

COMMONWEALTH OF PENNSYLVANIA  
(Public Utility Commission)

-----\*  
ROBERT KOCHER, :  
Complainant, : Case No.:  
vs. : C-2023-3038159  
PENNSYLVANIA-AMERICAN WATER :  
COMPANY :  
Respondent. :  
-----\*

Pages 1 through 79 TELEPHONIC HEARING  
Judge's Chambers  
Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17120

Wednesday, May 3, 2023  
Met, pursuant to notice, at 10:06 a.m.

BEFORE: THE HONORABLE CHAD ALLENSWORTH  
Administrative Law Judge

INDEX TO EXHIBITS  
CASE NO.: C-2023-3038159  
Wednesday, May 3, 2023

EXHIBITS INDEX

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EXHIBIT: RESPONDENT'S EXHIBITS: NUMBER	FOR IDENTIFICATION	IN EVIDENCE
1 (Satellite image of Mr. Kocher's property)	34	71
2 (BCS Closing Report for Mr. Kocher's Informal Complaint)	41	71



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
400 NORTH STREET, HARRISBURG, PA 17120

Ex. A-1

IN REPLY PLEASE  
REFER TO OUR FILE

Date: 2/7/2023

Case #: 3884310

Robert W Kocher  
1108 S Prospect St  
Nanticoke PA 18634 - 3807

Dear Robert W Kocher:

On 1/24/2023 you filed an informal complaint with the Public Utility Commission (PUC) Bureau of Consumer Services against Pennsylvania American Water Company (the Company). In the complaint, you stated that there was a water main break on 1/14/2023 around 5:30 AM. You stated that the Company did not notify customers until 11:35 AM. You complained that you were using contaminated water without notice of the water main break or any water-quality-related matters. You dispute that the Company did not provide an alternate source of water while customers waited for service to be restored. You disputed responsibility for the charges of the water that you used while the water main break occurred. You stated that you want the Company to reimburse you for out-of-pocket costs (such as replacement of your water filter), and you want credits for the water charges for the water used during the water main break. You stated that you contacted the Company on 1/24/2023 and they advised you that the fix was temporary and that they would complete it later.

The PUC contacted the Company in an effort to resolve your complaint. The Company reports that on 1/14/2023 the Company experienced a main break on Locust St between E Broad St and E Spring St at approximately 4:30 AM. The Company attempts to provide notification of emergency temporary outages to customers as quickly as possible.

On 1/14/2023 the Company issued the following emergency alert at approximately 11:30 AM:

*This is an urgent notification from Pennsylvania American Water. Our crews are making emergency repairs due to a water main break beginning at 11:00 AM in Nanticoke and surrounding municipalities. You reside in the affected area and may experience discolored or cloudy water, low water pressure, or no water. Repairs are expected to take approximately 10 hours to complete. When water service is restored, customers may experience discolored water. If your water is discolored, run the cold water taps only, at the lowest level of the house for about 3 to 5 minutes until the water runs clear. You will not receive any further notification unless additional action is required or conditions change. If you are a landlord and water service is in your name, please inform your tenants so they are aware of this impact to their water service. In keeping with American Water's focus on safety for both customers and employees, please do not approach our crews while they work. For more information or to see a map of the affected area please go to <https://amwater.com/paaw/alerts>. We apologize for any inconvenience and appreciate your patience and understanding as we work to resolve the issue.*

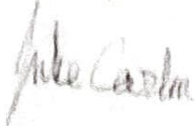
The Company reports that on 1/14/2023 they completed repairs and restored service at approximately 9 PM. The Company has no record of any recent contact from you regarding this issue.

EX. A-2

Please note, at the informal level, the Bureau of Consumer Services has limited authority to resolve your service issue, and we have closed your informal complaint. However, you do have the right to file a formal complaint where your service issue may be further addressed. You do not need a lawyer to file a formal complaint if you have a residential service account. The formal complaint process involves a legal proceeding before a PUC Administrative Law Judge (ALJ), similar to a trial. This means that you and the utility must present facts on the issues raised in your complaint to the ALJ. You must participate in a hearing, respond to questions from the utility, and prove why the judge should uphold your position.

If you have questions concerning this information, please call me at 717-787-6850 (my direct number) or toll-free at 1-800-692-7380 and give your Case #3884310. If you would like formal complaint forms, visit our website at [www.puc.pa.gov](http://www.puc.pa.gov) or call 717-772-7777.

