

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Slagle	:	
	:	
v.	:	C-2018-3006566
	:	
Pennsylvania-American Water Company	:	

INITIAL DECISION

Before
Angela T. Jones
Administrative Law Judge

INTRODUCTION

This decision finds that the Complainant failed to sustain his burden to prove by a preponderance of the evidence his formal Complaint (Complaint) that the utility company violated any Public Utility Commission statute or order or regulation. Therefore, this decision dismisses the Complaint.

HISTORY OF THE PROCEEDING

On December 17, 2018, James Slagle (Complainant) electronically filed a Complaint with the Pennsylvania Public Utility Commission (PUC or Commission) against Pennsylvania-American Water Company (PAWC or Respondent or Company). The Complainant alleged harassment by the Respondent. Specifically, the Complainant averred that approximately every six months he receives a high bill corresponding to a large amount of water consumption at the Complainant's weekend home.

The Complainant states, “The resolution is always the same: After weeks of fussing, they give us a once-in-a-lifetime credit (always with a threatening tone). The [sic] refuse to concede that it’s their billing system, not our property.” Complaint at 3, ¶ 5. The Complainant alleged that this scenario has happened four times since the property was purchased three years ago. The Complainant averred that if he could, he would seek water service elsewhere, but his water service is a monopoly service provided by the Respondent.

The Complaint was served electronically (eService) by the Commission’s Secretary on December 17, 2018, per the audit history of the docket. The eService is pursuant to the Waiver of Section 702 program, under which the Respondent waives the service requirements in 66 Pa.C.S. § 702.

Michael Gruin, Esquire, filed an Answer on January 7, 2019, on behalf of the Respondent. The Respondent denied that the Company harassed the Complainant. The Respondent admitted that an informal complaint was filed with the Commission’s Bureau of Consumer Service (BCS) at Case No. 3497774 for water usage. The Respondent averred that it issued the Complainant an adjustment for the full amount of unexplained usage. The Respondent denied that there were issues with this billing system or equipment. The Respondent requested that the matter be assigned to the Commission’s mediation unit.

By Interim Order dated January 9, 2019, Chief Administrative Law Judge (CALJ) Charles Rainey directed the parties to attempt to resolve the matter through mediation. After mediation was unsuccessful, this matter was assigned to the Office of Administrative Law Judge on March 27, 2019.

By Hearing Notice dated March 28, 2019, this Complaint was scheduled for an initial hearing in-person for Wednesday, May 1, 2019, at 10:00 a.m. The matter was assigned to the undersigned ALJ Angela T. Jones.

By Prehearing Order dated March 28, 2019, the undersigned provided the procedural rules for this proceeding.

By letter dated April 9, 2019, Attorney Gruin requested a continuance due to the unavailability of a witness. The letter also requested that any scheduled evidentiary hearing be conducted telephonically. The letter represented that the Complainant did not object to either request.

By Order dated April 9, 2019, the undersigned granted the continuance and directed that the rescheduled hearing be conducted telephonically. The Order also provided procedural rules for a telephonic hearing.

By Hearing Notice dated April 10, 2019, the evidentiary hearing was canceled for Wednesday, May 1, 2019, and rescheduled for Thursday, June 6, 2019. The Hearing Notice also provided the appropriate information for the parties to participate telephonically.

The call-in telephonic hearing convened as scheduled. The Complainant was present and represented himself. The Complainant sponsored the following exhibits:

Complainant Exhibit 1 – PAWC bill due August 1, 2016;
Complainant Exhibit 2 – PAWC bill due December 30, 2016;
Complainant Exhibit 3 – PAWC bill due July 7, 2017; and
Complainant Exhibit 4 – PAWC bill due November 29, 2018.

These exhibits were admitted into the record without objection.

Attorney Gruin was present, represented the Respondent and presented two witnesses, Tawana Dean and Christopher Tucker. The Respondent sponsored the following exhibits:

PAWC Exhibit 1 – Account Statement;
PAWC Exhibit 2 – Service Orders; and
PAWC Exhibit 3 – Correspondence to Complainant's spouse.

