

# Stevens & Lee

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June 25, 2021

**VIA ELECTRONIC MAIL**

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

**RE: 600 Scranton, LLC v. Pennsylvania-American Water Company  
Docket No. C-2021-3024207**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Supplemental Prehearing Conference Memorandum in the above-referenced matter. A copy of the Memorandum has been served in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



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Michael A. Gruin

Enclosure

cc: Administrative Law Judge Dennis J. Buckley  
Certificate of Service



high-quality leak-detection equipment; and 3) the ability to forego paying its water bill in order to install a new service pipe in the event a leak is detected. On March 10, 2021, PAWC filed an Answer to the Complaint at Docket Number C-2021-3024207. PAWC denied both the Complainant's allegations and the relief requested in the Complaint.

On June 7, 2021, the presiding Administrative Law Judge ("ALJ") issued the Initial Prehearing Order setting an Initial Prehearing Conference beginning at 10 a.m. on June 16, 2021. The parties each submitted Prehearing Conference Memorandum on June 15, 2021, and the Prehearing Conference took place on June 16, 2021. At the Prehearing Conference, counsel for PAWC made an oral Motion for Clarification of the Scope of the Proceeding ("Motion"). Complainant's counsel concurred and the Motion was granted by the presiding ALJ. That same day, the presiding ALJ issued an Order directing the parties to file a Supplemental Prehearing Memorandum to help define the scope of the proceeding and identify which issues the Commission should consider.

## **II. ISSUES FOR COMMISSION CONSIDERATION**

The pleadings in this matter outline the proper scope of the proceeding. This is a complaint by one customer, relating to the amounts billed to one account for water service, and PAWC's response to a significant customer-side service pipe leak at one property. Any attempt to expand this into a wide-ranging fishing expedition into what PAWC may or may not have done with regards to other customers' accounts or actions at other customers' properties is not relevant to resolving the sole issues framed by the pleadings in this proceeding. As such, PAWC sees no need to delay this matter or require extensive discovery. Therefore, PAWC identifies the following issues for Commission consideration in this proceeding:

1) Was there a leak in the Complainant's service pipe at the Property?

PAWC's Position: There was a verified leak in the Complainant's service pipe at the Property. This was acknowledged in the Complainant's Prehearing Conference Memorandum and by the Complainant at the Prehearing Conference itself.

2) Did PAWC correctly bill the Complainant for water service at the Property?

PAWC's Position: PAWC correctly billed the Complainant for water service at the Property. The Complainant had two periods of significantly higher than normal water usage at the Property. The Complainant has acknowledged that the higher than normal usage was caused by at least two leaks in the Complainant's customer-owned service pipe. PAWC's Commission-approved Tariff Rule 4.9 states that the customer shall have the full responsibility for the installation, repair, replacement, and maintenance of all service pipes, including full responsibility for metered water usage attributable to a leak in the service pipe. The amounts charged to the Complainant were based on actual meter reads and were correct as rendered.

3) Did PAWC respond properly in identifying the leak in the Complainant's service pipe?

PAWC's Position: PAWC responded properly in identifying the leak in the Complainant's service pipe. A customer's service pipe is solely the customer's responsibility to maintain and repair. Nevertheless, while the Public Utility Code, Commission regulation, or Commission Order does not require PAWC to locate or notify a customer of a leak in its service pipe, on January 18, 2021, PAWC sent a field service representative to the Property to conduct a leak investigation. The Company informed the Complainant that the movement on the meter indicated that there was a

leak in the Complainant's service pipe. On February 1, 2021 and on February 11, 2021, the Company again sent a field service representative to the Property and informed the Complainant that there was a leak in its service pipe. The Complainant, believing that the high usage was attributed to a meter problem, requested that the meter at the Property be tested. PAWC tested the meter on or around February 15, 2021, and it tested accurate within the Commission's guidelines.

For these reasons, the scope of this proceeding should be limited to:

1. The responsibility for identifying and repairing the service line leak at the Complainant's property.
2. The appropriate billing for the water consumption at the Complainant's property for the Complainant's PAWC water account, as determined by the meter readings and the application of PAWC's tariff.
3. Whether PAWC's communication and other actions in connection with the service pipe leak at the Complainant's property were reasonable and appropriate.

For the above-stated issues, PAWC does not believe that any expert witnesses are required because all of the issues relate to purely factual matters. As such, any discovery in this matter should be limited to matters related to these factual issues. Similarly, there is no need for any expert testimony on any of these factual issues and therefore one day of hearings will be more than sufficient to develop the evidentiary record that is necessary for the resolution of this matter.

Respectfully submitted,



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June 25, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

600 SCRANTON, LLC	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3024207
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

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

**VIA ELECTRONIC MAIL**

Thomas J. Jones, Jr., Esquire  
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Michael A. Gruin

DATE: June 25, 2021