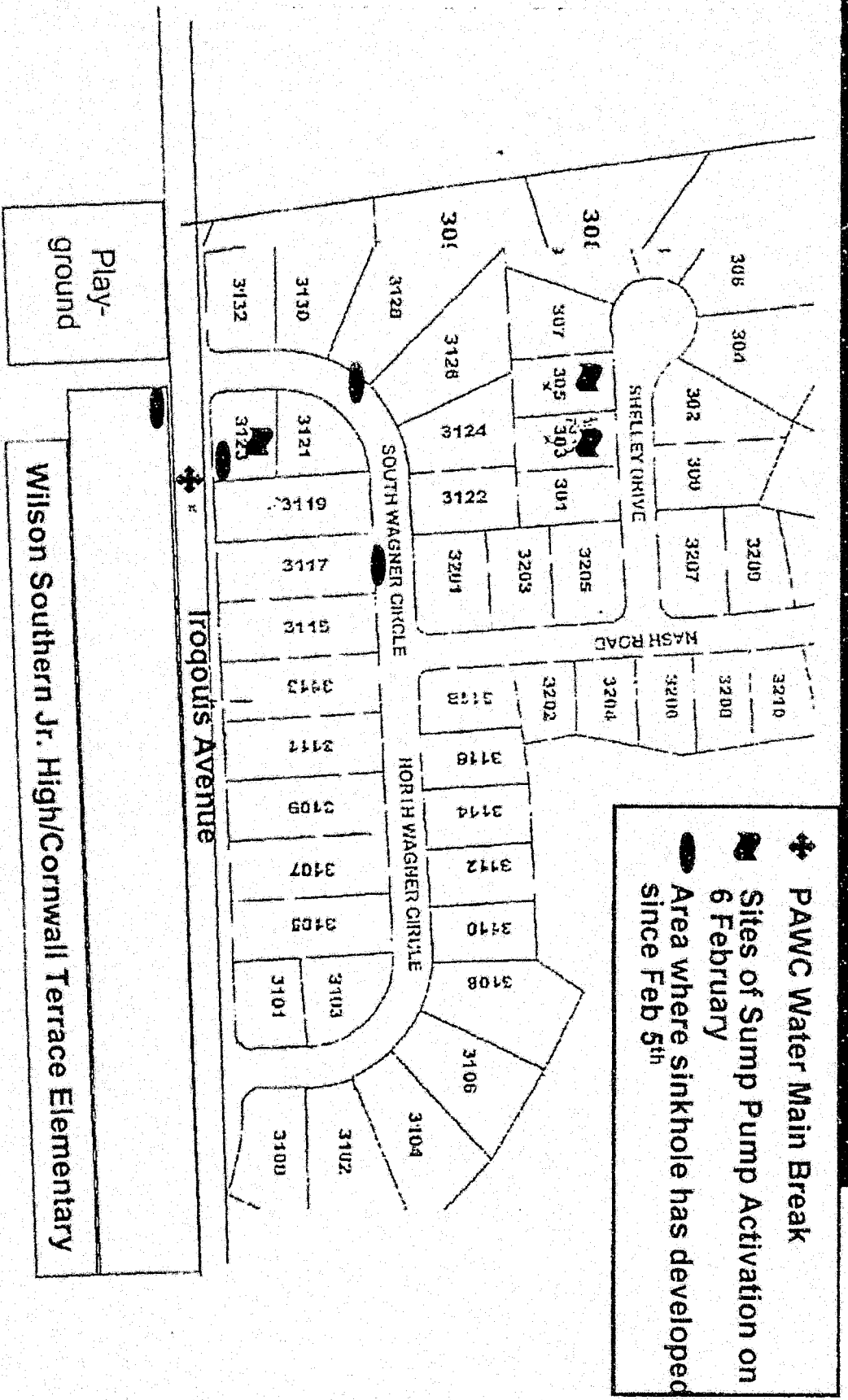
Facsimile and/or electronic filings of the complaint form will not be accepted.

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

**Keep a copy of your complaint for your records.**

# EXHIBIT A

Sinkholes have opened up in numerous locations since PAWC's water main broke on February 5<sup>th</sup>, 2005





**Final Report**  
**Geophysical Survey**  
**Void/Subsidence Detection/Delineation**  
**Approximately 120' x 120' Survey Area**  
**Creveling Property**  
**3123 South Wagner Circle**  
**Sinking Springs, PA**  
**Enviroscan Reference Number 020535**

**Prepared For: USAA**  
**Prepared By: Enviroscan, Inc.**  
**March 22, 2005**





March 22, 2005

Ms. Marilyn Reilly  
USAA  
P.O. Box 88  
Hamburg, NJ 07419

RE: Geophysical Survey  
Void/Subsidence Detection/Delineation  
Approximately 120' x 120' Survey Area  
Creveling Property  
3123 South Wagner Circle  
Sinking Springs, PA  
Enviroscan Reference Number 020535

Dear Ms. Reilly:

Pursuant to our proposal dated February 18, 2005, Enviroscan, Inc. (Enviroscan) has completed a combined microgravity, seismic refraction, and ground penetrating radar (GPR) geophysical survey of the above-referenced site. The following report and figures describe the methods and results of the investigation.

### Purpose and Background

The site is located at a private residence where sinkhole activity has been observed within close proximity to a recent water main breakage. The site, as designated by the client, measures approximately 120' by 120', and according to mapping, compiled by MacLachlan and others (1975), is underlain by the Millbach Formation. The Millbach Formation is a pinkish- to medium-gray laminated limestone (Geyer and Wilshusen, 1982). The Millbach Formation typically has well-developed fractures, is moderately resistant, and is often characterized by bedrock pinnacles. Additional mapping, compiled by Kochanov (1988), depicts a number of closed topographic depressions within close proximity to the study area.



1051 Columbia Avenue • Lancaster, Pennsylvania 17603 • 717/396 8922 • fax 717/396 8746 • email@enviroscan.com • www.enviroscan.com

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## Karst Processes

Pinnacled bedrock and sinkholes are among the geologic features characteristic of karst terranes — i.e. terranes underlain by soluble carbonate (limestone or dolomite) bedrock in wet climates. In karst terranes, infiltrating precipitation dissolves the carbonate bedrock surface, causing the top-of-rock to retreat downward leaving behind a soil mantle of the insoluble clay and/or silica particles formerly bonded in the rock (see Appendix A, panels I and II). Within the bedrock, percolating water enlarges fractures, bedding planes, etc. to produce solution openings ranging in size from minor seams to scenic caverns.

Sinkholes form where particularly enhanced infiltration into a sufficiently wide solution opening (often called a throat or chimney) washes the soil mantle down into cavities in the underlying rock — a process commonly called soil piping. In areas where the residual soil mantle is clay-rich and cohesive, incipient sinkholes may not display any surficial topographic expression, and are present only as air-, water-, or mud-filled voids which may grow or "stope" upward (see Appendix A, panel III). Eventually, the overlying soil arch collapses under its own weight or under the weight of an overlying structure or passing vehicle. The resulting collapse sink or "sinkhole" is commonly filled with the remains of the soil arch and may display rock at its base (see Appendix A, panel IV). In some cases, surficial subsidence may keep pace with soil piping at depth such that a sinkhole forms by progressive deepening of a surficial depression (sometimes called a subsidence sink) rather than by catastrophic collapse of a stoping void.

Note that the dissolution of bedrock occurs on a time scale measured in thousands to tens of thousands of years. Therefore, the natural occurrence of new sinkholes is a rare occurrence on a human time scale (see Newton, 1987). However, concentration of storm water and excess infiltration due to man's activities can trigger man-made sinkholes virtually anywhere in a karst terrane — even on topographic highs or beneath paved streets or buildings.

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Since sinkhole activity is allowed by bedrock cavities, and triggered/driven by infiltrating water, hydraulically active geologic features can act as foci for sinkhole activity. In particular, where open faults, fractures, bedding planes or contacts act as preferred pathways for groundwater infiltration or flow, the water can dissolve networks of solution openings along the fault/fracture/bedding plane/contact. The enhanced infiltration also encourages movement of soil or soil fines into the solution openings, which may cause surficial subsidence and enhanced capture and infiltration of storm water, etc. in a positive-feedback process.

## Survey Methods

To fulfill the survey purpose, a combined seismic refraction, microgravity, and GPR survey was completed during the week of March 4, 2005. The principles and scopes of work for each technique are described below.

### Seismic Refraction

In order to determine bedrock depths beneath the study area, Enviroscan performed a seismic refraction survey. Knowledge of bedrock depths is desirable for proper interpretation of microgravity data (see below), and can provide information on the presence of deeply weathered zones indicative of faults or fractures. The seismic refraction survey consisted of two profiles or lines oriented roughly east-west (Figure 1). The principles of seismic refraction are described in the accompanying Introduction to Seismic Refraction (Appendix B), and generally involve measuring the travel times of shock waves traveling from a surficial source (shot point) to a linear array of ground motion sensors (geophones). At a distance from the shot point, the first arrivals of seismic energy are waves that have been refracted along whatever density contrast or contrasts (called refractors) are present in the subsurface. The travel times of these refracted arrivals can be used to compute a cross sectional profile of the density contrast(s).

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For this survey, a Geometrics 24-channel Smartseis seismograph was used to record seismic travel times at linear arrays of Mark Products 9.5 Hertz geophones spaced at constant 5-foot intervals along each of the two lines. Shot points were spaced at approximately 30-foot intervals, but were occasionally adjusted due to site conditions (see shot point locations on Figure 1) to provide multi-fold, reversed seismic data. At each shot point, seismic signal was generated with the repeated blows of 35-lb airless jackhammer. Waveform data were recorded on the internal hard drive of the seismograph, and were transferred to a 3.5-inch floppy disk for backup. The original seismic waveform data are on permanent file in digital format at Enviroscan. The location of each shot point and geophone was surveyed using a Trimble ATS Robotic Total Station.

Processing and interpretation of the seismic refraction data were completed using the SIP package of computer programs developed for the U.S. Geological Survey by Rimrock Geophysical. First arrival travel times or first breaks were selected on the waveform data using the automatic picking routine SIPIK (with occasional minor manual adjustment) to ensure consistent and objective picking. From the first arrival times and geophone locations, T-X graphs (see Appendix B) were compiled for each line using the routine SIPIN. In general, the T-X data roughly defined two linear segments consistent with a two-layer stratigraphy (presumed to consist of unconsolidated soils over limestone bedrock). Inversion of the T-X data using the iterative ray tracing routine SIPT2 yielded the statistically best-fitting refractor or layer boundary depths and layer velocities.

The P-wave arrival times, together with the shot point-receiver geometry, were then inverted using SeisOPT Pro. SeisOPT Pro uses a globally optimized mathematical inversion to determine the statistically best-fitting velocity distribution in the plane between the surface receivers and a given set of observed arrival times. The velocity models from SeisOPT Pro are presented as seismic profile cross-sectional images on Figure 2. Note that on each profile section, the vertical scale represents elevation in feet. The horizontal axis represents an along-profile distance in feet. Note that the shot points are labeled to facilitate comparison with the survey layout. Figure 2 shows the inferred stratigraphic profiles based on both the SIP and SeisOPT Pro calculations.

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### Microgravity

In order to map potential sinkholes/voids or other low-density areas in soil and bedrock, Enviroscan performed microgravity measurements at 10-foot intervals along profiles spaced 10 feet apart (see Figure 1). Microgravity meters are capable of measuring the force of gravity with great precision. Worldwide, the acceleration of gravity has been adopted as 980 centimeters per second squared ( $\text{cm/s}^2$ ). However, this is really an average value since the actual measured value of gravity at a given station is dependent upon many things including:

- The elevation of the station reading (since higher stations are farther from the center of mass of the earth),
- The latitude and longitude of the station (since the earth is not truly spherical),
- The positions of the sun and the moon (which creates not only the readily observed ocean tides, but small deformations of the entire earth called earth tides),
- Minute changes in the calibration of the gravity meter (called instrument drift),
- The attraction of massive landforms near or obliquely above the station (i.e. the mass of a nearby mountain actually produces a gravitational attraction which can have a significant effect on a precise gravity reading), and
- The density of materials immediately beneath a station.