These exhibits were admitted into the record without objection.

A transcript consisting of 96 pages resulted from the testimony taken at the June 6, 2019 hearing. The record closed on July 11, 2019, when the transcript of the hearing was received by the undersigned.

FINDINGS OF FACT

1. The Complainant is James Slagle.
2. James Slagle is the spouse of the ratepayer of record, Arnold Liguori.

Tr. 10.

3. The Respondent is Pennsylvania-American Water Company, a utility that supplies and distributes water and wastewater service in Pennsylvania.

4. The Complainant has owned 116 Totteridge Road, Bushkill, Pennsylvania (service address) since September 2015. Tr. 16.

5. The service address is not the primary residence of the Complainant; rather, it is a weekend or vacation property where he receives water and wastewater services from the Respondent. Tr. 11-12.

6. Water and sewer services from the Respondent were initiated at the service address on October 21, 2015. Tr. 75, PAWC Exhibit 2.

7. The service address is a single dwelling, no attachments with three bedrooms and two bathrooms, located in a gated, resort community with indoor and outdoor pools and tennis courts. Tr. 16.

8. The meter is in an outdoor crawl space of the service address. Tr. 81.

9. There is no pool on the lot of the service address. Tr. 16-17.

10. The service address has an outside faucet. Tr. 38.

11. The primary usage for Respondent's services at the service address is for washing, bathing, drinking and removal of waste. Tr. 17, 39-40.

12. The Complainant and his spouse are at the service address about three weekends a month. Tr. 12.

13. The Complainant and his spouse are at the service address one week per year during the summer. Tr. 12-14.

14. Four times per year the Complainant and his spouse have another couple join them at the service address for the weekend. Tr. 14.

15. Over more than 3 years, the Complainant has owned the service address, he has made the service address available to friends for approximately six times and neither he nor his spouse were present on these six occasions. Tr. 38.

16. The maximum occupancy at one time for the service address is six adults and two dogs. Tr. 14-15.

17. Bills in the range from \$24.00 to \$48.00 per month are acceptable to the Complainant for the Respondent's services at the service address. Tr. 18.

18. The Complainant disputes the following bills for the service address: (1) June 2016 for \$1,171.75, (2) December 2016 for \$971.29, (3) June 2017 for \$1,073.71, and (4) November 2018 for \$185.89. Tr. 18-30, 31-32, 34-35, Complainant Exhibits 1-4.

19. The Complainant received adjustment credits in: (1) August 2016 for \$1,125.57, (2) February 2017 for \$909.23, (3) June 2017 for \$1,073.71, and (4) December 2018 for \$134.40 for unexplained high usage. Tr. 19, 37, 46, 47-52, PAWC Exhibit 1.

20. The Respondent credited the Complainant's water and sewer service account a total of \$3,242.91 ($\$1,125.57 + \$909.23 + \$1,073.71 + 134.40 = 3,242.91$). Tr. 61, PAWC Exhibit 1.

21. On June 16, 2016, a PAWC field service representative was at the service address and did not find any leaks at the property. Tr. 80, PAWC Exhibit 2.

22. The Complainant drove to the service address on December 16, 2016, to investigate whether there was a leak, clog, busted pipe, that may have caused the usage for his bill to be high but did not find anything. Tr. 20-21, 36.

23. On December 16, 2016, a PAWC field service representative checked the property for leaks or movement on the meter and did not find anything. Tr. 81, PAWC Exhibit 2.

24. On June 26, 2017, a PAWC field service representative visited the service address and did not find any issues with the meter. Tr. 81, PAWC Exhibit 2.

25. The Complainant is 67 years old, has paid utility bills for 50 years and has four other vacation properties. Tr. 40-41.

26. Tawana Dean is a regulatory compliance manager who reviews records and responds to informal and formal complaints for PAWC. Tr. 43-44.

27. The Respondent sent a letter dated June 8, 2016, to the named ratepayer, the Complainant's spouse, to notify him of higher than normal usage for water and wastewater service at the service address. Tr. 60, PAWC Exhibit 3.

