

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David

v.

PPL Electric Utilities Corporation

C-20055501

RECEIVED  
GENERAL COUNSEL'S OFFICE  
MARCH 10 11 57 AM '06

DOCUMENT  
FOLDER

ORDER DENYING MOTION TO DISMISS  
AND GRANTING MOTION  
TO JOIN AN INDISPENSABLE PARTY

**DOCKETED**  
MAR 14 2006

On October 26, 2005, Linda L. David (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utilities Commission (Commission) against PPL Electric Utilities Corporation<sup>1</sup> (Respondent or PPL). The Complainant alleges that she was experiencing vibrations and electrical impulses from the water pumping station that is located 200 feet from her home. Complainant alleges that the vibrations and electrical impulses are felt in her home such that when she is awakened at night from the vibrations, she has burns on her face, arms and legs.

On November 21, 2005, PPL answered the Complaint and filed New Matter. On that same date, PPL filed a Motion to Dismiss the Complaint on the basis that the Commission does not have subject matter jurisdiction. In the alternative, if it is found that the Commission does have subject matter jurisdiction, PPL moves to join South Whitehall Township (Township) and the Allentown Water Authority (Authority) as indispensable parties, averring that Complainant's allegations deal with the operation of equipment (the pumping station) solely controlled by either the Township or the Authority on a neighboring property.

On December 6, 2005, Complainant filed a response to the Respondent's pleadings. Complainant asserted that from January to June 2004 she repeatedly called PPL and was told that she had to investigate the matter on her own. Complainant admits that PPL did perform testing on June 14, 2004 but found no problem. Complainant asserts that an EPA engineer found stray voltage from a

<sup>1</sup> Complainant also named the South Whitehall Township and the Allentown Water Authority as Respondents to her Complaint. However, the Commission's Secretary's Bureau did not serve the Complaint to them; it only served PPL.

transformer coming to her home and that an electrical engineer found electricity running in the water pipes. Complainant stresses that PPL supplies the voltage that runs the pump stations and that the stray voltage is creating a dangerous situation.

At the request of the Office of Administrative Law Judge, the Secretary of the Commission sent a copy of the Complaint and all other pleadings filed in this case to the Township and the Authority, requesting an answer to the complaint<sup>2</sup> be filed on or before January 19, 2006<sup>3</sup>. These documents were sent under cover letter dated December 30, 2005. According to Commission records, as of March 2, 2006, no response to Respondent's Motion was received by the Township or the Authority.

Complainant, by letters dated January 13, 2006 and February 6, 2006, provided further information regarding her Complaint.

On November 29, 2005 this Motion was assigned to me by Motion Judge Assignment Notice. The Motion is now procedurally ready for a ruling.

## DISCUSSION

### Motion to Dismiss

When considering a motion to dismiss, the Commission must view the Complaint in the light most favorable to the Complainant, and the Complaint should be dismissed only when it appears that the Complainant would not be entitled to relief under any circumstances. Equitable Small Transportation Interveners, 1994 Pa. PUC LEXIS 69; Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources, 406 A.2d 1020 (Pa. 1979). This is similar to Pennsylvania civil practice with respect to the filing of preliminary objections. Equitable Small Transportation Interveners, *supra*.

The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the motion, all well-pleaded, material facts of the other party, as well as

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<sup>2</sup> On January 30, 2006, Special Agent Astrid E. Lopez-Goldberg sent a letter to both the South Whitehall Township and the Allentown Water Authority correcting the December 30, 2005 Secretary's letter which should have stated that a response to the "motion to join an indispensable party" was due rather than an answer to the "complaint."

<sup>3</sup> The January 30, 2006 letter (see footnote 1) extended the response deadline to February 14, 2006.

every inference fairly deducible from those facts. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985); Commw. of Pa. v. The Bell Telephone Co. of Pa., 551 A.2d 602 (Pa. Commw. 1988). The motion may be granted only if the moving party prevails as a matter of law. Roc v. Flaherty, 527 A.2d 211 (Pa. Commw. 1985). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. Dept. of Auditor General, et al. v. State Employees' Retirement System, et al., 836 A.2d 1053, 1064 (Pa. Commw. 2003) (citing, Boyd v. Ward, 802 A.2d 705 (Pa. Commw. 2002)).

Complainant alleges that she was experiencing vibrations and electrical impulses from the water pumping station that is located 200 feet from her home. Complainant further alleges that the vibrations and electrical impulses are felt in her home such that when she is awakened at night from the vibrations, she has burns on her face, arms and legs.

In the Motion, Respondent requests that the Complaint be dismissed on the grounds that the Commission does not have subject matter jurisdiction. Respondent avers that this Complaint deals with "some sort of trespass occurring based on the functioning of Township and/or Authority's equipment." Motion, p. 3.

Section 1501 provides "Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa. C.S. §1501 The term "service" is "[u]sed in its broadest and most inclusive sense, [a]nd includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities . . . in the performance of their duties under this part to . . . the public . . . under" the Code. 66 Pa. C.S. §102.

Respondent is obligated to provide safe service to the public. Assuming the factual allegations of the Complaint are true, and without any other admitted facts, the issue of whether Respondent service to the pumping station is causing a safety concern to a member of the public, specifically Complainant, remains a contested question of fact. Accordingly, Respondent's Motion to Dismiss is denied.

### Motion to Join an Indispensable Party

In its Motion, Respondent avers that in addition to itself, Complainant named South Whitehall Township and the Allentown Water Authority as Respondents to the Complaint. However, these other parties were not served with a copy of the Complaint by the Secretary's Bureau. Respondent further avers that the participation of these parties is necessary to the adjudication of this matter and requests that they be joined as indispensable parties.

The Supreme Court of the United States has defined an indispensable party as one "whose interests in the subject-matter of the suit, and the relief sought, are so bound up with that of the other parties, that their legal presence as [a party] to the proceeding is an absolute necessity, without which the court cannot proceed." Kendig v. Dean, 97 U.S. 423, 24 L.Ed 1061 (1878). In Pennsylvania, a party is indispensable "only where its rights are so connected with the claims of the litigants that no order or decree can be affected without impairing such rights." Nason v. Commw. of Pa., 494 A.2d 499 (Pa. Commw. 1985); Powell v. Shepard, 113 A.2d 261 (Pa. 1955); See also, Columbia Gas Transmission Corp. v. Diamond Fuel Co., 346 A.2d 788 (Pa. 1975); Tigue v. Basalyga, 304 A.2d 119 (Pa. 1973); Nudi v. Township of Pine, 498 A.2d 55 (Pa. Commw. 1985). The Commission has adopted this standard. See, Woods v. United Telephone Co., 1991 Pa. PUC LEXIS 4 (March 1, 1991); Nelson v. Duquesne Light Co., 1990 Pa. PUC LEXIS 24 (August 6, 1990).

The Township and the Authority are clearly indispensable parties to this case. The operation of the equipment (the pumping station) which appears to be the center of this controversy is solely controlled by either the Township or the Authority on a neighboring property. Clearly, any order issued by the Commission will affect the Township and Authority's interests and rights such that any proceeding in this matter cannot be properly adjudicated without their presence and participation.

Having received no objections from the Township or the Authority, I will grant Respondent's Motion. The Township and Authority shall file responsive pleadings to the Complaint within 20 days of the date of this order. A copy of the original Complaint and all subsequent correspondence and pleadings relevant to this case shall be served upon the Township and Authority.