The variations in gravity due to the first four factors above typically have magnitudes measured in milligals (where 1000 milligals equal one  $\text{cm/s}^2$ ). The fifth and sixth factors are typically measured in microgals (where 1000 microgals equal one milligal). Since the purpose of a microgravity survey is generally to determine factor six above (i.e. the density or mass distribution in the subsurface of a survey site), the raw gridded or profile gravity measurements that comprise a gravity survey must be corrected for factors one through five. This produces a set of numbers (which are generally several parts per billion of the earth's adopted average gravity) that can be interpreted to determine subsurface density of mass distribution (see e.g. Telford, 1990).

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To arrive at a number representative of the subsurface mass distribution, raw gravity readings are subjected to the following corrections:

*Reference ellipsoid correction* – corrects for the non-spherical shape of the earth based on the latitude and longitude of a station

*Earth tide correction* – corrects for deformation of the earth under the gravitational influence of the sun and moon

*Drift correction* – corrects for slow changes in the calibration of a gravity meter based on repeated measurements at a fixed base station

*Free air correction* – corrects for the elevation of a station above (or below) mean sea level based on a surveyed station elevation

*Bouguer slab correction* – corrects for the density of the hypothetical slab of material between the station elevations and mean sea level based on an assumed average terrain density

*Terrain correction* – corrects for the oblique attraction of nearby landforms and the assumed average landform density.

Microgravity data that have been corrected as described above are called complete bouguer gravity, and if collected and processed properly, should retain only information on the mass or density distribution beneath a survey station.

Elevated bouguer gravity anomalies are caused by subsurface mass excesses such as locally shallow bedrock pinnacles or float blocks in the soil profile, or zones of particularly massive bedrock. Low bouguer gravity is caused by mass deficiencies – e.g. lenses of low-density soils, locally deep bedrock (where soil or fill displaces bedrock), and air-, water-, or mud-filled voids. Note that since microgravity alone cannot discriminate between locally deep bedrock and a potential void or low-density soils (both representing local mass deficiencies), precise identification of gravity anomaly sources often requires bedrock depth data from borings or a seismic survey (such as described above).

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At each station, the acceleration of gravity was measured using a Scintrex CG-3M Autograv gravimeter. The internal memory of the instrument was used at each station to record the average gravity for a 60-second time-period, the standard error of the average, the reading date and time, and the meter height. A designated station was established as a base station and was occupied approximately every hour and a half to provide drift control data. The elevation and location for each of the microgravity data stations, as well as the seismic shotpoint and geophone locations, were surveyed using a Trimble ATS Robotic Total Station.

The gravity data were processed by applying the reference ellipsoid, earth tide, drift, free air, and bouguer corrections were applied using standard formulae as computed in a spreadsheet. The resulting bouguer gravity, representing only mass variations beneath individual gravity stations, was contoured using the statistical kriging routine in SURFER for WINDOWS by Golden Software. The bouguer gravity response contours are depicted in Figure 3.

### Ground Penetrating Radar

In an effort to identify potential voids located beneath the building's foundation, Enviroscan also completed a GPR investigation in both the basement and garage of the residence. Scanning was performed using a GSSI SIR-2000 GPR controller with a color display and internal hard drive, utilizing a 500-megaHertz scanning antenna. GPR systems produce cross-sectional images of subsurface features and layers by continuously emitting pulses of radar-frequency energy from a scanning antenna as it is towed along a survey profile. The radar pulses are reflected by interfaces between materials with differing dielectric properties. The reflections return to the antenna and are displayed on a video monitor as a continuous cross section in real time. Since the electrical properties of metal are distinctly different from soil and backfill materials, metallic pipes and other structures produce dramatic and characteristic reflections. Fiberglass, plastic, concrete, and terra-cotta targets as well as subsurface voids, rock surfaces, soil type changes and concentrations of many types of non-metallic wastes also produce recognizable, but less dramatic reflections.

For this investigation, variously oriented GPR profiles were collected in both the basement and the garage. The orientation of these profiles was determined primarily by the location of stored items in the basement and the garage. The individual radar profiles were examined in the field for variable, high amplitude anomalies of the type commonly associated with voids and/or less dense soils. Areas having this type of anomaly were placed onto a site sketch (Figure 4) for later comparison with the processed gravity data.

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### Site Inspection

In an effort to identify evidence of pre-existing sinkhole activity, or sources of concentrated infiltration of the type that commonly trigger sinkhole activity, Enviroscan also performed a surficial site inspection. The property rests upon a topographic high allowing surface water to drain away from the property. All of the impermeable surfaces (i.e. paved roadways, etc) at the residence also appear to be graded to shed water away from the house. Furthermore, inspection of the basement did not reveal the presence of any water damage of the type that would suggest previous subsurface water problems near the house. There are no reported water or sewer leakages on the property. The most notable local source of concentrated infiltration was the water main breakage, as reported to Enviroscan by Marilyn Reilly, discharging approximately 1.5 million gallons of water into the subsurface. The reported location of the water main breakage is adjacent to the largest of the observed sinkholes, close to the curb along Iroquois Avenue.

### **Results**

#### Seismic Refraction

Figure 2 represents the best-fitting seismic models for the two profiles. The seismic profiles suggest the presence of an irregular soil thickness profile - with depths locally exceeding 20 feet, created by an irregular limestone bedrock surface. Note that the inferred bedrock surface along each profile represents an average or smoothed approximation of an actually even more irregular soil-rock interface (see Appendix B, Figure SR-5). Lower velocity materials, consistent with less dense soils, occur at greater depths within close proximity to the identified sinkholes. This indicates that there may be bedrock solution cavities filled with low density transported soils. Note that bedrock solution cavities develop over thousands of years, and would thus represent a pre-existing and allowative (although not directly causative) condition for sinkhole activity.

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### Microgravity

The color-contoured microgravity survey results are presented in Figure 3. Mass deficiencies are represented with increasing shades of red, while mass excesses are represented with increasing shades of blue. The range of gravity values across the entire survey area is 0.30 milligals, ranging from -0.22 to 0.08 milligals. There are several mass-deficient zones located beneath the survey area. In particular, there appear to be two significantly mass-deficient zones beneath the northwestern and southcentral portions of the building (Figure 3). These zones may represent cavities or disturbed zones in the soil mantle, or cavities in the underlying bedrock. Note that if they are bedrock cavities, they do not coincide closely with the footprints of the observed sinkholes.

### Ground Penetrating Radar

The results from the GPR survey are overlain on top of the gravity survey for comparison on Figure 4. Two anomalous areas (depicted with orange shading) of the type commonly associated with subsurface voids and/or less dense soils were detected beneath the basement. The anomalies were located within close proximity to cracks in the concrete as well as mass-deficient zones mapped during the gravity investigation (Figure 4). Due to the presence of steel reinforcing mats within the garage floor, it was not possible to collect any useful radar data in that area.

### Conclusions

The seismic, microgravity and GPR data all display clear evidence of sinkhole activity and sinkhole-related features. The seismic data display low velocity zones consistent with disturbed soils and bedrock solution cavities. The gravity data show subsurface mass deficiencies consistent with either disturbed soils or voids (in the soil mantle or bedrock). GPR profiling in the basement also detect anomalously reflective zones whose location were consistent with cracking of the basement slab. Enviroscan recommends that future remediation efforts concentrate within the footprints of the areas having the largest mass deficiencies (depicted with increasing shades of red on Figure 3).

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 March 22, 2005  
 Page 10

Although it is not possible to determine the exact timing of sinkhole-related activities at this site based solely on the geophysical data, we can offer the following interpretation based on Enviroscan's extensive experience with sinkholes, similar experience of many other geoscientists, as well as Newton (1987). First of all, and in general, the occurrence of new sinkholes is a rare occurrence on a human timescale in the absence of human alteration of natural drainage, and conversely, human alteration of natural drainage is a common cause of sinkholes. In this particular case, the roadway above the sinkhole is paved and would have served as a barrier to infiltration. Outside of a water main that traverses the largest sinkhole, Enviroscan was unable to find another source of water capable of initiating soil transport and subsequent sinkhole development. In addition, the footprints of the sinkholes do not coincide closely with the footprints of subsurface mass deficiencies that may represent the bedrock solution cavities that allow sinkhole activity. Instead, the largest of the sinkholes is coincident with the reported water main break, and at a distance from the inferred possible bedrock cavities. Therefore, it is Enviroscan's professional opinion that the sinkhole location is controlled by the location of concentrated infiltration from the water main break, and that the sinkhole activity was triggered by the water main breakage, and consequent loss of 1.5 million gallons of water into the subsurface.

### Limitations

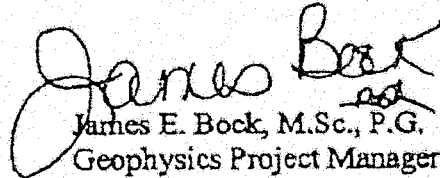
The geophysical survey described above was completed using standard and/or routinely accepted practices of the geophysical industry and equipment representing the best available technology. Enviroscan does not accept responsibility for survey limitations due to inherent technological limitations or unforeseen site-specific conditions. Note that the measurements reflect conditions at the locations of actual survey stations, and that interpolation of data and interpretations between survey stations can be highly speculative in karst terranes. Note also that since soil piping/sinkhole activity can be triggered virtually anywhere in karst terranes under the influence of significant changes in surface or subsurface hydraulics (e.g. re-grading, stormwater re-routing, etc.) Enviroscan cannot make any warranties concerning the future occurrence or distribution of sinkhole activity. However, we make every effort to identify and notify the client of such limitations or conditions.

ENVIROSCAN, INC.

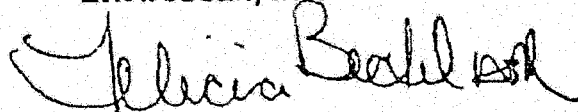
Ms. Reilly  
March 22, 2005  
Page 11

We have enjoyed and appreciated the opportunity to have worked with you. If you have any questions, please do not hesitate to contact me.

Sincerely,  
Enviroscan, Inc.

  
James E. Bock, M.Sc., P.G.  
Geophysics Project Manager

Technical Review By:  
Enviroscan, Inc.

  
Felicia Kegel Bechtel, M.Sc., P.G.  
President

Enc.: Figure 1: Geophysical Survey Data Coverage  
Figure 2: Seismic Refraction Profiles  
Figure 3: Bouguer Gravity Data Contours  
Figure 4: Ground Penetrating Radar Results  
Appendix A: Schematic Sinkhole Formation Processes  
Appendix B: Introduction to Seismic Refraction  
References

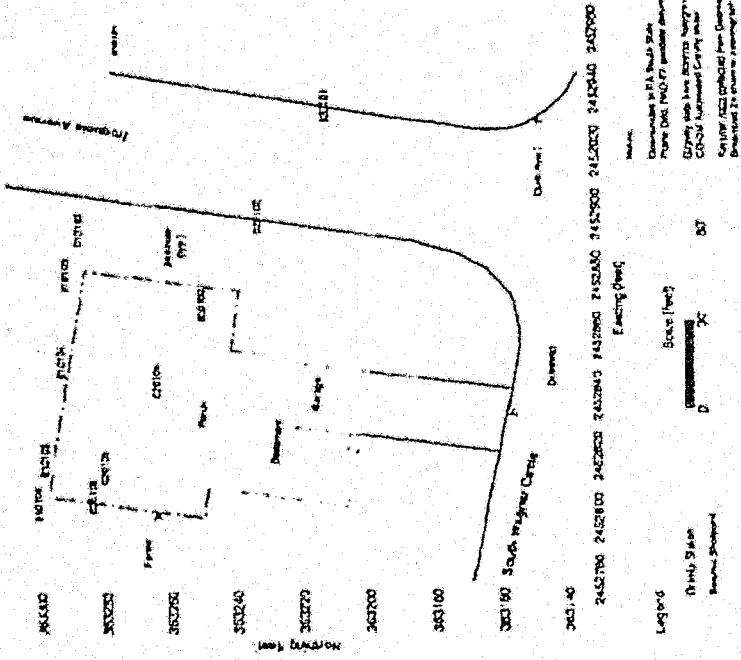
Cc.: Mr. Russel Daniels, Paul Zamrowski & Associates

Figure 1

Geophysical Survey  
Data Coverage

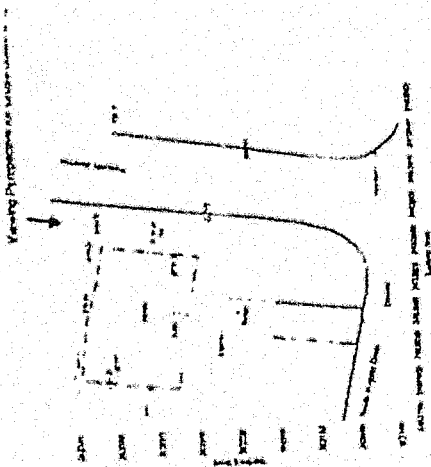
Claveling Property  
3123 South Wagner Circle  
Sinking Springs, PA

Emvission, Inc.  
Project No. 0008  
Rev 02/12/04



Notes:  
 - Coordinates in NAD 83 State Plane Data (NAD 83) are used.  
 - Elevation data is from a 1997 USGS 7.5' Quad (76027) and is not a geoid height.  
 - All other data collected from the survey is identical to the data presented.

