

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kelly Marian	:	
	:	
v.	:	C-2019-3011595
	:	
Pennsylvania-American Water Company	:	

INITIAL DECISION

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This decision dismisses Complainant’s complaint that Respondent and Respondent’s agent failed to provide reasonable and adequate customer service when Complainant’s water drainage system from her downspouts were obstructed after Respondent’s water main was replaced in front of the service address in 2013.

HISTORY OF THE PROCEEDING

On July 8, 2019, Kelly Marian (Ms. Marian or Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against the Pennsylvania-American Water Company (PAWC or Respondent) alleging Respondent failed to follow the regulations when PAWC’s agent repaved the street in front of the service address after a new main water line was installed, resulting in obstructed leaders that caused expensive foundation damage when water backed up against the foundation walls of the house. Complainant requested the Commission order PAWC to repair the foundation wall and fix the water drainage problems so the leaders would function properly.

PAWC filed its Answer on August 6, 2019. PAWC generally denied that Respondent or its contractor paved over any leaders or caused any damage to the foundation walls at the service address. Respondent noted the Commission does not have jurisdiction to consider a request for an award of monetary damages.

On September 13, 2019, the Office of Administrative Law Judge issued a Call-In Telephone Hearing Notice, which scheduled a call-in telephone initial hearing to be conducted by Administrative Law Judge Emily DeVoe (ALJ DeVoe) on Wednesday, October 16, 2019. On September 16, 2019, ALJ DeVoe issued a Prehearing Order.

On September 27, 2019, Complainant mailed a letter to ALJ DeVoe requesting a continuance because she submitted a Right to Know request which documentation would not reach her until October 20, 2019. Complainant indicated she spoke with counsel for PAWC, who did not have an objection to the continuance request.

Thereafter, the parties conferred with each other and provided ALJ DeVoe with three dates in November during which the parties would be available for a hearing. November 21, 2019 was the parties' preferred date. Accordingly, on October 4, 2019, the Office of Administrative Law Judge issued a Telephone Hearing Notice, which scheduled a call-in telephone initial hearing to be conducted by ALJ DeVoe on Thursday, November 21, 2019. On October 7, 2019, ALJ DeVoe issued the Interim Order Rescheduling Hearing which scheduled the hearing for November 21, 2019 and instructed the parties on how to connect to the telephonic hearing on that date.

On October 25, 2019, the Office of Administrative Law Judge issued a Hearing Judge Change Notice, which indicated ALJ Katrina L. Dunderdale would conduct the call-in telephone initial hearing on Thursday, November 21, 2019.

The presiding officer convened the initial hearing as scheduled on November 21, 2019. Complainant appeared *pro se* and testified on her own behalf. Complainant offered 15 exhibits which were marked and admitted into evidence as Complainant's Exhibits A through O.

Respondent was represented by Michael A. Gruin, Esquire. After Complainant rested the presentation of her case and prior to making herself available for cross-examination, Ms. Marian asked to have the hearing rescheduled for a subsequent day of testimony because she had to transport her daughter to a medical appointment. PAWC objected to the continuance on the grounds Complainant knew about this hearing for a significant period of time, had personally selected the hearing date as preferred and because PAWC had expended time and money in travel to the Pittsburgh area and was prepared to present its case. The presiding officer granted the continuance due to Complainant's averments her daughter's medical condition necessitated the medical test.

On December 6, 2019, the presiding officer issued the Second Prehearing Order which scheduled the further telephonic hearing for Tuesday, January 14, 2020. The Commission received the transcript from the November 21, 2019 hearing on December 19, 2019, which transcript contained 103 pages and 15 exhibits.

On January 14, 2020, Attorney Gruin presented the testimony of two witnesses and offered 15 exhibits, which were marked and admitted into evidence as Pa-American Exhibits 1 through 15.

After the hearing, Complainant sent an email request to the presiding officer at 1:36 p.m. on January 14, 2020. Complainant requested an opportunity to submit a brief on the issues. Respondent did not object. On January 28, 2020, the Commission received the transcript from the telephonic hearing on January 14, 2020.