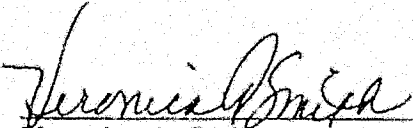
ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion to Join an Indispensable Party filed by PPL Electric Utilities Corporation at Docket No. C-20055501 is granted.
2. That the Motion to Dismiss filed by PPL Electric Utilities Corporation at Docket No. C-20055501 is denied.
3. A copy of this Order, the original Complaint and all subsequent correspondence and pleadings shall be served on South Whitehall Township and the Allentown Water Authority.
4. That South Whitehall Township and the Allentown Water Authority shall file responsive pleadings to the Complaint within twenty (20) days of the date of this order.
5. That this Complaint be set for hearing.

Dated: March 9, 2006

  
\_\_\_\_\_  
Veronica A. Smith  
Chief Administrative Law Judge

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

OCT 26 2005

Please print or type.

C-20055501

110500

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

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

Name LINDA L. DAVID

Street/P.O. Box 2922 W. FAIRVIEW ST. Apt # \_\_\_\_\_

City ALLENTOWN State PA Zip 18103

County LEHIGH

Area Code/HOME Phone 610-740-0637

Area Code/WORK Phone Retired Teacher

Utility Account Number 59690-09000  
(from your bill)

ORIGINAL

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

Name \_\_\_\_\_

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

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

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PPL

3. TYPE OF UTILITY (check one)

ELECTRIC

GAS

WATER

TELEPHONE  
(local, long distance)

STEAM HEAT

WASTE WATER

MOTOR CARRIER  
(taxi, moving company, limousine)

SOUTH WHITEHALL  
TOWNSHIP

ALLENTOWN  
WATER  
AUTHORITY

50

4. COMPLAINT (check one)

A. In general, what is your complaint?

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

B. State the facts of your complaint.

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

A water pumping station has been placed 200' from my home. Vibrations can be felt through the furniture, and electrical impulses. Pumps are not insulated!! 6 AMPS of electricity are running in water pipes. Had private testing done by an electrical engineer.

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

Someone needs to have the judicial authority to have the township (South Whitehall) and PPL correct the amount of electricity running in the water pipes. Water pumps need to be insulated! One pump runs during the day - vibrations, then, are minimal. Three pumps run after midnight, that's when I'm awakened and burned

My name is [unclear] just from sleeping in burn marks. My car bed.

6. PROTECTION FROM ABUSE

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

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

YES

NO

7. PRIOR UTILITY CONTACT

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

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

YES

(includes appeals of BCS determinations)

NO

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

8. VERIFICATION AND SIGNATURE

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

Verification:

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

Linda L. David  
(Signature)

Oct. 18, 2005  
(Date)

9. **LEGAL REPRESENTATION (IF ANY)**

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

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

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

Area Code/Phone Number \_\_\_\_\_

10. **FILING**

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

If using U.S. Postal Service:

If using overnight delivery service:

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

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

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

TOM CORBETT  
ATTORNEY GENERAL



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

BUREAU OF CONSUMER PROTECTION

Allentown Regional Office  
801 Hamilton Street, 4th Floor  
Allentown, PA 18101  
(610) 821-6690  
Fax: (610) 821-6529

February 2, 2005

Linda L. David  
2922 W. Fairview St.  
Allentown, PA 18103

Ref: South Whitehall Township, G-000345-2005

Dear Ms. David:

Your complaint has been received by the Bureau of Consumer Protection and will be reviewed by Sarah Furedi. To help in keeping accurate and up-to-date records when corresponding with this office, please refer to our file number, G-000345-2005.

The bureau will attempt to resolve your complaint within a reasonable length of time based substantially on the information you have presented to us. We will attempt to keep you advised of significant developments as your case progresses.

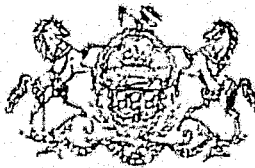
If your complaint has been settled or if you have new information that would have a bearing on your complaint, please inform our agent. We encourage you to submit such information in writing. Due to the substantial number of cases handled by each agent, we can handle your complaint more efficiently if your additional information or inquiries are submitted in writing. If, however, your special circumstances make telephone contact with us necessary, we will make every effort to take your call and discuss your case with you. If you find that it is necessary to meet with the agent, please call or write to schedule an appointment.

On behalf of the Office of Attorney General we thank you for bringing this matter to our attention. We hope to be of assistance in resolving your complaint.

Very truly yours,

*Sarah Furedi/SAP*  
Sarah Furedi  
Consumer Protection Agent

eln  
20A



BUREAU OF CONSUMER PROTECTION

Allentown Regional Office  
801 Hamilton Street, 4th Floor  
Allentown, PA 18101  
(610) 821-6690  
Fax: (610) 821-6929

March 7, 2005

Linda L. David  
2922 W. Fairview St.  
Allentown, PA 18103

Re: South Whitehall Township, G-000345-2005

Dear Ms. David:

We wanted to provide you with a report of our review of your complaint against South Whitehall Township.

We sincerely regret that under the present consumer protection laws of Pennsylvania, the Bureau of Consumer Protection does not have authority to pursue the matter presented in your complaint. You may wish to discuss your problems with private legal counsel. This agency may be able to provide advice or assistance to help you.

Even though the Bureau was unable to assist you in resolving your problem, this does not mean you do not have a valid complaint. Only a Court may determine what rights you have in this matter and order the remedy you seek. If you wish to continue pursuing your complaint, you may consult with an attorney or you may file an action with your local district justice. Proceedings before a district magistrate, or small claims court, may often be very informal and inexpensive. We have enclosed relevant information on these proceedings for your information and review.

We appreciate your concern and you may be assured that your communication will be entered into our permanent files for possible future use. Thank you for bringing this matter to our attention. If we can be of assistance in the future, do not hesitate to contact the Bureau of Consumer Protection.

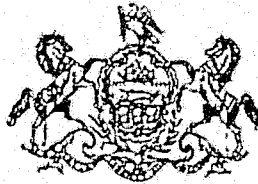
Very truly yours,

A handwritten signature in dark ink, appearing to read "Sarah Furedi".

Sarah Furedi  
Consumer Protection Agent

elm  
Enc.  
29

TOM CORBETT  
ATTORNEY GENERAL



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

BUREAU OF CONSUMER PROTECTION

Allentown Regional Office  
801 Hamilton Street, 4th Floor  
Allentown, PA 18101  
(610) 821-6690  
Fax: (610) 821-6529

March 7, 2005

Linda L. David  
2922 W. Fairview St.  
Allentown, PA 18103

Ref: South Whitehall Township, G-060345-2005

Dear Ms. David:

We wanted to provide you with a report of our review of your complaint against South Whitehall Township.

We sincerely regret that under the present consumer protection laws of Pennsylvania, the Bureau of Consumer Protection does not have authority to pursue the matter presented in your complaint. You may wish to discuss your problems with private legal counsel. This agency may be able to provide advice or assistance to help you.

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We appreciate your concern and you may be assured that your communication will be entered into our permanent files for possible future use. Thank you for bringing this matter to our attention. If we can be of assistance in the future, do not hesitate to contact the Bureau of Consumer Protection.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Furedi".

Sarah Furedi  
Consumer Protection Agent

elm  
Enc.  
29

TOM CORBETT  
ATTORNEY GENERAL



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

BUREAU OF CONSUMER PROTECTION

Allentown Regional Office  
801 Hamilton Street, 4th Floor  
Allentown, PA 18101  
(610) 821-6690  
Fax: (610) 821-6529

April 21, 2005

Linda L. David  
2922 W. Fairview St.  
Allentown, PA 18103

Ref: South Whitehall Township, G-000345-2005

Dear Ms. David:

We have received your request for information from the Bureau of Consumer Protection.