Legend  
 - 1/4" Scale  
 - Survey Type: D  
 - Scale: 1/4" = 50'

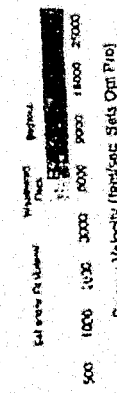


Legend

Seismic Evaluation

Unretro Top of Rock (NPT)

Notes:  
 Data from Geometrics, Inc.  
 2004 seismic evaluation.  
 Location marked with 2004 by  
 Robert Geometrics and  
 Seismic Pros. Inc. © 2004



Engineer for  
 Project No. 03-0001  
 Date 03/14/05

Cravelling Property  
 3173 South Wagner Circle  
 Blinking Springs, PA

Figure 2  
 Seismic Refraction  
 Profiles

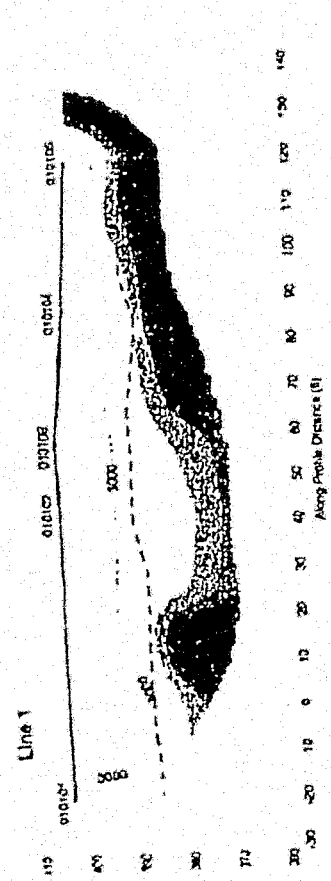
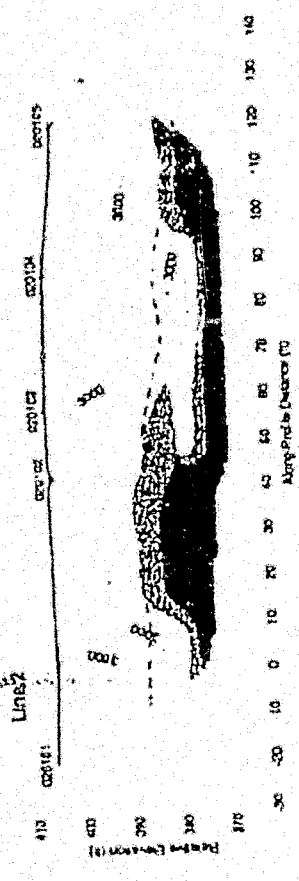
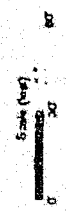
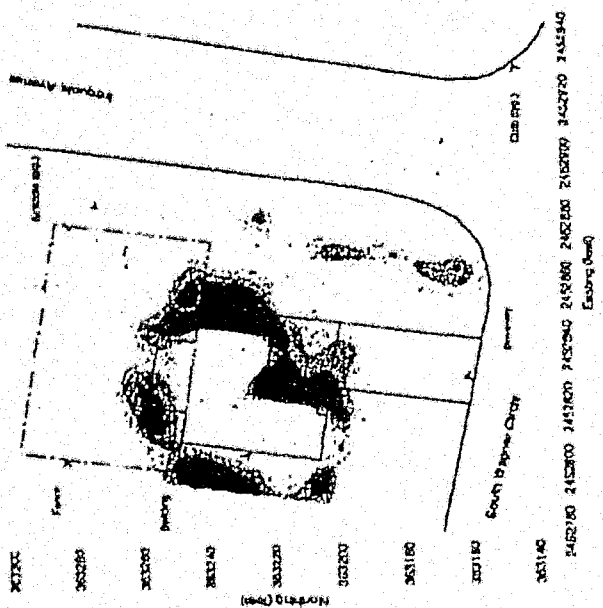


Figure 3

Bouquet Gravity  
Data Contours

Cravetling Property  
3173 South Wagner Circle  
Sinking Springs, PA

Environcon, Inc.  
Project No. 040805  
Rev 03/12/05



Legend

Downstream to PA South Drain  
 PA State Route 100  
 County Route 100  
 USGS Automated Contour Lines

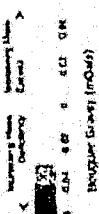
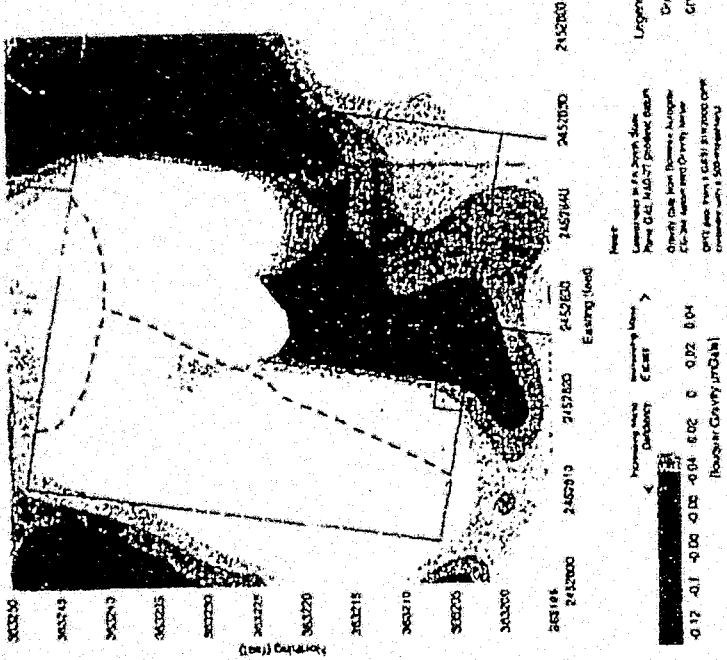


Figure 4

Ground Penetrating Radar Results

Overleaf Property  
3121 South Wagner Circle  
Binking Spring, PA

ENVIROTECH, INC.  
PROJECT NO. E20338  
REPORT DATE



300000  
295000  
290000  
285000  
280000  
275000  
270000  
265000  
260000  
255000  
250000  
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240000  
235000  
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225000  
220000  
215000  
210000  
205000  
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245000  
247500  
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252500  
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297500  
300000

← Moving Area ←

← Cracking ←

← GPR Anomaly ←

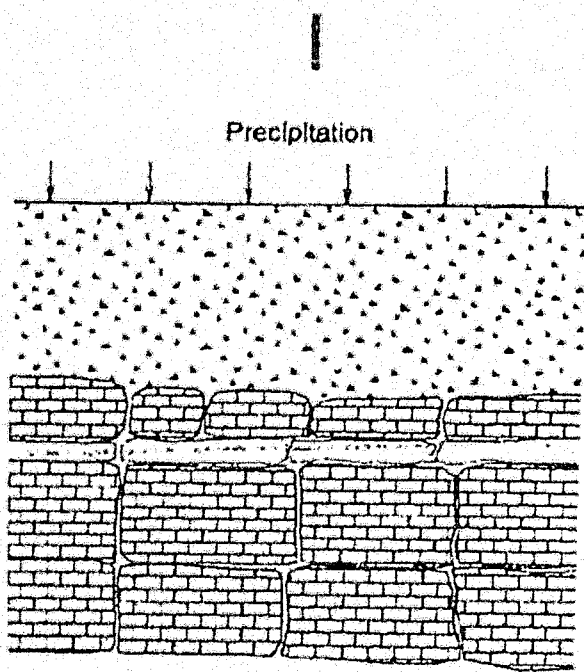
← 0.12 -0.11 -0.10 -0.09 -0.08 -0.07 -0.06 -0.05 -0.04 -0.03 -0.02 -0.01

(Roughly 0.01V, 0.01A)

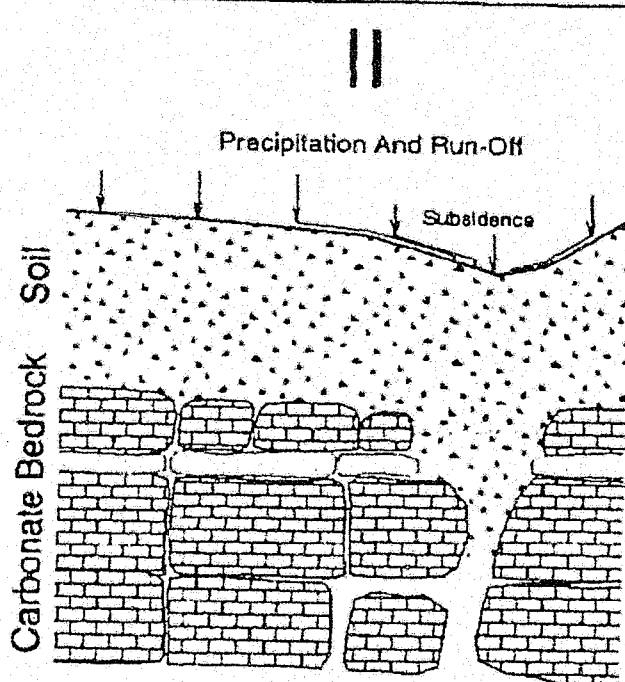
ENVIROSCAN, INC.

## Appendix A

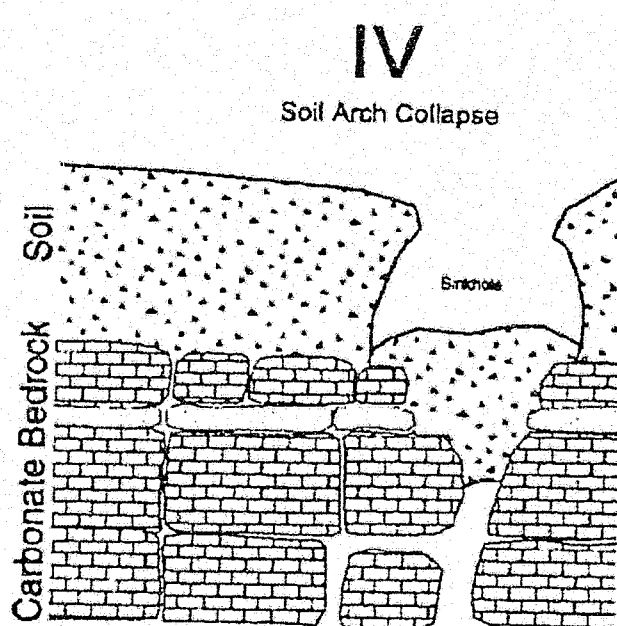
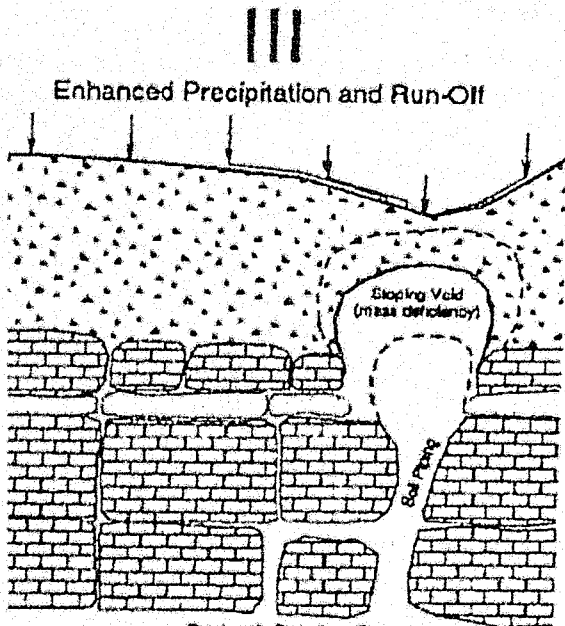
### Schematic Sinkhole Formation Processes



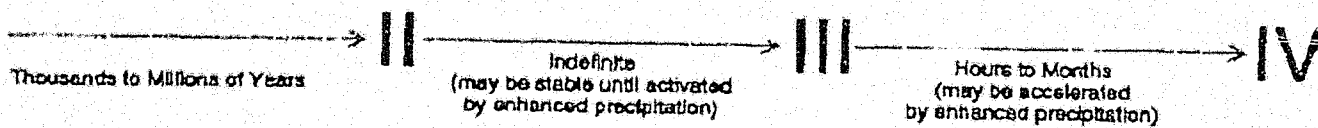
Infiltration



Concentrated infiltration into and Dissolution of Bedrock Cavities (mass deficiencies)



Typical Time Scale



Schematic Karst Processes

Rev. 01/2001



ENVIROSCAN, INC.