The presiding officer issued the Briefing Order on January 31, 2020 which gave the parties an opportunity to file briefs on or before February 17, 2020. Briefs were received from Complainant and Respondent on February 14, 2020 and February 17, 2020, respectively.

On February 18, 2020, the presiding officer closed the hearing record with the issuance of the Interim Order Closing the Hearing Record. The hearing record consists of a

transcript containing 208 pages plus 15 exhibits sponsored by Complainant and 15 exhibits sponsored by Respondent.

FINDINGS OF FACT

1. Complainant, Kelly Marian, resides at 511 Cress Street, Carnegie, Scott Township, Pennsylvania 15106 (service address) in a single-family frame house with two other individuals. (Tr. 16, 18, 118-122, 190-192).

2. Respondent, Pennsylvania-American Water Company, supplies water utility services to the service address. (Tr. 16).

3. Complainant has resided at the service address for most of her life, but she did not become the ratepayer of record until October 19, 2017, when she bought the residence from her mother. (Tr. 17, 18, 51, 139).

4. PAWC began a water main pipeline project along Cress Street in 2012 and completed the project in 2013. (Tr. 18, 30, 118-122; PAWC Exhibit 1).

5. The last time Scott Township paved Cress Street, prior to the repaving project at issue herein, was in 2003 when Scott Township paved the entire road surface from curb to curb. (Tr. 191, 192).

6. PAWC used a contractor, Casper, Colosimo and Sons, Inc. (CCSI), to remove the road surface, replace the main pipeline and repave the road surface after the new water main pipeline was installed. (Tr. 18-22, 133-136, 193; PAWC Exhibit 1).

7. Before performing the main pipeline replacement project, PAWC's contractor submitted the appropriate permit to Scott Township requesting to dig up Cress Street in order to replace the main pipeline and then to repave Cress Street using the original elevation of pavement on the street. (Tr. 148-152).

8. In addition to the requirements of the local municipality, PAWC requires its contractors to overlay the exact amount of pavement as is milled (i.e., removed) originally so the road surface has the same height, or elevation, as existed prior to the start of the main pipeline replacement project. (Tr. 154).

9. Scott Township determined the specifications of the road surface on Cress Street, including elevation, when it granted PAWC's permit, but it is the responsibility of the contractor, CCSI, to make sure the elevation is brought up to the original elevation level.

10. The main pipeline replacement project on Cress Street called for CCSI to mill 1.5 inches of road surface on one-half of Cress Street, replace the pipeline and then overlay a new asphalt surface totaling 1.5 inches to fill in the road surface up to the pre-existing elevation. (Tr. 172-176).

11. After the repaving of Cress Street was complete, the new asphalt had the same elevation at the centerline and at the curb as the other side of Cress Street, which had not been milled and repaved. (Tr. 176, 180, 199; PAWC Exhibit 4).

12. After placing the new main pipeline back into service, PAWC's contractor replaced the service connections to the homes on Cress Street, obtained the municipal street-opening permit and completed the replacement project officially on May 22, 2013. (Tr. 133-135, 193; PAWC Exhibit 1).

13. Scott Township was responsible to inspect the paving project after completion to ensure it met the township's requirements and the township would have communicated with the contractor, not PAWC, if any specifications were not met. (Tr. 154-160).

14. During the 2015-2016 winter, Complainant noticed water coming from within the inside surface of the foundation wall, which is located parallel to the street and on the back side of the service address, and there appeared to be a drainage problem. (Tr. 32-34, 49).

15. Complainant saw two underground pipes along the front and side of the house overflow with water starting in 2016. (Tr. 50).

16. A rain leader or leader is a downspout that removes water from a house roof and transports the water to either another location on the property or out to the street at the curb. (Tr. 229).

17. In 2016, Complainant began making telephone calls to Scott Township to complain about the clogged pipes at the service address. (Tr. 20, 29, 34, 36).

18. In August of 2016, the former Director of Public Service for Scott Township, Randy Lubin (Mr. Lubin), visited the service address to discuss Complainant's concerns that downspouts had been blocked or paved over after Cress Street was repaved in front of the service address. (Tr. 187, 188).

