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September 3, 2021

VIA ELECTRONIC FILING

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

**RE: John Solomond v. Pennsylvania-American Water Company
Docket No. C-2021-3027149**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is an original of its Motion for Judgment on the Pleadings. 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: Administrative Law Judge Conrad A. Johnson
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

NOTICE TO PLEAD

To: *John Solomond*

You are hereby notified to file a written response to the attached Motion for Judgment on the Pleadings of Pennsylvania-American Water Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Motion within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. 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. Failure to respond to this Motion could result in the dismissal of your case.

STEVENS & LEE



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

DATE: September 3, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**PENNSYLVANIA-AMERICAN WATER COMPANY’S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Pennsylvania-American Water Company (“PAWC” or “Company”), pursuant to 52 Pa. Code § 5.102, respectfully requests that your Honorable Commission dismiss the instant Complaint for lack of standing and failure to state a claim upon which relief can be granted. In support thereof, the Company avers as follows:

I. INTRODUCTION

1. On July 8, 2021, PAWC was served with a Formal Complaint (“Complaint”) filed by John P. Solomond (“Complainant”).
2. The service address in question is 717 Sherwood Avenue, Pittsburgh, PA 15204 (“Property”).
3. Complainant, as Member of Sherwood Spring Property Holdings, LLC, owns the Property; however, water service at the Property is in a tenant’s name (“account holder”).
4. PAWC provides water service to the account holder at the Property.
5. The Complaint states that PAWC is threatening to place a lien on the Property because the tenant living there refuses to pay the water bill. For relief,

Complainant requested that PAWC terminate the tenant's water service at the Property or waive the tenant's outstanding balance. A copy of the Complainant's Formal Complaint is attached hereto as Exhibit 1.

6. On July 28, 2021, PAWC filed an Answer and New Matter with a Notice to Plead. A copy of PAWC's Answer and New Matter is attached hereto as Exhibit 2.

7. In its Answer, PAWC denied that it is threatening to place a lien on the Property.¹ Furthermore, PAWC established that Complainant is not the account holder for water service at the Property nor is he authorized to speak on behalf of the account holder regarding her account for water service with PAWC at the Property. PAWC also denied that the account holder is entitled to a credit or adjustment to her account for water service at the Property.

8. PAWC's New Matter further averred that PAWC "has not threatened to place a lien on the Property." Complainant's response to PAWC's New Matter admitted that PAWC has not threatened to place a lien on the Property. A copy of Complainant's Response to PAWC's New Matter is attached hereto as Exhibit 3.

9. PAWC's New Matter set forth that since Complainant is not the account holder at the Property nor is he authorized to speak on behalf of the account holder, Complainant does not have a direct, immediate and substantial interest in the water service provided by PAWC to the account holder at the Property. PAWC's New Matter also explained that:

- a. A nearly identical Complaint was filed by Sherwood Spring Property Holdings, LLC at Docket No. C-2018-3004826 ("2018 Complaint") related to water service provided by PAWC to the Property.

¹ While the Complaint references a lien, it is apparent that Complainant was referencing a lien by Pittsburgh Water and Sewer Authority, a separate respondent in this case.

- b. Sherwood Spring Property Holdings, LLC listed its address as 9025 Copperleaf Lane, Fairfax Station, VA 22039, which is the same address listed for Complainant in his current Complaint filed against PAWC.
- c. Complainant signed the 2018 Complaint as Member of Sherwood Spring Property Holdings, LLC.
- d. In the 2018 Complaint, Sherwood Spring Property Holdings, LLC requested that the Commission order PAWC to terminate service at the Property until the account holder becomes current on her bills.
- e. The Commission dismissed the 2018 Complaint by Final Order issued on January 3, 2019.

10. PAWC's Notice to Plead advised Complainant to file a written response to PAWC's Answer and New Matter within twenty (20) days from the date of service of the notice. Complainant was further informed that if he did not file a written response denying or correcting the New Matter within twenty (20) days of service, the facts set forth by PAWC may be deemed to be true, thereby requiring no other proof, and that judgment may be entered against Complainant. Complainant was instructed that his response must be served on PAWC's counsel.