**Appendix B**

**Introduction to Seismic Refraction**

## Introduction to Seismic Refraction

by

Timothy D. Bechtel, Ph.D., P.G.

### Energy

Mechanical elastic (seismic) waves generated by a hammer blow, weight drop, or explosion.

### Sensitivity

Sensitive to elastic properties or moduli — generally strongly correlated with density.

### Basic Equipment

Recording Seismograph (generally 24 or more channels), Geophones (one for each channel); Geophone cable; Hammer or weight plus strike plate or explosives; Trigger switch.

### Common Applications

Determination of the depth and dip of soil horizons and bedrock surfaces. Recent processing advances allow some detection and delineation of discrete targets.

### Principles

In a uniform isotropic earth, the shock wave from a blow or explosion at the surface travels outward and downward in a hemispherical wave front like a three-dimensional ripple from a pebble in a still pond. At any point on the wave front, a straight line from the shock source to the wave front depicts the path of the seismic wave, and is called a ray path (see Figure SR-1). In reality, there are several independent shock waves; the fast-moving primary, compressional or P wave front; the slower moving secondary, shear or S wave (both of which form hemispherical wavefronts); and several disk-like wave fronts that travel only along the surface of the earth (called surface waves or ground roll). For the purposes of most seismic refraction surveys, only the fastest moving wave front — the P wave — is considered. S-wave refraction is used in selected circumstances where complete determination of elastic moduli is desired — particularly when it may be desirable to eliminate the effects of water saturation.

Introduction to Seismic Refraction

Page 2

In a layered earth, the hemispherical P shock wave defined by the radially distributed P ray paths are deflected according to the laws of optics (Snell's Law) at interfaces between materials with differing seismic velocities (i.e. densities or elastic properties). Figure SR-2 depicts the deflection of ray paths due to an increase in P velocity at a bedding plane. The type of deflection that a ray path will undergo is dependent upon the angle at which it strikes the interface, and falls into one of four categories:

- 1) Some direct rays (green in Figures SR-2 and SR-3) travel parallel to the ground surface at the seismic velocity of the upper layer, do not strike the underlying interface, and consequently are not deflected.
- 2) Reflected rays (purple in Figures SR-2 and SR-3) arise where direct rays strike the interface, and a portion of the energy is reflected symmetrically back towards the surface.
- 3) The portion of the energy of the incident direct wave that is not reflected upward is refracted, or bent as it crosses the interface – making refracted waves in the lower layer (red in Figures SR-2 and SR-3).
- 4) At a precise angle called the critical angle, the incident ray is refracted directly along the interface, and travels at the higher seismic velocity of the lower layer (see Critically Refracted Wave in Figure SR-3). As this critically refracted or head wave races along beneath the interface, it generates a secondary elastic disturbance that travels back to the surface along ray paths that define a wave front analogous to the bow wake of a ship. These returning rays again travel at the slower velocity of the upper layer.

To perform a refraction survey, a linear array of ground motion sensors or geophones is spaced out from the seismic source or shot point, forming a geophone spread. Each geophone is connected to a separate channel in a seismograph which records a wiggle trace representing the ground motion resulting from the passage of the various seismic rays.

ENVIROSCAN, INC.

Introduction to Seismic Refraction

Page 3

As depicted in the time-distance (T-X) curve in Figure SR-4, the layered earth structure can be determined by analyzing the seismographic wiggle traces. At distances close to the seismic source, the first wiggle or ground motion (the first arrival after the shot) is due to passage of the direct wave travelling at the velocity of the upper layer. Reflected waves arrive later since they have by definition traveled a greater distance at the same velocity (additional later wiggles are caused by passage of the more slowly travelling S and surface waves). Beyond a distance dictated by the critical angle, the first arrival of seismic energy represents the head wave of the critically refracted ray. These refracted rays also by definition travel a greater distance than the direct wave. However, along part of their path, they have traveled at the higher velocity of the underlying more consolidated layer. At greater distances from the shot point, where the path length in the higher velocity layer becomes significant, the head wave arrivals actually race past the direct wave and become the first arrival (see labeled crossover in Figure SR-4). By extension, it can be shown that if a third layer with even greater velocity lies at greater depth, the head wave from this layer will become the first arrival at a sufficient distance from the shot point.

In conventional seismic refraction, only the first P wave arrivals can be reliably selected on a wiggle trace record. The later reflected P wave arrivals are generally obscured by the slower-travelling S and surface waves, and the very slow air blast or sound wave from the shot. To interpret a seismic refraction record, the first arrival travel times are measured for each wiggle trace and plotted at the appropriate point on a time-distance (T-X) curve (see Figure SR-4). In a plane-layered earth, these first arrivals define a series of line segments, each representing a discrete layer. The seismic velocity of each layer is simply the reciprocal of the slope of the associated line segment. The thickness of each layer can be calculated from the distances where the line segments intersect. The mathematics for these calculations are easily derived, and can be found in any introductory geophysics text.

True geologic strata are rarely perfectly horizontal. The effect of a dipping interface on a travel time curve cannot be recognized using a single shot point. Calculations based on a T-X curve from a single shot point should always be considered as producing apparent depths to interfaces and apparent seismic velocities for all but the uppermost layer. To determine the true depths and dips of interfaces and the true seismic velocities, it is necessary to reverse the seismic line; that is, move the shot point to a location at or beyond the farthest geophone in the spread, and repeat the shot. The calculation of true depths, dips and velocities from reversed seismic lines is also readily performed.

## ENVIROSCAN, INC.

### Introduction to Seismic Refraction

Page 4

#### Capabilities

Conventional seismic refraction can yield accurate measurements of depths and attitudes of soil horizons, groundwater tables, and other relatively distinct and planar strata. Modern computer analysis of multi-fold seismic refraction data (i.e. with many and overlapping shot points) can provide delineation of undulating or even irregular (as opposed to simply planar) interfaces. The latest generation of computer processing techniques require very high-fold data, but in favorable conditions, are capable of resolving even discrete targets such as foundation elements, tunnels or cavities, and can resolve gradational boundaries as well as distinct interfaces. The seismic P-wave velocities of materials are generally an indication of relative density or compaction. S-wave refraction data (collected using specialized geophones, shock sources and field procedures) can provide S-wave velocities that bear a well-constrained empirical relationship to standard penetration test (SPT) N values and therefore bearing capacity. For surveys where matching P- and S-wave velocities are determined, the dynamic elastic moduli of subsurface materials can be calculated (including Poisson's Ratio, Young's or Bulk Modulus, and Shear Modulus or Rigidity).

#### Limitations

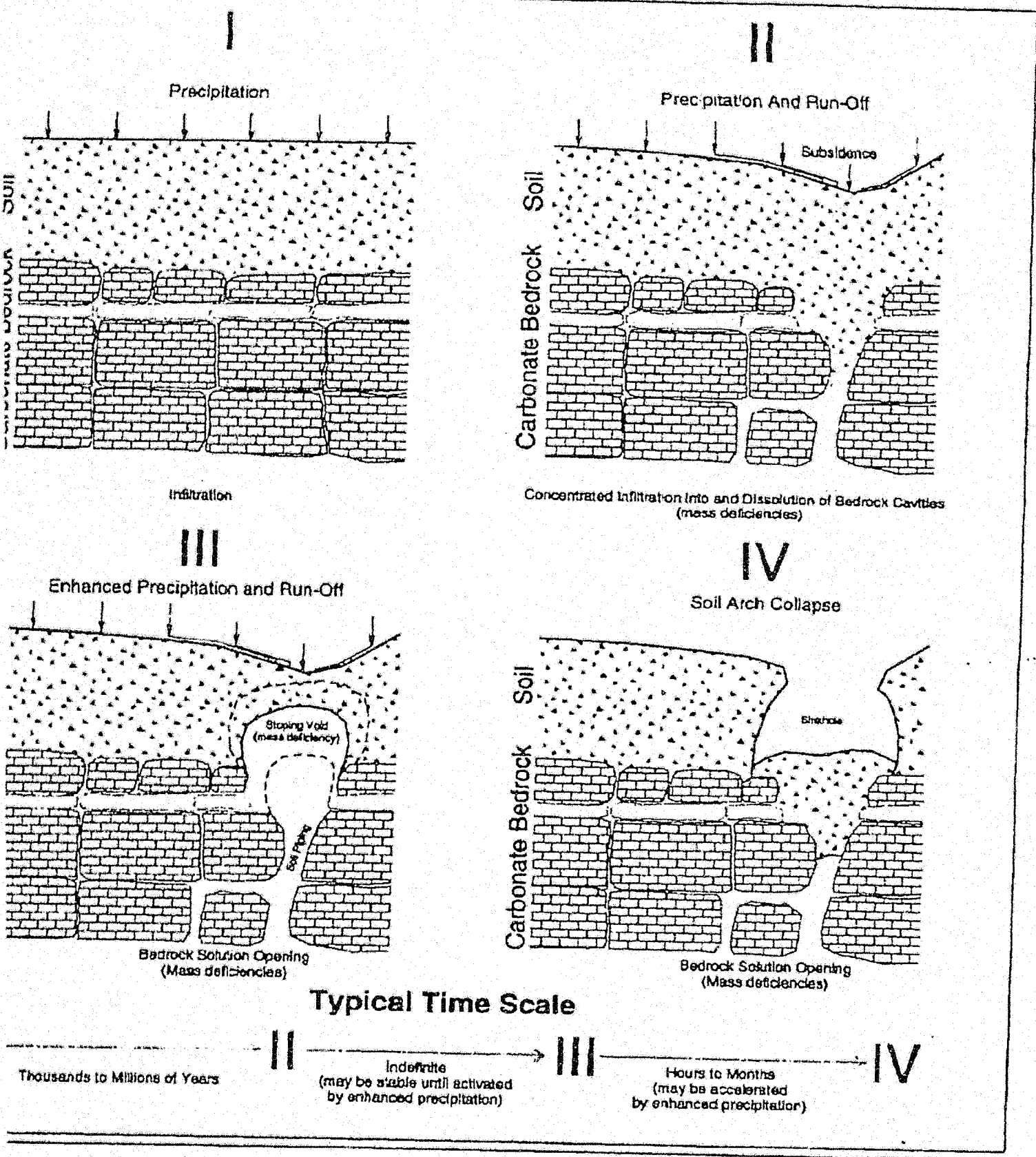
Seismic data is collected at spaced geophones, and therefore does not provide continuous profile data. If geophones are spaced too widely, thin layers can be missed entirely.

Conventional refraction interpretations are only accurate where the velocity of strata increase with depth. Velocity inversions not only alter the data, but are particularly insidious since the presence of a low velocity zone at depth is not apparent in first arrival data. The latest generation of computer processing techniques do allow detection and delineation of laterally restricted low velocity zones (e.g. tunnels, cavities, gravel lenses, etc.).

Sharp or dramatic interface relief such as limestone pinnacles cannot always be resolved even with very tight geophone spacing. Therefore, refraction profiles of expectedly irregular interfaces should be assumed to represent somewhat smoothed versions of actual relief (see e.g. Figure SR-5).

Seismic records can contain noise due to heavy machinery vibrations, vehicular traffic, and sometimes even wind or distant earthquakes. Care must be taken to identify potential sources of seismic noise prior to beginning a survey.

