

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

600 Scranton, LLC

v.

PA American Water Company

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C-2021-3024207

PREHEARING CONFERENCE MEMORANDUM

AND NOW, comes the Complainant, 600 Scranton LLC, by and through its Counsel, Thomas J. Jones Jr., P.C., submitting the within Prehearing Conference Memorandum pursuant to the Initial Prehearing Order of Administrative Law Judge, Dennis J. Buckley, dated June 7, 2021

(a) Entry on Service List: Thomas J. Jones Jr. Esq. counsel for 600 Scranton, LLC tjoneslaw@gmail.com

(b) Proposed Discovery Orders:

ORDER- Respondent, Pa. American Water Co. will provide a list of all Commercial Customers from Lackawanna and Luzerne Counties who have had a subsurface water line break and leak of 250,000 gallons or more from November 1, 2017 until March 31, 2021, inclusive.

ORDER - Respondent, Pa. American Water Co. and Respondent's Parent Company, American Water Company, will provide the names and locations within its Service Area that provide alarms at the meter located at the connection of the lateral line and the water main which signal the occurrence of a subsurface water leak.

(c) Proposed Litigation Schedule:

1) All Expert Witness Reports filed by September 1, 2021; 2) All Discovery completed by October 1, 2021; 3) Hearing November 2, 2021.

(d) Witnesses:

1. David Kurtz, 600 Scranton, LLC General Manager, 600 Scranton Carbondale Highway, Archbald PA 18403. (570) 876-4098. Testimony regarding Water Co. Notice of two (2) catastrophic water leaks; Billing; Water Service during the water leaks; Action taken to locate maps or layout of broken water line financed by the defunct Lackawanna County Industrial Development Authority; Emergency assistance from Pa Water to locate water line break; Facts whether the water service provided by Respondent was adequate, safe, efficient and economical,

2. John Mandarano P.E., KBA Engineering, P.C., 25 South Washington Ave. Jermyn, Pa 18433 (570) 876-5744. Engineer hired to coordinate leak detection and locate broken water line. Testimony regarding condition of water line and, search.

3. Charles Dutill, Expert Witness (Not yet retained). Complainant discussed testimony regarding quality of water service to rehabilitated abandoned commercial buildings in brownfields located over abandoned mines below as in the Pa PUC Case, Hoffman & Kozlansky, Olympia Chimney v. Pa. American Water Co., (2018-C-3006168).

4. Other witnesses to testify on issue: Pa America Water, Public Utility and PPL Electric Public Utility (600 Scranton LLC v. PPL Electric Utilities, (2019-C-3014952) devote substantial resources to aid and assist new industrial, commercial construction in the new Business Park located on the new highway in Archbald, while at the same time ignoring, if not penalizing, customers struggling with rehabilitated and recovered brownfield properties served by old, deteriorating infrastructure on the old commercial highway on the other side of town.

(e) List of Issues, Sub Issues

1. See 4. Above.

2. Has the Respondent failed to provide safe, adequate, economical and efficient Public Utility Service to Complainant by providing Notice of a Catastrophic Water Leak in the routine monthly water bill (Exhibit A) which itemized an 8 million gallon water usage.

a. Respondent has a duty to equip the service meter, at the connection of the Commercial Consumer's lateral water line and the utility main line, with an alarm system to immediately signal an unusually high-water loss. Respondent offers Residential Customers this quality of service, however it does not offer same to Commercial Consumers. This alarm system is even more necessary where the Commercial Consumer has had a previous, substantial catastrophic water loss as a result of a broken water line.

(i) The facts will reveal Complainant remarkably, never had any loss of water pressure to signal a massive water leak, however there was a clear and present danger there would not be enough water pressure to serve the fire suppression system and fire hydrants on the premises putting the lives of employees, customers and delivery persons at risk.

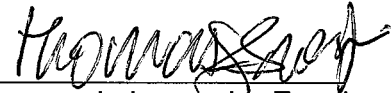
b. Respondent's failure to promptly notify 600 Scranton, LLC of a catastrophic water leak until the routine monthly bill (Exhibit A), showing 8 million gallons of water to be paid for, placed Complainant immediately into financial distress, thereby jeopardizing the ability to make the capital improvement to install a new waterline to connect to the building and fire hydrants.

3. The massive water leak (approximately total of 25 million gallons) was subsurface and not detected because it flowed into the abandoned coal mines 1000 feet beneath the building. A portion of the building was built over the 8-inch water line in the 1960's to early 1970's and the leak location was undiscoverable until the broken waterline suffered a complete breach and water burst through the concrete floor of a corner tenant on April 8, 2021. By that time, 600 Scranton, LLC had almost completed installation of a new water line to connect to the building.

The issues are: Did 600 Scranton, LLC do everything it reasonably could to detect the location of the water leak and prevent further loss of water? Did the Respondent reasonably do everything it could to minimize the loss of water through a break of the lateral water line on the Consumer's property? What is the appropriate

relief or remedy for 600 Scranton, LLC if it is determined the Respondent did not provide adequate, safe, efficient and reliable public utility service?

Respectfully submitted,
Thomas J. Jones, Jr., P.C.

A handwritten signature in black ink, appearing to read "Thomas J. Jones, Jr.", written over a horizontal line.

Thomas J. Jones, Jr., Esquire
Attorney for Complainant,
600 Scranton, LLC

CC: Timothy K. McHugh, Esquire

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Complainant	:	
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v.	:	C-2019-3024207
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PA AMERICAN WATER	:	
	:	
Respondent	:	

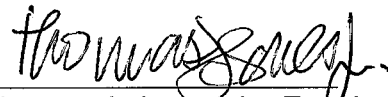
CERTIFICATE OF SERVICE

I, Thomas J. Jones, Jr., Esquire, hereby certify that I have served the foregoing Prehearing Conference Memorandum upon the individuals electronically at the addresses set forth below.

Honorable Dennis Buckley
Administrative Law Judge
Pa. Public Utility Commission
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Thomas J. Jones, Jr., Esquire
Attorney for Plaintiff
600 Scranton, LLC

June 15, 2021