11. On August 4, 2021, Complainant sent PAWC by email a Motion to Add Sherwood Spring Property Holdings, LLC as Complainant 2 ("Motion") to the proceeding "as both landlord and customer of [PAWC], and as owner of the Property."²

² By email dated August 18, 2021, Complainant was notified by the Commission that his Motion to Add Sherwood Spring Property Holdings, LLC as a Complainant 2 to Docket No. C-2021-3027149 was not properly filed with the Commission. Complainant was informed that if he wished to proceed with the

12. PAWC filed its Answer to Complainant's Motion on August 13, 2021. In it, PAWC denied that either Complainant or Sherwood Spring Property Holdings, LLC is a customer of PAWC or the account holder for water service at the Property.

It also stated that:

- a. Neither Complainant nor Sherwood Spring Property Holdings, LLC is authorized to speak on behalf of the account holder regarding her account for water service with PAWC at the Property.
- b. Sherwood Spring Property Holdings, LLC is not an individual, and, therefore, must have counsel in order to proceed in any legal action before the Commission because a business entity may not represent itself. *See Cars R Us c/o Holman Copeland v. Philadelphia Gas Works*, Docket No. C-2008-2033437 (Order entered February 4, 2010); *see also Sherwood Spring Property Holdings, LLC v. Pittsburgh Water and Sewer Authority and Pennsylvania-American Water Company*, Docket No. C-2018-3004826 (Order entered November 27, 2018).
- c. PAWC has not filed or threatened to file a lien on the Property.
- d. Complainant's Motion should be denied because neither Complainant nor Sherwood Spring Property Holdings, LLC has a direct, immediate and substantial interest in the account holder's account with PAWC for water service at the Property.

Motion, he must file the Motion with the Commission. The Motion was posted on the Commission's website at the aforementioned Docket Number on August 30, 2021.

13. PAWC was never served with Complainant's Reply to PAWC's Answer and New Matter. Complainant's Reply was, however, posted on the Commission's website at Docket No. C-2021-3027149 on August 30, 2021.

II. ARGUMENT

A. Applicable Legal Standards

14. The Commission's regulation at 52 Pa. Code 5.102(a) permits any party to move for summary judgment or judgment on the pleadings after the pleadings are closed, but within such time as to not delay a hearing. The presiding officer will grant the motion if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).

15. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

16. The provision at 52 Pa. Code §5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of the case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d. 557 (Pa. Cmwlth. 1989).

17. The pleadings in this case reveal that PAWC is entitled to judgment as a matter of law because the Complainant lacks standing to file a Complaint on behalf of

the account holder regarding her account for water service with PAWC at the Property and the Complaint fails to state a claim for which relief can be granted.

B. Dismissal Based on Lack of Standing.

18. It is well settled that a person or entity must have standing in order to bring a formal complaint before the Commission. In order to have standing, a Complainant must have a direct, immediate and substantial interest in the subject matter of the proceeding. *Waddington v. Pa. P.U.C.*, 670 A.2d 199, 202 (Pa. Cmwlth. 1995), *appeal denied*, 544 Pa. 679, 678 A.2d 368 (1996).

19. A Complainant's "interest in the subject matter of a proceeding is direct if his interest is adversely affected by the actions challenged in the Complaint, is immediate if there is a close causal nexus between his asserted injury and the actions challenged in the Complaint and is substantial if he has a discernible interest other than the general interest of all citizens in seeking compliance with the law." *Thomas E. List v. Metropolitan Edison Company*, Docket No. C-2018-3003093 (Order entered December 10, 2018); *see also Ken R. ex rel. C.R. v. Arthur Z.*, 682 A.2d 1267 (Pa. 1996); *In re El Rancho Grande, Inc.*, 437 A.2d 1150 (Pa. 1981); *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Empire Coal Mining & Development, Inc. v. Department of Environmental Resources*, 623 A.2d 897 (Pa. Cmwlth. 1993). A Complaint that simply sets forth mere conjecture about possible future harm does not establish a direct interest in the subject matter of a proceeding. *Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board*, 467 A.2d 311 (Pa. 1983).

20. In general, the Commission has held that a complainant must be a customer of the respondent to have standing to file a complaint about utility service. *See, Re:*

Pennsylvania American Water Company, 85 Pa. PUC 548 (1995); *see also Pa. Pub. Util. Comm'n v. Marietta Gravity Water Company*, 87 Pa. PUC 864 (1997). Put otherwise, a complainant who is not a customer of a utility generally lacks the necessary substantial, direct and immediate interest required to establish standing to bring a complaint about the service provided by that utility. *John Lavelly v. West Penn Power Company*, Docket No. C-2014-2408502 (Order entered February 12, 2015).