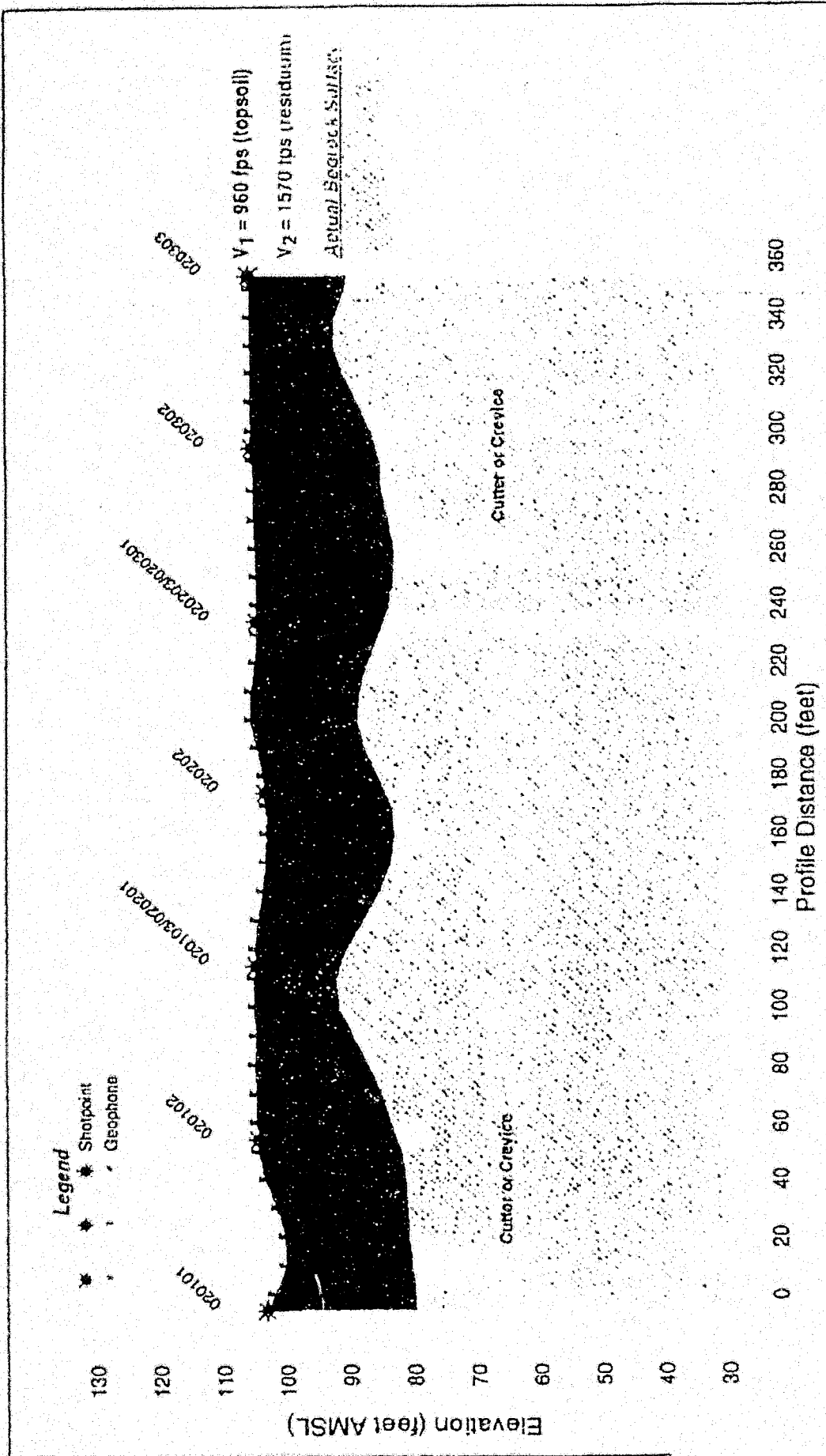
The effective survey depth is limited to approximately 1/5 of the greatest shotpoint to geophone distance. Therefore, very deep surveys may require impractically long lines (requiring consideration of other geophysical techniques such as seismic reflection).



# Schematic Karst Processes

Rev. 01/2001





Revised 01/2001

Example Karst Terrane Seismic Profile

Figure SR-5

ENVIROSCAN, INC.

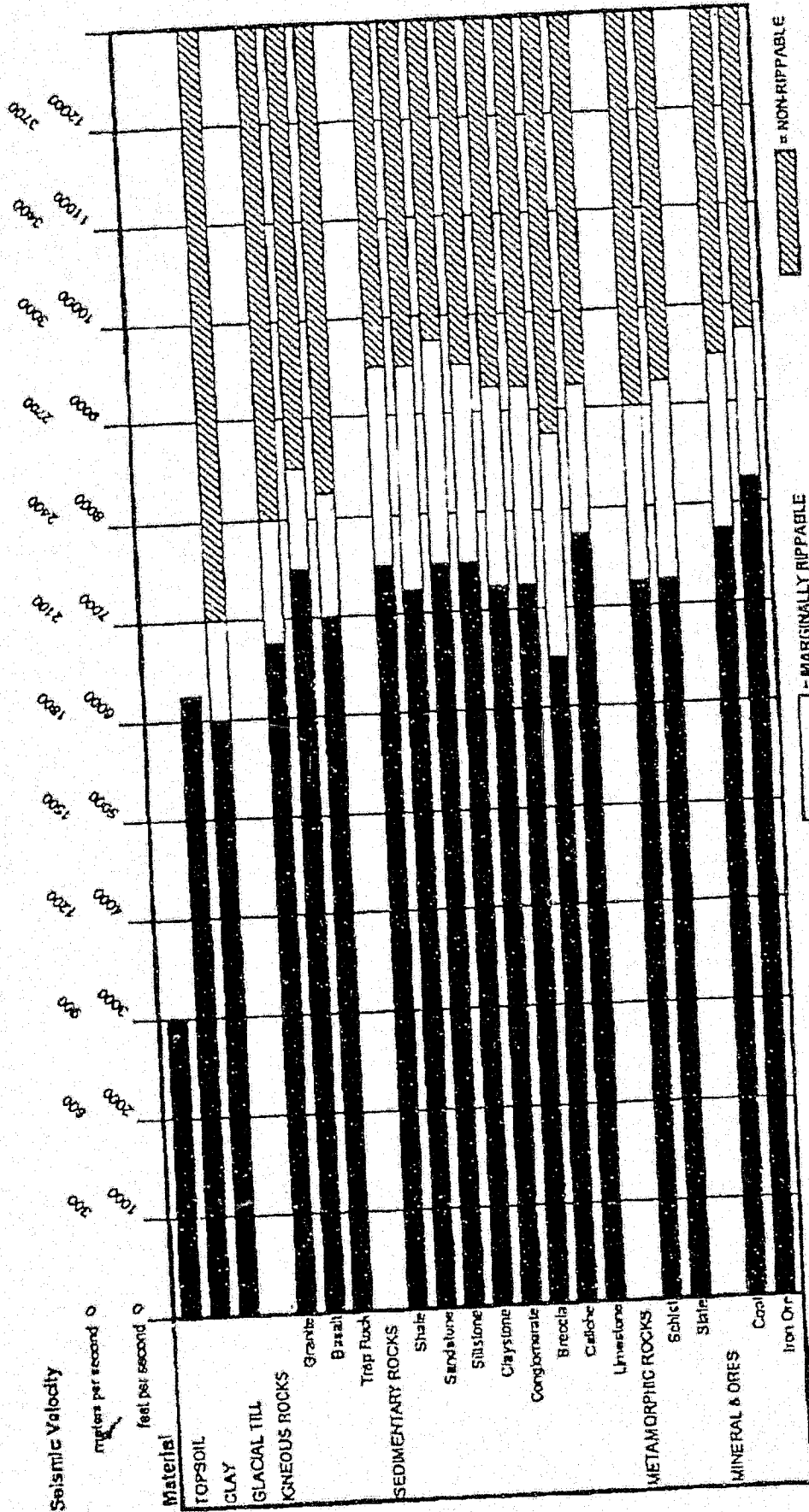
**Appendix C**

**Ripping Charts**

### Ripping Chart \*

D9R

Mult of Single Shank No. 9 Ripper  
Estimated by Seismic P-Wave Velocities



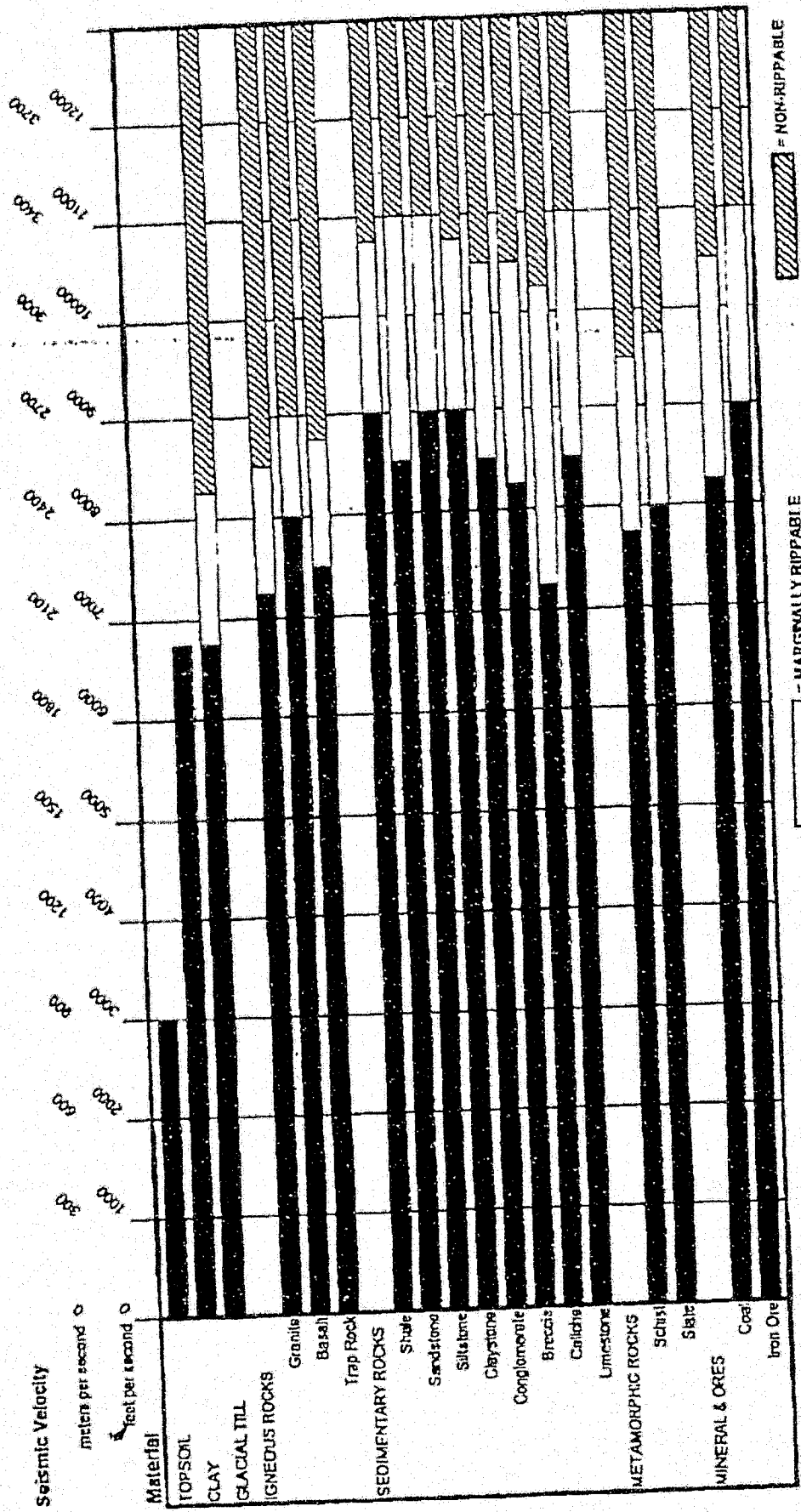
■ RIPPLABLE

□ MARGINALLY RIPPLABLE

▨ NON-RIPPLABLE

\* Caterpillar Performance Handbook, Edition 26, Caterpillar, Inc., Peoria, Illinois

