

29 March 2017

To: The Pa Public Utility Commission Secretary
400 North Street
Harrisburg, PA 17120

From: Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109-5515
PH# 717-651-0824
Fax# same but call First.

To whom this may concern:

C-2016-2578809

C-2016-2578804

Notice for exceptions to Mr. Nielsen's Exceptions dated 31 March 2017.

1. First I do have to use water filters to use the Dirty water that comes into my house. Pictures of those filters were submitted with my complaint and ignored yet mentioned in Judge Watson's initial decision. As well as all the other picture's included with my complaints. This show Biased towards Suez Water Company. Also by Mr. Nielsen email Judge Watson before our hearing with instructions as to how it was to go, I think a defiant biased on both parts if going on. Especially

since the Initial Decision was written exactly as the email stated.

2. As far as paying my bill. It would be nice to get one since all I ever receive is a phone call telling me that they are going to shut my water service off.
3. As far as bill pay back. The PUC has the power to force a refund of overpaid bills by the utility. I have been paying for clean usable water and getting dirty water instead so A pay back in my case is do since Suez's water service has not conformed to what is required by law.
4. I do not know why Mr. Nilsen keeps filing the same exceptions over and over again.
5. I thought I would put numbers in this one since everyone is complaining about me not doing so.
6. And again what law allows the PUC to reject any summited exceptions someone chooses to file.
7. If Judge Watson was not biased in this case he would have used the pictures for more than a statement in his Initial Decision he would have come to the fact that I have had dirty water coming into my house since I moved in, in 1999. I have complained about this to both United Water and Suez water. I have even complained about not receiving a bill in the mail

or a ten day shut off notice. The only way I know what my bill is, is to call in and ask what it is.

A handwritten signature in cursive script, appearing to read "Ross E. Schell".

Ross E. Schell

PS. I think that all my exceptions be used by the PUC commission to correct this situation. And I made sue I signed this For everyone concerned.

Certificate Of Service

I do hereby certify that I have that this 02 April 2017 I have served a True and correct copy of the Exceptions Upon the person and manner Set Forth .

Via Fax

Thomas t. Niesen

212 Locust Street

Suite 600

Harrisburg, Pa 17101

The Honorable Jeffery A. Watson

Piatt Place

Suite 220

301 5th Avenue

Pittsburg, Pa 15222 Emailed


Ross E Schell

CHAPTER 15
SERVICE AND FACILITIES

Subchapter

- A. General Provisions
- B. Discontinuance of Service to Leased Premises

Enactment. Chapter 15 was added July 1, 1978, P.L.598, No.116, effective in 60 days.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 1501. Character of service and facilities.
- 1501.1. Certain utilities prohibited from using foreign coal.
- 1502. Discrimination in service.
- 1503. Discontinuance of service.
- 1504. Standards of service and facilities.
- 1505. Proper service and facilities established on complaint; authority to order conservation and load management programs.
- 1506. Copies of service contracts, etc., to be filed with commission.
- 1507. Testing of appliances for measurement of service.
- 1508. Reports of accidents.
- 1509. Billing procedures.
- 1510. Ownership and maintenance of natural and artificial gas service lines.
- 1511. Electricity supplied to certain organizations.

Subchapter Heading. The heading of Subchapter A was added November 26, 1978, P.L.1245, No.297, effective in 60 days.

1501. Character of service and facilities.

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. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the

1504. Standards of service and facilities.

The commission may, after reasonable notice and hearing, upon its own motion or upon complaint:

(1) Prescribe as to service and facilities, including the crossing of facilities, just and reasonable standards, classifications, regulations and practices to be furnished, imposed, observed and followed by any or all public utilities.

(2) Prescribe adequate and reasonable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the service of any and all public utilities.

(3) Prescribe reasonable regulations for the examination and testing of such service, and for the measurement thereof.

(4) Prescribe or approve reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement.

(5) Provide for the examination and testing of any and all appliances used for the measurement of any service of any public utility.

1505. Proper service and facilities established on complaint; authority to order conservation and load management programs.

(a) **General rule.**--Whenever the commission, after reasonable notice and hearing, upon its own motion or upon complaint, finds that the service or facilities of any public utility are unreasonable, unsafe, inadequate, insufficient, or unreasonably discriminatory, or otherwise in violation of this part, the commission shall determine and prescribe, by regulation or order, the reasonable, safe, adequate, sufficient, service or

§ 56.12. Meter reading; estimated billing; customer readings.

