

FRANK D. KITZMILLER  
1041 PRESTON RD.  
LANCASTER, PA 17601  
TELEPHONE (717) 569-0132  
Email: [dkitz@comcast.net](mailto:dkitz@comcast.net)

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2017 AUG 16 AM 10:24  
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SECRETARY'S BUREAU  
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AUGUST 16, 2017

ROSEMARY CHIAVETTA, SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
P.O. BOX 3265  
HARRISBURG, PA 17105-3265

RE: FRANK D. KITZMILLER V. CITY OF LANCASTER

DOCKET NO. C-2014-2435567; OBJECTION TO CERTIFICATE OF SATISFACTION

DEAR SECRETARY CHIAVETTA:

ENCLOSED FOR FILING WITH THE COMMISSION, ON BEHALF OF COMPLAINANT, FRANK D. KITZMILLER, IS THE ORIGINAL AND THREE (3) COPIES OF AN OBJECTION TO CERTIFICATE OF SATISFACTION IN THE ABOVE REFERENCED MATTER.

PLEASE DATE STAMP THE EXTRA COPY AND RETURN IT TO FRANK D. KITZMILLER.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

VERY TRULY YOURS,  
  
FRANK D. KITZMILLER, COMPLAINANT

C: As per certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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FRANK D. KITZMILLER, !

COMPLAINANT, !

V. !

CITY OF LANCASTER, !

RESPONDENT. !

DOCKET NO. C-2014-2435567

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OBJECTION TO CERTIFICATE OF SATISFACTION

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On Monday, August 14, 2017 at approximately 1:00 PM, the US Postal Service delivered to my mailbox at 1041 Preston Rd, Lancaster, PA 17601 a document titled "Certificate Of Satisfaction" which was dated and mailed on Friday, August 11, 2017, which was certified that the City of Lancaster (Respondent) "hereby certifies that it has satisfied the Complaint of Frank D. Kitzmiller (Complainant)".

The basis for Respondent's position appears to be a sentence in the Certificate Of Satisfaction which states "Following Mr. Hopkin's explanation Mr Kitzmiller expressed satisfaction with the explanation and stated that it made sense to him." I do not recall that I was satisfied with the explanation and that it made sense to me. I did appreciate receiving Mr. Hopkin's information which appears to have been provided shortly after September 9, 2014, but I was unaware that this information was in response to my Formal Complaint which was filed with the Pennsylvania Public Utility Commission (PUC) on July 10, 2014, was recorded by the PUC as Docket No. C-2014-2435567 on August 4, 2014 and served notice of the Complaint to Respondent on August 4, 2014, with instructions to either (a) satisfy this Complaint or (b) file with the PUC one original written answer, under oath, as required by 52 PA Code section 5.61, which either admits or specifically denies the allegations in the Complaint within 20 days from the August 4, 2014, Date Served Date which would have been August 24, 2014. Neither the PUC or the Complainant ever received any such information by August 24, 2014, from the Respondent.

My files indicated that on July 31, 2014, I requested information pursuant to the Pennsylvania Right-To-Know law as to the total number of Manheim Township (Lancaster County, PA) customers who are being billed a water service Customer Charge based on the rate for a 1 inch water meter but who actually have a ¾ inch water meter as the required size to render adequate service. On August 7, 2014, Mr Hopkins acknowledged the receipt of my request and exercised the 30 day extension of time to provide such

information. On Friday September 5, 2014, Mr. Hopkins stated that the requested documents (without any explanations of the data) were mailed (postmarked Monday, September 8, 2014) and they were received by me on September 9, 2014. It was around this time that Mr. Hopkins provided some details regarding the use of ¾ inch water meters and billing them to customers as 1 inch water meters in the calculation of the Customer Charge portion of the water bill. I don't recall whether this information was provided by Mr. Hopkins as a result of a telephone call from Mr. Hopkins to me or from a call to Mr. Hopkins relating to the Right-To-Know documents.

My actions subsequent to the discussion with Mr. Hopkins around September 9, 2014, made it clear that I was not satisfied with any explanations provided to me by Mr. Hopkins that the billing of the Customer Charge portion of the water bill based upon a 1 inch service pipe size rather than the ¾ inch meter size was reasonable or made sense to me. It clearly was not in conformity with the PUC approved Customer Charge rates included in Tariff Water- PA P.U.C. No 6 which specifies the rates that the City of Lancaster can charge to water customers located outside of the City of Lancaster.

On September 17, 2014, I called by telephone and discussed the status of the case with various members of the PUC Secretary's staff who indicated that understaffing was causing delays in processing the Formal Complaint.

On October 31, 2014, I made a written "Second Request for Status Update of the Case".

On August 16, 2016, I made a request for information as to the present status of the Case. It had been shown as "Closed" in the Case Summary and was reinstated as "ReOpened" as a result of this request.

On June 18, 2017, I noticed that the Case Summary again indicated that the Case was "Closed" and called by telephone to the PUC Scheduling Department and indicated that I had not closed the Case. As a result it was "ReOpened" on June 20, 2017, which is the present status. There was no formal "Daily Action" indicated in the Case Summary for these last two actions.

It should also be noted that information included in Respondent's Certificate Of Satisfaction indicates that Respondent had assumed that an attachment to City of Lancaster Rate Base Proceeding at Docket No. C-2014-2435548 of Complainant's overbilling Formal Complaint document for Docket No. C-2014-2435567 was an attempt to merge the overbilling Formal Complaint with the Formal Rate Base Complaint. There was never any attempt by the Complainant to merge these two Formal Complaints.

I considered myself obligated to mention my Formal Complaint related to overbilling and attaching a copy of such overbilling Formal Complaint to my Formal Rate Base Complaint to inform the parties of the Rate Base proceeding of the potential future cost of settlements which would have to be made to

the estimated thousands of Manheim Township Lancaster County residents who had been overbilled. This information on additional expense for such settlements could be used by the City of Lancaster in calculating future years' Water Fund expenses and could result in the City of Lancaster obtaining a higher water rate increase than presently requested.

Please communicate with the Complainant if you need any additional information on this matter.

Respectfully submitted,

*Frank D. Kitzmiller*

Frank D. Kitzmiller, Complainant

1041 Preston Rd

Lancaster, PA 17601

Telephone: (717) 569-0132

Email: [dkitz@comcast.net](mailto:dkitz@comcast.net)

Dated: August 16, 2017

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		COMPLAINANT,
	!	
V.	!	DOCKET NO. C-2014-2435567
CITY OF LANCASTER,	!	
		RESPONDENT.
	!	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Objection To Certificate of Satisfaction upon the participants, listed below, in accordance with the requirements of Pa Code P 1.54 (relating to service by a participant).

FIRST CLASS MAIL

Honorable Joel Cheskis  
Office of Administrative Law Judge  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

John J. Gallagher, Esquire  
711 Forrest Road  
Harrisburg, PA 17112  
Counsel for the City of Lancaster

*Frank D. Kitzmiller*

Frank D. Kitzmiller  
1041 Preston Rd  
Lancaster, PA 17601

Telephone: 717-569-0132, Email: dkitz@comcast.net

Dated: August 16, 2017

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