**Ripping Chart\***  
**D10N**  
 Multi or Single Shank No. 10 Ripper  
 Estimated by Seismic P-Wave Velocities



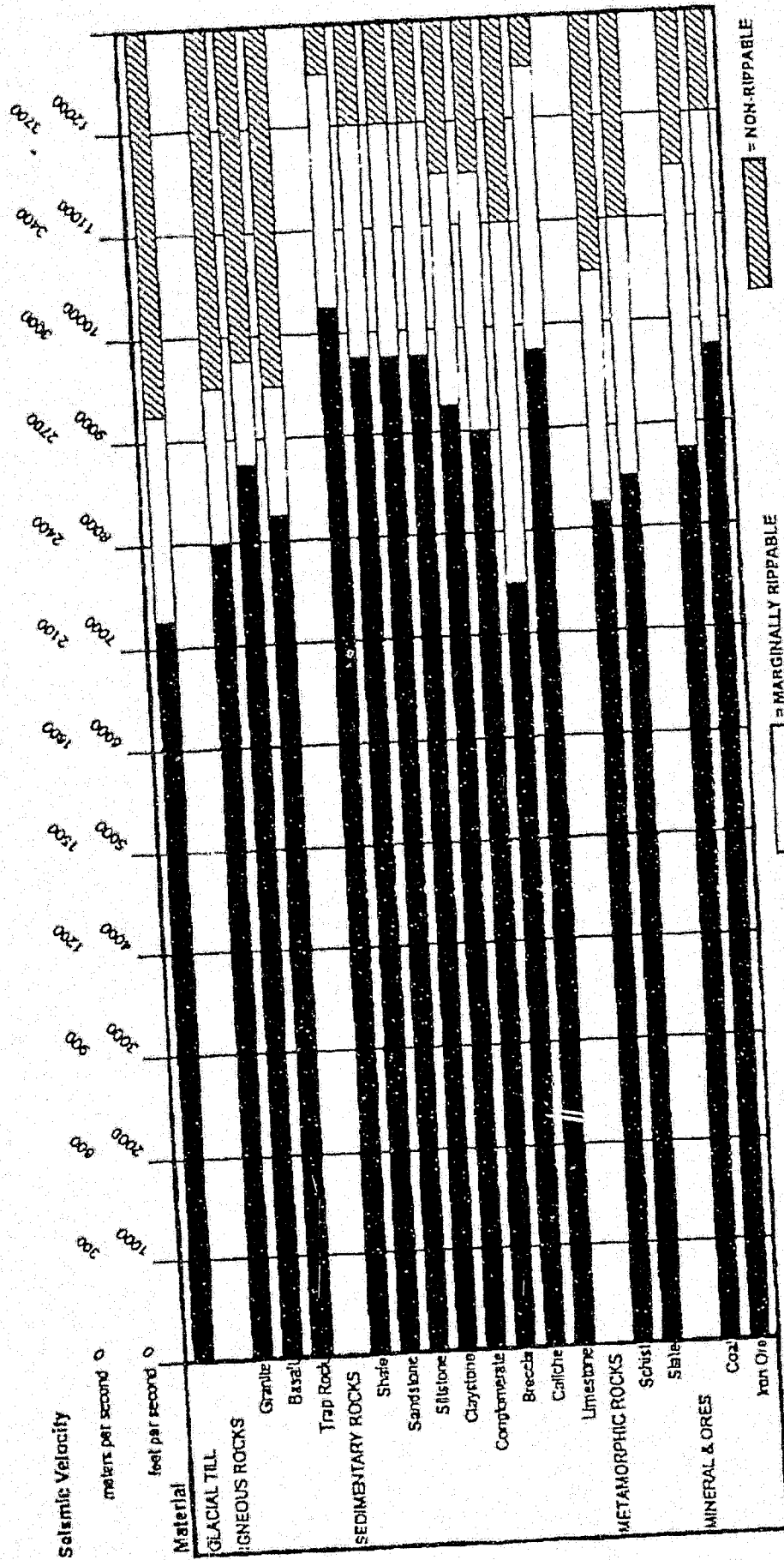
▨ = NON-RIPPABLE

□ = MARGINALLY RIPPABLE

■ = RIPPABLE

\* Caterpillar Earthmoving Handbook, Edition 28, Caterpillar, Inc., Peoria, Illinois

**Ripping Chart\***  
**D11N**  
 Multi or Single Shank No. 11 Ripper  
 Estimated by Seismic P-Wave Velocities



\* Caterpillar Performance Handbook, Edition 26, Caterpillar, Inc., Peoria, Illinois

## References

- Geyer, A.R. and Wilshusen, J.P., 1982, Engineering Characteristics of the Rocks of Pennsylvania, Pennsylvania Geologic Survey, Harrisburg, PA.
- Kochanov, W. E., 1988, Sinkholes and Karst-Related Features of Berks County, PA, Pennsylvania Geologic Survey Open File Report 8801 and 8802, Harrisburg, PA.
- MacLachlan, D.B., Buckwalter, T.V., McLaughlin, D.B., 1975, Geology and Mineral Resources of the Sinking Spring 7-1/2-minute Quadrangle, Berks and Lancaster Counties, Pennsylvania, Pennsylvania Geologic Survey, 4<sup>th</sup> ser., Atlas 177d, 228p.
- Newton, J.G. (1987) Development of Sinkholes Resulting from Man's Activities in the Eastern United States, U.S. Geological Survey Circular 968.
- Telford, W.M., Geldart, L.P., and Sheriff, R.E., 1990. Applied Geophysics, Cambridge University Press.

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

DATE SERVED: JULY 26, 2005

C-20054746

PENNA AMERICAN WATER COMPANY  
ROBERT M ROSS  
800 W HERSHEY PARK DR  
HERSHEY PA 17033

Dear Sir/Madam:

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

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

CUSTOMER OF A UTILITY

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

COMPANY/UTILITY

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

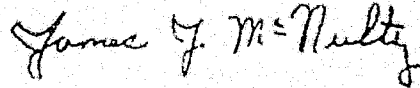
JULY 26, 2005

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

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

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

Very truly yours,



James J. McNulty  
Secretary

ddi

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JULY 26, 2005

SPRING TOWNSHIP  
Complainant

VS.

PENNSYLVANIA AMERICAN WATER  
COMPANY

Respondent

Complaint Docket  
No: C-20054746

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: PENNSYLVANIA AMERICAN WATER 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,

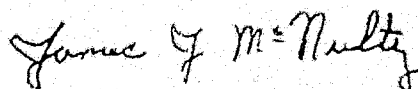
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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

August 12, 2005

ORIGINAL

## VIA OVERNIGHT MAIL

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

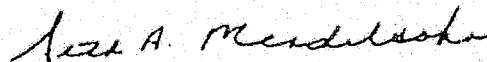
Re: Spring Township v. Pennsylvania-American Water Company  
Docket No. C-20054746

Dear Secretary McNulty:

On behalf of Pennsylvania American Water, I enclose an original and three copies of its Preliminary Motion to Dismiss the Formal Complaint of Spring Township, an Entry of Appearance and Certificate of Service regarding this matter. Pennsylvania American Water is simultaneously filing its Answer.

As evidenced by the enclosed Certificate of Service, all parties to this proceeding have been duly served. Please time stamp the extra copy of this letter and return it to me in the stamped self-addressed envelope.

Respectfully submitted,



Seth A. Mendelsohn

Enclosures

c: Joan E. London, Esquire  
Judy Jordan

DOCUMENT  
FOLDER

AUG 12 2005

Pennsylvania American Water  
11

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](mailto:seth.mendelsohn@amwater.com)  
I: [www.pawc.com](http://www.pawc.com)

RJP

 RWE GROUP

87

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SPRING TOWNSHIP,  
Complainant

v.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,  
Respondent

DOCKET NO. C-20054746

PRELIMINARY MOTION TO DISMISS FORMAL COMPLAINT

NOW COMES the Respondent, Pennsylvania American Water ("Company"), by its attorneys, and moves this Honorable Commission, pursuant to 52 Pa. Code §§5.103, to dismiss the Formal Complaint of Spring Township. In support thereof, the Company states as follows:

1. Spring Township has filed a formal complaint for alleged problems with the reliability, safety or quality of its utility service.

2. As to the allegations made in the complaint, Spring Township is not a customer of the Company's.

3. Spring Township does not have standing to file a formal complaint for alleged property damage suffered by its citizens.

4. A preliminary motion is available to participants where the formal complaint on its face does not indicate "the standing of the party to participate in the proceeding." 52 Pa. Code §5.101(a)(3).

5. In order to have standing, a party must (1) have a substantial interest in the subject matter; (2) that interest must be direct; and (3) that interest must be immediate and not a remote consequence. Penn-Harris Hotel Co. v. Pennsylvania Public Utility Comm'n, 166 Pa. Super. 394, 71 A.2d 853 (1950); William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346

**DOCKETED**  
AUG 16 2005

**DOCUMENT  
FOLDER**

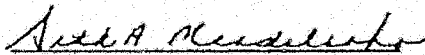
A.2d 269 (1975); Pennsylvania Petroleum Ass'n. v. Pennsylvania Power and Light Co., 32 Pa. Cmwlth 19, 377 A.2d 1270 (1977) aff'd, 488 Pa. 308, 412 A.2d 522 (1980); and Franklin Township v. Pennsylvania Dept. of Env'tl. Resources, 500 Pa. 1, 452 A.2d 718 (1982). The core concept of the question of standing is ". . . that a person, who is not adversely affected in any way by the matter he seeks to challenge, is not 'aggrieved' thereby and has no standing to obtain judicial resolution of his challenge." William Penn Parking Garage, 464 Pa. at 192, 346 A.2d at 280-81.

6. The term standing is not defined in the Public Utility Code nor the Commission's Rules of Administrative Practice and Procedure. The Commission, however, has exercised its discretion and applied the aforementioned appellate courts' test in determining whether a party has standing. Application of Frederick C. Cianciulli, t/d/b/a Cianciulli's Limousine Service, Docket No. A-00104570, (Order Entered November 7, 1984); Appalachian Gas Sales, Inc. v. PECO, 67 Pa. P.U.C. 246 (1988); Pennsylvania Natural Gas Assoc. v. T.W. Phillips Gas & Oil Co., Docket Nos. C-902909 and C-913239, (Order Entered December 20, 1991); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993).

7. Applying this well-settled law, Spring Township does not have a substantial and direct interest in the damages allegedly suffered by its citizens.

WHEREFORE, for the reasons stated herein, Pennsylvania American Water requests this Honorable Commission to dismiss the Formal Complaint at Docket No. C-20054746.

Respectfully submitted,



Seth A. Mendelsohn  
Pennsylvania American Water  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033  
(717) 531-3362

Dated: August 12, 2005

ORIGINAL

August 12, 2005

RECEIVED

AUG 12 2005

VIA OVERNIGHT MAIL

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

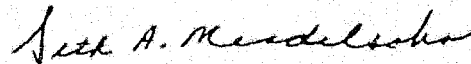
Re: Spring Township v. Pennsylvania-American Water Company  
Docket No. C-20054746

Dear Secretary McNulty:

On behalf of Pennsylvania American Water, I enclose an original and three copies of its Answer and New Matter to the Formal Complaint of Spring Township, an Entry of Appearance and Certificate of Service regarding this matter. Pennsylvania American Water is simultaneously filing its Preliminary Motion to Dismiss.

As evidenced by the enclosed Certificate of Service, all parties to this proceeding have been duly served. Please time stamp the extra copy of this letter and return it to me in the stamped self-addressed envelope.

Respectfully submitted,

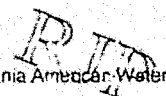


Seth A. Mendelsohn

Enclosures

c: Joan E. London, Esquire  
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](mailto:seth.mendelsohn@amwater.com)  
I [www.pawc.com](http://www.pawc.com)

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AUG 12 2005

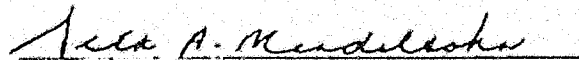
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
215 N. MARKET ST., PHILADELPHIA, PA 19106

In the matter of:

Re: Spring Township v. Pennsylvania-American Water Company  
Docket No. C-20054746

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Respondent, Pennsylvania American Water. I am authorized to accept service on behalf of said participant in this matter. I am already receiving or have access to a copy of each document issued by the Pennsylvania Public Utility Commission in this matter and do not on the basis of this notice require an additional copy.

