

March 31, 2017

Via Electronic Filing

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

In re: Docket No. C-2016-2578809
Ross E. Schell 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 Reply to Complainant's Notice of Exceptions. A copy of the Reply Exceptions is being served upon Mr. Schell as set forth on the certificate of service attached to them.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)
ra-OSA@pa.gov (w/encl)
Judith A. McCoy Jordan (via email, w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Jeffrey A. Watson, Presiding**

ROSS E. SCHELL : **C-2016-2578809**
:
v. :
:
:
SUEZ WATER PENNSYLVANIA INC. :

**REPLY OF SUEZ WATER PENNSYLVANIA INC. TO
COMPLAINANT'S NOTICE OF EXCEPTIONS**

Thomas T. Niesen
PA Attorney ID # 31379
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

Attorneys for Suez Water Pennsylvania Inc.

DATED: March 31, 2017

I. INTRODUCTION

By Initial Decision dated February 10, 2017, and issued March 1, 2017, Administrative Law Judge Watson sustained the preliminary objections of Suez Water Pennsylvania Inc. (“Suez”) and dismissed the Complaint of Ross E. Schell (“Complainant”) at C-2016-2578809. On or about March 1, 2017, Complainant filed a “Notice of Exceptions” (“Exceptions”). Suez submits this Reply in opposition to Complainant’s Exceptions.

II. REPLY TO EXCEPTIONS

Complainant argues that Judge Watson is biased against him and that Judge Watson ignored evidence and pictures he included with his filings. He argues further that he uses water filters. He presents a picture of the location of a shut off valve.

Suez submits that its preliminary objections were properly sustained. Conclusion of Law 1 of the Initial Decision properly dismisses Complainant’s Complaint based on the doctrine of pendency of a prior proceeding. Complainant had a full and fair opportunity to present evidence about billing, service and water quality in the prior consolidated proceeding at C-2016-2551544, C-2016-2558244, C-2016-2559741 and C-2016-2563040. Complainant participated in the evidentiary hearing in the consolidated proceeding on October 4, 2016. By Initial Decision dated January 31, 2017, and issued February 21, 2017, Judge Watson denied the Complaints at C-2016-2551544, C-2016-2558244, C-2016-2559741 and C-2016-2563040.

Conclusions of Law 6 and 7 of the Initial Decision correctly state, moreover, that Complainant must pay the tariff rate and that the Public Utility Commission lacks jurisdiction to award monetary damages.

III. CONCLUSION

Suez submits that the Public Utility Commission should deny the Notice of Exceptions submitted by Complainant and adopt the Initial Decision of Administrative Law Judge Watson. The Complaint at C-2016-2578809 should be dismissed.

Respectfully submitted,

By  _____

Thomas T. Niesen
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212 Locust Street, Suite 600
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Attorneys for Suez Water Pennsylvania Inc.

DATED: March 31, 2017

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


ROSS E. SCHELL,	:	Docket No. C-2016-2578809
Complainant	:	
	:	
v.	:	
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of March 2017, served a true and correct copy of the foregoing Reply of Suez Water Pennsylvania Inc. to Complainant's Notice of Exceptions, upon the persons and in the manner set forth below:

VIA FIRST CLASS MAIL

Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109



Thomas T. Niesen (PA ID # 31379)