Sincerely,



Julie Carlin  
Investigator

EX.  
B-1

3:10



PA American Water >  
preventing frozen  
pipes, please go to  
[NewJerseyamwater.com](http://NewJerseyamwater.com)

Sat, Jan 14 at 11:40 AM

PAAmWater: Emer-  
gency repair: Water  
outage / discol-  
oration possible your  
area. Estimated re-  
pair time 10 hours.  
Updates / more info  
at [Pennsylvaniaamwater.com](http://Pennsylvaniaamwater.com)



Text Message



Cash





Nanticoke Water Main Break | E...

Pennsylvania Alerts

American Water Customer Adv...

Welcome to Alerts1View

AA

alertsdetail.awapps.com



AMERICAN WATER



# AN EMERGENCY ALERT American Water Works Service Company, Inc.

STARTS 1/14/2023 11:35 AM EST

**Nanticoke: Emergency Repairs: Locust Street**

This is an urgent notification from Pennsylvania American Water. Our crews are making emergency repairs due to a water main break beginning at 11:00 AM in Nanticoke and surrounding municipalities. You reside in the affected area and may experience discolored or cloudy water, low water pressure, or no water. Repairs are expected to take approximately 10 hours to complete.

Show Less

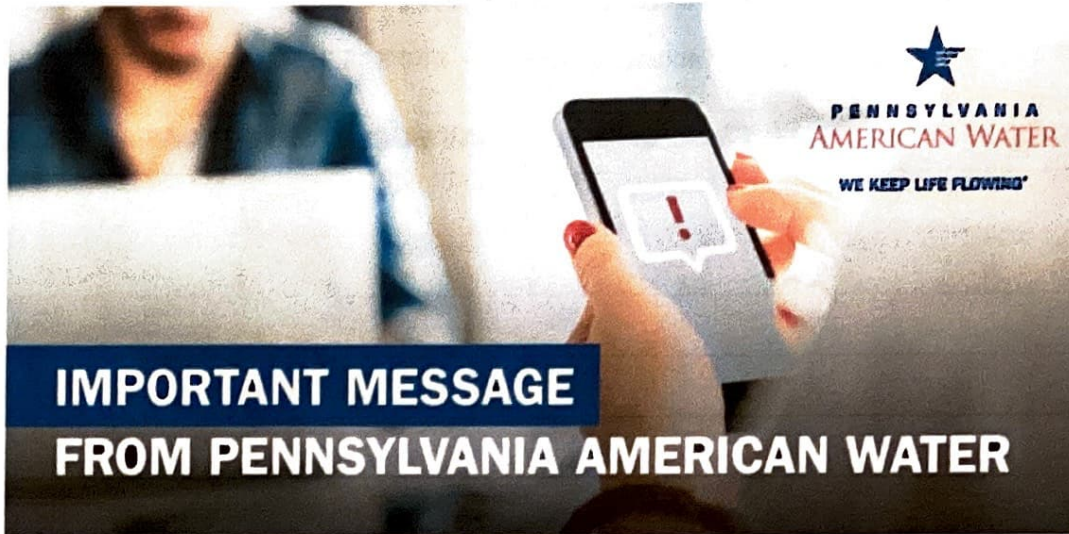
SIGN UP TO RECEIVE ALERTS

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Version: 1.0.15773.01



Ex. B2

**EX. B-3**  
From: **Pennsylvania American Water Customer Service** [noreply@onsolvealerts.amwater.com](mailto:noreply@onsolvealerts.amwater.com)  
Subject: **Nanticoke: Emergency Repairs: Locust Street**  
Date: **Jan 14, 2023 at 11:40:21 AM**  
To: **riddlemansdadd@yahoo.com**



Dear Customer,

This is an urgent notification from Pennsylvania American Water. Our crews are making emergency repairs due to a water main break beginning at 11:00 AM in Nanticoke and surrounding municipalities. You reside in the affected area and may experience discolored or cloudy water, low water pressure, or no water. Repairs are expected to take approximately 10 hours to complete.

When water service is restored, customers may experience discolored water. If your water is discolored, run the cold water taps only, at the lowest level of the house for about 3 to 5 minutes until the water runs clear. You will not receive any further notification unless additional action is required or conditions change.