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

Dated: August 12, 2005

**DOCKETED**  
AUG 16 2005

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AUG 12 2005

SPRING TOWNSHIP,  
Complainant

v.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,  
Respondent

DOCKET NO. C-20054746

PA PUBLIC UTILITY COMMISSION  
REG. ADVIS. BUREAU

ANSWER TO FORMAL COMPLAINT OF SPRING TOWNSHIP

NOW COMES the Respondent, Pennsylvania American Water (the "Company"), by its attorneys, and answers the Formal Complaint of Spring Township as follows<sup>1</sup>:

1. Admitted in part. Denied in part. It is Admitted that Spring Township has filed a formal complaint. It is Denied that Spring Township has the legal standing to file such a complaint as it does not allege a direct harm to it. As to the remaining averments, the Company is without knowledge or information sufficient to form a belief as to the truth of these averments, and therefore, the averments are Denied.

2. Admitted.

3. Admitted.

4. a. Denied.

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AUG 16 2005

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b. Admitted in part; Denied in part. It is Admitted that a water main break occurred on the 3100 block of Iroquois Avenue on February 5, 2005. To the extent alleged, it is Denied that the water main break was caused by the negligence of the Company. It is Denied that the Company has responsibility for any alleged damages. As to the remaining averments, the Company is without knowledge or information sufficient to form a belief as to the truth of the allegations and, as such, the allegations are Denied.

<sup>1</sup> Simultaneous with this Answer, the Company is filing a §5.101 preliminary motion to dismiss the complaint for lack of standing.

5. Paragraph No. 5 of the Complaint is a prayer for relief to which no response is required. To the extent that any of the remaining averments in Paragraph No. 5 are construed as allegations for which a response is required, the Company denies any and all such allegations.

6. This is a statement to which no response is required.

7. Admitted.

8. This is a statement to which no response is required.

#### NEW MATTER

9. The averments contained in Paragraphs 1 through 8 are hereby incorporated by reference.

10. The Complaint fails to state a cause of action for which relief may be granted.

11. The Complaint states a cause of action that is barred by the equitable doctrine of laches.

12. Any damages were caused by the negligence of the Complainant in failing to properly fix pre-existing sinkholes in the area.

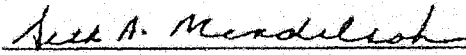
13. Complainant failed to notify the Company of its attempts to fix pre-existing sinkholes in the area.

WHEREFORE, Pennsylvania American Water requests your Honorable Commission to dismiss the Formal Complaint of Spring Township at Docket No. C-20054746 or in the alternative, find in favor of the Company.

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**DOCKETED**  
AUG 16 2005

Respectfully submitted,



Seth A. Mendelsohn  
Corporate Counsel  
PA Attorney I.D. No. 77063  
Pennsylvania American Water  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033  
(717) 531-3362

Dated: August 12, 2005

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SPRING TOWNSHIP,  
Complainant

v.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,  
Respondent

DOCKET NO. C-20054746

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document, Pennsylvania American Water's Answer, New Matter, Notice of Appearance and Preliminary Motion to Dismiss the Formal Complaint, upon the participants listed below, in accordance with the requirements of §1.54:

**VIA OVERNIGHT MAIL**

Joan E. London, Esquire  
2640 Westview Drive  
PO Box 6286  
Wyomissing, PA 19610

AUG 12 2005

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY

Dated this 12<sup>th</sup> day of August, 2005.

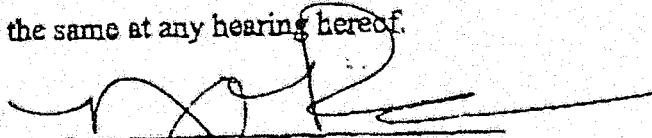
Seth A. Mendelsohn

Seth A. Mendelsohn  
Pennsylvania American Water  
800 West Hershey Park Drive  
Hershey, Pennsylvania 17033  
(717) 531-3362

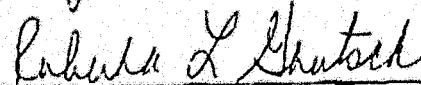
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF DAUPHIN )

I, NICK O. ROWE, being duly sworn according to law, depose and say that I am authorized to make this Affidavit on behalf of Pennsylvania American Water, being the holder of the office of Vice President with that Company and that the facts set forth are true and correct, or are true and correct to the best of my knowledge, information and belief and that I expect the said Pennsylvania American Water to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Nick O. Rowe

Sworn to before me this 12<sup>th</sup> day  
of August, 2005.

  
\_\_\_\_\_  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
ROBERTA L. GAUTSCH, Notary Public  
Derry Twp., Dauphin County  
My Commission Expires Oct. 10, 2006



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 17, 2005

IN REPLY PLEASE  
REFER TO OUR FILE

Re: C-20054746

(See attached list)

Township of Spring v. Pennsylvania American Water Company

Motion Judge Assignment Notice

This is to inform you that a preliminary motion was filed on the above-captioned case. This motion is being assigned to Chief Administrative Law Judge Veronica A. Smith for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies that the person who filed the complaint has ten (10) days from the date the motion was served on you to file an answer.

If you file any pleading or document relating to this motion with the Secretary of the Commission, please provide a duplicate copy to the judge.

Procedural questions or comments should be directed to the judge at:

717.783.5452

pc: Eric Rohrbaugh  
Susan Licon  
Beth Plantz  
Docket Section

DOCUMENT  
FOLDER

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AUG 22 2005

C-20054746 Township of Spring v. Pennsylvania American Water  
Company

JOAN E LONDON ESQUIRE  
KOZLOFF STOUT ATTORNEYS AT LAW PC  
2640 WESTVIEW DRIVE  
PO BOX 6286  
WYOMISSING PA 19610

SETH MENDELSON ESQUIRE  
800 WEST HERSHEY PARK DRIVE  
P O BOX 888  
HERSHEY PA 17033-0888

# BINGAMAN HESS

ATTORNEYS AT LAW

DAVID E. TURNER  
MARK G. YODER  
KURT ALTHOUSE  
LYNNE K. BEUST  
HARRY D. McMUNIGAL  
PATRICK T. BARRETT  
ERIC J. FABRIZIO  
ELIZABETH D. McMUNIGAL  
ELIZABETH A. MAGOVERN\*  
DOMINIC A. DeCECCO  
MAHLON J. BOYER

\*Also admitted in Vermont

Treeview Corporate Center  
Suite 100 • 2 Meridian Boulevard  
Wyomissing, PA 19610  
610.374.8377  
Fax 610.376.3105  
www.bhcb.com

RAYMOND K. HESS  
RALPH J. ALTHOUSE, JR.  
RETIRED

LLEWELLYN R. BINGAMAN  
1907-1996  
J. WENDELL COBLENTZ  
1911-2003  
JAMES F. BELL  
1921-1988

August 18, 2005

VIA FEDERAL EXPRESS

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AUG 18 2005

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE. Spring Township v. Pennsylvania American Water  
Docket Number C-20054746  
Our File No. 10176-1041

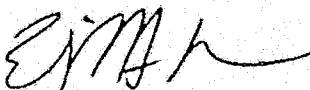
Dear Secretary McNulty:

On behalf of Pennsylvania American Water, I enclose an original and three copies of its Notice of Appearance and Certificate of Service regarding this matter.

As evidenced by the enclosed Certificate of Service, all parties to this proceeding have been duly served. Please time stamp the extra copy of this letter and return it to me in the stamped self-addressed envelope.

Very truly yours,

BINGAMAN HESS



Elizabeth A. Magovern

EAM/cjb  
Enclosures

cc. Joan E. London, Esquire (w/encl.) (via Federal Express)

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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In the matter of:

RE: Spring Township v. Pennsylvania American Water  
Docket Number C-20054746

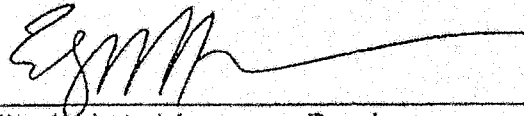
AUG 18 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Respondent, Pennsylvania American Water. I am authorized to accept service on behalf of said participant in this matter. I am already receiving or have access to a copy of each document issued by the Pennsylvania Public Utility Commission in this matter and do not on the basis of this notice require an additional copy.

DOCUMENT  
FOLDER



Elizabeth A. Magovern, Esquire  
BINGAMAN, HESS, COBLENTZ & BELL, P.C.  
Treeview Corporate Center  
2 Meridian Blvd., Suite 100  
Wyomissing, PA 19610  
P: 610-374-8377  
F: 610-376-3105

Date: 8/18/05

**DOCKETED**  
AUG 22 2005

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SPRING TOWNSHIP :  
Complainant : DOCKET NUMBER C-20054746  
v. :  
PENNSYLVANIA AMERICAN WATER :  
Respondent :

CERTIFICATE OF SERVICE

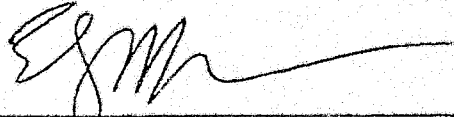
I hereby certify that I have this day served a true copy of the foregoing document, Pennsylvania American Water's Notice of Appearance, upon the participants listed below, in accordance with the requirements of §1.54:

VIA FEDERAL EXPRESS

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Joan E. London, Esquire  
Kozloff Stoudt  
2640 Westview Drive  
P.O. Box 6286  
Wyomissing, PA 19610

Dated this 18th day of August, 2005.



Elizabeth A. Magovern, Esquire  
BINGAMAN, HESS, COBLENTZ & BELL, P.C.  
Treeview Corporate Center  
2 Meridian Blvd., Suite 100  
Wyomissing, PA 19610  
P: 610-374-8377  
F: 610-376-3105

ORIGINAL

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AUG 18 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Kozloff Stoudt **ORIGINAL**  
ATTORNEYS AT LAW PROFESSIONAL CORPORATION

August 23, 2005

Email: [jlondon@kozloffstoudt.com](mailto:jlondon@kozloffstoudt.com)

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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AUG 23 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

VIA UPS OVERNIGHT DELIVERY

Re: Township of Spring  
v. Pennsylvania-American Water Co.  
Docket No. C20054746  
Our File No. 100744-388

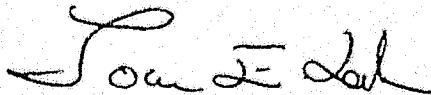
Dear Mr. McNulty:

This law firm serves as Solicitor for the Township of Spring, Berks County, Pennsylvania. I enclose an original and four (4) copies of a Answer of Complainant, Township of Spring, In Opposition to Preliminary Motion to Dismiss Formal Complaint. Please file the original and return any extra copies of the Answer, time/date stamped, in the enclosed self-addressed, postage prepaid envelope.

Thank you for your assistance in this matter.

Very truly yours,

KOZLOFF STOUDT  
Professional Corporation



Joan E. London

DOCUMENT  
FOLDER

JEL/kab  
Enclosure

cc: Seth A. Mendelsohn, Esquire, Pennsylvania American Water Company (w/encl.)  
Elizabeth A. Magovern, Esquire (w/encl.)  
The Hon. Veronica A. Smith, Commonwealth of PA PUC (w/encl.)  
Richard Fehling, Esquire (w/encl.)  
Mark Bridge, Esquire (w/enclosure)  
Neil Rahn, Wagner Farms homeowners' Association (w/encl.)

41

**ORIGINAL RECEIVED**

KOZLOFF STOUT  
Professional Corporation  
By: Joan E. London, Esquire  
Attorney I.D. #67934  
2640 Westview Drive  
P.O. Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

AUG 23 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SOLICITORS FOR COMPLAINANT,  
TOWNSHIP OF SPRING

---

BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRING,

: Docket No. C20054746

Complainant

vs.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,

Respondent

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Assigned to:  
Veronica A. Smith, A.L.J.

