

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Frank D. Kitzmiller :  
 :  
 v. : Docket No. C-2014-2435567  
 :  
 City of Lancaster, Water Department :

**ANSWER AND NEW MATTER OF  
CITY OF LANCASTER, WATER DEPARTMENT**

**I. INTRODUCTION**

Pursuant to 52 Pa. Code § 5.61, Respondent City of Lancaster, Water Department ("Lancaster Water" or "Respondent") submits this Answer and New Matter in response to the Formal Complaint filed by Frank D. Kitzmiller (Kizmiller) or "Complainant") in the above-captioned matter .

PA PUBLIC UTILITY COMMISSION

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**II. ANSWER**

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1. Admitted.
2. Admitted. By way of further answer, Respondent's proper name is City of Lancaster, Water Department.
3. Admitted.
4. Denied. Respondent lacks sufficient information to ascertain the veracity of Complainant's allegations in paragraph 4. As such, the allegations are denied and proof of the allegations is demanded at the time of hearing in this matter.
5. Denied. Respondent lacks sufficient information to ascertain the veracity of Complainant's allegations in paragraph 5. As such, the allegations are denied and

Lancaster Exh. 3  
C-2014-2435567  
12-19-18  
Harrisburg

proof of the allegations is demanded at the time of hearing in this matter. To the extent that Paragraph 5 contains factual allegations against Respondent, the same are denied.

6. Denied. Respondent lacks sufficient information to ascertain the veracity of Complainant's allegations in paragraph 6. As such, the allegations are denied and proof of the allegations is demanded at the time of hearing in this matter.

7. Admitted.

8. Neither admitted nor denied. Paragraph 8 is a statement regarding legal representation to which no answer is required.

9. Neither admitted nor denied. Paragraph 9 is a verification to which no answer is required.

10. Neither admitted nor denied. Paragraph 10 contains instructions for filing the complaint to which no answer is required.

### **III. REQUESTED RELIEF**

WHEREFORE, for all the foregoing reasons, Lancaster Water respectfully requests that the claims set forth in the Complaint be DISMISSED WITH PREJUDICE.

#### **IV. NEW MATTER**

1. The Complaint does not set forth facts sufficient to establish a cause of action for violation of the Public Utility Code or any Commission regulation or order.

2. The Complaint does not set forth sufficient facts such that the Lancaster Water would be able to ascertain whether the Complainant is entitled to the relief requested.

3. Lancaster Water is in compliance with the Commission's billing regulations.

4. Lancaster Water is in compliance with all applicable Commission regulations relating to water service.

5. Lancaster Water is in compliance with its Commission-approved tariff.

6. At no time did Lancaster Water issue incorrect bills to the Complainant.

7. Complainant should have raised his billing issues in the course of his participation in Lancaster Water's 2014 rate case.

8. Complainant's failure to raise his billing issues in the course of his participation in Lancaster Water's 2014 rate case is grounds for dismissal of his billing complaint.

**V. CONCLUSION**

WHEREFORE, for all the foregoing reasons, Lancaster Water respectfully requests that the claims set forth in the Complaint be **DISMISSED WITH PREJUDICE**.

Respectfully submitted,

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John J. Gallagher, Esquire  
711 Forrest Road  
Harrisburg, PA 17112  
(717) 599-5839  
[jgallagher@jglawpa.com](mailto:jgallagher@jglawpa.com)

February 6, 2018

Counsel for Respondent

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**CERTIFICATE OF SERVICE**


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

Via Regular Mail:

Frank D. Kitzmiller  
1041 Preston Road  
Lancaster, PA 17601

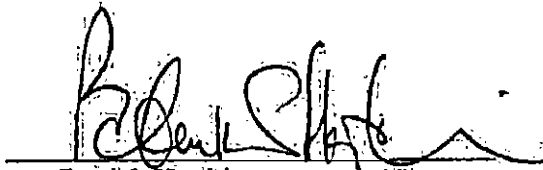
Date: February 6, 2018

  
\_\_\_\_\_  
John J. Gallagher, Esquire

**VERIFICATION**

I, Patrick Hopkins, Business Administrator for the City of Lancaster, hereby state that the facts set forth in the foregoing Motion and Answer to Complaint are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Patrick Hopkins

Date: January 29, 2018

**P2903.7 Size of water-service mains, branches and risers.** The minimum size water service pipe shall be 1/2 inch (19.1 mm). The size of water service mains, branches and risers shall be determined according to water demand [gpm (L/m)], available water pressure [psi (kPa)] and friction loss due to the water meter and developed length of pipe [feet (m)], including equivalent length of fittings of each water distribution system shall be determined according to the procedure outlined in this section or by other methods conforming to acceptable engineering practice approved by the administrative authority:

Chapter 202. Construction Codes

Article II. International Codes

§ 202-5. International Residential Code amendments.

A. Section R202, Definitions. "Building sewer" is amended by adding the following sentence: "All matters related to the building sewer design, installation, inspection, testing, and repair of the building sewer system shall be in accordance with the rules and regulations set forth by the sewer authority having jurisdiction: Lancaster Area Sewer Authority or City of Lancaster."

B. Table R301.2(1), Climatic and Geographic Design Criteria, shall read as follows:

Ground snow load	30 psf
Wind speed	90 mph
Seismic design category	B
Weathering	Severe
Frost line depth	36 inches
Termites	Moderate to heavy
Decay	Slight to moderate
Winter design temperature	11°

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C-2014-2435567  
12-19-18  
Harrisburg JH

other locations subject to freezing shall be automatic draining, freezeless wall faucets with an atmospheric vacuum breaker."

**M.** Section P2901.1, Potable water required, is amended by adding the following sentence: "Water service pipe installed downstream from City of Lancaster Water Bureau's last valve shall conform to this code."

**N.** Section P2903.7, Size of water service mains, branch mains and risers, is amended in the first sentence by inserting "1" in place of "3/4."

**O.** Appendix F, Radon control methods, is adopted as part of this code.

**P.** Appendix H, Patio covers, is adopted as part of this code.

## § 202-8. International Plumbing Code amendments.

**A.** Section 202, Definitions. "Building sewer" is amended by adding the following sentence: "All matters related to building sewer design, installation, inspection, testing, and repair of the building sewer system shall be in accordance with the rules and regulations set forth by the sewer authority having jurisdiction: Lancaster Area Sewer Authority or the City of Lancaster."

**B.** Section 301.6, Prohibited locations, is amended by adding the following: "Building drain piping shall not be placed under basement floors when the building drain piping is connected to the public sanitary sewer system with a gravity discharge."

**C.** Section 302.2, Industrial wastes, is amended by inserting "commercial properties" in front of "manufacturing or industrial" and deleting "code official or other authority having jurisdiction" and inserting in its place "sewer authority having jurisdiction."

**D.** Section 305.6, Freezing, is amended by replacing the last sentence with the following: "Water service pipe shall be a minimum of 36 inches below finished grade."

**E.** Section 412, Floor drains, is amended by adding the following: "Floor drains in both new and existing structures are subject to approval by the Director of Code Compliance."

**F.** Section 603.1, Water service pipe, is amended by inserting "1" in place of "3/4" in the second sentence and by adding the following: "Nonresidential water service pipe installed downstream of the Lancaster City Water Bureau's last valve shall conform to this code."