21. Complainant is not a customer of PAWC nor is he the account holder for water service at the Property or authorized to speak on behalf of the account holder regarding her account for water service with PAWC. Answer, ¶¶ 4 and 5.

22. The only interest set forth by Complainant is that PAWC is threatening to place a lien on the property rather cutting off service because the tenant refuses to pay the water bills. Complaint, ¶ 4. In its Answer, PAWC denied that it has threatened or intends to place a lien on the Property. Answer, ¶ 4. Complainant admitted such in his Response to PAWC's New Matter. Response to New Matter, ¶ 13. Therefore, Complainant's interest is not direct, immediate or substantial.

23. Termination of water service for non-payment is an issue that is specifically between PAWC and the account holder. Furthermore, Complainant has not notified the account holder of his Complaint nor provided her with an opportunity to respond to the Complaint's request that her water service be terminated for non-payment.

24. Therefore, Complainant has failed to establish that he has standing, and, as such, the Complaint should be dismissed.

C. Dismissal Based on Legal Insufficiency of Pleading.

25. The Complaint should be dismissed because it fails to state a claim upon which relief can be granted, and, as such, it lacks legal sufficiency.

26. The Complaint does not set forth any facts to support or allege that PAWC has violated the Public Utility Code, Commission regulation or order, or a provision of the Company's Commission-approved tariff. The only allegation in the Complaint is that the "Utilitie [sic] companies are threatening to place alien [sic] on the property rather than cutting off service because the tenant refuses to pay the water or sewage bills." However, PAWC has not threatened nor is it threatening to place a lien on the Property. Complainant has acknowledged in his Response to PAWC's New Matter that PAWC is not threatening to place a lien on the Property. Response to New Matter, ¶ 13.

27. Instead, the Complainant is attempting to use the Commission's complaint process as a means to address a dispute that he has with his tenant. The Complainant should pursue other legal recourse if he believes his tenant is in violation of the terms of her lease.

28. For these reasons, the Complaint must fail for legal insufficiency.

REQUEST FOR RELIEF

WHEREFORE, for all of the reasons stated herein, Respondent Pennsylvania-American Water Company respectfully requests that your Honorable Commission dismiss the Complaint with prejudice.

Respectfully submitted

STEVENS & LEE



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

DATE: September 3, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Judgment on the Pleadings 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
John Solomond
9025 Copperleaf Lane
Fairfax Station, VA 22039
johnsolomond@gmail.com



Timothy K. McHugh

DATED: September 3, 2021

**PAWC'S EXHIBITS IN SUPPORT OF ITS
MOTION FOR JUDGMENT ON THE
PLEADINGS**

EXHIBIT

1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name JOHN P. SOLOMOND _____

Street/P.O. Box ___9025 COPPERLEAF LANE_____ Apt # _____

City FAIRFAX STATION Zip 22039 VIRGINIA _____

County FAIRFAX, VA

Telephone Number(s) Where We Can Contact You During the Day (required):

(_____) _____ (home) (703-395-5412) _____
(mobile)

E-mail Address (required):

_____JOHNSOLOMOND@GMAIL.COM_____

Utility Account Number (from your bill)_____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name LADONNA MACON, TENANT

Street/ 717 SHERWOOD AVE _____

City PITTSBURGH _____ State PA _____ Zip 15204 _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill. Two companies provide service and have let the bill go into arrears (\$4000, owed by tenant)

& Sewer -jbs7/8/21
Pittsburg Water ~~service~~ Authority(PGH2O) (providing sewage service);
Pennsylvania American Water (providing water).

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|-------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> STORM WATER |
| <input type="checkbox"/> GAS | <input checked="" type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain). The Utilitie companies are threatening to place alien on the property rather than cutting off service because the tenant refuses to pay the water or sewage bills. Current arrearage is \$4000 and each utility company pints to the other company. Tenant's lease and Section

8 regulations of the AHACP require her to pay all utilities. In that part of Pittsburgh, one company provides water, and another company provides sewage service.

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Require Either Company, Pa American Water, or PGH2O to terminate service until tenant gets current on the bill . Tenant was previously on a payment plan but has defaulted 3 times.

I am not trying to evict the tenant but want the arrearage in the bill removed or cancelled by the Utility companies, since they were negligent in letting the bills get so far behind.