19. Mr. Lubin observed water damage along the back edges of the house, saw only one downspout (Right Downspout) extending from the house to Cress Street, and saw one downspout extending from the front of the house extending towards the back of the house. (Tr. 189).

20. Mr. Lubin observed the downspout which extended from the front of the house towards the back of the house (Left Downspout) captured rain which fell onto the roof. (Tr. 189).

21. The water damage Mr. Lubin observed along the back edges of the foundation walls were on the left side of the house and correspond to the locations in the foundation wall where he observed water damage. (Tr. 188, 189, 202-214).

22. Mr. Lubin observed the Right Downspout extended towards Cress Street through terracotta pipe which was close to but not actually connected into a plastic pipe. Water

flowing through the terracotta pipe from the house would not have flowed into the plastic pipe towards Cress Street. (Tr. 190, 201-203; PAWC Exhibits 2, 11).

23. PAWC has not received any complaints or concerns from Scott Township or any other local authority about the paving completed by CCSI on Cress Street. (Tr. 138,139).

24. In August 2016, Complainant hired Gillece, a plumbing and electric company, which used a videocamera to show Complainant a clog in the leader pipe between the house and the street. (Tr. 22, 35, 36).

25. In 2016, Complainant contacted PAWC about the damages she observed at the service address including water seeping into the foundation after the street was repaved, leaders overflowing with water along the front and side sections of the service address and an exterior door that no longer fit in its frame. (Tr. 33, 34, 41, 58, 59).

26. In response to Complainant's complaints in 2016, PAWC, along with CCSI, went to the service address.

27. PAWC dug up the leader in the front yard in an attempt to find the cause of the obstruction, took photographs of both leaders, followed the Left Downspout to see where rain runoff was deposited, and viewed the damage to the foundation.

28. CCSI visited the service address in September 2016 and pulled up a section of sidewalk in order to investigate the service line, leader pipe and connection. (Tr. 139).

29. CCSI installed a new leader pipe from the house to the street, made repairs to the walkway and stairs including installing a new sidewalk. CCSI was unable to install a new door at the service address due to the shifting foundation. (Tr.20-25, 34).

30. In June 2018, CSSI indicated to Complainant it would not make any additional repairs at the service address. (Tr. 27).

31. Complainant requested estimates from 4 companies, but received only one estimate, to fix the foundation damage at the service address and to replace the exterior door which no longer fit in the foundation wall. (Tr. 37-39).

32. In 2018, one company, Ram Jack, estimated it would cost \$42,000 to remove the foundation wall, install a foundation beam, replace the foundation wall and install a new door in the foundation wall. (Tr. 38-40).

33. Although PAWC visited the service address and inspected the condition of the leaders in 2016, PAWC did not review the work of CCSI on Cress Street specifically until it received the formal complaint from Complainant in 2019. (Tr. 158-162).

34. After receiving the formal complaint in 2019, PAWC sent some employees to visit the service address on 2 or 3 occasions to review the work of CCSI but did not measure the elevation of Cress Street after the repaving project was completed. (Tr. 162-166, 183).

35. The employees PAWC sent to the service address in 2019 to observe the condition of the work completed by CCSI were not engineers or experienced with paving or paving requirements. (Tr. 165-167).

36. Currently, the foundation wall at the service address is bowed and the exterior door will not stay in place which allows cold air to seep into the structure. (Tr. 39).

37. The Left Downspout moved water from the roof down along the centerline of the house on the left side with a flexible white plastic pipe attached at the end near the ground which was directing water towards the back of the house and under the ground along the back foundation of the house. (Tr. 204-208; PAWC Exhibits 5 through 12).

38. The water damage to the foundation resulted from the drainage of water from the roof through the Left Downspout and into the ground around the base of the foundation on the back edges of the service address. (Tr. 214-219; PAWC Exhibit 13).