28. The Respondent sent a letter dated December 8, 2016, to the Complainant's spouse to notify him of higher than normal usage of water and wastewater service at the service address. Tr. 61, PAWC Exhibit 3.

29. The Respondent sent a letter dated June 15, 2017, to inform the named ratepayer at the service address of a system error that resulted in an estimated bill for the May 4, 2017 to June 1, 2017 billing period. Tr. 60-61, PAWC Exhibits 1, 3.

30. The Respondent has not issued any termination notices on the Complainant's account. Tr. 62.

31. After the Complainant contacted PAWC about high usage concerns at the service address, the Respondent sent out field service representatives to verify the meter read and to assist in identifying potential leaks. Tr. 62.

32. The Respondent gave the Complainant a full refund for the estimated reading corresponding to the June 2017 amount of \$1,073.71. Tr. 61, PAWC Exhibit 1.

33. The Respondent issued the remaining credits to the Complainant's account for unexplained high usage on the June 6, 2016, December 5, 2016 and November 6, 2018 bills based on prior history of usage. Tr. 62.

34. Unexplained high usage is when the Company did not find anything wrong to cause high usage and the customer could not find anything wrong to justify high usage. Tr. 65-66.

35. PAWC did not generate a letter to the ratepayer of record for the adjustment made to the November 6, 2018 bill for unexplained high usage. Tr. 67-69.

36. The unexplained high usage corresponding to the November 6, 2018 bill is less than the unexplained high usage corresponding to the June 6, 2016, December 5, 2016 and June 1, 2017 bills. Tr. 69, PAWC Exhibit 1.

37. Christopher Tucker is a field operations supervisor employed by PAWC for Leeman Pipe District in Bushkill, Pennsylvania. Tr. 71-72.

38. As a field operations supervisor Mr. Tucker oversees customer service work which includes metering, main installation projects and main repairs. Tr. 72.

39. Mr. Tucker oversaw the service orders in this Complaint. Tr. 72.

40. Common reasons for high usage are: (1) leaking toilets, (2) theft of service, (3) outside faucet left on, and (4) indoor water dependent appliance or apparatus left on by renters, but there is no record of these reasons occurring at the service address. Tr. 82-84, 88.

41. A PAWC field service representative can assist a customer in identifying leaks at the service address. Tr. 84.

42. If a meter is faulty, it could continuously read high or it could intermittently read high depending upon the internal malfunction. Tr. 85.

43. There was no determination of meter malfunction at the service address. Tr. 86, PAWC Exhibit 2.

DISCUSSION

I. Applicable Legal Standard

As the proponent of a rule or order or seeking affirmative relief from the Commission, the Complainant in this proceeding bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a). To satisfy this burden, the Complainant must demonstrate that the Respondent was responsible for the problems alleged in the Complaint through a violation of the Code or a regulation or order of the Commission. This must be shown by a preponderance of the evidence. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. PUC 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (1976).

A preponderance of the evidence is that which is more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa.Cmwlth. 1990), *alloc. den.*, 602 A.2d 863 (Pa.Cmwlth. 1992).

In addition, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A mere "trace of evidence or a suspicion of the existence of a fact" is insufficient. 2 Pa.C.S. § 704, *Norfolk and Western Railway Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa.Cmwlth. 1980).

If the Complainant presents evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa.Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa.Cmwlth. 2001).

II. Whether Respondent's Actions Warrant a Violation Regarding Four Bills of Unexplained Usage

A. June 2016 Bill

The Complainant's bill on June 6, 2016 was based on an actual meter reading of 47,500 gallons of usage. PAWC Exhibit 1. The amount billed was \$523.08 for water and \$650.27 for sewer for a total amount of \$1,173.35 (\$523.08 + \$650.27 = \$1,173.35). *Id.* The Complainant provided no further evidence other than the high bill for June 2016. Complainant Exhibit 1.