If you are a landlord and water service is in your name, please inform your tenants so they are aware of this impact to their water service. In keeping with American Water's focus on safety for both customers and employees, please do not approach our crews while they work. For more information or to see a map of the affected area please go to <https://amwater.com/paaw/alerts>.

We apologize for any inconvenience and appreciate your patience and understanding as we work to resolve the issue.

Esto es un aviso importante sobre su servicio de agua y/o alcantarilla. Para asistencia en Español, por favor llame Pennsylvania American Water al [1-800-565-7292](tel:1-800-565-7292).

Ex.

C-1





Ex. C-2

Ex D

Close Window

**§ 69.1603. Other associated actions.**

(a) Water utilities need to make reasonable efforts to ensure that adequate quantities of alternative supplies of water essential for domestic use are made available in a sufficient number of conspicuous and predetermined locations relative to the number of ratepayers/occupants affected by the incident. This includes the use of water tankers or free bottled water, or both. Utilities should ensure that ratepayers/occupants are adequately notified of the times available and locations of alternative water supplies. When bottled water is used, utilities should have plans in place, based on prior coordination with local vendors, to have adequate supplies to last for the duration of the outage. The Commission encourages utilities to work proactively with community-based organizations that would have readily available information on the location and special needs of affected elderly or homebound ratepayers/occupants in the area.

(b) Notice should be made to Commission personnel as soon as possible upon a utility becoming aware of an unscheduled service interruption. It should be noted that § 67.1(c) (relating to general provisions) already directs utilities to contact the Commission within 1 hour following preliminary assessment of conditions. Furthermore, jurisdictional utilities should maintain lists of appropriate Commission contact personnel, including current after-hour contact numbers.

**Source**

The provisions of this § 69.1603 adopted December 15, 2006, effective December 16, 2006, 36 Pa.B. 7624.

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Ex E-1

From: Whirlpool noreply@whirlpool.com  
Subject: Thanks for shopping Whirlpool.com  
Date: Jan 16, 2023 at 1:23:34 PM  
To: ROBERT riddlemansdadd@yahoo.com



[Your Account](#) | [Whirlpool.com](#) | [Contact Us](#)

## CONFIRMATION OF YOUR ORDER

ROBERT, thank you for shopping [Whirlpool.com](#)! We will keep you updated on the status of your order via email, or you can view your order status online.

Order Number: **0670575407**

### EARLIEST ESTIMATED DELIVERY DATE

**Monday, January 23**

[Track My Order](#)



**Everydrop® Refrigerator Water Filter 1 -  
EDR1RXD1 (Pack Of 2)**

Model: EDR1RXD2P

Color: 2 Pack

Quantity: 1

Subscription Frequency:  
12 Months (Recommended)

**MSRP \$107.98**

Adjust how often you receive your orders and reschedule or cancel upcoming orders in your My Account section.

### Order Summary

MSRP

**\$107.98**

Please note that new Connecticut county level geographies are not available within the map.

An official website of the United States government



QuickFacts

Nanticoke city, Pennsylvania

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Table

All Topics		Nanticoke city, Pennsylvania
Population estimates base, April 1, 2020, (V2022)		NA
<b>PEOPLE</b>		
<b>Population</b>		
Population Estimates, July 1, 2022, (V2022)		NA
Population Estimates, July 1, 2021, (V2021)		10,603
Population estimates base, April 1, 2020, (V2022)		NA
Population estimates base, April 1, 2020, (V2021)		10,619
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)		NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)		-0.2%
Population, Census, April 1, 2020		10,628
Population, Census, April 1, 2010		10,465
<b>Age and Sex</b>		
Persons under 5 years, percent		4.6%
Persons under 18 years, percent		20.9%
Persons 65 years and over, percent	OVER 65	18.9% 2,003
Female persons, percent		50.3%
<b>Race and Hispanic Origin</b>		
White alone, percent		85.1%
Black or African American alone, percent (a)		5.3%
American Indian and Alaska Native alone, percent (a)		0.1%
Asian alone, percent (a)		0.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)		0.1%
Two or More Races, percent		5.7%
Hispanic or Latino, percent (b)		9.9%
White alone, not Hispanic or Latino, percent		83.1%
<b>Population Characteristics</b>		
Veterans, 2017-2021		821
Foreign born persons, percent, 2017-2021		3.1%
<b>Housing</b>		
Housing units, July 1, 2021, (V2021)		X
Owner-occupied housing unit rate, 2017-2021		59.6%
Median value of owner-occupied housing units, 2017-2021		\$84,600
Median selected monthly owner costs -with a mortgage, 2017-2021		\$1,027
Median selected monthly owner costs -without a mortgage, 2017-2021		\$426
Median gross rent, 2017-2021		\$699
Building permits, 2021		X
<b>Families &amp; Living Arrangements</b>		
Households, 2017-2021		4,461
Persons per household, 2017-2021		2.34
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021		86.5%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021		8.1%
<b>Computer and Internet Use</b>		
Households with a computer, percent, 2017-2021		82.8%

