



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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February 10, 2017

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Harrisburg, PA 17105-3265

In re: Docket No. C-2017-2585453
Thomas Heckert v. Suez Water Pennsylvania Inc.

Dear Secretary Chiavetta:

We are counsel to Suez Water Pennsylvania Inc. in the above referenced matter and are submitting via electronic filing its Preliminary Objection to the Complaint of Thomas Heckert. A copy of the Preliminary Objection is being served upon Mr. Heckert by first class mail, postage prepaid, as set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)
Judith A. McCoy Jordan (via email, w/encl.)

170210-Chiavetta (Preliminary Objections).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THOMAS HECKERT,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2017-2585453
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

NOTICE

TO: THOMAS HECKERT
412 FRONT STREET
MARYSVILLE, PA 17053

PURSUANT TO 52 PA CODE SECTION 5.101(b), NOTICE IS HEREBY GIVEN THAT AN ANSWER TO THE FOLLOWING PRELIMINARY OBJECTION SHALL BE FILED WITHIN 10 DAYS OF THE DATE OF SERVICE.

DATE OF SERVICE: FEBRUARY 10, 2017

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THOMAS HECKERT,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2017-2585453
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

**PERLIMINARY OBJECTION OF
SUEZ WATER PENNSYLVANIA INC.**

AND NOW comes Suez Water Pennsylvania Inc. (“Suez”), by its attorneys, and, pursuant to 52 Pa. Code § 5.101, files this Preliminary Objection to the Complaint of Thomas Heckert (“Complainant”) at C-2017-2585453:

1. This proceeding concerns the Complaint of Thomas Heckert at Public Utility Commission (“Commission”) Docket No. C-2017-2585453.
2. Service of the Complaint was made by the Commission’s Office of the Secretary on January 24, 2017.
3. Regulations of the Commission at 52 Pa. Code Section 5.101 provide for the filing of preliminary objections in response to a Complaint.

4. Suez objects to the Complaint as follows:

Lack of Commission Jurisdiction – 52 Pa. Code § 5.101(a)(1)

5. The Complaint seeks, as relief, a reimbursement of \$5,000 allegedly paid by him to repair his customer owned service line. This is the only relief sought by Complainant.

6. Suez is not responsible for the cost incurred by Complainant to repair his customer owned service line.

7. The Commission, however, and in any event, has no jurisdiction to award money damages to Complainant. See *Elkin v. Bell Telephone Company of Pennsylvania*, 491 Pa. 123, 420 A.2d 371 (1980); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977); *Poorbaugh v. Pa. Pub. Util. Comm'n*, 666 A.2d 744 (Pa.Cmwlt. 1995).

WHEREFORE Suez Water Pennsylvania Inc. requests that the Pennsylvania Public Utility Commission grant this Preliminary Objection and dismiss the Complaint of Thomas Heckert at C-2017-2585453.

Respectfully submitted,

By 

Thomas T. Niesen, Esq. (PA ID # 31379)
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101
Tel: 717-255-7600

Attorney for Respondent Suez Water Pennsylvania Inc.

DATED: February 10, 2017

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

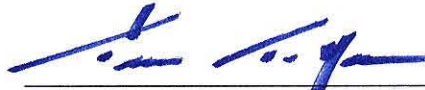
THOMAS HECKERT,	:
Complainant	:
	:
v.	:
	:
	: Docket No. C-2017-2585453
	:
SUEZ WATER PENNSYLVANIA INC.,	:
Respondent	:

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of February 2017, served a true and correct copy of the foregoing Preliminary Objection of Suez Water Pennsylvania Inc., upon the persons and in the manner set forth below:

VIA FIRST CLASS MAIL, POSTAGE PREPAID

Thomas Heckert
412 Front Street
Marysville, PA 17053



Thomas T. Niesen (PA ID # 31379)