Enclosed are materials which should be of assistance to you.

On behalf of the Office of Attorney General we thank you for your interest in consumer protection and the Bureau. Please advise us if we can be of further assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Furedi".

Sarah Furedi  
Consumer Protection Agent

elm  
Encs.  
22

PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL



CONSUMER COMPLAINT FORM

GERALD J. PAPPERT  
ATTORNEY GENERAL

www.attorneygeneral.gov

Bureau of Consumer Protection  
801 Hamilton Street, 4th Floor  
Allentown, PA 18101  
(610) 821 6690

Office Use Only Investigator: EX Code 1 350 Code 2 820  
Complaint # G2005-0345LF RECEIVED  
JAN 18 2005

YOUR NAME Linda L. David Office of Attorney General  
ADDRESS 2922 W. Fairview St.  
CITY Allentown STATE PA ZIP CODE 18103 COUNTY Lehigh  
HOME PHONE NUMBER (610) 740-0637 BEST NUMBER TO CALL DURING THE DAY

NAME OF BUSINESS COMPLAINT IS AGAINST South Whitehall Township - The Pidcock Co.  
NAME OF OWNER OR OTHER INDIVIDUAL TO WHOM YOU COMPLAINED PPL Allentown Water Authority STEVE HENNING Environmental Manager  
ADDRESS Complaints were made to all of the above.  
CITY STATE ZIP CODE COUNTY  
PHONE

PRODUCT(S) OR SERVICE(S) PURCHASED	DATE OF PURCHASE	PURCHASED PRICE

To what other agencies have you complained? EPA, DEP, Mayor's Office  
EPA sent 2 engineers to my home.  
What action was taken? None - PPL did test etc.  
Have you retained an attorney?  Yes  No  
If yes, please provide your attorney's name, address and telephone number  
Louisa Chen, Attorney at Law, White and Williams LLP  
1800 One Liberty Place, Philadelphia, PA  
19103-7395  
(215) 864-7000

Your Age:  
 18-29  
 30-44  
 45-59  
 60 or older

How did you find out about us?  
 Visited Office  
 Attended Court  
 Senior Fair or Speaking Engagement  
 State Legislator Agency  
 News Story  
 Internet  
 Other  
Please Specify: Friend

(This information will be used for Statistical & Enforcement Purposes Only)

1-800-441-2555

RICK SANTORUM  
PENNSYLVANIA

REPUBLICAN CONFERENCE  
CHAIRMAN

WASHINGTON, DC  
511 DIRksen SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-6324

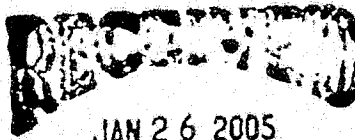
# United States Senate

<http://santorum.senate.gov>

*il*  
*350/900*  
*Altoona*  
H-2005-0207  
COMMITTEES  
FINANCE  
BANKING, HOUSING, AND URBAN AFFAIRS  
RULES AND ADMINISTRATION  
SPECIAL COMMITTEE ON AGING

January 13, 2005

The Honorable Gerald Pappert  
Attorney General  
Bureau of Consumer Protection  
132 Kline Village  
Harrisburg, Pennsylvania 17104-1579



Office of Attorney General

RECEIVED

JAN 13 2005

Office of Attorney General

Dear Attorney General Pappert:

Ms. Linda David, a constituent of mine, recently contacted my office regarding her concerns. The enclosed information is submitted for your consideration.

I appreciate your taking the time to look into this matter on my behalf. Please respond to me at my Altoona office.

Sincerely,

Rick Santorum  
United States Senate

RJS:tcp  
Encl:

- ALLENTOWN  
202 FEDERAL OFFICE BUILDING  
504 WEST HAMILTON STREET  
ALLENTOWN, PA 18105  
(610) 770-0142
- ALTOONA  
REGENCY SQUARE  
SUITE 202  
ROUTE 220 NORTH  
ALTOONA, PA 16601  
(814) 946-7023
- COULDERSPORT  
8, MARVIN HILL ROAD  
COULDERSPORT, PA 15915  
(814) 274-9773
- ERIE  
1705 WEST 36TH STREET  
ERIE, PA 16508  
(814) 454-7114
- HARRISBURG  
555 WALNUT STREET  
FIRST FLOOR  
HARRISBURG, PA 17101  
(717) 231-7540
- PHILADELPHIA  
WELTER BUILDING  
ONE SOUTH PENN SQUARE  
SUITE 950  
PHILADELPHIA, PA 19117  
(215) 264-6900
- PITTSBURGH  
710 WEST STATION SQUARE DRIVE  
LANDMARKS BUILDING  
SUITE 250  
PITTSBURGH, PA 15219  
(412) 562-0533
- SCRANTON  
527 LINCOLN STREET  
SCRANTON, PA 18503  
(570) 344-8799

**Linda L David**

2922 W. Fairview St.  
Allentown, PA 18103  
Telephone: 610 740-0637

October 2, 2004

Senator Rick Santorum  
504 Hamilton St.  
Allentown, PA 18101

Dear Senator Santorum,

In July, I spoke to Mark Rogers concerning a serious problem in my home which he had previously discussed with a mutual friend, Paul Weiss. He told me the federal government doesn't usually get involved with problems of this nature, but sometimes studies are done in this regard.

South Whitehall Township has put three water pumps in a station placed 200 feet from my front door. It is located behind the Veterans' Clinic on Hamilton Boulevard. As I understand, one pump runs continuously and all three run throughout the night. There are no sound isolators in place, nor are there any insulated pads underneath the large pumps. A Verizon engineer told me I should feel nothing if there were pads in place.

My house is a ranch without a basement, so the vibrations are causing cracks in walls and ceilings. The ground shakes on the property.

I was getting strong electrical impulses surging through all of the furniture. It has somewhat lessened now, but there are times when it is just not tolerable. My skin gets red blotches, and I think electricity is surging into me and the poor cat, as well. This has been a nine-month nightmare.

I've contacted 20 or 30 people and am at a standstill. South Whitehall says it isn't their pumps. It absolutely is

Most recently I paid an electrical engineer to do testing in my home. Al Loch from Trinity Associates, Inc. from Swarthmore found six amps of electricity running through the water pipes and matching vibration peaks here and at the pump station. They wouldn't allow him inside. Mr. Loch's arm also got red just working under the house at the water pipes.

Other people ran tests here including PPL. All tests were done during the daytime when only one pump is running. At night it is like torture.

I've paid an electrician, heating company, electrical engineer, structural engineer, construction company, Air Care, environmental analyzer and had the EPA from Philadelphia here; a blasting inspector from the DEP, called OSHA, representative Mann and Senator Dent, a lawyer in town and now, a lawyer located in Philadelphia.

I am financially drained and still my house is being ruined. I can't even sell it, as this process continues. I don't believe it is safe to live in my own home. I am a retired teacher, I live alone and because this is a problem for only one person, nobody will do anything to help.

Enclosed are some documents I have gathered and a few letters I wrote to the Pidcock Company (the company who installed the pump station) and the PPL.

Paul Reimer, a structural engineer, really knows the pumps are the problem. He was here twice. After the second visit, he was going to call Steve Henning of the Pidcock Company. He did, but then I

October 2, 2004

waited three months to get his report. Then I found out he used to work for the Pidcock Company!! Thus, the nightmare continues. It is so awful to feel these vibrations night and day!

No retiree is thrilled to have someone destroy their home. I feel \$170,000 has been pulled out from under me. It was supposed to be my security for the future. It is a 2,000 sq. ft. house.

