

PITTSBURGH, PA 15234

April 4, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17105-3265


**RE: Leon, et al. v. Pennsylvania Water and Sewer Authority ["PWSA"]
Docket No. C-2018-3000961**

Dear Ms. Chiavetta:

Enclosed for filing is a Reply to PWSA's Answer to Motion to Strike in the above captioned matter.

Thank you for your attention to this matter.

Yours truly,



Complainant

Cc: Certificate of Service [w/enc.]

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BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

Natalie Leon, Jaime Wagner, Louise Sell,
Christopher Cratsley, James Rauber,
Patricia Schanck and Elwyn Family Trust
v.

Doc. No. C-2018-3000961

Pennsylvania Water and Sewer Authority
("PWSA")

REPLY TO PWSA'S ANSWER TO MOTION TO STRIKE

Complainants respond to PWSA's Answer to Motion to Strike as follows:

Filing Outside of Time Parameters

210 Pa. Code Rule 341, Chapter 3, specifically states that if an Order is appealable, it is a final order. The same is provided for in Pa. Rule of Appellate Procedure 311(a)(8). There can be no appeal if an order is not final. The Commission holds pleadings to strict deadline standards, and pursuant to 52 Pa. Code Section 5.61(c), a pleading filed untimely may specifically be deemed in default.

PWSA was given 20 days after the entry of a final order in Common Pleas Case No. SA 17-000886 to file a response to the Fourth Amended Complaint if they wished to do so. But the Answer and New Matter to Fourth Amended Complaint was untimely filed by PWSA outside of all parameters, including that set by Judge Hoyle. As a matter of fact, the date of the final order entered on January 15, 2019 in the appeal at Case No. SA 17-000886 was specifically omitted by PWSA. In addition, Carl Shultz, Esquire did not follow through with his October 12, 2018 letter to the Commission by failing to notify them of that fact that the final order was entered in the Common Pleas Court appeal.

Res Judicata of Subject Matter

The issues complained of in all events was the status of the Subject Line [which now is indisputably public], lack of service and maintenance thereof by PWSA, and ultimately PWSA's failure to

repair the Subject Line. All these matters were addressed in the appeal before Judge Colville and have been resolved. PWSA lost its appeal, and there is no longer any dispute that the Subject Line is public, that PWSA is responsible for it, and that PWSA must repair it. This is the exact service issue that was brought before the Commission on April 1, 2018.

James Rauber

James Rauber was a party to all administrative hearings and to the appeal that PWSA filed in Common Pleas Court. His status was never disputed by PWSA in any prior proceeding. At this point in time, since all residences connected to the Subject Line that is public and PWSA's responsibility, any discussion regarding Mr. Rauber or the Trust with which he is associated is moot and should be disregarded. It was PWSA that identified all the residences on the line.

PUC Oversight Under Act 65 as of April 1, 2018

PWSA unnecessarily expending further monies for attorney fees to a highly paid law firm [when they have in-house counsel] at this point in time is a substantial waste of public funds that could be used for other meaningful purposes. PWSA was put under the oversight of the PUC to prevent just this type of thing when it was found to have leadership issues and poor fiscal management by the State Auditor.

WHEREFORE, Complainants respectfully request:

1. That the Commission order PWSA to fix the "Subject Line" within a reasonable period of time before the next health issue arises;
2. That PWSA's Answer to Fourth Amended Complaint and New Matter be dismissed as untimely;
3. That PWSA's Answer to Fourth Amended Complaint and New Matter be dismissed based on the doctrine of *res judicata* since PWSA now accepts responsibility for the "Subject Line."
4. That if the Commission does not discard PWSA's Answer to Fourth Amended Complaint and New Matter, Complainants be given 20 days to reply to the New Matter.

Dated: 4/4/19

Respectfully submitted,

Natalie Leon
Natalie Leon

Louise Sell
Louise Sell

James Rauber
James Rauber

Elwyn Family Trust

By: [Signature]
Emmanuel Anthou
PA I.D. No. 59927
Anthou Legal Services, LLC
142-A McClelland Road
Canonsburg, PA 15317
(724) 743-1884

Jaime Wagner
Jaime Wagner

SIGNATURE TO BE SUPPLIED
Christopher Cratsley

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Christopher Cratsley, and James Rauber

v.

Doc. No. C-2018-3000961

Pennsylvania Water and Sewer Authority
("PWSA")

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2019, I served a copy of the foregoing document by first-class mail upon the persons listed below:

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

Daniel Clearfield, Esquire
Carl R. Shultz, Esquire
Deanne O'Dell, Esquire
Eckert Semans Cherin & Mellott, LLC
213 Market Street
Harrisburg, PA 17101

Honorable Mark A. Hoyer
Office of Administrative Law Judge
PA Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

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