The Complainant was charged accordingly:

Month	Meter Reading	Usage	Amount Billed		
			Water	Sewer	Total
April 2016	62	900	\$25.30	\$20.04	\$45.34
May 2016	73	1,100	\$27.45	\$22.75	\$50.20
June 2016	548	47,500	\$523.08	\$650.27	\$1,173.35
July 2016	560	1,200	\$28.72	\$24.11	\$52.93
August 2016	576	1,600	\$33.03	\$29.52	\$62.55
September 2016	594	1,800	\$31.86	\$30.56	\$62.42

PAWC Exhibit 1 (emphasis added).

The Complainant began service at the service address in October 2015. Tr. 75. PAWC Exhibit 2. Consequently, there is no comparison with months in previous years for usage. However, the usage for the month of June 2016 is an anomaly based on the spring to summer usage for this ratepayer at the service address. Other than the high June 2016 bill, the Complainant provided no further evidence against the Respondent specifically for the June 2016 bill.

The Respondent investigated the service address on June 8, 15, and 16, 2016. Tr. 79-80, PAWC Exhibit 2. The Respondent did not find any leaks at the service address. PAWC Exhibit 2. There was no evidence of a faulty meter. Tr. 85-86.

The Respondent sent a letter dated June 8, 2016, to the Complainant's spouse as the ratepayer at the service address noting the high usage attributed to the service address. PAWC Exhibit 3. The Respondent credited the service account in the amount of \$1,125.57 on August 8, 2016. PAWC Exhibit 1. The difference between the amount billed for June and the amount credited to the account responding the unexplained usage charged in June is \$47.78 ($\$1,173.35 - \$1,125.57 = \47.78). The Respondent billed the Complainant at approximately the average of the April and May 2016 bill at \$47.78 ($(\$45.34 + \$50.20) \div 2 = \47.77).

I do not find the amount attributed to the June 2016 bill by the Respondent in the amount of \$47.78 unreasonable. I find the actions of the Respondent reasonable in addressing the high usage. I do not find the actions of the Respondent regarding the June 2016 bill violated any regulation, statute, or case law.

B. December 2016 Bill

The Complainant's bill dated December 8, 2016, for service to the service address was based on an actual meter reading of 38,700 gallons of usage. Complainant Exhibit 2, PAWC Exhibit 1. The amount billed was \$440.19 for water and \$531.26 for wastewater for a total amount billed of \$971.29.¹ Complainant Exhibit 2, PAWC Exhibit 1. The Complainant provided no further evidence against the Respondent specific to the December 2016 bill other than the high bill. Complainant Exhibit 2.

¹ The Complainant had a credit balance of \$0.16. The total amount due was \$971.29 ($\$440.19 + 531.26 = \$971.45 - \$0.16 = \971.29).

The Respondent sent a letter dated December 8, 2016 that highlighted the usage at the service address as “considerably higher than normal.” PAWC Exhibit 3. The Respondent inspected for leaks and high usage. The Respondent did not find leaks in the crawl space where the meter was housed or any movement on the meter. PAWC Exhibit 2.

The Complainant requested that a new bill be issued for the November 2016 usage. *Id.* For the 2016-2017 winter season, the Complainant was charged as follows:

Month	Meter Reading	Usage	Amount Billed		
			Water	Sewer	Total
November 2016	623	2,300	\$41.30	\$38.98	\$80.28 ²
December 2016	1010	38,700	\$440.19	\$531.26	\$971.45
January 2017	1041	3,100	\$50.10	\$49.80	\$99.90
February 2017	1045	400	\$20.47	\$13.28	\$33.75

PAWC Exhibit 1 (emphasis added).

On January 18, 2017, the Respondent changed the meter at the service address. PAWC Exhibit 1. On February 2, 2017, the Respondent applied a credit in the amount of \$909.23 to the Complainant’s account. PAWC Exhibit 1. Thus, the Complainant was charged \$62.22 ($\$971.45 - \$909.23 = \62.22) for service in December 2016.

² The Complainant had a credit balance of \$0.44. The total amount due was \$79.84 ($\$80.28 - \$0.44 = \79.84).

