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PUBLIC UTILITY COMMISSION

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In the Matter of: :

Ronald Zeibig v. Rivercrest : Docket No. C-20016644
Sewer Company.

Initial prehearing :
telephonic conference.

Pages 1 through 13

Hearing Room No. 318
State Office Building
100 Lackawanna Avenue
Scranton, Pennsylvania

APR 11 2002

Tuesday, March 19, 2002

Met, pursuant to notice at 10:00 a.m.

BEFORE:

RICHARD M. LOVENWIRTH,
Administrative Law Judge

APPEARANCES:

RONALD ZEIBIG
123 Ash Street
Tunkhannock, Pennsylvania 18657
(Pro Se)

ANTHONY C. LOMMA, ESQUIRE
1120 South Washington Avenue
Scranton, Pennsylvania 18505
(For the Respondent)

SECRETARY'S BUREAU

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Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

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WITNESS INDEX

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
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(None.)

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EXHIBIT INDEX

NUMBER :

MARKED

ADMITTED

(None.)

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE RICHARD M. LOVENWIRTH:

Good morning. We're now going to open the record concerning the matter of Ronald Zeibig versus Rivercrest Public Sewer Service -- Public Service Sewer Company, which has been assigned Docket Number C-20016644.

This is a prehearing conference. And I will commence these proceedings by trying to reach the Complainant. That being as it is a telephone prehearing conference at the telephone number which he inserted upon his complaint, namely, area code, 570-836-3416. The court reporter will kindly stay on the record while I attempt to reach the Complainant at that number.

VOICE: Hello.

JUDGE LOVENWIRTH: Good morning. I'd like to speak to Ronald Zeibig, please.

MR. ZEIBIG: That's me.

JUDGE LOVENWIRTH: Good morning, sir. This is Judge Lovenwirth of the Pennsylvania Public Utility Commission.

MR. ZEIBIG: Good morning. How are you?

JUDGE LOVENWIRTH: Fine. And you?

MR. ZEIBIG: I have a cold.

JUDGE LOVENWIRTH: I'm sorry. I hope you're soon feeling better, sir. Would you be kind enough to

hold while I try to reach by telephone -- while I try to reach the attorney for the sewer company. Thank you for holding.

And would you be kind enough, please, to hang up if you don't hear from me, say, in five minutes? That will mean that I lost you. And if you're still hanging on the phone, your line will be busy. So, if you don't hear from me in five minutes, please hang up.

MR. ZEIBIG: I sure will.

JUDGE LOVENWIRTH: Thank you, sir.

VOICE: Public utilities. Can I help you?

JUDGE LOVENWIRTH: I'd like to speak to Anthony Lomma.

VOICE: May I ask who's calling, sir?

JUDGE LOVENWIRTH: Judge Lovenwirth. Are you still there?

MR. ZEIBIG: Yes, I am.

JUDGE LOVENWIRTH: Am I pronouncing your name correctly?

MR. ZEIBIG: Very good.

MR. LOMMA: Hello.

JUDGE LOVENWIRTH: Mr. Lomma, this is Judge Lovenwirth. Good morning, sir.

MR. LOMMA: Good morning, Your Honor.

JUDGE LOVENWIRTH: Also on the line with me is

Ronald Zeibig, the complaint in the matter of Zeibig versus River Crest Public Service Sewer Company. Are both of you gentlemen ready to proceed with the prehearing conference?

MR. ZEIBIG: Yes.

JUDGE LOVENWIRTH: How about you, Mr. Lomma?

MR. LOMMA: Yes, Your Honor. Also, I have Jerry Nawrocki.

JUDGE LOVENWIRTH: Good morning.

MR. LOMMA: N-a-w-r-o-c-k-i. President of River Crest Sewer Company.

JUDGE LOVENWIRTH: Very good. All right. Now, you gentlemen should know that I'm here in the Scranton PUC hearing room. And that I am here with the court reporter whose name is Janet Smith.

Miss Smith works for Commonwealth Reporting Company, Inc. The address is 700 Lisburn, L-i-s-b-u-r-n, Road, Camp Hill, Pennsylvania 17011. Telephone number is 1-800-334-1063.

I'm now going to recite for the record the history of these proceedings. In this case, on December 27th, 2001, Ronald Zeibig filed a formal complaint with the Public Utility Commission against the River Crest Public Service Sewer Company.

And what he says in his detailed complaint is

that he uses quite a bit of water or he did at least use quite a bit of water during the -- during the summer of 2001, for purposes of watering his lawn, feeding his lawn and flowers, washing the family car, washing the lawn mower and the weedwacker and washing the exterior of his dwelling and washing his driveway and washing his windows.

And he was billed by the Respondent in accordance with the quantity of water which was used as registered by the water meter. And, yet, a good bit of the water he estimates in excess of 4,000 gallons never went into the sewer system. It just ran off into the ground. And that he shouldn't have been charged as much as he did.

He says his sewer bill is almost \$50.00 and not all that money went into the sewer system. Thereafter, River Crest Public Service Sewer Corporation filed its answer on January 22nd, 2002 and admits -- it says it doesn't know how much water the Complainant used that didn't go into the sewer system.

Otherwise, it admits everything that's set forth in the complaint. And it says that, first of all, that its tariff requires the company to charge for sewer service based on the water meter readings. And, secondly, it says in the sewer industry, this is the standard way to charge for sewer service.

In addition, on that date, January 22nd, 2002, a preliminary motion to dismiss the complaint was filed by the sewer company which incorporated by reference all of the -- all of the allegations that were in the complaint, rather, that were in the answer. No answer to the motion to dismiss the complaint was filed by Mr. Zeibig.