Households with a broadband Internet subscription, percent, 2017-2021	76.5%
<b>Education</b>	
High school graduate or higher, percent of persons age 25 years+, 2017-2021	85.8%
Bachelor's degree or higher, percent of persons age 25 years+, 2017-2021	20.3%
<b>Health</b>	
With a disability, under age 65 years, percent, 2017-2021	16.3% 16.3%
Persons without health insurance, under age 65 years, percent	4.5% 1730
<b>Economy</b>	
In civilian labor force, total, percent of population age 16 years+, 2017-2021	58.2%
In civilian labor force, female, percent of population age 16 years+, 2017-2021	54.4%
Total accommodation and food services sales, 2017 (\$1,000) (c)	5,906
Total health care and social assistance receipts/revenue, 2017 (\$1,000) (c)	36,269
Total transportation and warehousing receipts/revenue, 2017 (\$1,000) (c)	NA
Total retail sales, 2017 (\$1,000) (c)	53,351
Total retail sales per capita, 2017 (c)	\$5,179
<b>Transportation</b>	
Mean travel time to work (minutes), workers age 16 years+, 2017-2021	22.8
<b>Income &amp; Poverty</b>	
Median household income (in 2021 dollars), 2017-2021	\$49,937
Per capita income in past 12 months (in 2021 dollars), 2017-2021	\$26,563
Persons in poverty, percent	17.4%

## BUSINESSES

<b>Businesses</b>	
Total employer establishments, 2021	X
Total employment, 2021	
Total annual payroll, 2021 (\$1,000)	
Total employment, percent change, 2020-2021	
Total nonemployer establishments, 2019	
All employer firms, Reference year 2017	S
Men-owned employer firms, Reference year 2017	S
Women-owned employer firms, Reference year 2017	S
Minority-owned employer firms, Reference year 2017	S
Nonminority-owned employer firms, Reference year 2017	S
Veteran-owned employer firms, Reference year 2017	S
Nonveteran-owned employer firms, Reference year 2017	S

Is this page helpful?  X

Yes  No

## GEOGRAPHY

<b>Geography</b>	
Population per square mile, 2020	3,074.3
Population per square mile, 2010	3,028.0
Land area in square miles, 2020	3.46
Land area in square miles, 2010	3.46
FIPS Code	4252584

Population of ~~unstable~~ customers that needed assistance. 3,733

Close Window

# CHAPTER 67. SERVICE OUTAGES

Sec.

## 67.1. General provisions.

### Authority

The provisions of this Chapter 67 issued under sections 901, 905 and 401 of the Public Utility Law (66 P. S. § § 1341, 1345 and 1171), unless otherwise noted.

### Source

The provisions of this Chapter 67 adopted March 12, 1976, effective March 13, 1976, 6 Pa.B. 452, unless otherwise noted.

### Cross References

This chapter cited in 52 Pa. Code § 65.5 (relating to interruptions of service).