I find the \$62.22 amount attributed to the December 2016 bill comparable to the Complainant's payments in the amounts of \$80.00 and \$70.00 for the months of December 2016 and January 2017, respectively. It is also noted that the amount billed for service in November 2016 bill was \$80.28. PAWC Exhibit 1. The amount attributed to the December 2016 bill by the Respondent is below both the payments made by the Complainant and the Complainant's November 2016 billed amount for service. Consequently, I find the billed amount by the Respondent for the December 2016 bill reasonable. Additionally, I do not find that the Respondent violated any Commission statute, regulation or case law based on its action concerning the December 2016 bill.

C. June 2017 Bill

On June 1, 2017, the Complainant was billed based upon estimated usage of 43,000 gallons. The charges for the June 2017 bill were \$484.30 for water and \$589.41 for sewer for a total amount of \$1,073.71 ($\$484.30 + \$589.31 = \$1,073.71$). Complainant Exhibit 3, PAWC Exhibit 1. The Complainant provided no further evidence against the Respondent specific to the June 2017 bill other than the high bill. Complainant Exhibit 3.

On June 1, 2017, the Respondent cancelled the June 1, 2017 bill. The Respondent credited the Complainant's account the entire amount of the June 1, 2017 bill, which was \$1,073.71. The Respondent rebilled the Complainant based on estimated usage of 1,100, at \$28.09 for water and \$22.75 for sewer service for a total amount of \$50.84 ($\$28.09 + 22.75 = \50.84). PAWC Exhibit 1. The Respondent sent the Complainant a letter dated June 15, 2017, stating that it had experienced a system error, which resulted in a delayed, estimated bill. PAWC Exhibit 3.

The table below shows the Complainant's usage patterns show comparing the Spring 2016 with the Spring 2017.

	Apr. 2016	Apr. 2017	May 2016	May 2017	Jun. 2016	Jun. 2017
Usage	900	100	1,100	1,000	Unexplained	Sys. Error
Total Billed	\$45.34	\$26.42	\$50.20	48.40	\$47.78	\$50.84

PAWC Exhibit 1.

Respondent's witness stated that the billing system is an automated process that may look at a reading for a previous year to obtain an estimated reading and usage. Tr. 66-67. Certainly, that may explain the reading for June 2017 at 43,000 gallons and billed at \$1,073.71 since the reading for June 2016 was 47,500 gallon and billed at \$1,173.35. However, the Respondent adjusted the bill and communicated by letter to the ratepayer that it has experienced a system error. PAWC Exhibits 1 and 3.

I find that the Complainant did not present proof by a preponderance of the evidence that the June 2017 bill was unreasonable. I find based on the record evidence that the amount billed for June 2017 is reasonable. Furthermore, I find that the Complainant did not present evidence to show that the Respondent violated a Commission statute, regulation or case law through its action regarding the bill for June 2017.

D. November 2018 Bill

On November 6, 2018, the Complainant was billed based on an actual meter reading for 6,400 gallons of usage at the service address. PAWC Exhibit 1. The amount billed to the Complainant on the November 2018 bill was \$88.26 for water and \$98.63 for sewer for a total bill in the amount of \$186.89 ($\$88.26 + \$98.63 = \186.89). The Complainant disputes this billed amount. The Complainant provided no other evidence specific to the November 2018 bill.

On December 7, 2018, the Respondent credited the Complainant's account for 5,300 gallons of usage in the amount of \$60.36 for water and \$74.04 for sewer for a total credit of \$134.40 ($\$60.36 + \$74.04 = \134.40). PAWC Exhibit 1. Consequently, the Complainant's bill for November 2018 after the amount accredited to his account was \$52.49 ($\$186.89 - \$134.40 = \52.49).

The Complainant's usage for the month of November over three years is as follows:

	Nov. 2016	Nov. 2017	Nov. 2018
Usage	2,300	4,000	1,100 ³
Total Billed	\$80.28	\$121.63	\$52.49 ⁴

PAWC Exhibit 1.