Any help you can provide would be wonderful. I have thought of getting an apartment and foreclosing on the property. Then I would still have "zero" for my home! This is just not right!

I spoke to someone on Tuesday, September 28, 2004 from this office. I told him I am leaving for five days from October 17-21. Even if there is someone who could investigate while I am gone, I could give someone from your office the house key.

It has been clear to me when I have workers here, they turn the pumps way down, and it appears there is no problem. As soon as a car or truck leaves, they crank it back up. Someone needs to be in here at 1 00 AM to feel the full intensity. I have reason to believe the pumps are controlled from inside the Veterans' Clinic.

Al Loch, electrical engineer, has taken pictures of the pumps, cracks in the walls in my home, and he said the pump station was not done very professionally, most likely to get the job done inexpensively.

I am waiting for the lawyer to do some research, and a report from the DEP blasting inspector. The township blamed damages on blasting for new homes being built. So, it needed to be eliminated as the source of the problem. And so, this is quite a saga, with which I need some help very badly.

Sincerely,

*Linda L. David*

Linda L. David

LINDA L. DAVID

2922 WEST FAIRVIEW STREET  
ALLENTOWN, PA 18103

610-740-0637

April 8, 2004

Morning Call  
6th Street  
Allentown, PA 18102

ATT: Letter to the Editor

Re: Customer Service

Recently, ever since January 2004, vibrations and electrical impulses coming into my house have made living in my home a nightmare. In an effort to have someone take care of the problem, I've called many people trying to find the source and get help.

Here are a few comments from customer service workers and elected public officials:

- PPL—"You'll have to investigate this on your own."
- South Whitehall Township Office—When asked if someone could come to evaluate the problem the official said "Too busy."
- State Health Department of Lehigh County—"Call your local authority." This public servant actually hung up the phone before I was finished speaking with her.

The new water pumps (3) placed behind the Veterans' Clinic on Hamilton Boulevard are the culprits. To me, someone forgot to do their homework as far as assessing the structure of nearby homes and taking important steps to sound isolate the pumps and install an insulation pad.

Two reading sources regarding the issues affecting me are:

The Electrical Sensitivity Handbook:

How Electromagnetic Fields Are Making People Sick

by Lucinda Grant, 1995

Cross Currents, The Perils of Electropollution, The Promise of Electromedicine

by Robert Becker, M.D., 1990

Thanks to the CEO of the Veterans' Clinic who was willing to call the property manager. Thanks to the Allentown Water Department . When called, they came within ten minutes to check for leaks.

Customer service for some public works is just what they do; for others, it's pass the buck and blame someone else. Most disgusting!

*Linda L. David*

Linda David  
Allentown

## COMPLAINT INVESTIGATION DESCRIPTION

October 13, 2004

### *Findings for (Step 1):*

All records for these blasts were complete, however it was discovered that Ed Wean Drilling & Blasting exceeded their maximum amount of explosives per delay period and number of holes/decks per delay period as stated in their approved blasting activity permit.

The recorded ground vibrations satisfy the Variable Particle Velocity vs. Frequency Limits recommended by the U.S.B.M. Report RI-8507 (Nov., 1980).

The recorded air-borne effects satisfy the recommended levels set forth in the U.S.B.M. Report RI-8485 (Nov., 1980).

---

### (Step 2) Evaluation of Damage:

Damage viewed at home with the complainant. Damage viewed was the following:

- Living room has horizontal cracks off the upper right hand corner of front window.
- Living room west wall has horizontal crack @ the wall/ceiling seam. (plaster on lathe)
- Vertical crack across living room/hallway entry ceiling. Crack is parallel to a repaired crack.
- Vertical crack in east wall at doorway into TV room from the living room. Also a repaired area beginning to buckle.
- Small hairline crack in TV room ceiling & a buckle near the center of the ceiling.
- Laundry room has a crack @ wall/ceiling seam, holes @ outside corner & inside corner at the wall/ceiling points. Walls also have nail pops beginning to show.
- Radon Evac system is operating more often.
- Nail pops in kitchen & hallway ceilings.
- Hallway ceiling has multiple cracks near the bedroom doors.
- Spare bedroom has a vertical crack above the window.
- 3<sup>rd</sup> bedroom has vertical & horizontal cracks @ the entry & closet doors. Crack @ ceiling/wall seam above the closet door and cracks inside the closet in the ceiling & walls.
- Multiple cracks in master bathroom ceiling.
- Master bedroom has a crack @ entry in ceiling and molding beginning to pull away from the ceiling. Also cracks @ upper right corner of closet corner & bathroom door. Cracks & Nail pops are also in the ceiling.
- Tile in corner of the master bedroom bathroom is cracked.
- Cracks in master bedroom closet @ the window and the upper corners of the door.

Complainant's records indicate that the vibrations that she is feeling are in the early morning. No blasting was conducted at the dates and times the complainant has recorded.

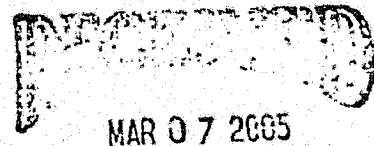
**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

190 Brodhead Road  
Suite 200  
P. O. Box 20830  
Lehigh Valley, PA 18002-0830  
(610) 691-7111 Fax (610) 691-7175  
www.stevenslee.com

Direct Dial: (610) 997-5060  
Email: bcn@stevenslee.com  
Direct Fax: (610) 371-8411

March 4, 2005

Ms. Sarah Furedi  
Consumer Protection Agent  
Bureau of Consumer Protection  
Allentown Regional Office  
801 Hamilton Street  
4th Floor  
Allentown, PA 18101



Office of Attorney General

05-0345

Re: Your Inquiry - Linda G. David  
Our Client - South Whitehall Township

Dear Ms. Furedi:

Please be advised that the undersigned represents South Whitehall Township. Your letter of February 22, 2005 has been forwarded to my attention.

So you know, there is no consumer or trade relationship between Ms. David and South Whitehall Township. Moreover, the operator of the Water Pump Station about which Ms. David complains is South Whitehall Township Authority, which also has no trade or consumer relationship with Ms. David, as she is not a customer of the Authority. Accordingly, it is my belief that the Bureau of Consumer Protection does not have jurisdiction over this matter.

Apart from the jurisdictional issue, you should know that the Authority carefully evaluated Ms. David's concerns, and although there is a great deal of empathy by the Board for what she says she is experiencing, there has been absolutely no credible basis for believing that the Authority's Pump Station has anything to do with her alleged problem.

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster  
Scranton • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

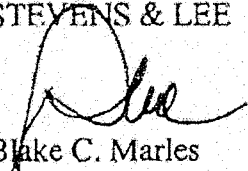
STEVENS & LEE  
LAWYERS & CONSULTANTS

Ms Sarah Furedi  
March 4, 2005  
Page 2

If you have further concerns or questions, please direct them through this office.