This is a prehearing conference. It's the first proceeding in this case in which the Administrative Law Judge has been involved. I have before me the appearance sheet. It indicates that here on his own behalf is Ronald Zeibig. Good morning, sir.

MR. ZEIBIG: Good morning.

JUDGE LOVENWIRTH: And here on behalf of the River Crest Public Utility Sewer Company is its attorney, Anthony C. Lomma. Good morning, Mr. Lomma.

MR. LOMMA: Good morning, Your Honor.

JUDGE LOVENWIRTH: All right. Now, Mr. Zeibig, did I set forth the things about which you're complaining, what you're complaining about?

MR. ZEIBIG: Yes.

JUDGE LOVENWIRTH: What I mentioned, is there anything else that you're complaining about other than what I mentioned? I'm not suggesting that there should be. I want to make sure.

MR. ZEIBIG: Currently, that's the main problem.

JUDGE LOVENWIRTH: There's no other problem that you're complaining about in this proceeding.

MR. ZEIBIG: No.

JUDGE LOVENWIRTH: That's what I meant. Did I accurately -- Mr. Lomma, did I accurately recite the history of these proceedings, sir?

MR. LOMMA: Yes, Your Honor.

JUDGE LOVENWIRTH: Okay. All right. Well, I understand your complaint perfectly. I understand it perfectly, Mr. Zeibig.

MR. ZEIBIG: Thank you, Your Honor.

JUDGE LOVENWIRTH: There's no question in my mind that's what your problem is. Your problem is that you think that you shouldn't be billed for -- based upon the water meter, because a goodly percentage of your water, especially in the summer time, doesn't go through the sewer system?

MR. ZEIBIG: That is correct.

JUDGE LOVENWIRTH: All right. I understand perfectly.

MR. ZEIBIG: Now, what I did, in accordance with the bills that I received from them, I noted every time that I use water that was not going down into the sewage system. I took a meter reading prior to. And when I completed, I took another meter reading.

JUDGE LOVENWIRTH. And you think that the measured amount of water that didn't go into the sewer system should be water sewage for which you're not responsible?

MR. ZEIBIG: That's correct, sir.

JUDGE LOVENWIRTH: I understand perfectly. All right. I don't think a hearing is necessary in this case, because I understand the positions of both parties is very clear. I don't think there's any question of fact to be resolved.

And, of course, that's the only thing we do is resolve questions of fact. We receive testimony so that concerning the factual issues attended upon the proceeding, we may -- the trier of fact, me, may have some evidence upon which to rely in making findings of fact.

But, in this case, everybody agrees. You agree, do you not, Mr. Lomma, that Mr. Zeibig and, for that matter, every user of water, every user of sewage has some water that does not go into the sewage system. You agree with that, don't you, Mr. Lomma?

MR. LOMMA: Absolutely, Your Honor.

JUDGE LOVENWIRTH: All right. So, I understand it perfectly. I don't think it's necessary to have a hearing in this case. I think the only thing for you folks to do now is to wait for a decision from me, because

the facts are clear.

Do I correctly assume that you don't have nothing additional to add? The company agrees with you 100 percent, so far as your factual averments are concerned.

MR. ZEIBIG: Yes, Your Honor. That's all.

JUDGE LOVENWIRTH: What I'll do is with this case, I'll do my very best to resolve the problem. So, resolve the dispute. I thank you for bringing it to our attention, Mr. Zeibig.

I understand the case perfectly. There are no factual issues to be determined. So I'll rule upon Mr. -- upon the merits of your complaint by ruling upon the motion to dismiss.

These are -- either I will deny the motion to dismiss, which case we'll set a hearing. Or I'll grant it. And, now, Mr. Zeibig and Mr. Lomma, also, Mr. Lomma knows about - he knows how to file exceptions.

But, Mr. Zeibig, after I render a decision, which will be a written decision, it will be sent to you and this could be a month from now. I don't know how long it will be. It will be sent to you by the Commission of the Pub -- the secretary of the Public Utility Commission.

And my written decision will be accompanied and also be sent to the water -- to the sewer company. It

will be sent to Mr. Lomma, and my decision will be accompanied by a letter from the secretary of the Commission which will explain to both you and to Mr. Lomma what both of you or either of you might do in order to file exceptions to my decision, if you desire to do so.

So, there's no need for me to explain that to you. Do you have any questions, Mr. Zeibig, that you'd like to bring to my attention now?

MR. ZEIBIG: No, I do not, Your Honor.

JUDGE LOVENWIRTH: Mr. Lomma, do you have any business you want to bring to my attention?

MR. LOMMA: No, Your Honor. Thank you.

JUDGE LOVENWIRTH: Thank you. Don't hang up anybody, please. There being no further business to transact, we stand adjourned.

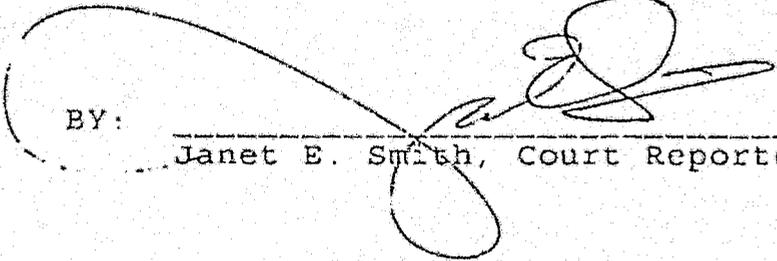
(Whereupon, at 10:14 a.m., the hearing was concluded.)

CERTIFICATE

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

COMMONWEALTH REPORTING COMPANY, INC.

BY:


Janet E. Smith, Court Reporter