---

ANSWER OF COMPLAINANT, TOWNSHIP OF SPRING, IN OPPOSITION TO  
PRELIMINARY MOTION TO DISMISS FORMAL COMPLAINT

---

AND NOW comes Complainant, Township of Spring, Berks County, Pennsylvania, through its undersigned Solicitors, Joan E. London, Esquire and Kozloff Stout, Professional Corporation, and sets forth the following in opposition to the Motion to Dismiss the Formal Complaint:

1. Admitted in part and denied in part. It is admitted that the Complainant, Township of Spring, filed a formal complaint with the Pennsylvania Public Utility

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AUG 25 2005

**DOCUMENT  
FOLDER**

Commission. The characterization by Respondent, Pennsylvania-American Water Company, of the formal complaint is denied, as the Formal Complaint relates not only to reliability, safety, and quality of utility service (public water service provided by Respondent), but also relates to an act done or omitted to be done by Respondent in violation of Commission regulations. These acts include but are not limited to violations of 52 Pa.Code Section 65.17 (titled "Standards of Design"); 52 Pa.Code Section 65.18 (titled "Standards of Construction"); and, 52 Pa.Code Section 65.20 (titled "Water Conservation Measures - Statement of Policy"). Furthermore, Respondent has a duty to maintain its lines, mains, and facilities in a safe operating condition, to remediate damage caused by water main breaks, and to prevent future damage.

2. Denied. Complainant, Township of Spring is itself a customer of Respondent, Pennsylvania-American Water Company. Furthermore, Pennsylvania-American Water Company provides water service to Township residents and billing/collection services to the Township by agreement. Finally, the water main break at issue occurred in an area near to the Township Municipal Building. Accordingly, the Township of Spring is a "customer" as to the allegations raised in the Formal Complaint. Furthermore, the Township is a sufficiently aggrieved party as the custodian of its streets, sidewalks, and other public facilities, to confer standing.

3. Denied. It is denied that the subject matter of the Complaint is solely property damage sustained by residents of the Township of Spring. To the degree that

the Complainant is filing on behalf of its residents, it denies that it lacks standing to do so. By way of further response, the Township has a direct and substantial pecuniary interest in water service to its residents, and has a substantial, direct, and immediate interest in the protection and enhancement of the quality of life of its residents. See, *Bethlehem Township v. City of Bethlehem*, Docket No. C-902991, 1990 Pa. PUC LEXIS 62 (October 2, 1990) (standing conferred to municipality on behalf of residents and Motion to Dismiss denied). Furthermore, the Township is a sufficiently aggrieved party as the custodian of its streets, sidewalks, and other public facilities, to confer standing.

4. Admitted in part and denied in part. Admitted only that Paragraph 4 contains a correct statement of 52 Pa.Code Section 5.101(a)(3). It is denied, however, that the Formal Complaint does not contain sufficient basis for a finding of standing. See, *Bethlehem Township v. City of Bethlehem, supra*. Furthermore, the Township is a sufficiently aggrieved party as the custodian of its streets, sidewalks, and other public facilities, to confer standing.

5. Admitted in part and denied in part. Admitted only that Paragraph 5 contains a correct statement of Pennsylvania law on the issue of standing as set forth in *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975) and its progeny. It is denied, however, that Complainant, Township of Spring, does not have standing under the *William Penn Parking Garage* standard. By way of further response, the Township has a direct and substantial pecuniary interest in water service

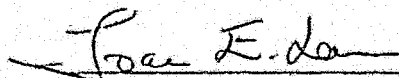
to its residents, and has a substantial, direct, and immediate interest in the protection and enhancement of the quality of life of its residents. See, *Bethlehem Township v. City of Bethlehem*, Docket No. C-902991, 1990 Pa. PUC LEXIS 62 (October 2, 1990) (standing conferred to municipality on behalf of residents and Motion to Dismiss denied).

6. Admitted in part and denied in part. It is admitted only that the term "standing" is not defined in the Pennsylvania Public Utility Code or in the Commission's Rules of Administrative Practice and Procedure. It is denied, however, that Complainant, Township of Spring, does not have standing under the *William Penn Parking Garage* standard utilized by Pennsylvania appellate courts. By way of further response, the Township has a direct and substantial pecuniary interest in water service to its residents, and has a substantial, direct, and immediate interest in the protection and enhancement of the quality of life of its residents. See, *Bethlehem Township v. City of Bethlehem*, Docket No. C-902991, 1990 Pa. PUC LEXIS 62 (October 2, 1990) (standing conferred to municipality on behalf of residents and Motion to Dismiss denied). Furthermore, the Township is a sufficiently aggrieved party as the custodian of its streets, sidewalks, and other public facilities, to confer standing.

7. Denied. The Township has standing to pursue all claims raised in the Formal Complaint. See, *Bethlehem Township v. City of Bethlehem*, *supra*.

WHEREFORE, it is respectfully requested by the Complainant, Township of Spring, Berks County, Pennsylvania, that the Motion to Dismiss of Respondent, Pennsylvania-American Water Company be denied, and that the Formal Complaint, in its entirety, be permitted to proceed before the Commission.

KOZLOFF STOUTT  
Professional Corporation

A handwritten signature in cursive script, appearing to read "Joan E. London", is written over a horizontal line.

Joan E. London, Esquire  
2640 Westview Drive  
P.O. Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

KOZLOFF STOUDT  
Professional Corporation  
By: Joan E. London, Esquire  
Attorney I.D. #67934  
2640 Westview Drive  
P.O. Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

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AUG 23 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SOLICITORS FOR COMPLAINANT,  
TOWNSHIP OF SPRING

---

BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRING,

: Docket No. C20054746

Complainant

vs.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,

Respondent

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Assigned to:  
Veronica A. Smith, A.L.J.

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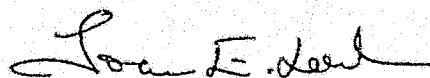
VERIFICATION

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I, Joan E. London, Esquire, state that I am authorized to take this Verification on behalf of Complainant, Township of Spring. I hereby state that the facts set forth above 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.A. Section 4904 (relating to unsworn falsification to authorities).

Date: August 23, 2005

KOZLOFF STOUDT  
Professional Corporation

  
Joan E. London, Esquire

RECEIVED

AUG 23 2005

BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRING,

: Docket No. C20054746

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Complainant

vs.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,

Respondent

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:  
Assigned to  
Veronica A. Smith, A.L.J.

CERTIFICATE OF SERVICE

I, Joan E. London, Esquire, 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 Section 1.54 (relating to service by a participant):

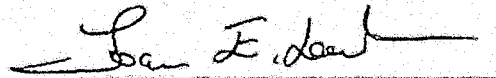
James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Elizabeth A. Magovern, Esquire  
Bingaman Hess  
Treeview Corporate Center, Ste. 100  
2 Meridian Boulevard  
Wyomissing, PA 19610

Seth A. Mendelsohn, Esquire  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

The Hon. Veronica A. Smith  
Administrative Law Judge  
Commonwealth of PA  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

KOZLOFF STOUDT  
Professional Corporation



Joan E. London, Esquire

Date: August 23, 2005

August 23, 2005

Email: [jlondon@kozloffstoudt.com](mailto:jlondon@kozloffstoudt.com)

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**RECEIVED**

AUG 29 2005

VIA UPS OVERNIGHT DELIVERY

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Township of Spring  
v. Pennsylvania-American Water Co.  
Docket No. C20054746  
Our File No. 100744-388

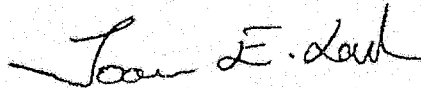
Dear Mr. McNulty:

This law firm serves as Solicitor for the Township of Spring, Berks County, Pennsylvania. I enclose an original and four (4) copies of a Reply of Complainant, Township of Spring, to New Matter of Respondent, Pennsylvania-American Water Company. Please file the original and return any extra copies of the Reply, time/date stamped, in the enclosed self-addressed, postage prepaid envelope.

Thank you for your assistance in this matter.

Very truly yours,

**KOZLOFF STOUDT**  
Professional Corporation



Joan E. London

**DOCUMENT  
FOLDER**

JEL/kab  
Enclosure

cc: Seth A. Mendelsohn, Esquire, Pennsylvania American Water Company (w/encl.)  
Elizabeth A. McGovern, Esquire (w/encl.)  
The Hon. Veronica A. Smith, Commonwealth of PA PUC (w/encl.)  
Richard Fehling, Esquire (w/encl.)  
Mark Bridge, Esquire (w/enclosure)  
Neil Rahn, Wagner Farms Homeowners' Association (w/encl.)  
Jeri Diesinger, P.G., Township of Spring (w/encl.)

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**ORIGINAL**

KOZLOFF STOUDT  
Professional Corporation  
By: Joan E. London, Esquire  
Attorney I.D. #67934  
2640 Westview Drive  
P O Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

SOLICITORS FOR COMPLAINANT,  
TOWNSHIP OF SPRING

---

BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRING, : Docket No. C20054746  
:   
Complainant :   
:   
vs. :   
:   
PENNSYLVANIA-AMERICAN :   
WATER COMPANY, :   
:   
Respondent : Assigned to:  
: Veronica A. Smith, A.L.J.

**RECEIVED**

AUG 29 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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REPLY OF COMPLAINANT, TOWNSHIP OF SPRING, TO NEW MATTER OF  
RESPONDENT, PENNSYLVANIA-AMERICAN WATER COMPANY

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Complainant, Township of Spring, Berks County, Pennsylvania, sets forth the following in response to the New Matter filed by Respondent, Pennsylvania-American Water Company:

9. Paragraph 9 is an incorporation paragraph to which no response is required.

10. Denied. Paragraph 10 contains conclusions of law, to which no response is required, and which are deemed to be denied. To the degree that Paragraph 10 is

**DOCKETED**  
SEP 01 2005

**DOCUMENT  
FOLDER**

factual, the averments therein are denied, and strict proof is required at time of hearing. By way of further response, the Complaint sets forth a cause of action for which the Commission may grant relief.

11. Denied. Paragraph 11 contains conclusions of law, to which no response is required, and which are deemed to be denied. To the degree that Paragraph 11 is factual, the averments therein are denied, and strict proof is required at time of hearing. By way of further response, the Complaint was filed on June 22, 2005, which was approximately four (4) months after the water main break in question occurred. The Complaint was filed in a timely manner, and the doctrine of laches is inapplicable.

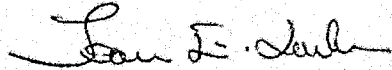
12. Denied. After reasonable investigation, Complainant, Township of Spring, Berks County, Pennsylvania, is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 12. Said averments, therefore, are denied, and strict proof is required at the time of the hearing. Complainant, additionally, is unable to respond to the imprecise term "in the area." By way of further response, Complainant has acted diligently with respect to repairs and maintenance in the area in which the water main break occurred, and it is expressly denied that Complainant was negligent in any manner.

13. Denied. After reasonable investigation, Complainant, Township of Spring, Berks County, Pennsylvania, is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 13. Said averments, therefore, are denied, and strict proof is required at the time of the hearing. Complainant, additionally, is unable to respond to the imprecise term "in the area." By

way of further response, it is believed and therefore averred that the water main break, caused and exacerbated by the negligence of Respondent, caused the development of sinkhole conditions.

WHEREFORE, Complainant, Township of Spring, respectfully requests judgment in its favor, together with any and all other relief requested and/or which may be granted by the Commission.

KOZLOFF STOUTT  
Professional Corporation



Joan E. London, Esquire  
2640 Westview Drive  
P.O. Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

KOZLOFF STOUDT  
Professional Corporation  
By: Joan E. London, Esquire  
Attorney I.D. #67934  
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P.O. Box 6286  
Wyomissing, PA 19610  
(610) 670-2552

SOLICITORS FOR COMPLAINANT,  
TOWNSHIP OF SPRING

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BEFORE THE COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRING, : Docket No. C20054746  
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Complainant :   
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vs. :   
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PENNSYLVANIA-AMERICAN WATER :   
COMPANY, :   
Respondent : Assigned to:  
: Veronica A. Smith, A.L.J.

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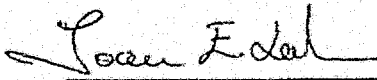
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Date: August 29, 2005

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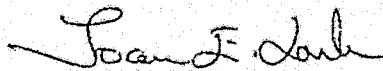
  
Joan E. London, Esquire



Elizabeth A. Magovern, Esquire  
Bingaman Hess  
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The Hon. Veronica A. Smith  
Administrative Law Judge  
Commonwealth of PA  
Public Utility Commission  
P O. Box 3265  
Harrisburg, PA 17105-3265

KOZLOFF STOUDT  
Professional Corporation



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Joan E. London, Esquire

Date: August 29, 2005