So either action is acceptable:

1. Terminate service , or
2. Waive, or zero out the delinquent bill for 717 Sherwood. I have complained about this in the past, but no solution has been forthcoming.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a “Protection From Abuse” order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a “Protection From Abuse” order or any other order for your personal safety or welfare?

- YES
- NO X

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?

- YES
- NO X

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

- YES X
- NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.
- d. PGH20 SUGGESTED GETTING COVID RELIEF, BUT THAT ONLY APLYS TO TENANTS AND NOT PROPERTY OWNERS. PA CODE ALLOWS COMPANIES TO ENFORCE A LIEN ON THE PROPERTY, ABSOLVING THE TENANT OF ANY RESPONSIBILITY EVEN THOUGH THE SECTION 8 RULES, HUD RIULES AND THE LEASE REQUIRE THE TENANT TO COMPLY. I AM WILLING TO CONTRIBUTE \$1000 TO THIS BILL TO RESOLVE THIS ISSUE, BUT GETTING AN EVICTION ORDER STILL DOES NOT SOLVE THE ARREARAGE IN HER UTILITY BILL.

She is eligible for free legal representation while I would have to hire a Pennsylvania Law firm to litigate this. I already tried this rout and got an eviction order which she appealed and we reached a settlement, but no payments have been made by the tenant.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address _____

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND :
Complainant :
 :
v. : Docket No. C-2021-3027149
 :
PENNSYLVANIA-AMERICAN :
WATER COMPANY :
Respondent :

NOTICE TO PLEAD

To: *John Solomond*

You are hereby notified to file a written response to the attached Answer and New Matter of Pennsylvania-American Water Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by Pennsylvania-American Water Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to New Matter, 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. Failure to respond to this Answer and New Matter could result in the dismissal of your case.

STEVENS & LEE



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

DATE: July 28, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

**ANSWER OF RESPONDENT,
PENNSYLVANIA-AMERICAN WATER COMPANY**

Pursuant to 52 Pa. Code § 5.61, Pennsylvania-American Water Company (“Respondent” or “Company”), by and through its attorneys Stevens & Lee, P.C., hereby responds to the Formal Complaint (“Complaint”) filed by John Solomond (“Complainant”). In support thereof, the Company avers as follows:

1. Admitted in part, denied in part. The Company admits that it provides water service to the named tenant at 717 Sherwood Avenue, Pittsburgh, PA 15204 (“Property”); however, it denies that Complainant is the account holder at the Property.
2. Admitted in part, denied in part. The Company admits that it provides water service to the account holder at the Property. To the extent that Paragraph 2 contains additional allegations, such allegations are denied.
3. Admitted in part, denied in part. The Company admits that it provides water service to the account holder at the Property; however, the Company denies that it provides wastewater service to the Property.

4. Denied. The Company denies that it is threatening to place a lien on the Property. By way of further answer, Complainant is not the account holder for water service at the Property nor is he authorized to speak on behalf of the account holder regarding water service in the account holder's name. It is the Company's policy to only discuss a customer's account with the named account holder or someone authorized by the named account holder to speak on his/her behalf. Furthermore, the Company does not provide wastewater service to the Property. The Company is without information regarding Complainant's lease with the account holder. To the extent Complainant alleges that there are incorrect charges on the account holder's bills, the actual account holder does not dispute the charges on her water bill at the Property. To the extent that Paragraph 4 contains additional allegations, such allegations are denied.

5. The Company denies that Complainant is entitled to the relief requested. By way of further answer, as discussed in Paragraph 4, above, Complainant is not the account holder for water service at the Property nor is he authorized to speak on behalf of the account holder regarding water service in the account holder's name. It is the Company's policy to only discuss a customer's account with the named account holder or someone authorized by the named account holder to speak on his/her behalf. The actual account holder does not dispute the charges on her bill for water service at the Property. Therefore, the Company denies that the account holder is entitled to a credit or adjustment to her account for water service at the Property. To the extent Paragraph 5 contains additional allegations, such allegations are denied.

6. Paragraph 6 is a statement to which no response is required.

7. Denied. The Company was not involved in any discussions that Complainant had with “PGH20”. Therefore, the Company denies having any knowledge of such conversations.

8. Paragraph 8 is a statement to which no response is required.

9. Paragraph 9 is a verification to which no response is required.

NEW MATTER

10. Pennsylvania-American Water Company incorporates by reference responses contained in Paragraphs 1 through 9, above, as though fully set forth at length.