DISCUSSION

Burden of Proof

As the party seeking affirmative relief from the Commission, Complainant bears the burden of proving she is entitled to the requested relief. 66 Pa.C.S.A. § 332(a). To satisfy this burden, Complainant must show Respondent utility is responsible or accountable for the problem described.¹ Complainant must show this fact to be true by a preponderance of the evidence, that is, by presenting evidence more convincing, by even the smallest amount, than that evidence presented by the other party.² Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence.³ Furthermore, more evidence is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.⁴

Complainant's Position

Complainant alleged PAWC's contractor, CCSI, covered over the water outlets, or leaders, on her property when it repaved the road in front of the service address. As a result, the water could not drain into the road from her gutters and instead backed up along the

¹ Patterson v. Bell Telephone Co. of Pa., 72 Pa. PUC 196 (1990); Feinstein v. Philadelphia Suburban Water Co., 50 Pa. PUC 300 (1976).

² Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa.Cmwlt. 1990), alloc. den., 602 A.2d 863 (Pa. 1992); Se-Ling Hosiery v. Margulies, 70 A.2d 854 (Pa. 1950).

³ Mill v. Pa. Pub. Util. Comm'n, 447 A.2d 1100 (Pa.Cmwlt. 1982); Edan Transportation Corp. v. Pa. Pub. Util. Comm'n, 623 A.2d 6 (Pa.Cmwlt. 1993); 2 Pa.C.S.A. § 704.

⁴ Norfolk and Western Ry. v. Pa. Pub. Util. Comm'n, 413 A.2d 1037 (Pa. 1980); Erie Resistor Corp. v. Unemployment Compensation Bd. of Review, 166 A.2d 96 (Pa.Super. 1960); Murphy v. Dep't. of Public Welfare, White Haven Center, 480 A.2d 382 (Pa.Cmwlt. 1984).

foundation wall of the house, resulting in damage to the foundation. In addition, Complainant asserted an exterior door located in the foundation wall would no longer fit securely into the frame due to the damage to the foundation. Complainant requested the Commission make PAWC responsible to repair both leaders on either side of her residence so the leaders drain freely into the road and repair the damage to her foundation.

Complainant contended she had been given a runaround for many years by PAWC, the local township and CCSI, but she argued her pictures, emails and testimony prove her home was damaged when the leaders were paved shut. Complainant requested the Commission order PAWC to repair or replace the foundation walls and install a cellar door that seals. Complainant contended the legal doctrine of *res ipsa loquitur* applies because the damage was caused instrumentally, as a direct result of the negligent acts or omissions under PAWC's control or committed by other persons, i.e., CCSI, who were under PAWC's control at all relevant times. Essentially, Ms. Marian contends the damage to her residence would not have occurred if PAWC had used ordinary care or in the absence of PAWC's and/or CCSI's negligence.

Respondent's Position

First, PAWC contended Complainant makes a claim for damages, which the Commission has no jurisdiction to award. PAWC further alleges the Commission lacks the authority to order PAWC to repair the damage Complainant alleges PAWC caused to her residence. Second, PAWC argued the 3-year statute of limitations for filing a formal complaint against PAWC expired years before Complainant filed her complaint. Third, PAWC argued the evidence presented fails to show how PAWC violated any statute or regulation, or how PAWC contributed to or caused the damages to the service address.

PAWC pointed out the flow of water through Complainant's downspouts and leaders could not have been impacted by the paving work done on Cress Street. PAWC argued the leaders could not transport rain runoff to the curb due to a problem not caused by either PAWC or CCSI. Accordingly, the paving work had no impact on the leader's functionality.

PAWC maintained the damage to the foundation was on the backside or rear of the residence and the one leader clearly directed rain runoff to the back edge of the foundation. PAWC contended Complainant, and not PAWC, was in control of where the Left Downspout transported rain runoff. PAWC argued it is not responsible for any alleged damage caused by the Left Downspout because the Left Downspout did not empty rain runoff directly into the street. Therefore, PAWC contended the paving project had no impact on the functionality of the Left Downspout.

In a similar manner, PAWC contended the paving work had no impact on the functionality of the Right Downspout either because the Right Downspout was non-functional due to a failed connector located on Complainant's property. Lastly, PAWC contended its contractor, CCSI, milled and repaved the road appropriately, did not raise the level of the street above its original height, did not cover over any drainage system on Complainant's property and did not disturb the drainage system on Complainant's property.

Discussion

As discussed below, any of Complainant's claims related to whether PAWC provided reasonable and adequate service in 2013 when its contractor repaved Cress Street are barred by the statute of limitations and must be dismissed.