Very truly yours,

STEVENS & LEE



Blake C. Marles

BCM:cjd

cc: South Whitehall Township Board of Authority  
Mr. Gerald J. Gasda

# **Environmental Assessment**

From a  
**Bau-Biologie  
Perspective**

At  
2922 W. Fairview St.  
Allentown PA 18103-2818

Performed for:  
Ms. Linda David

Work performed on premises  
28 March 2004

By  
Sal La Duca  
BS, BB/BBEI, CIE

**Environmental Assay Inc.**  
792 Green St.  
Phillipsburg NJ 08865

[www.emfrelief.com](http://www.emfrelief.com)

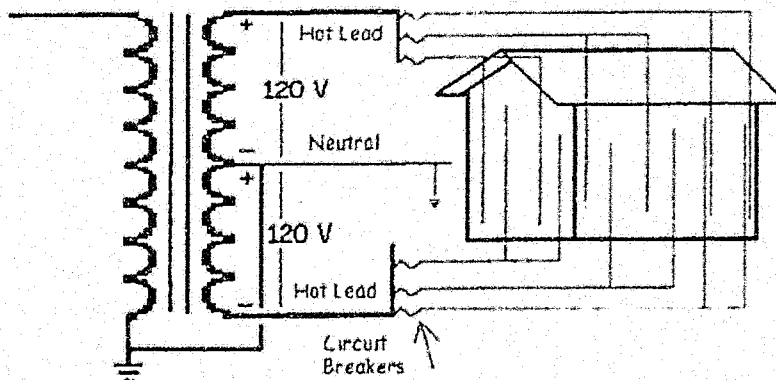
## Executive Summary

Ms. David has noted cracks on her sheetrock walls, dust emissions from her Heating Ventilation and Air Conditioning (HVAC) unit, and has been having difficulty sleeping because of perceptions she feels are associated with a water pumping station only a few hundred feet away. She requested a visit from the author.

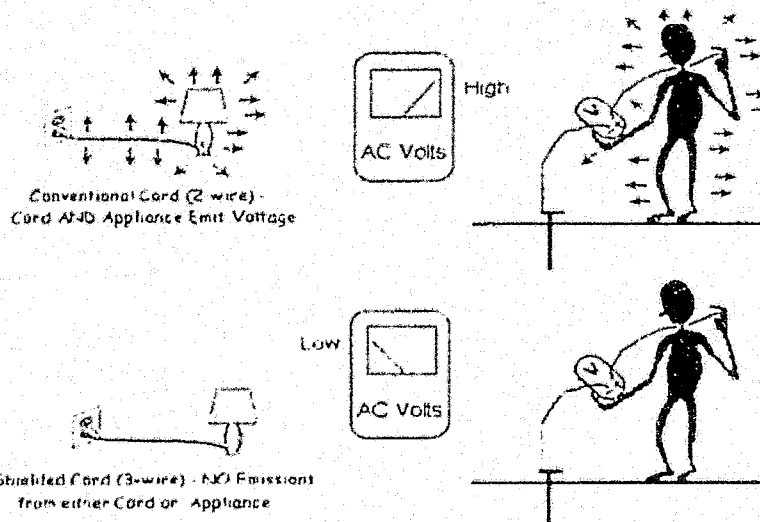
## Findings

The home Ms. David lives in is conventionally built. A conventional design, however, allows for various conditions to exist that can irritate sensitive individuals.

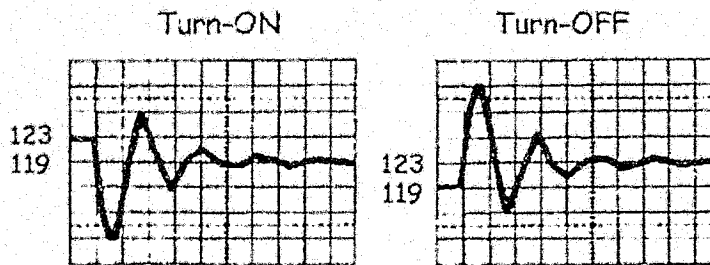
1) **The home's electrical system is comprised of Romex wiring throughout.** This type of wire allows its Voltage to permeate beyond the insulation and through wall, floor, and ceiling boundaries to establish an electrified birdcage effect.



2) **Light and appliance fixtures are wired with conventional cordage,** further strengthening the Voltage environment.



3) The Electric Heat Source ( a Heat Coil within the HVAC unit) produced Voltage Pulsations that are propagated by the voltage environment. During turn ON and OFF instances especially, the supply voltage, and the resultant emitted voltage that can be measured throughout the structure, takes a step jump down or up, with associated ringing. This can be compared to use of a Transcutaneous Electrical Nerve Stimulator (TENS) instrument, although over the entire surface of the body. The transients are shown simplified below.



4) There was a customary tie between the Electric Ground/Neutral and the Metallic Water Pipe that allowed currents to flow, creating a Magnetic field along portions of the side (adjacent to the Electrical Distribution Panel) and the front of the house. The field varied from 0.2 to 1.4 Amps during observation.

5) There was a background Magnetic Field produced from the Electrical Primary (located on a hill behind the house), identified by a whole-house directional field of 1.5 mG (milliGauss), which also feeds the water pumps located down the street. This field pulsates in similar fashion to the voltage pulsations from the HVAC heater.

6) The HVAC unit is located in the crawlspace. It is equipped with many supply and returns. There was no main filter installed in the suction of the machine.

7) The HVAC humidifier tank was totally dry, indicating a previous failure.

8) The home is equipped with wall-to-wall carpeting throughout.

9) Ms. David has a cat, and her vacuum cleaner is not High Efficiency Particulate Air (HEPA) equipped.

## Discussion and Recommendations

1, 2, & 3) The wiring installed throughout is Romex. This type of wire allows voltage to permeate beyond the plastic insulating jacket. Because the Voltage is Alternating (that is, changing with time), it will induce voltages on conductive objects or creatures within its region of influence (or Field extent), causing a portion to be echoed back by the body the influence is on.

suction header. The Main Filter should be Pleated Media to ensure good dirt stopping ability.

7) The HVAC Humidifier was totally dry and appeared to have been so for some time. Proper operation might have reduced the ability of dust deposits from becoming liberated, but it would have simply delayed the evident emergence of the associated problems. It should be repaired and checked annually. A Structural Engineer investigated the cracks on the sheetrock walls and determined that construction defects during construction might have been a cause for this. Repairs were suggested and implemented. However, this author suspects that the cracks on the sheetrock walls may have been exacerbated by the extreme dryout during winter due to Humidifier non-functioning.

*HVAC repaired*

8) Humans shed skin cells regularly. Animals shed dander regularly. This can provide for a buildup of organic debris within the carpeting as installed. While Cat Dander is itself a strong allergen, an enhanced organic debris base can provide for a significant buildup of Dust Mites and their debris. This debris is a potent allergen that can provide symptoms of respiratory irritation or asthmatic character. A HEPA equipped vacuum will remove dirt down to 0.3 microns which includes all pollen, all mold spores, dust mite debris, many bacteria, and other particles within the same size ranges. A conventional vacuum cleaner will trap dust that is 5-10 microns or greater in size, give the appearance of cleanliness, but spread the finer dust around evenly. One telltale sign is a peculiar smell of "old dust" when using a conventional vacuum cleaner. That is because the user is inhaling a portion of the finer dust that is made airborne. It is recommended that a HEPA vacuum cleaner be purchased and a "spring cleaning" be done throughout. This will also trap much of the dust already liberated by the HVAC unit.

9) The access hatch for the crawlspace should be equipped with handles for easy removal, the carpet above should be cut to the dimensions of the hatch, and the crawlspace equipped with substantial lighting to ease the task of regular maintenance, that should be considered a must for proper health care.

### Resources:

**THE ELECTRICAL SENSITIVITY HANDBOOK: How Electromagnetic Fields (EMFs) Are Making People Sick** – Lucinda Grant – Weldon Publishing, P.O. Box 4146, Prescott AZ 86302 - 1995, ISBN 0-9635407-2-6

**ENERGY MEDICINE: The Scientific Basis** - James L. Oschman, Candace Pert – Publisher: Churchill Livingstone, Inc., - 2000, ISBN: 0-443-06261-7.