## § 67.1. General provisions.

- (a) Electric, gas, water, steam and telephone utilities holding certificates of public convenience under 66 Pa.C.S. § § 1101 and 1102 (relating to organization of public utilities and beginning of service; and enumeration of acts requiring certificate) shall adopt the following steps to notify the Commission with regard to unscheduled service interruptions.
- (b) All electric, gas, water, steam and telephone utilities shall notify the Commission when 2,500 or 5.0%, whichever is less, of their total customers have an unscheduled service interruption in a single event for 6 or more projected consecutive hours. Steam utilities with fewer than 50 customers shall provide notice when 10% of total customers experience an interruption. A service outage report shall be filed with the Commission within 10 working days after the total restoration of service. Where storm conditions cause multiple reportable interruptions as defined by this section, a single composite

service outage report shall be filed for the event. Each report must contain the following information:

- (1) The approximate number of customers interrupted during the event.
- (2) The approximate number of trouble cases for each county affected during the event. Trouble cases are non-outage cases such as primary and secondary line-down calls and emergency calls.
- (3) The approximate number of outage cases for each county affected during the event.
- (4) The number of outage cases exceeding 6 or more hours in duration.
- (5) A listing of each outage case exceeding 6 or more hours in duration, including the following:
  - (i) Approximate geographic location (county, city, municipality or township).
  - (ii) Total number of customers affected.
  - (iii) Duration of the outage.
  - (iv) Initial date and time of the outage.
  - (v) Restoration time and date.
- (6) The reason for the interruption.
- (7) The projected time for service restoration of the event.
- (8) A listing of the number of utility workers assigned specifically to the repair work by general function, that is linemen, troublemen, tree crew, and the like.
- (9) A listing of the number of contract workers assigned specifically to the repair work by company and by general function, that is linemen, troublemen, tree crew, and the like.
- (10) A listing of the number of workers received as mutual aid by company and by general function, that is linemen, troublemen, tree crew, and the like.
- (11) The date and time of the first information of a service interruption.
- (12) The date and time that repair crews were assembled.
- (13) The actual time that service was restored to the last affected customer.
- (14) A general description of the physical damage sustained by the utility facilities as a

result of the event. The description must include facilities replaced due to damage and a listing of the number of poles, transformers, spans of wire, pipes or valves replaced.

(15) For weather-related events, the utility's weather reports, outlooks or scenarios for the day before and the day of the interruption event.

(16) For all interruption events that caused outages to more than 10% of customers in the utility's service territory, and to the best of the utility's ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events.

(c) In addition to the requirements of subsection (b), the utility shall notify the Commission by telephone within 1 hour after preliminary assessment of conditions reasonably indicates that the criteria listed in subsection (b) may be applicable. Subsection (b)(1), (3), (6) and (7) shall be used as guidelines for the telephone report. The Commission will maintain telephone lines for this purpose and will notify each utility of the numbers to be called. Blank outage reporting forms are available for download on the Commission's web site.

(d) The Commission will implement a plan to govern its internal operations in receiving notification of service interruptions, in investigating such interruptions, and in assisting the customers of the utility, the utility and Commonwealth agencies in restoring service.

(e) All electric, gas, water, steam and telephone utilities shall list in the local telephone directories of their service areas, and on their web sites, a telephone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations.

(f) As defined in subsection (b), the service outage report must contain the required information except for the following utilities:

(1) Gas and steam utilities are not required to submit the information under subsection (b)(2), (5), (14), (15) and (16).

(2) Water utilities are not required to submit the information under subsection (b)(2), (15) and (16).

(3) Telephone utilities are not required to submit the information under subsection (b)(2), (4), (5), (8), (9), (10), (12), (14), (15) and (16). Alternatively, in lieu of the service outage report required under subsection (b), telephone utilities may file a comparable outage report required by the Federal Communications Commission as long as the comparable report, at a minimum, contains the following information:

- (i) The name of the reporting entity.
- (ii) The reason for the interruption.
- (iii) The date and time of the first information of a service interruption.
- (iv) The approximate number of customers interrupted.
- (v) The geographic area affected by the interruption.
- (vi) The actual time that service was restored to the last affected customer.
- (g) The reporting under this chapter is not limited to the requirements in this section and does not limit requests for additional information.

#### **Authority**

The provisions of this § 67.1 amended under the Public Utility Code, 66 Pa.C.S. § § 331, 501, 1501 and 1504.

#### **Source**

The provisions of this § 67.1 amended December 14, 1984, effective December 15, 1984, 14 Pa.B. 4511; amended January 6, 2012, effective January 7, 2012, 42 Pa.B. 9; corrected September 21, 2012, effective January 7, 2012, 42 Pa.B. 5969; amended December 1, 2017, effective December 2, 2017, 47 Pa.B. 7314. Immediately preceding text appears at serial pages (363661) to (363662) and (371695).

