

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**JOHN DERAFFELE VS
PENNSYLVANIA AMERICAN
WATER COMPANY**

**PUBLIC MEETING MAY 20, 2021
3022236-ALJ
DOCKET NO. C-2020-3022236**

MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE

On September 15, 2020, John DeRaffele filed a formal Complaint against Pennsylvania American Water Company (PAWC). The Complaint averred, among other things, that Mr. DeRaffele's rental property was vandalized while it was vacant and undergoing repairs. Mr. DeRaffele averred that the vandalism and repairs caused excessive use of water and water damage in his basement. Mr. DeRaffele requested that his account be credited for the amount of water he did not use due to vandalism.

A hearing on the matter was scheduled to be held on January 21, 2021. Following settlement discussions, the Administrative Law Judge (ALJ) granted Mr. DeRaffele's request for a thirty-day continuance to allow Mr. DeRaffele time to resolve the underlying issues in the Complaint.

A second hearing was scheduled for February 25, 2021, at 10:00 a.m. Mr. DeRaffele did not appear at that hearing. The hearing was held in his absence. Mr. DeRaffele left a voice mail message on the Office of Administrative Law Judge's (OALJ) voice mail system at 10:35 a.m. which indicated that he missed the hearing because of internet problems.

I agree with the ALJ that Mr. DeRaffele was given notice and opportunity to be heard. However, internet service outages do in fact occur unexpectedly and are beyond our control. Over the past fourteen months, we have all had to rely more on the internet to communicate and to meet with one another. I believe that Mr. DeRaffele's failure to appear at the hearing was unavoidable. I also note that Mr. DeRaffele brought his situation to the attention of the ALJ before the ALJ closed the record and issued the Initial Decision.¹

Also, I believe that because the Parties had engaged in settlement talks, a good faith effort was being made by Mr. DeRaffele and PAWC to remedy the problems that existed.

¹ 66 Pa. C.S. § 332(f); 52 Pa. Code § 5.245(a)-(b)

As a result, I move that the above identified matter should be remanded to the OALJ for an appropriate proceeding. I do caution the Parties to have alternative communication options in case of future service outages.

THEREFORE, I MOVE THAT:

1. The ALJ's Initial Decision is reversed.
2. The matter be remanded to the Office of Administrative Law Judge to conduct an appropriate proceeding as necessary.
3. The Office of Special Assistants draft an Opinion and Order consistent with this Motion.



MAY 20, 2021
DATE

GLADYS BROWN DUTRIEUILLE, CHAIRMAN