**CROSS CURRENTS, The Perils of Electropollution, The Promise of Electromedicine** - Robert O. Becker M.D., – Publisher: James P. Tarcher Inc. 1990, ISBN 0-87477-609-0.

8/3/05

Dear Mrs. Barbush,

I am very grateful for your kind attention to this matter. It is an "Eric Prokovitch" story, to be sure.

The letter to Sen. Santorum is a good summary. He just contacted the DEP, which I had already done.

These are only some of the documents I have, but the most crucial ones.

The testing done by Al Loch, electrical engineer, is most comprehensive. It was sent to PPL, the township, newspaper, TV station, and nobody says or does anything! The township says their engineer checked everything. Well, not here! Al Loch was the only one to spend a whole day down under the house, as the pictures show.

When one pump is running, vibrations are minimal, but at night (2:00 A.M. to 5:00 A.M.) when 3 are running, vibrations and electrical

I have photos of the pumps. Al  
Lock was given permission to go in  
when pumps were shut off. The  
first lawyer didn't return them,  
and this second lawyer smeared  
and ruined the photos. I asked  
Al to send me replacements.  
They will be forthcoming to you as  
soon as I get them.

They may have added  
sound isolators because  
noise is lessened, but I  
do not think insulation pads  
have been installed. I do not  
know, for sure.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 15, 2006

LINDA L. DAVID

Complainant

v.

SOUTH WHITEHALL TOWNSHIP

Respondent

Complaint Docket

No: C-20055501

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: SOUTH WHITEHALL TOWNSHIP

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).

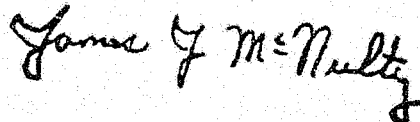
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: MARCH 15, 2006

C-20055501

SOUTH WHITEHALL TOWNSHIP  
444 WALBERT AVENUE  
ALLENTOWN PA 18104

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by LINDA L. DAVID. 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

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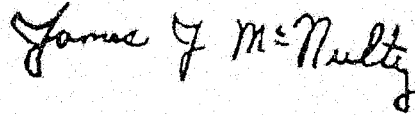
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MARCH 15, 2006

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name.

James J. McNulty  
Secretary

SS

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 15, 2006

LINDA L. DAVID

Complainant

v.

CITY OF ALLENTOWN WATER  
AUTHORITY

Respondent

Complaint Docket

No: C-20055501

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: CITY OF ALLENTOWN WATER AUTHORITY

TAKE NOTICE:

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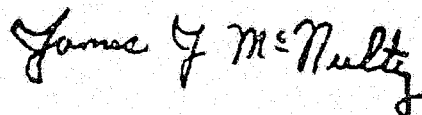
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James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: MARCH 15, 2006

C-20055501

CITY OF ALLENTOWN WATER AUTHORITY  
435 HAMILTON STREET  
ALLENTOWN PA 18104

Dear Sir/Madam:

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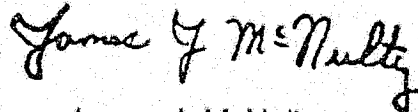
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MARCH 15, 2006

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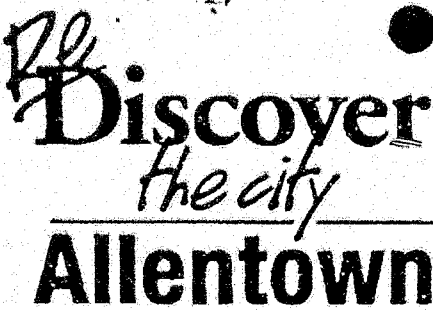
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the typed name and title.

James J. McNulty  
Secretary

SS



HENRY S. PERKIN  
City Solicitor  
Assistant City Solicitors  
Francis P. Burianek  
Martin J. Danks  
John T. Marchetto  
610-437-7545 Fax 610-437-8701

March 15, 2006

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

ORIGINAL

RE: File No. C-20055501  
Linda L. David v. PPL Electric Utilities Corporation

Dear Secretary McNulty:

Enclosed please find an Entry of Appearance on behalf of the City of Allentown. Please feel free to forward to any necessary offices or individuals. Please direct all correspondence regarding this matter to the undersigned.

Thank you for your time and attention to this matter.

Very truly yours,

Martin J. Danks  
Assistant City Solicitor

MJD/jls

Enclosure

cc: Linda L. David  
Anthony D. Kanagy, Esquire  
South Whitehall Township

DOCUMENT  
FOLDER

RECEIVED  
2006 MAR 20 PM 12:03  
PA PUBLIC  
SECRETARY'S BUREAU



RECEIVED

2006 MAR 20 PM 12:03

PA P.U.C.  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

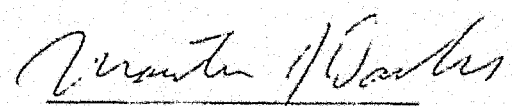
Linda L. David :  
 : C-20055501  
 v. :  
 :  
 PPL Electric Utilities Corporation :

ENTRY OF APPEARANCE

By and through the Department of Law, Martin J. Danks, Esquire, Assistant City Solicitor for the City of Allentown hereby enters his appearance on behalf of the City of Allentown, which has at times in the instant case been referred to incorrectly as: "City of Allentown Water Authority."

DOCUMENT  
FOLDER

DOCKETED  
APR 10 2006



MARTIN J. DANKS, ESQUIRE  
Assistant City Solicitor  
I.D. #71890  
City of Allentown  
435 Hamilton Street Room 519  
Allentown PA 18101  
Phone No.: 610-437-7545  
Fax No : 610-437-8701  
Email : [danks@allentowncity.org](mailto:danks@allentowncity.org)

Date: 3/16/06

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Entry of Appearance upon the following persons by depositing same in the United States mail, regular first class mail, postage prepaid, addressed as follows

Linda L. David  
2922 West Fairview Street  
Allentown PA 18103

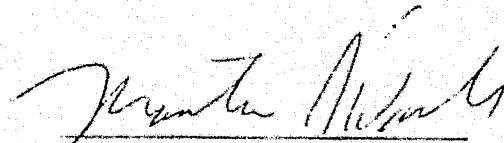
Complainant

Anthony D Kanagy Esquire  
Post & Schell  
17 North Second Street 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

Counsel for Respondent PPL

South Whitehall Township  
444 Walbert Avenue  
Allentown PA 18104

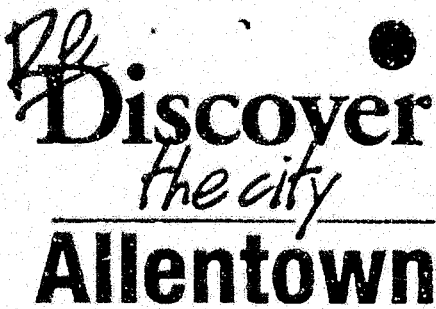
Respondent



MARTIN J. DANKS, ESQUIRE  
Assistant City Solicitor  
I.D. #71890  
City of Allentown  
435 Hamilton Street Room 519  
Allentown PA18101

Date: 3/16/06

RECEIVED  
2006 MAR 20 PM 12:03  
PA P.U.C.  
SECRETARY'S BUREAU



HENRY S. PERKIN  
City Solicitor  
Assistant City Solicitors  
Francis P. Burianek  
Martin J. Danks  
John I. Marchetto  
610.437.7545 Fax 610.437.8701

March 31, 2006

ORIGINAL

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

Re: Linda L. David, Complainant v.  
City of Allentown Water Authority, Respondent  
No. C-20055501

Dear Mr. McNulty:

Enclosed for filing please find an original and three (3) copies of Answer and New Matter of Respondent City of Allentown regarding the above-captioned matter

Very truly yours,

Francis P. Burianek  
Associate City Solicitor

FPB law

Enclosures

cc: Linda L. David  
South Whitehall Township  
Anthony D. Kanagy, Esq.

