

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) 255-7366
Email: tkm@stevenslee.com
Direct Fax: (610) 236-4177

May 25, 2021

VIA ELECTRONIC FILING

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

RE: Ibrahima Diallo v. Pennsylvania-American Water Company
Docket Nos. F-2021-3025107, F-2021-3025268, and F-2021-3025270

Dear Secretary Chiavetta:

Enclosed for filing is the Motion to Consolidate of Pennsylvania-American Water Company in the above-referenced proceedings. 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



Timothy K. McHugh

Enclosure

cc: Certificate of Service
Administrative Law Judge John M. Coogan (via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ibrahima Diallo	:	
Complainant	:	
	:	
v.	:	Docket Nos. F-2021-3025107
	:	F-2021-3025268
PENNSYLVANIA-AMERICAN	:	F-2021-3025270
WATER COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: *Ibrahima Diallo*

You are hereby notified to file a written response to Pennsylvania-American Water Company's Motion to Consolidate within twenty (20) days from the date of service of this notice, unless this period of time is otherwise fixed by the Commission or the presiding officer. 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



Timothy K. McHugh, (I.D. No. 317906)
Michael A. Gruin (I.D. No. 78625)
17 N. 2nd St., 16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7366
Fax (610) 236-4177
COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: May 25, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IBRAHIMA DIALLO	:	
Complainant	:	
	:	
v.	:	Docket Nos. F-2021-3025107
	:	F-2021-3025268
PENNSYLVANIA-AMERICAN	:	F-2021-3025270
WATER COMPANY	:	
Respondent	:	

**MOTION TO CONSOLIDATE OF
PENNSYLVANIA-AMERICAN WATER COMPANY**

AND NOW, Pennsylvania-American Water Company (“Respondent”, “Company”, or “PAWC”), by and through its attorneys Stevens & Lee, P.C., hereby files this Motion pursuant to 52 Pa Code § 5.81 of the regulations of the Pennsylvania Public Utility Commission (“Commission”) to consolidate the above-captioned matters. The Company requests that the proceedings be consolidated because they raise identical issues of fact and law.

I. BACKGROUND

1. On April 8, 2021, PAWC was served with a Formal Complaint (“First Complaint”) filed by Ibrahima Diallo (“Complainant”) against the Company at Docket Number F-2021-3025107.

2. On April 16, 2021, PAWC was served with a Formal Complaint (“Second Complaint”) filed by the Complainant against the Company at Docket Number F-2021-3025268.

3. On April 28, 2021, the Company filed its Answer to the First Complaint, in which it denied the allegations of the Complaint.

4. On April 30, 2021, a hearing notice was issued for Docket Number F-2021-3025107, which scheduled this matter for an Initial Hearing on June 10, 2021 before Administrative Law Judge John Coogan.

5. On May 6, 2021, the Company filed its Answer to the Second Complaint, in which it denied the allegations of the Complaint.

6. PAWC was not served with a Formal Complaint filed by the Complainant at Docket Number F-2021-3025270 (“Third Complaint”) until May 25, 2021. As a result, no Answer was filed in response to this third Complaint.

7. The three Complaints filed by the Complainant are identical and allege that PAWC overcharged him for his usage and request payment agreements.

II. MOTION TO CONSOLIDATE

8. PAWC herein respectfully requests that the Formal Complaint proceedings at Docket Numbers F-2021-3025107, F-2021-3025268, and F-2021-3025270 be consolidated for the purposes of discovery, litigation, and disposition because they raise identical issues of law and fact.

9. In his Complaints, the Complainant alleges that PAWC overcharged him for his usage and requests that he be provided with payment agreements. (*See* First Complaint ¶ 4; Second Complaint ¶ 4; Third Complaint ¶ 4.)

10. If these Complaints were to proceed as is, the Commission would be reviewing identical allegations.

11. Therefore, it would be both administratively and judicially inefficient to litigate these matters separately when they are identical Formal Complaints that involve identical issues of law and fact.

13. The consolidation of these proceedings will promote efficiency for the parties and Commission alike.

14. For the reasons set forth above, PAWC respectfully requests that the proceedings be consolidated for purposes of discovery, litigation, and disposition.

III. CONCLUSION

WHEREFORE, Pennsylvania-American Water Company respectfully requests that the Commission enter an order consolidating the Formal Complaint proceedings at Docket Numbers F-2021-3025107, F-2021-3025268, and F-2021-3025270 for purposes of discovery, litigation, and disposition. Additionally, PAWC requests that the Answers filed in response to the First and Second Complaints be applied to the Third Complaint.

Respectfully submitted,



Timothy K. McHugh, (I.D. No. 317906)
Michael A. Gruin (I.D. No. 78625)
17 N. 2nd St., 16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7366
Fax (610) 236-4177
COUNSEL FOR PENNSYLVANIA
AMERICAN WATER COMPANY

DATE: May 25, 2021

VERIFICATION

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania- American Water Company, verify that the answers and the factual allegations contained in the foregoing Answer to Complaint 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.



May 25, 2021
Date

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IBRAHIMA DIALLO	:	
Complainant	:	
	:	
v.	:	Docket Nos. F-2021-3025107
	:	F-2021-3025268
PENNSYLVANIA-AMERICAN	:	F-2021-3025270
WATER COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

VIA ELECTRONIC MAIL

Ibrahima Diallo
111 Landover Court
Enola, PA 17025
Dialib01@yahoo.com



Timothy K. McHugh

DATED: May 25, 2021