



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

THOMAS T. NIESEN
Direct Dial: 717.255.7641
tniesen@tntlawfirm.com

April 27, 2018

Via Electronic Filing

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

In re: Docket No. C-2018-3001083
MaryLee Warren v. Suez Water Pennsylvania Inc.

Dear Secretary Chiavetta:

We are counsel for Suez Water Pennsylvania Inc. in the above matter and are submitting, via electronic filing, the Company's Motion for Judgment on the Pleadings. A copy of the Motion is being served in accordance with the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

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

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARYLEE WARREN,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3001083
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

NOTICE

TO: MARYLEE WARREN
419 CARAVAN COURT
MIDDLETOWN, PA 17057

PURSUANT TO 52 PA CODE SECTION 5.102, NOTICE IS HEREBY GIVEN THAT AN ANSWER TO THE FOLLOWING MOTION FOR JUDGMENT ON THE PLEADINGS SHALL BE FILED WITHIN 20 DAYS OF THE DATE OF SERVICE.

DATE OF SERVICE: APRIL 27, 2018

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARYLEE WARREN,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3001083
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

**MOTION OF SUEZ WATER PENNSYLVANIA INC. FOR
JUDGMENT ON THE PLEADINGS**

AND NOW comes Suez Water Pennsylvania Inc. (“Suez”), by its attorneys, and, pursuant to 52 Pa. Code § 5.102, files this Motion for Judgment on the Pleadings:

1. This proceeding concerns the Complaint of MaryLee Warren at Public Utility Commission (“Commission”) Docket No. C-2018-3001083.
2. Service of the Complaint was made by the Commission’s Office of the Secretary on April 11, 2018.
3. Complainant resides within a mobile home park known as Harborton Place, Middletown, Pennsylvania, that is apparently owned and/or operated by Kodiak Property Management, Cheyenne, Wyoming, with water and wastewater service billed to Complainant by ABT Water Management, Inc. (“ABT”), Beloit, Wisconsin.
4. The documentation provided by Complainant includes billing by ABT for December 2017 water and wastewater services. The “Utility Account Number” averred by

Complainant is the Account Number from her ABT bill for December 2017. ABT is identified on the December 2017 bill as the agent for Harborton Place MCH.

5. Complainant provided no documentation demonstrating that Complainant is a customer of Suez for either water or wastewater service. Complainant is not able to demonstrate that she is a customer of Suez for either water or wastewater service. Complainant is not a customer of Suez.

6. Water and wastewater service to Harborton Place is provided by the Borough of Middleton (“Borough”) as a bulk service through systems owned by the Borough. Suez has been operating the Borough water and wastewater system since 2015.

7. Harborton Place is billed for water and wastewater service at rates set by the Borough. Through ABT, Harborton Place is apparently billing its individual mobile home park tenants at the residential rates set by the Borough for water and wastewater service.

8. The rates being charged to Complainant by Harboton Place through ABT were determined by Harborton Place. The rates were not determined by Suez and are not rates within the jurisdiction of the Commission.

9. Any difficulties with Complainant’s water and wastewater service are matters to be addressed by Complainant with Harborton Place, the apparent owner of the mobile home park, and/or ABT, the agent of Harborton Place. Complainant has apparently attempted to do that but has not received a response to her satisfaction.

10. Section 5.102 of Title 52 of the Pennsylvania Code, 52 Pa. Code § 5.102, provides for the filing of Motions for Judgment on the Pleadings. Judgment on the Pleadings will be

rendered if the pleadings show that there is no genuine issue as to material fact and that the moving party is entitled as a matter of law.

11. Complainant's Complainant demonstrates that there is no genuine issue of material fact. Plaintiff receives water and wastewater service from Harborton Place as a tenant of the mobile home park. ABT bills Complainant for water and wastewater service as the agent of Harborton Place.

12. Complainant is not a customer of Suez for either water or wastewater service.

13. Suez is entitled to judgment as a matter of law dismissing Complainant's Complaint.

WHEREFORE, Suez Water Pennsylvania Inc. requests that the Pennsylvania Public Utility Commission grant this Motion for Judgment on the Pleadings and dismiss the Complaint of MaryLee Warren at C-2018-3001083.

Respectfully submitted,

By 

Thomas T. Niesen, Esq. (PA ID # 31379)

THOMAS, NIESEN & THOMAS, LLC

212 Locust Street, Suite 302

Harrisburg, PA 17101

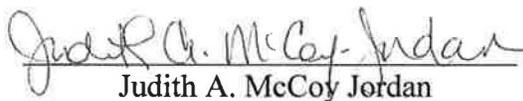
Tel: 717-255-7600

Attorney for Respondent Suez Water Pennsylvania Inc.

DATED: April 27, 2018

VERIFICATION

I, Judith A. McCoy Jordan, Customer Service Manager of Suez Water Pennsylvania Inc., hereby state that the facts set forth in the foregoing Motion for Judgment on the Pleadings are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).


Judith A. McCoy Jordan

