

July 8, 2022

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

In re: Docket No. C-2019-3012992
Rosemarie Grell v. Suez Water Pennsylvania Inc.

Dear Secretary Chiavetta:

We are counsel for Suez Water Pennsylvania Inc. in the above matter and are submitting with this letter, via electronic filing, the Company's Reply to the Exceptions of Rosemarie Grell. A copy of the Reply Exceptions is being served in accordance with the certificate of service attached to them.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: ra-OSA@pa.gov
Certificate of Service (w/encl.)
The Honorable Dennis J. Buckley, Administrative Law Judge (via email, w/encl.)
Judith A. McCoy Jordan (via email, w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Dennis J. Buckley, Presiding

ROSEMARIE GRELL,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3012992
	:	
SUEZ WATER PENNSYLVANIA INC.,	:	
Respondent	:	

**REPLY OF SUEZ WATER PENNSYLVANIA INC. TO
THE EXCEPTIONS OF ROSEMARIE GRELL**

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Attorneys for Respondent Suez Water Pennsylvania Inc.

DATED: July 8, 2022

I. INTRODUCTION

This proceeding concerns the Complaint of Rosemarie Grell alleging a failure on the part of Suez Water Pennsylvania Inc. (“Suez” or “Company”)¹ to provide adequate water pressure to her residence at 906 Thornton Drive, Mechanicsburg, Pennsylvania.

By Initial Decision, dated May 26, 2022, Administrative Law Judge Buckley concludes that Suez violated Section 1501 of the Public Utility Code (“Code”) by failing to render adequate and reliable service.

On June 16, 2022, Suez filed Exceptions asking the Public Utility Commission (“Commission”) to reject the Initial Decision and dismiss the Complaint as Complainant failed to demonstrate that Suez violated the Public Utility Code, a Commission Order or regulation or the Suez Tariff.

By letter dated June 22, 2022, Secretary Chiavetta advised that the Secretary’s Office had received Exceptions to the Initial Decision from Ms. Grell on June 17, 2022, and that Suez has until July 8, 2022, to file Reply Exceptions.

II. REPLY TO THE EXCEPTIONS OF ROSEMARIE GRELL

Ms. Grell states that she has never been offered a settlement in writing from Suez. At hearing, Ms. Grell recited details of a settlement discussion involving installation of a booster pump. Those discussions did not advance to the point of a written settlement offer from Suez because Ms. Grell was not interested in having a booster pump installed.² Absent settlement, the purchasing and installation of a booster pump is the responsibility of Ms. Grell, not Suez, as

¹ Suez is now known as Veolia North America.

² Tr. 9. In its footnote 5, the Initial Decision points out that objection was made to Ms. Grell’s recitation of the settlement discussion as privileged but then concludes that the objection was later waived by Mr. Saunder’s reference to a booster pump.

addressed in Suez Exceptions Nos. 1 and 2.³ The placing of a booster pump in the residence to increase water pressure is not a viable option unless Ms. Grell agrees to it even if Suez were to pay for the pump and have it installed at Company cost.⁴

Ms. Grell also states that she would just like her water pressure back. As presented in Suez Exception No. 1, the Suez system upgrade in the Thornton Drive area was necessary to replace aging facilities. The resulting water service pressures in the Thornton Drive area are consistent with the original modeling for the project and with the water service pressures in the remainder of the Center Square pressure district. A study of water pressure at the main serving Ms. Grell's residence demonstrates that pressure is not just marginally – *but well within* – the range of pressures required by the Commission's Water Service Regulations. Consistent with *Martinko* and as presented in Suez Exception No. 1, Suez' service is in full compliance with Commission regulations, reasonable and adequate as required by Section 1501 of the Code. Section 1501 does not create a statutory entitlement to a level of service to which a customer may have become accustomed or previously enjoyed.

³ See *Martinko v. Aqua Pennsylvania, Inc.*, PaPUC Docket No. C-2013-2352596, Initial Decision dated October 14, 2014, mimeo at 15.

⁴ Suez submits, again, as it did in its Exception No. 2, that the Commission has no jurisdiction to order Suez to install a booster pump on customer owned in-house plumbing and no jurisdiction to order Ms. Grell to accept a booster pump on her in-house plumbing. The option to place a booster pump in Complainant's residence to increase water pressure was only possible through settlement.

III. CONCLUSION

Suez Water Pennsylvania Inc. submits, for the reasons set for in its Exceptions and above, that Complainant failed to demonstrate that Suez violated the Public Utility Code, a Commission Order or regulation or the Suez Tariff and that the Public Utility Commission should reject the Initial Decision and deny and dismiss the Complaint of Rosemarie Grell at C-2019-3012992.

Respectfully submitted,

SUEZ WATER PENNSYLVANIA INC.

By



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Counsel for Suez Water Pennsylvania Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of July 2022, served a true and correct copy of the foregoing Reply of Suez Water Pennsylvania Inc. to the Exceptions of Rosemarie Grell, upon the persons and in the manner set forth below:

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

Rosemarie Grell
906 Thornton Drive
Mechanicsburg, PA 17055
rosebud69@juno.com



Thomas T. Niesen (PA ID # 31379)