

October 15, 2020

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Docket No. C-2020-3021136  
James Regan 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 with this letter, the Company's Motion to Join Overbrook Water Company as an Indispensable Party. 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.)  
The Honorable Joel H. Cheskis (via email, w/encl.)  
Judith A. McCoy Jordan (via email, w/encl.)

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JAMES REGAN,**

**Complainant**

**v.**

**SUEZ WATER PENNSYLVANIA INC.,**

**Respondent**

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**Docket No. C-2020-3021136**

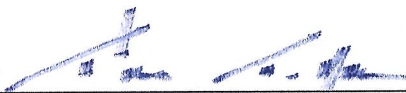
**NOTICE**

TO: Overbrook Water Company  
Rear 185 Huntsville Road  
Dallas, PA 18612  
dr1@rnfitch.com

James Regan  
328 Pioneer Avenue  
Dallas, PA 18612  
jim@phasorcorp.net

NOTICE is hereby given that an Answer or other responsive pleading shall be filed with the Public Utility Commission within 20 days of service of the following Motion of Suez Water Pennsylvania Inc. to Join Overbrook Water Company as an Indispensable Party. A copy of the Answer or other responsive pleading also should be sent to Counsel for Suez Water Pennsylvania Inc.

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.*

Date of Service: October 15, 2020

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>JAMES REGAN,</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2020-3021136</b>
	:	
<b>SUEZ WATER PENNSYLVANIA INC.,</b>	:	
<b>Respondent</b>	:	

**MOTION OF SUEZ WATER PENNSYLVANIA INC. TO  
JOIN OVERBROOK WATER COMPANY AS AN INDISPENSABLE PARTY**

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AND NOW, comes Suez Water Pennsylvania Inc. (“SUEZ” or “Respondent”), by its attorneys, and, pursuant to 52 Pa. Code § 5.103, moves to join Overbrook Water Company (“Overbrook”) as an indispensable party. In support thereof, SEUZ submits as follows:

1. This proceeding concerns the Complaint of James Reagan (“Complainant”).
2. Complainant is not a SUEZ customer.
3. Complainant initially named Overbrook as Respondent, struck Overbrook and named SUEZ as Respondent.
4. SUEZ and Overbrook are parties to an Agreement of Sale whereby SUEZ will purchase the Overbrook water system but the sale, as yet, has not closed.
5. Complainant complains of boil water advisories in 2018 and 2019. SUEZ is not responsible for the alleged service deficiencies.
6. SUEZ filed a motion for summary judgment on August 25, 2020 averring the foregoing and asking the Commission to dismiss the Complaint.

7. By Order dated September 22, 2020, Deputy Chief Administrative Law Judge Cheskis denied the motion for summary judgment stating, in part, that the appropriate step for SUEZ to take is to have Overbrook joined as an indispensable party.

8. The Complaint is properly against Overbrook, not SUEZ. Overbrook should be joined to address and defend against the allegations and relief sought by Complainant.

9. Joinder, moreover, would be the appropriate step consistent with the order denying SUEZ's motion for summary judgment.

WHEREFORE, for the reasons set forth above, Suez Water Pennsylvania Inc. requests that the Deputy Administrative Law Judge Cheskis and the Pennsylvania Public Utility Commission grant this motion to join Overbrook Water Company as an indispensable party.

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: October 15, 2020

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JAMES REGAN,</b>	:	
<b>Complainant</b>	:	
	:	
v.	:	<b>Docket No. C-2020-3021136</b>
	:	
<b>SUEZ WATER PENNSYLVANIA INC.,</b>	:	
<b>Respondent</b>	:	
	:	


**CERTIFICATE OF SERVICE**

I hereby certify that I have this 15<sup>th</sup> day of October 2020, served a true and correct copy of the foregoing Motion to Join Overbrook Water Company as an Indispensable Party upon the persons and in the manner set forth below:

**VIA ELECTORNIC MAIL**

James Regan  
jim@phasorcorp.net

Drew Fitch  
Overbrook Water Company  
dr1@rnfitch.com  
drewfitch5@gmail.com

  
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Thomas T. Niesen (PA ID # 31379)