#### **Cross References**

This section cited in 52 Pa. Code § 57.52 (relating to emergency load control and energy conservation by electric utilities); 52 Pa. Code § 69.1603 (relating to other associated actions); and 52 Pa. Code § 69.1903 (relating to preparation and response measures).

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Close Window**§ 56.71. Interruption of service.**

A public utility may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency.

(1) *Interruption with prior notice.* When the public utility knows in advance of the circumstances requiring the service interruption, prior notice of the cause and expected duration of the interruption shall be given to customers and occupants who may be affected.

(2) *Interruption without prior notice.* When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to customers and occupants who may be affected.

(3) *Notification procedures.* When customers and occupants are to be notified under this section, the public utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected customers and occupants of the cause and expected duration of the interruption.

(4) *Permissible duration.* Service may be interrupted for only the periods of time as are necessary to protect the health and safety of the public, to protect property or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

**Authority**

The provisions of this § 56.71 amended under the Public Utility Code, 66 Pa.C.S. § § 331, 501, 504, 1301, 1305, 1401—1419, 1501 and 1504.

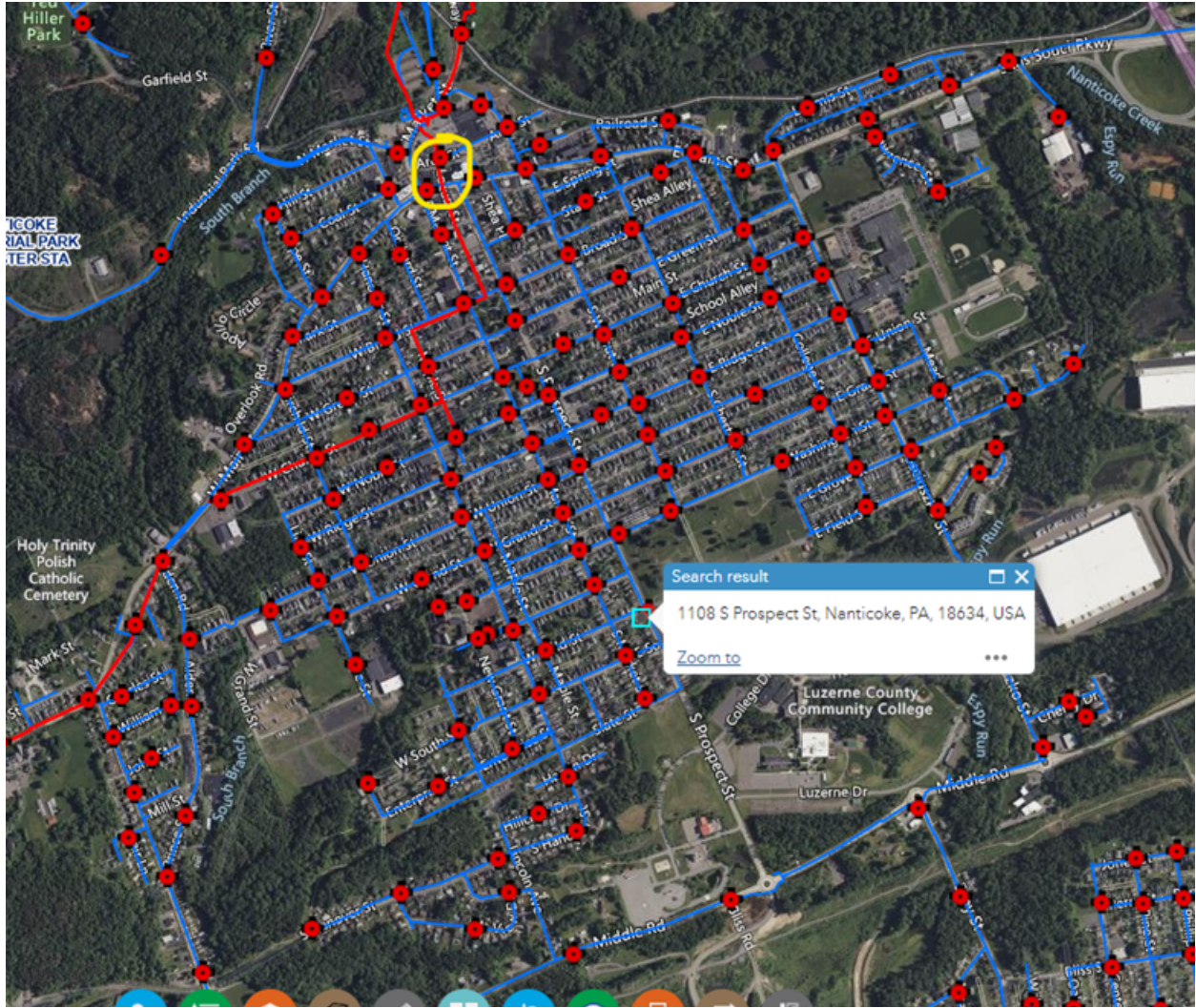
**Source**

The provisions of this § 56.71 adopted June 16, 1978, effective June 17, 1978, 8 Pa.B. 1655; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1250; amended October 7, 2011, effective October 8, 2011, 41 Pa.B. 5473. Immediately preceding text appears at serial page (324550).

**Cross References**

This section cited in 52 Pa. Code § 56.93 (relating to personal contact); 52 Pa. Code § 65.5 (relating to interruptions of service); and 52 Pa. Code § 69.1601 (relating to general).

