

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Robert & Linda Magliola

v.

Pennsylvania-American Water Company

C-20067054

DOCUMENT  
FOLDER

**DOCKETED**  
DEC 15 2006

PREHEARING ORDER

RECEIVED  
DEC 11 11:03

An initial telephonic hearing is scheduled for **Monday, January 8, 2007, at 10:00 am**. The parties are directed to comply with the following requirements:

1. If you intend to present any documents for my consideration, you must send one copy to the other party and **THREE** copies to me one week before the hearing. Note that attachments to your Complaint are not admitted into the record unless submitted separately in accordance with this paragraph.

2. If you are an individual, you may either represent yourself or have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall comply with the Commission's appearance requirements. 52 Pa. Code § 1.24(b).

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). The requesting party must contact the other party to determine whether there is agreement to the change prior to contacting the presiding officer. Requests for changes of initial hearings must be sent to me with copies to all parties of record. *Changes are granted only in rare situations where sufficient cause exists.*

BTL

4. A copy of anything filed with the Secretary or submitted shall be sent directly to the presiding officer. The correct address is: Administrative Law Judge Susan D. Colwell, Office of Administrative Law Judge, P.O. Box 3265, Harrisburg PA 17105-3265

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

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

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

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

9. Complainant bears the burden of proving the case and should be prepared to prove that Respondent is liable for debts incurred by its predecessor company with legal citations, documentation and/or with specific dates of events which could have an impact on the claims. Complainant is directed to be prepared to address the impact of 66 Pa. C.S. § 3314, which states:

**§ 3314. Limitation of actions and cumulation of remedies**

(a) **General rule.**—No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of an matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefore arose, except as otherwise provided in this part.

Dated: December 7, 2006



Susan D. Colwell  
Administrative Law Judge

DOCUMENT  
FOLDER

RECEIVED

DEC 18 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

December 10, 2006

Judge Susan D. Colwell  
P.O. Box 3265  
Harrisburg, Pa 17105-3265

Dear Judge Colwell:

Enclosed are 5 Exhibits to be used in Case # C-20067054, Linda and Robert Magliola v Pennsylvania- American Water Company. As requested there are three copies for your office and a copy was sent to Mr. Seth Mendelsohn, Esquire, Pennsylvania - American Water Company.

I would also like to confirm the phone number to reach me on January 8, 2007. I spoke to Dawn from your office on Dec. 6<sup>th</sup> and gave her the following phone number, (516) 674-5482. This is my work location and I will be able to take the call there.

Respectively Submitted

*Linda Magliola*

Linda Magliola  
1822 Stuyvesant Ave.,  
East Meadow, N.Y. 11554

Encl.

Cc. Seth Mendelsohn, Esquire w/attachments.

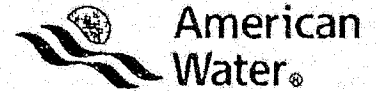
*Hope you have a safe & happy  
holiday Judge Colwell.*

*Linda*

PTL

PA PUC  
06 DEC 15 PM 1:51  
RECEIVED  
SECRETARY'S OFFICE

DOCUMENT  
FOLDER



December 20, 2006

RECEIVED

DEC 20 2006

VIA UPS OVERNIGHT DELIVERY

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Robert & Linda Magliola v. Pennsylvania-American Water Company  
Docket No. C-20067054

Dear Judge Colwell:

Pursuant to the December 7, 2006, Prehearing Order for the above-captioned case, I have enclosed three (3) copies of Pennsylvania-American Water Company's Exhibits 1 and 2, which may be offered into evidence during the initial telephone hearing in the above captioned case scheduled for Monday, January 8, 2007, at 10:00 a.m.

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

Respectfully submitted,

  
Seth A. Mendelsohn

Enclosures

cc: James McNulty, Secretary (Certificate of Service Only)  
Robert & Linda Magliola  
Judy Jordan

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)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT & LINDA MAGLIOLA,  
Complainant

v.

PENNSYLVANIA-AMERICAN WATER  
COMPANY,  
Respondent

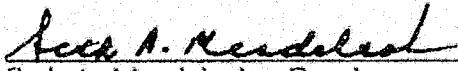
DOCKET NO. C-20067054

CERTIFICATE OF SERVICE

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

VIA OVERNIGHT MAIL

Robert & Linda Magliola  
1822 Stuyvesant Avenue  
East Meadow, NY 11554

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

Dated this 20<sup>th</sup> day of December 2006.

RECEIVED

DEC 20 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.:	C-20067054	Prehearing Held:	YES	NO
Case Name:	Robert & Linda Magliola v. Pennsylvania-American Water Company	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Teslimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	January 8, 2007	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Susan D. Colwell	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	COMPLAINT WITHDRAWN ON THE RECORD	

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Seth A Mendelsohn, Esq.	800 West Hershey Park Dr.	Pennsylvania-American Water Co
Telephone: (717) 533-5000	City: Hershey State: PA Zip: 17033	Fax Number: 717-531-3252
Linda Magliola	1822 Stuyvesant Avenue	Self
Telephone:	City: West Meadows State: NY Zip: 11554	Fax Number:
E-mail Address:	City: State: Zip:	
E-mail Address:	City: State: Zip:	

BTL

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

*elp*

Lori A. Becke  
Reporter's Signature

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

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: January 9, 2007

SUBJECT: C-20067054  
Robert & Linda Magiola v. Pennsylvania-American Water Company

TO: Wanda Zeiders  
Docket Management

FROM: Stacy Nolan, ALJ Support Staff  
Office of Administrative Law Judge

On January 8, 2007, a Petition to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition within 20 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Susan D. Colwell  
Beth Plantz  
Case File

DOCUMENT  
FOLDER

DOCKETED  
JAN 10 2007

**Nolan, Stacy**

---

**From:** Colwell, Susan  
**Sent:** Monday, January 08, 2007 10:39 AM  
**To:** Nolan, Stacy  
**Cc:** Williams, Christine; Plantz, Elizabeth  
**Subject:** Declined: C-20067054, Robert & Linda Magliola v. Pennsylvania American Water Company, -

Please note that this Complaint was withdrawn on the record at the evidentiary hearing. Please treat this as a satisfied complaint. Thank you!

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 10 2007



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

IN REPLY PLEASE  
REFER TO OUR FILE

February 16, 2007

C-20067054

ROBERT & LINDA MAGLIOLA  
1822 STUYVESANT AVENUE  
EAST MEADOW NY 11554

ROBERT & LINDA MAGLIOLA  
v.  
PENNSYLVANIA-AMERICAN WATER COMPANY

**DOCKETED**  
FEB 16 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty  
Secretary

cc: All parties of Record

nvl

**DOCUMENT  
FOLDER**