

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

17 North Second Street  
16th Floor  
Harrisburg, PA 17101  
(717) 234-1090 Fax (717) 234-1099  
www.stevenslee.com

Direct Dial: (717) 255-7365  
Email: mag@stevenslee.com  
Direct Fax: (610) 988-0852

June 5, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Jeffrey Smiles v. Pennsylvania-American Water Company**  
**Docket No. C-2019-3007663**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Motion for Continuance in the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosure

cc: Certificate of Service  
Administrative Law Judge Darlene Heep

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY SMILES	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3007663
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**NOTICE TO PLEAD**

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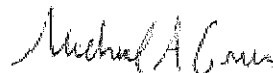
**To: *Jeffrey Smiles***

You are hereby notified to file a written response to the attached Motion within twenty (20) days from the date of service of this notice. If you do not file a written response to the enclosed Motion within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and the relief sought by the Motion may be granted. All pleadings, such as Answers to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

You must also serve a copy of your response on the undersigned counsel for Pennsylvania-American Water Company.

STEVENS & LEE



Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

Date: June 5, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY SMILES	:	
Complainant	:	
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v.	:	Docket No. C-2019-3007663
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PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

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**MOTION FOR CONTINUANCE OF  
PENNSYLVANIA-AMERICAN WATER COMPANY**

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AND NOW, Pennsylvania-American Water Company (“PAWC” or “Company”), by and through its attorneys Stevens & Lee, P.C., hereby files this Motion pursuant to 52 Pa Code § 1.15 to request a continuance of the hearing scheduled for July 17, 2019 in this matter, for the reasons set forth below:

1. On February 6, 2019, PAWC was served with a Formal Complaint (“Complaint”) filed by Jeffrey Smiles (Complainant) against the Company.
2. PAWC filed its Answer and New Matter to the Complaint on February 26, 2019.
3. The Hearing in this matter was initially scheduled for May 14, 2019.
4. A Telephonic Prehearing Conference was held in this matter on March 20, 2019.
5. Mr. Smiles did not participate in the Prehearing Conference.
6. By letter dated March 21, 2019, PAWC requested a sixty day continuance of the hearing and associated filing deadlines for this proceeding, to allow the Company to gather more information regarding Mr. Smiles Complaint and attempt to resolve his concerns.

7. By Prehearing Order issued on March 27, 2019, an Initial Hearing in this matter was scheduled for July 17, 2019. In addition, the following pre-hearing deadlines were established:

- a. **ON OR BEFORE May 24, 2019**, any party wishing to present expert testimony (medical, technical, etc.) must provide to the other party the name and business address of that expert and a written summary of the expected testimony of that expert.
- b. **ON OR BEFORE May 28, 2019**, any party wishing to present factual testimony of any person other than the Complainant must provide to the other party the name and business address of that person and a written summary of the expected testimony of that person.
- c. **ON OR BEFORE July 9, 2019**, Complainant and Counsel for PAWC are directed to provide one another with copies of all exhibits and statements to be presented at the hearing and a complete list of witnesses to be called.

8. By letter dated May 23, 2019, PAWC provided the Complainant with the names of its expert witnesses and a written summary of their expected testimony.

9. By letter dated May 28, 2019, PAWC provided the Complainant with the names its fact witnesses and a written summary of their expected testimony.

10. PAWC has retained Dr. Christopher Davis and Dr. Mark Israel as its expert witnesses in this proceeding.

11. Neither Dr. Davis nor Dr. Israel are available on the scheduled hearing date of July 17, 2019 due to pre-existing scheduling conflicts.

12. Due to the unavailability of its experts witnesses to appear on July 17, 2019, Pennsylvania-American Water Company respectfully requests that the hearing be re-scheduled for another date when those witnesses are available to testify.

13. Dr. Davis and Dr. Israel are both available to testify in this matter on the following five dates: September 16, 2019; September 23 2019; October 18, 2019; October 28, 2019, and November 4, 2019.

14. The Complainant will not be prejudiced by the postponement of the hearing in this matter, as he has not identified any expert or fact witnesses who will testify in this matter, and therefore, a re-scheduling will not affect his ability to present his case.

15. Conversely, PAWC will be prejudiced if the hearing is not rescheduled, because its expert witnesses will be unable to testify and PAWC will be unable to present expert testimony regarding the issues raised by the Complainant in his Complaint.

16. Counsel for PAWC has attempted to contact Complainant multiple times to seek his concurrence for this request for a continuance. As of the time of filing this Motion, Counsel for PAWC has been unable to communicate with the Complainant regarding this request and therefore Complainant's position on this request is unknown.

**REQUEST FOR RELIEF**

WHEREFORE, for all of the reasons stated herein, Pennsylvania-American Water Company respectfully requests that the hearing in this matter be continued and rescheduled for a hearing date when its expert witnesses are available, as set forth above.

Respectfully submitted,



Michael A. Gruin (I.D. No. 78625)

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Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY

DATE: June 5, 2019

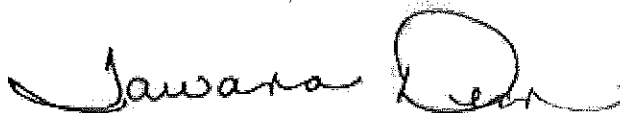
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Respondent	:	

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**VERIFICATION**

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania American Water Company, verify that the foregoing statements are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Date: June 5, 2019

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA First Class U.S. Mail

Jeffrey Smiles  
3049 Octagon Ave.  
Sinking Spring, PA 19608



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Michael A. Gruin

DATED: June 5, 2019