DOCUMENT  
FOLDER

PA P.U.C.  
SECRETARY'S BUREAU

2006 APR 23 AM 10:20

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2006 APR 3 AM 10:20

LINDA J. DAVID, SECRETARY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complainant

v.

CITY OF ALLENTOWN, Respondent

COMPLAINT DOCKET NO. C-20055501

DOCUMENT FOLDER

ANSWER AND NEW MATTER OF RESPONDENT CITY OF ALLENTOWN

**DOCKETED**  
APR 04 2006

1. Admitted

2. Admitted in part, denied in part. The answering Respondent is the City of Allentown (City), a Third Class City, organized under the Home Rule Charter and Optional Plans Law of the Commonwealth of Pennsylvania, 53 Pa. C.S.A 2901 et. seq. There is no authority or legal entity named the Allentown Water Authority. The City provides water service to the Complainant's above mentioned property, however said property is located within the corporate limits of the City therefore said service does not constitute public utility service subject to regulation by the Pennsylvania Public Utility Code.

3. Admitted in part, denied in part. The answering Respondent is the City of Allentown (City), a Third Class City, organized under the Home Rule Charter and Optional Plans Law of the Commonwealth of Pennsylvania, 53 Pa. C.S.A 2901 et. seq. There is no authority or legal entity named the Allentown Water Authority. The City provides water service to the Complainant's above mentioned property however said property is located within the corporate limits of the City therefore said service does not constitute public utility service subject to

regulation under the Pennsylvania Public Utility Code

4. A. Denied. The Respondent City provides reliable, safe, quality water to the Complainant however said water does not constitute utility service under the Pennsylvania Public Utility Code.

B. Denied. The City does not own, operate or maintain a water pumping station in the vicinity of the Complainant's property. Respondent South Whitehall Township owns, operates and maintains a water pumping station for its water distribution service in the vicinity of the Complainant's property. Respondent PPL Electric Utilities Corporation provides electric service for said water pumping station.

5. Neither admitted nor denied. The allegations in this paragraph constitute a conclusion or law or request for relief and no response is required. By way of further answer, the City incorporates by reference, its responses to paragraphs 3 and 4 above as if more fully set forth herein. In addition, said allegations pertain to other Respondents in this action and not the Respondent City.

6. Admitted.

7. Admitted.

**NEW MATTER OF RESPONDENT CITY OF ALLENTOWN**

The City of Allentown, hereby raises as New Matter, pursuant to Section 5.62, Title 52 of the Pennsylvania Code, the following:

8. The Respondent City incorporates by reference it's answers to Paragraphs 1 through 7 above, as if more fully set forth herein.

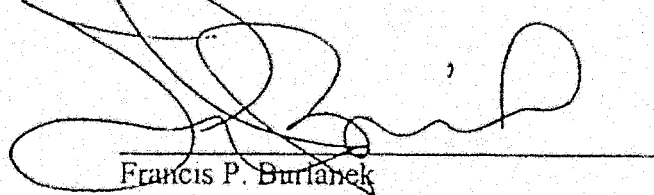
9. The Respondent City is a municipality providing water service only to customers within its corporate limits and therefore said service is not subject to the jurisdiction of the Pennsylvania Public Utility Commission.

10. The Complainant has made no allegation about the reliability, safety or quality of the water which the Respondent City is providing to her property but rather has made allegations regarding the actions of the Respondents South Whitehall Township and PPL Electric Utilities Corporation.

11. The Pennsylvania Public Utility Commission has no subject matter jurisdiction to determine property disputes or the type of dispute set forth in Complainant's Complaint.

Respectfully Submitted,

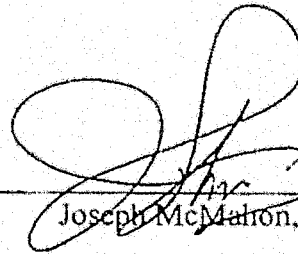
CITY OF ALLENTOWN

A handwritten signature in black ink, appearing to read 'Francis P. Durlanek', is written over a horizontal line. The signature is stylized and somewhat cursive.

Francis P. Durlanek  
Associate City Solicitor  
Atty. I.D. #23375  
Office of the City Solicitor  
519 City Hall  
435 Hamilton Street  
Allentown, PA 18101

VERIFICATION

I, Joseph McMahon, III, Manager of Water Resources for the City of Allentown, hereby verify that the facts averred and the statements made in the foregoing Answer and New Matter are true and correct. I understand that false statements or averments therein made will subject me to the criminal penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Handwritten signature of Joseph McMahon, III, consisting of a large, stylized 'J' and 'M' followed by 'III'.

---

Joseph McMahon, III

Date: *March 30, 2006*

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2006 APR 3 AM 10:20

PA P.U.C.  
SECRETARY'S BUREAU

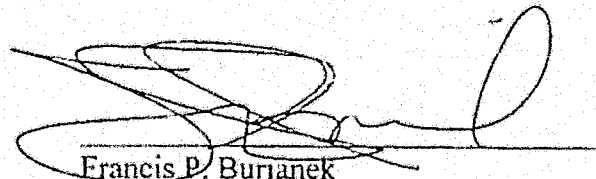
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter of Respondent City of Allentown, was served via first class mail, postage pre-paid to the following:

Linda L. David  
2922 W. Fairview Street  
Allentown, PA 18103

South Whitehall Township  
Municipal Drive  
4444 Walbert Avenue  
Allentown, PA 18104

Anthony D. Kanagy, Esq.  
Post & Schell  
12<sup>th</sup> Floor  
17 N. Second Street  
Harrisburg, PA 17101-1601



Francis P. Burianek  
Associate City Solicitor  
City of Allentown

Date: March 31, 2006



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
April 11, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20055501

(See attached list)

DOCUMENT  
FOLDER

Linda L. David v. PPL Electric Utilities Corporation

Service dispute.

**DOCKETED**  
APR 17 2006

NOTICE

This is to inform you that an Initial Prehearing Conference by telephone on the above-captioned case will be held as follows:

Date: Monday, May 15, 2006

Time: 10:00 a.m.

Presiding: Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215.560.2105  
Fax: 215.560.3133

At the above date and time, the Administrative Law Judge will contact the parties as follows:

Linda L. David	610-740-0637
Anthony D. Kanagy, Esquire	717-612-6034
Martin J. Danks, Esquire	610-437-7545

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

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

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

pc: Judge Rainey  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

C-20055501 LINDA L. DAVID v. PPL ELECTRIC UTILITIES CORPORATION

LINDA L DAVID  
2922 WEST FAIRVIEW STREET  
ALLENTOWN PA 18103  
610-740-0637

ANTHONY D KANAGY ESQUIRE  
POST & SCHELL  
17 NORTH SECOND STREET 12TH FLOOR  
HARRISBURG PA 17101-1601  
610-871-1324

SOUTH WHITEHALL TOWNSHIP  
444 WALBERT AVENUE  
ALLENTOWN PA 18104

MARTIN J DANKS ESQUIRE  
ASSISTANT CITY SOLICITOR  
CITY OF ALLENTOWN  
435 HAMILTON STREET ROOM 519  
ALLENTOWN PA 18101

PLEASE DOCKET

292 W. Fairview St.  
Allentown, PA 18103

March 18, 2006

Chief Administrative Law Judge *Veronica Smith*  
PA Public Utility Commission

RECEIVED

MAR 24 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

P.O. Box 3265

Harrisburg, PA 17105-3265

05/MAR/23 AM 9:04

PA PUC

Docket #: C-20055581

DOCUMENT  
FOLDER

Most Honorable Judge Smith,

Many thanks for your most recent  
ruling concerning this case!