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

(1) *Inapplicability to seasonally billed customers.* This section does not apply to customers billed on a seasonal basis under terms included in the tariff of the public utility.

(2) *Estimates for bills rendered on a monthly basis.* If a public utility bills on a monthly basis, it may estimate usage of service every other billing month, so long as the public utility provides a customer with the opportunity to read the meter and report the quantity of usage in lieu of the estimated bill. The resulting bills must be based on the information provided, except for an account when it is apparent that the information is erroneous.

(i) Upon the request of the customer, the public utility shall, at least annually, provide preaddressed postcards on which the customer may report the reading. The public utility shall provide additional preaddressed postcards on request. The public utility may choose to make available electronic and telephonic methods for customers to report meter reading information.

(ii) The public utility may establish due dates by which the customer supplied reading shall be received for a bill to be based upon the meter reading of the customer or occupant. If the reading of a customer or occupant is not received by that due date, the public utility may estimate the quantity of usage. The public utility may establish due dates for submitting a meter reading when the customer or occupant utilizes an electronic method for reporting meter readings.

(3) *Estimates permitted under exigent circumstances.* A public utility may estimate the bill of a customer if extreme weather conditions, emergencies, equipment failure, work stoppages or other circumstances prevent actual meter reading.

(4) *Estimates when public utility personnel are unable to gain access.* A public utility may estimate the bill of a customer if public utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

(i) The public utility has undertaken reasonable alternative measures to obtain a meter reading, including, but not limited to, the provision of preaddressed postcards upon which the customer may report the reading or the telephone reporting of the reading.

(ii) The public utility, at least every 6 months, or every four billing periods for public utilities permitted to bill for periods in excess of 1 month, obtains an actual meter reading or customer supplied reading to verify the accuracy of the estimated readings.

(iii) The public utility, at least once every 12 months, obtains an actual meter reading to verify the accuracy of the readings, either estimated or customer read.

(5) *Remote reading devices for water, gas and electric public utilities.* A public utility may render a bill on the basis of readings from a remote reading device under the following conditions:

(i) When a gas, electric or water public utility uses readings from a remote reading device to render bills, the public utility shall obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device. If the customer of record at the dwelling changes during the 5-year period between actual meter readings, the public utility shall make a bona fide attempt to schedule an appointment with the departing customer and, if necessary, the new occupant, to secure an actual meter reading.

CHAPTER 7
PROCEDURE ON COMPLAINTS

Sec.

- 701. Complaints.
- 702. Service of complaints on parties.
- 703. Fixing of hearings.

Enactment. Chapter 7 was added July 1, 1978, P.L.598, No.116, effective in 60 days.

701. Complaints.

The commission, or any person, corporation, or municipal corporation having an interest in the subject matter, or any public utility concerned, may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission. Any public utility, or other person, or corporation likewise may complain of any regulation or order of the commission, which the complainant is or has been required by the commission to observe or carry into effect. The Commonwealth through the Attorney General may be a complainant before the commission in any matter solely as an advocate for the Commonwealth as a consumer of public utility services. The commission may prescribe the form of complaints filed under this section.

Cross References. Section 701 is referred to in sections 1358, 2205, 2807, 3014 of this title.

§ 35.10. Form and content of formal complaints.

A complaint may be made by letter or other writing. It shall contain the name and address of the complainant, the name and address of the party against whom the complaint is made, and a statement of the facts forming the basis for the conclusion that there has been a violation of a statute or regulation administered or issued by the agency. Supporting material may be submitted along with the complaint.