Whether Respondent Failed to Provide Reasonable and Adequate Service in 2013

Complainant alleged CCSI damaged the leaders extending away from her residence when CCSI paved Cress Street approximately 4 to 5 years before Complainant bought the service address. Respondent contended the applicable statute of limitations bars Complainant from bringing this formal complaint because the alleged actions of unreasonable service occurred outside the statute of limitations applicable to this formal complaint.

Pursuant to Section 3314(a) of the Public Utility Code, 66 Pa.C.S.A. § 3314(a):

General rule.--No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefore arose, except as otherwise provided in this part.

At its core, this formal complaint concerns a claim PAWC failed to provide reasonable and adequate customer service in 2013. Complainant filed her formal complaint on July 8, 2019, which is approximately 6 years after CCSI completed the work on Cress Street. Complainant acknowledged the wet basement started during the winter after the work was completed, but she was uncertain whether it was after the winter of 2013/2014, 2014/2015 or 2015/2016. Complainant waited two more years (sometime in the first half of 2016) before she verbally complained to PAWC, CCSI and Scott Township. Her testimony was that she first learned of the problem as late as early 2016 but she acknowledged she waited until July 8, 2019, more than three years, before filing the formal complaint. If Ms. Marian had filed her formal complaint in early 2016, the statute of limitations would not have barred her from pursuing a remedy from the Commission.⁵

In light of the three-year statute of limitations provided by section 3314(a), the formal complaint would have had to have been filed within 3 years of when Cress Street was repaved (which was May 22, 2013), when “the liability therefore arose,” or by May 22, 2016. If one assumes Complainant could not reasonably have been expected to know that the leaders were blocked until the end of the first winter season (approximately March 31, 2014), then the formal complaint should have been filed within 3 years of that date, or by March 31, 2017. If Complainant, or her mother who was the owner at the time, had filed a complaint by March 31, 2017, it is likely the Commission would have had jurisdiction to consider whether PAWC

⁵ It should be noted, however, that Ms. Marian might not have been allowed to file a formal complaint in 2016 because she was neither the homeowner nor the ratepayer of record at the service address in 2016. Ms. Marian did testify she rented the service address from her mother for approximately 5 years prior to buying the residence and the water account was transferred into her name in 2017. (See Tr. at 17, 18). However, there was no evidence presented that either Ms. Marian or her mother raised a complaint with PAWC within 3 years of when Cress Street was repaved.

violated any tariff, or Commission regulation or order, related to the main line replacement and road repaving project completed on May 22, 2013.

This formal complaint must be dismissed because the actions in dispute occurred approximately 6 years prior to the filing of the formal complaint and, accordingly, the formal complaint is beyond the statute of limitations concerning the main pipeline replacement and repaving project on Cress Street in 2013.

Whether Respondent Failed to Provide Reasonable and Adequate Service in 2016

Although Complainant filed the formal complaint beyond the statute of limitations, Ms. Marian did contact PAWC less than 3 years after the repaving occurred to express her concerns. Accordingly, the presiding officer considered the related issue of whether Complainant presented sufficient evidence to prove PAWC failed to provide reasonable and adequate customer service in how PAWC responded to Complainant's concerns in 2016 when she first communicated her belief to PAWC that the residence was damaged by CCSI's actions in 2013.

“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. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the Commission. Subject to the provisions of this part and the regulations or orders of the Commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service....” 66 Pa.C.S.A. § 1501.

The Commission has the authority and responsibility to define reasonable service under 66 Pa.C.S.A. § 1501 and § 1502. The Commission has exclusive jurisdiction to determine

the reasonableness, adequacy and sufficiency of a public utility's services and facilities.⁶ The term "service" should be "used in its broadest and most inclusive sense, including any and all acts done, rendered, or performed, and any and all things furnished or supplied...by public utilities...in the performance of their duties under the Public Utility Code...."⁷

In 2016, Complainant did not own the service address, but she did reside there. The evidence presented proved PAWC treated Complainant as if she was the ratepayer of record. After consideration of the evidence presented by Complainant and the contrary evidence presented by PAWC, Complainant's formal complaint is dismissed in the Ordering Paragraphs below for failure to prove PAWC did not provide reasonable and adequate customer service in how PAWC handled her concerns, for the following reasons.