PAWC EXHIBIT 1



## Closed Case

<b>BSC Case #:</b>	<b>3884310</b>	<b>Date Case Closed:</b>	<b>02/07/2023</b>
<b>BCS Investigator:</b>	<b>JULIE CARLIN</b>	<b>Account Number:</b>	<b>1024210033418859</b>
<b>Customer Name:</b>	<b>ROBERT KOCHER</b>	<b>Address:</b>	<b>1108 S PROSPECT ST ,NANTICOKE PA 18634-3807</b>
<b>Decision Issue:</b>	<b>N</b>	<b>Violation:</b>	<b>NO</b>
<b>Oral/Written:</b>	<b>W</b>		
<b>Chapter:</b>		<b>Section Rule:</b>	
<b>Total Balance:</b>	<b>158.39</b>	<b>Balance Date:</b>	<b>02/03/2023</b>
<b>Resolution:</b>	DISMISSAL LETTER E-MAILED TO CUSTOMER. AT THE INFORMAL COMPLAINT LEVEL THE PUC HAS LIMITED REGULATORY AUTHORITY OVER SERVICE-RELATED MATTERS. THE PUC DOES NOT HAVE THE AUTHORITY TO AWARD DAMAGES. THE COMPANY REPORTS ON JANUARY 14, 2023 AT APPROXIMATELY 4:30 AM THE COMPANY EXPERIENCED A MAIN BREAK ON LOCUST ST BETWEEN E BROAD ST AND E SPRING ST. THE COMPANY ATTEMPTS TO PROVIDE NOTIFICATION OF EMERGENCY TEMPORARY OUTAGES TO CUSTOMERS AS QUICKLY AS POSSIBLE. ON JANUARY 14, 2023 AT APPROXIMATELY 11:30 AM THE COMPANY ISSUED AN EMERGENCY ALERT TO CUSTOMERS. THE COMPANY REPORTS THAT THE REPAIRS WERE MADE AND SERVICE WAS RESTORED ON JANUARY 14, 2023 AT 9 PM. THE COMPANY HAS NO RECORD THAT THE CUSTOMER CONTACTED THEM REGARDING HIS DISPUTES PRIOR TO FILING THIS COMPLAINT WITH THE PUC.		
<b>Serv. Cont. Amount:</b>	<b>0.00</b>	<b>Serv. Cont. Date:</b>	
<b>Service Restored Pay:</b>	<b>0.00</b>	<b>Terms:</b>	
<b>Special Budget Amount:</b>	<b>0.00</b>	<b>Regular Budget Amount:</b>	<b>0.00</b>
<b>Arrears Payment Plus:</b>	<b>0.00</b>	<b>Final Monthly Payment:</b>	<b>0.00</b>
<b>Current Monthly Payment:</b>	<b>0.00</b>	<b>End Monthly Payment:</b>	<b>0.00</b>
<b>Letter Description:</b>	<b>SHORT BLANK LETTER</b>		
<b>PAR Description:</b>			
<b>Head Date:</b>	<b>02/07/2023</b>	<b>Bill Date:</b>	

Reconnect Amount:	0.00	Pay Amount:	0.00
Archived:	No		