Cross References

This section cited in 4 Pa. Code § 105.12 (relating to requests); 6 Pa. Code § 3.6 (relating to request for a formal hearing); 6 Pa. Code § 22.103 (relating to filing of appeals); 22 Pa. Code § 351.1 (relating to purpose and scope); 25 Pa. Code § 1021.51 (relating to commencement, form and content); 25 Pa. Code § 1021.52 (relating to timeliness of appeal); 25 Pa. Code § 1021.53 (relating to amendments to appeal or complaint); 25 Pa. Code § 1021.71 (relating to complaints filed by the Department); 25 Pa. Code § 1021.72 (relating to complaints filed by other persons); 25 Pa. Code § 1021.73 (relating to transferred matters); 34 Pa. Code § 81.71 (relating to filing); 34 Pa. Code § 111.15 (relating to no other pleadings allowed); 34 Pa. Code § 131.32 (relating to petitions except petitions for joinder and challenge proceedings); 34 Pa. Code § 131.121 (relating to penalty proceedings initiated by a party); 37 Pa. Code § 79.72 (relating to procedure for officers, CFIs, MIs or schools seeking reconsideration); 37 Pa. Code § 79.82 (relating to notice); 49 Pa. Code § 25.201 (relating to grounds for complaint); 52 Pa. Code § 5.22 (relating to contents of formal complaint); 52 Pa. Code § 1005.12 (relating to content of formal complaints); 52 Pa. Code § 1005.13 (relating to citation complaints by the Authority); 55 Pa. Code § 41.31 (relating to request for hearing); 55 Pa. Code § 41.32 (relating to timeliness and perfection of requests for hearing); 55 Pa. Code § 41.33 (relating to appeals nunc pro tunc); 58 Pa. Code § 493a.1 (relating to generally); and 58 Pa. Code § 493a.2 (relating to complaints).

§ 35.11. Joinder of formal complaints.

Two or more grounds of complaint involving the same purposes, subject or state of facts, may be included in one complaint, but should be separately stated and identified; and two or more complainants may join in one complaint if their respective causes of complaint are against the same respondent or respondents, and involve substantially the same purposes and subject, and a like state of facts.

35.14. Orders to show cause.

Whenever an agency desires to institute a proceeding against a person under statutory or other authority, the agency may commence the action by an order to show cause setting forth the grounds

for the action. The order will contain a statement of the particulars and matters concerning which the agency is inquiring, which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision by the agency in the proceeding, and the order will require that the respondent named respond orally, or in writing (as provided in § 35.37 (relating to answers to orders to show cause)) or both.

Notes of Decisions

Since the violation notice contained references pertaining to rulemaking proceedings rather than to appeals from violation charges and since the show cause order did not clearly advise that an answer was to be filed and did not clearly mention appeal to the Industrial Board, the notice and order were inadequate and the case would be remanded to the Industrial Board for hearing and consideration. *In re Hoge*, 410 A.2d 106 (Pa. Cmwlth. 1980).

§ 35.17. Petitions generally.

Petitions for relief under a statute or other authority delegated to an agency shall be in writing, shall state clearly and concisely the grounds of interest of the petitioner in the subject matter, the facts relied upon and the relief sought, and shall cite by appropriate reference the statutory provision or other authority relied upon for relief.

Cross References

This section cited in 12 Pa. Code § 11.8 (relating to petitions for declaratory order); 22 Pa. Code § 233.114 (relating to confidentiality and unauthorized release of information); 22 Pa. Code § 233.120 (relating to expedited hearing procedures); 28 Pa. Code § 301.7 (relating to fair hearing); 34 Pa. Code § 111.11 (relating to content and form); 34 Pa. Code § 111.21 (relating to form and content); 34 Pa. Code § 111.32 (relating to form/content); 34 Pa. Code § 111.33 (relating to specific petitions/requirements); 34 Pa. Code § 131.31 (relating to form of pleadings); 34 Pa. Code § 131.32 (relating to petitions except petitions for joinder and challenge proceedings); 34 Pa. Code § 131.121 (relating to penalty proceedings initiated by a party); 34 Pa. Code § 321.5 (relating to hearings); 37 Pa. Code § 171.44 (relating to supporting legal authority); 37 Pa. Code § 197.11a (relating to motions and petitions); 40 Pa. Code § 15.41 (relating to pleadings and other preliminary matters); 52 Pa. Code § 5.41 (relating to petitions generally); 52 Pa. Code § 1005.21 (relating to petitions generally); 55 Pa. Code § 41.3 (relating to definitions); 55 Pa. Code § 41.44 (relating to transfer of petition for relief); and 58 Pa. Code § 493a.4 (relating to petitions generally).

(d) Deduction from sums owing by Commonwealth.--The amount of the penalty, when finally determined, may be deducted from any sums owing by the Commonwealth to the person or corporation charged or may be recovered in a civil action.