PAWC provided convincing evidence, which Complainant did not refute, that PAWC, along with CCSI and Scott Township, went to the service address in 2016 after learning of Complainant's concerns. PAWC dug up the leader in the front yard in an attempt to find the cause of the obstruction. PAWC took photographs of both leaders and followed the Left Downspout to see where rain runoff was deposited. PAWC viewed the damage to the foundation. PAWC did not specifically review the condition of the paving work or the height of the pavement in 2016 because PAWC relied upon Scott Township's approval of the work back in 2013. It was appropriate and reasonable for PAWC to rely on Scott Township that the condition and height of the road surface was performed correctly. PAWC took reasonable and adequate steps in 2016 to investigate Complainant's concerns. PAWC took steps in 2016 to show Complainant why the problems experienced with the foundation were not caused by PAWC or its contractor, CCSI.

The evidence produced at the hearing from both sides shows clearly that the damage to the foundation wall occurred on the same side of the house as the Left Downspout. Photographs of the Left Downspout show that the leader directed rain runoff towards a pipe

⁶ Elkin v. Bell of Pa., 491 Pa. 123, 420 A.2d 371 (1980).

⁷ 66 Pa.C.S.A. § 102.

located at ground level next to the foundation. That pipe was blocked with green algae visible on the surface and, at that location, a white flexible tube directed the water from the Left Downspout towards the back of the property along the foundation wall. Complainant failed to show that the Left Downspout was designed or constructed to transport rain runoff to a leader which flowed to the curb.

Complainant also failed to show that the condition of the Left Downspout when observed and photographed in 2016 was different than its condition in 2013. Presumably, the conditions observed in 2016 were the same as the conditions that existed back in 2013 because there is no evidence from Complainant that any alterations were made to the leaders or downspouts after 2013 and before 2016. Accordingly, based on the testimony and photographs presented at the hearing, the repaving project on Cress Street could not have been the cause of any damage resulting from rain runoff through the Left Downspout.

Concerning the Right Downspout, Complainant was correct that the Right Downspout was designed to take the rain runoff from the house to the curb and she also proved the leader coming from the Right Downspout did not function properly. However, the dysfunction was caused by a connector on that leader which was broken. In the middle of Complainant's front yard, there was a connector which connected a terracotta pipe closer to the house with a plastic pipe that extended to the curb. As a result, water going down the Right Downspout into the leader was not able to make its way out to the curb and was deposited underground into the front yard.

Complainant failed to show PAWC was responsible for the conditions in Complainant's front yard or for the condition of the broken connector on the leader out to the curb. Also, it should be noted Complainant did not present any evidence of water damage to the foundation along the front and/or the right side of the residence.

Conclusion

Complainant's formal complaint will be dismissed in the Ordering Paragraphs below because the formal complaint was filed more than 4 years after PAWC allegedly failed to provide reasonable customer service in how Cress Street was repaved after the main pipeline replacement project. In addition, Complainant failed to show how PAWC violated the Public Utility Code and/or the Commission's regulations and orders when responding to her complaint in 2016 about how Cress Street was repaved in 2013.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding as it relates to Respondent's actions in 2016. 66 Pa.C.S.A §§ 701, 1312 and 3314.
2. The Commission does not have jurisdiction over the subject matter of this proceeding as it relates to Respondent's actions in 2013. 66 Pa.C.S.A §§ 701, 1312 and 3314.
3. Complainant, as the movant, carries the burden of proving Respondent did not provide reasonable and adequate service. 66 Pa.C.S.A. § 332(a).
4. Complainant failed to meet the burden of proving Respondent did not provide reasonable and adequate service in how Respondent responded to Complainant's concerns first expressed in 2016. 66 Pa.C.S.A. §§ 332 and 1501.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaint of Kelly Marian versus the Pennsylvania-American Water Company at Docket No. C-2019-3011595 is hereby dismissed.
2. That the Secretary mark this docket as closed.

Date: April 24, 2020

/s/

Katrina L. Dunderdale
Administrative Law Judge