I am sending 2 pages of a building  
inspection report I had done prior  
to the purchase of my home. Not sure  
if it is relevant, but I think it  
may be of some help. On P. 2, at  
"Structural Overview", it checks professional  
& quality built for the house, and no  
cracks were observed at that time.

Sincerely,

Linda L. David

ALL PHASE HOME INSPECTIONS

PO BOX 616

EMMAUS PA 18049-0616

**BUILDING ANALYSIS REPORT**

Single Family     Detached     Semi-Detached     Townhouse     Condominium     Unit Apartment

Property Location

Client Name LINDA DAVID  
 Address 19 S. 4TH ST  
 City, State ALLENTOWN PA 18104  
 Telephone 740-0637

<u>2922 FAIRVIEW ST</u>	
<u>ALLENTOWN PA</u>	
<u>Reported Age 20-25 YEARS</u>	
<u>Start 10:00</u>	<u>End</u>

This report is prepared for the sole use and benefit of the client, and shall not be relied upon by anyone else. Under no circumstances shall the inspection be considered for the benefit of any third party.

This is our report of a visual inspection of readily accessible areas of this building and is not intended to detect design or code compliance, nor cosmetic deficiencies. Excluded are all comments on cosmetic conditions such as painting, wallpapering or the condition of pool marcite, unless mentioned. This inspection is not intended to determine air or water quality, nor the presence or absence of or type of all insulation or of asbestos. Determining the presence or absence of lead paint, or any toxic or hazardous materials or substances, environmental hazards, rodents, insects or pests is beyond the scope and purpose of the inspection. It is limited to visual observations made of apparent conditions existing at that time and is for the purpose of alerting the client to major deficiencies which could significantly affect the value of the property. The inspection meets or exceeds the Standards of Practice of the American Society of Home Inspectors. These standards are recognized as the standards of the Home Inspection industry. The client is urged to read the REMARKS printed on each page, an integral part of this report, and to call the undersigned at any time for explanation of any items in the report, written or printed, which are not clearly understood.

Estimates for repair costs are to be used as a guide only, and are based on current rates of professional licensed contractors. The client should understand that some contractors, repair or service firms may make misleading and or inaccurate reports of the condition of items in an effort to sell replacements which may not be needed. Repair costs should be determined prior to closing.

The inspection is furnished on an opinion only basis and is made in the best exercise of our ability and judgement and is made solely for the information of the client. This report is not any insurance that items found acceptable will remain so for any period of time, nor that additional defects do not exist. Furthermore, please understand that items mentioned in this report are independent of any Real Estate contracts and are not intended to imply responsibility or obligation for repairs on any parties. Some inspection components may or may not be covered by your Real Estate contract. Consult your real estate agent or attorney regarding your contractual conditions.

This inspection and report is not to be considered a warranty or guarantee on the condition of the structure or equipment. Maximum liability incurred by **THE COMPANY** is limited to the cost of this report. Some visible defects may be overlooked. This company assumes no responsibility for the cost of repairing or replacing any unreported defects or conditions.

Radon gas is a naturally occurring gas that when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings. Additional information regarding radon and radon testing may be obtained from your county public health unit. Radon testing is not a part of this inspection or report.

CONTENTS	INTRODUCTION	1	INTERIOR, KITCHEN, & APPLIANCES	9-10
	ABOUT YOUR REPORT	2	LAWN SPRINKLERS, POOL, SPA	11-12
	SUMMARY	3	ADDENDUM (IF APPLICABLE)	13
	TYPICAL ROOF SYSTEMS	4	SUGGESTED IMPROVEMENTS	15-17
	ROOF, ATTIC, STRUCTURAL	5-6	GLOSSARIES	18-20
	MECHANICAL SYSTEMS	7-8	WALK THROUGH CHECKLIST	21
			SCHEMATIC DIAGRAM OF A HOME	22

Note: Not all pages or phases apply to all inspections, especially partial or condominium inspections

If client did not accompany inspector call office. [Signature] 4-8-93  
 Building Analyst Date

Recent Weather Rain very wet CLEAR 50° Occasional rain \_\_\_\_\_, Dry \_\_\_\_\_

# BUILDING INSPECTION INSPECTION REPORT SUMMARY

**CONDITION DEFINITIONS**  
NOTE: Ages shown for components are estimated.

A rating code is used to describe the apparent condition of many inspected items. A checkmark (✓) means only that an item was inspected or observed.

- A — Present condition is satisfactory, average wear and tear, typical for age and type
- B — Present condition is marginal or aging. May need early updating.
- C — Present condition is functional but repair or replacement is needed or advisable
- D — Present condition of item requires repair or replacement, non functional
- NA — Not applicable or not inspected due to conditions
- NV — Not visible or not readable

*N.D. - NOT DETERMINED*

**PRIORITY DEFINITIONS**

A priority method is used to help the client determine the repairs that should be performed first, in our opinion. Priority:

- 1 Condition should be repaired immediately, possible danger to health, safety or the condition of the building may deteriorate further
- 2 Condition is not adequate. Repair or replace before condition deteriorates further
- 3 Condition is not suitable but little change will be noticed if not corrected immediately.
- 4 Condition indicates repair or correction is desirable but not mandatory. Item is functional but utility or appearance are reduced.

**STRUCTURAL OVERVIEW**

The following conditions were observed during our visual inspection, and based on our opinion appear to be as follows.

Construction	Maintenance	Wear and Tear	Signs of Settlement	Normal Cracks	Termites or Wood Decay Found*
✓ Professional/ Workmanlike	✓ Very Good	✓ Minor	✓ Minor	___ Foundation	✓ None Found
✓ Quality Built	___ Average	___ Average	___ Average	___ Ext. Walls	___ Minor Damage
___ Average Const	___ Fair	___ Above Avg	___ Above Avg	___ Int. Walls	___ Moderate Damage
___ Amateur Workmanship	___ Neglected	___ Extensive	___ Extensive	___ Concrete Flrs Walks/Drives	___ Major Damage

\*The presence or absence of termites, wood borers, carpenter ants, fire ants, bees, rodents, insects or pests is not a part of this inspection.

MAJOR REPAIRS	Recommend review and repair as required by qualified licensed contractor prior to closing. Costs of \$1000.00 or more each	Priority	Estimates
5	Repair or Replace Roof	1	

MODERATE REPAIRS	Recommend review and repair as required by qualified licensed contractor prior to closing. Most buildings usually found to have one or more moderate defects costing \$500.00 or so each.	Priority	Estimates

MINOR REPAIRS	Recommend review and repair as required by qualified licensed contractor prior to closing. Most buildings have several minor defects costing \$300.00 or so each	Priority	Estimates
5	Extend Downspouts further from house	1	
5	Seal + Caulk CRACKS AT DRIVEWAY + GARAGE / FRONT + BACK concrete pad. Insulation removed from over closet lights	1	
7	GFCI's installed / outlet in laundry / outlet above deck	1	
	Neighboring retaining wall collapsing / DRAIN pipe ?		

**COMMENTS AND GENERAL**

All buildings require repairs and maintenance, routine as well as unexpected. Generally, older properties have greater requirements. We suggest a yearly budget