11. Pennsylvania-American Water Company is represented in this matter by:

Timothy K. McHugh (I.D. No. 317906)
17 North 2nd Street, 16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7366
Fax (610) 236-4177
timothy.mchugh@stevenslee.com

12. Complainant is not the account holder nor is he authorized to speak on behalf of the account holder with regards to water service provided by PAWC to the Property.

13. PAWC has not threatened to place a lien on the Property located at 717 Sherwood Avenue, Pittsburgh, PA 15204.

14. Complainant does not have a direct, immediate and substantial interest in the account holder’s water service provided by PAWC to the Property.

14. Complainant is not authorized nor has standing to file a Complaint on behalf of the account holder for water service provided by PAWC to the Property.

15. A nearly identical Complaint was filed by Sherwood Spring Property Holdings, LLC at Docket No. C-2018-3004826 (“2018 Complaint”) related to water service provided by PAWC to the Property. Sherwood Spring Property Holdings, LLC

listed its address as 9025 Copperleaf Lane, Fairfax Station, VA 22039, which is the same address listed for Complainant in his current Complaint against PAWC. Complainant signed the 2018 Complaint as a member of Sherwood Spring Property Holdings, LLC. In the 2018 Complaint, Sherwood Springs Property Holdings, LLC requested that the Commission order PAWC to terminate service at the Property until the account holder and tenant becomes current on her bills. The Commission dismissed the 2018 Complaint by Final Order issued on January 3, 2019.

REQUEST FOR RELIEF

WHEREFORE, for all of the reasons stated herein, Respondent Pennsylvania-American Water Company respectfully requests that your Honorable Commission dismiss the Complaint with prejudice.

Respectfully submitted,

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: July 28, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

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.



July 28, 2021
Date

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN SOLOMOND	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3027149
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer 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
John Solomond
9025 Copperleaf Lane
Fairfax Station, VA 22039
johnsolomond@gmail.com



Timothy K. McHugh

DATED: July 28, 2021

EXHIBIT
3

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION (PUC)

John P. Solomond, CEO and Member, Sherwood Spring Property Holdings, LLC, personally, and as Member, Sherwood Spring Property Holdings, LLC , (Complainant 1) and

**Sherwood Spring Property Holdings :
LLC, (Complainant 2) :**

v. : Docket No C-2021-3027149

**The Pittsburgh Water and Sewer :
Authority (PgH2O), (Respondent 1), :
and :
Pennsylvania-American Water :
Company, (Respondent 2) :**

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**RESPONSE TO NEW MATTER FILED ON BEHALF OF PENNSYLVANIA
AMERICAN WATER (Respondent 2)**

RESPONSE TO ANSWER AND NEW MATTER FILED BY RESPONDENT 2

Pursuant to 52 Pa. Code Section 5.61, John P. Solomond, personally and Sherwood Spring Property Holdings, LLC respond herewith to Answer to Respondent 2, Pennsylvania American Water Company.

Complainants 1 and 2 require strict proof of each alleged answer provided by Respondent 2. Answer 5 of Respondent 2 is a legal interpretation and requires a holding by a Court of competent jurisdiction.

ANSWER 10. No response required.

Answer 11. Admitted.

Answer 12. Admit in part and deny in part.

Answer 13. Admitted.

Answer 14. Denied.

Answer 14. (repeated) Denied.

Answer 15. Admitted.

REQUEST FOR RELIEF

Complainants 1 and 2 respectfully request that their complaint be heard and not dismissed. Further, the Complainants also will consider an alternative of mediation of this matter, in lieu of litigation. This may be accomplished by issuing an "Interim Order Setting Resolution Conference."

Respectfully submitted,

John P. Solomond, personally, and for

Sherwood Spring Property Holdings, LLC

CERTIFICATE OF SERVICE:

I hereby certify that I sent by electronic mailing (email) a true copy of this Response for Complainants 1 and 2. on 6 Aug 2021, in accordance the requirements of 52 Pa Code Section 1.54 to:

timothy.mchugh@stevenslee.com , Hon. Chrles E. Rainey, Jr., at bobbwillia@pa.gov, and to crainey@pa.gov, and to Secretary Chiavetta, at

https://efiling.puc.pa.gov/Login. Also by Mail, first class postage prepaid to

Rosemary Chiavetta, Secretary

PA Public Utility Commission

400 North St, Second Floor

Harrisburg, PA 17120

 6 AUG 21

/s/ John P. Solomond, Complainant 1, personally and for Complainant 2, Sherwood Spring.