(Apr. 16, 1992, P.L.149, No.27, eff. 60 days; Feb. 14, 2012, P.L.72, No.11, eff. 60 days)

2012 Amendment. Act 11 amended subsec. (c).

Cross References. Section 3301 is referred to in section 3309 of this title.

§ 65.8. Meters.

(a) *Allowable error.* No water meter which has an error in registration of more than 2% may be placed in service, nor may a water meter which has an error in registration of more than 4% be allowed to remain in service, when water is passing through it at approximately the following rates of flow:

Meter size

(inches)

Gallons

per minute

5/8 6

3/4 10

1 20

1-1/2 30

2 50

3 90

4 180

6 300

(b) *Periodic tests.* No public utility furnishing metered water service may allow a water meter of 1 inch or less nor a water meter of more than 1 inch to remain in service for a period longer than 20 years and 8 years respectively without testing it for accuracy and readjusting it if it is found to be incorrect beyond the limits established in subsection (a). Upon a customer's request the public utilities shall also perform a meter test without charge if a meter has been in service, and has not been tested, for a period greater than that specified in the following table:

Inch Meter Years

5/8 10

3/4 8

1 6

More than 1 4

(c) *Meter test records.* Whenever a water meter is tested, the original test record should be kept indicating the information necessary for identifying the meter, the reason for making the test, the reading of the meter before being disturbed, and the accuracy of the meter together with data taken at the time of the test. This record shall be sufficiently complete to permit the convenient checking of the methods employed and the calculations made. A record shall also be kept, preferably numerically arranged, indicating the date of meter purchase, name of manufacturer, its size, its identification, its various places of installation with dates of installation and removal, and the dates and general results of all tests.

52 § 65.8 PUBLIC UTILITY COMMISSION Pt. I

65-8

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§ 65.9. Adjustment of bills for meter error.

(a) *Fast meters.* If upon test of a meter, the meter is found to have an error of more than 4% fast, the public utility shall refund to the consumer the overcharge based upon what the meter would have registered had it not been fast or slow for a period equal to 1/2 the time elapsed since the last previous test but not to exceed 12 months. If the period of registration error is fixed with a reasonable degree of certainty, the overcharge shall be computed for the period. If the meter has not been tested under § 65.8 (relating to meters), the period for which it has been in service beyond the regular test period shall be added to the 12 months in computing the refund.

(b) *Slow meters.* If upon test of a meter, the meter is found to have an error of more than 4% slow, the public utility may render a bill for the water consumed but not covered by previously rendered bills equal to 1/2 of the time elapsed since the last previous test but not to exceed 12 months. If the period of registration error is fixed with a reasonable degree of certainty, the charge may be computed for the period. Payment of this previously unbilled consumption shall be under

§ 56.83(5) (relating to unauthorized termination of service).

(c) *Nonregistering meters.* If a meter is found not to have registered for a period or not to have fully measured the entire flow due to meter interference, the public utility shall compute the water used by taking the average of the water used for the nearest meter reading period immediately preceding and the meter reading period immediately following the date when the meter was found to be not registering or interfered with, which amount shall be assumed to be the amount of water used by the customer during the billing period in which the

52 § 65.9 PUBLIC UTILITY COMMISSION Pt. I

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PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

§ 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found. Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section. (1) Pending informal complaint. Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed. An amount ultimately determined, by the parties or the Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.22 (relating to accrual of late payment

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(359007) No. 445 Dec. 11 charges) except when interest charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) Pending formal complaint. (3) Overpayments reimbursed with interest. An amount ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 56.22. (4) Effect of offer of payment. An offer by a customer to pay all or any portion of a bill may not be deemed a waiver of a right to reimbursement for amounts subsequently deemed, by the parties or the Commission, to have been overpaid. (5) Effect of acceptance of partial payment. The acceptance by a public utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the public utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

Authority The provisions of this § 56.181 amended under Chapter 14 of the Public Utility Code (66 Pa.C.S. Chapter 14).

Source The provisions of this § 56.181 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended January 15, 1982, effective January 16, 1982, 12 Pa.B. 298; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial pages (252046) to (252047).

Cross References This section cited in 52 Pa. Code § 56.12 (relating to meter reading; estimated billing; customer readings); 52 Pa. Code § 56.164 (relating to termination pending resolution of the dispute); and 52 Pa. Code § 57.257 (relating to disputes concerning advanced metering). Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay that amount which the consumer services representative determines is not disputed.