I find that the Complainant did not present by a preponderance of the evidence that the November 2018 bill was unreasonable. I find based on the record evidence that the amount billed for November 2018 is reasonable. Furthermore, I find that the Complainant did not present evidence to show that the Respondent violated a Commission statute, regulation or case law through its action regarding the bill for November 2018.

E. Whether the Cumulative Effect of Billed High Usage is Harassment

The Complainant has highlighted four instances over the period from when service with the Respondent was initiated in October 2015 to November 2018 or 38 months that high bills were issued by the Respondent. The Complainant stated that the last instance in November 2018 "was the straw that broke the camel's back," and he was frustrated in having to deal with the unexplained high usage and corresponding bill on what seemed to be occurring every six months over the course of three years. Tr. 32-33.

The frustration of the Complainant is understandable. The frequency of four unexplained high usage over 38 months is perplexing. Nevertheless, the Complainant has failed to show any actions by the Respondent that warrant a violation of the Commission's statute, regulations, case law or policy. In all instances the Respondent adjusted the unexplained high usage.

³ The Company adjusted the usage (6,400 -5,300 = 1,100 gallons).

⁴ Amount billed after Company applied credit to account.

In addition, the Complainant stated that when the unexplained high usage is brought to the Respondent's attention, the Respondent addresses the situation, "in a threatening tone." Tr. 41. However, the actions of the Respondent in sending letters to the ratepayer without any threats and providing adjustments to the ratepayer's bill, do not support evidence of any threats by the Respondent.

The Complainant alleged harassment by the Respondent. Harassment is defined as, "words, gestures and actions, which tend to annoy, alarm and abuse (verbally) another person...with purpose to harass another..." Black's Law Dictionary 365 (Abridge 5th ed. 1983).

The record evidence shows that the Complainant is annoyed by the frequency of the unexplained high usage bills. Tr. 32-33, 90-91. However, there is no record evidence that the purpose of the unexplained high usage bills is to harass the Complainant. Moreover, I find the actions of the Respondent reasonable when it addressed the unexplained high usage bills.

As each individual instance of unexplained high usage did not warrant a finding that the Respondent violated any Commission statute, regulation, case law or policy, I find that the cumulative effect of the instances does not warrant a finding that the Respondent violated any Commission statute, regulation, case law or policy.

F. Whether the Cumulative Effect of Billed High Usage is Unreasonable Service

The Complainant may consider four bills of unexplained high usage over a 38-month period as unreasonable service by the Respondent. Section 1501 of the Code states, in relevant part,

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.

66 Pa.C.S. § 1501.

The magnitude of the usage for the unexplained high usage bills in all four instances is significantly higher than the other billed usage over the 38-month period from October 2015 through November 2018. The record shows the Respondent investigated every instance of unexplained high usage. PAWC Exhibits 2 and 3. The Respondent did not find a faulty or malfunctioning meter or leaks or theft at the service address. Tr. 82-84, 88. The record shows the Respondent changed the meter on January 2017. PAWC Exhibit 1. After the meter was changed, instances of unexplained high usage occurred at the service address in June 2017 and November 2018, which is a span of 17 months (not six months). Complainant Exhibits 3 and 4. Although the Complainant alleged that these instances of high usage bills occurred every six months, the record evidence shows otherwise. The occurrences were June 2016, December 2016 (six months later), June 2017 (six months later) and November 2018 (17 months later). The evidence shows that the Complainant never paid the amount corresponding to the high usage billed. The evidence shows that the Respondent in all four instances, adjusted the bill and did not hold the Complainant responsible for the amount corresponding to the high usage. PAWC Exhibit 1.

I find the response by the Respondent to the unexplained high usage reasonable. Based on the record evidence, I do not find that the Respondent provided unreasonable service.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Complainant, James Slagle, bears the burden of proof. 66 Pa.C.S. § 332(a).
3. The Complainant, James Slagle, failed to sustain his burden of proof that the Respondent violated any Commission statute, regulation, case law or policy. 66 Pa.C.S. § 332(a).

