

June 7, 2023

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc  
Motion of Aqua for Judgement on the Pleadings**

Dear Secretary Chiavetta:

Attached for filing is the Motion of Aqua Pennsylvania, Inc. for Judgement on the Pleadings (Motion) in the above-captioned proceeding.

A copy of the enclosed Motion has been forwarded to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris, Esquire

MAM/co  
Enclosures

cc: The Hon. Darlene Heep, PA Public Utility Commission [w/encls.]  
Mary McFall Hopper, Esquire, Aqua Pennsylvania, Inc. [w/encls.]  
Michael Hillman [w/encls.]

**Re: Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc  
Motion of Aqua for Judgement on the Pleadings**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

**Via First Class Mail**

Michael Hillman  
P.O. Box 27757  
Philadelphia, PA 19118-0757

Dated: June 7, 2023

  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HILLMAN	:	
	:	Docket No. C-2023-3038201
v.	:	
	:	
AQUA PENNSYLVANIA, INC.	:	

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.102, you are hereby notified that if you do not file a written response answering the enclosed Motion for Judgement on the Pleadings of Aqua Pennsylvania, Inc. **within seven (7) days** from service of this Notice, the facts set forth by Aqua Pennsylvania, Inc. in the Motion may be deemed to be true, whereby requiring no other proof. All pleadings, such as an Answer to the Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with an electronic copy served to counsel for Aqua Pennsylvania, Inc., Margaret A. Morris, Esq., and to the Honorable Darlene Heep, the Presiding Officer in the above-captioned proceeding.

**File by Mail or e-filing with:**

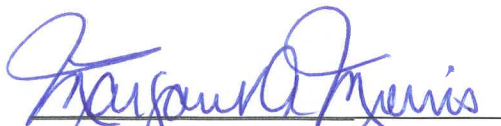
Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

The Hon. Darlene Heep  
c/o [sdelvillar@pa.gov](mailto:sdelvillar@pa.gov)

Date: June 7, 2023



Margaret A. Morris, Esquire  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (tel.)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Aqua Pennsylvania, Inc.*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL HILLMAN	:	
	:	
v.	:	Docket No. C-2023-3038201
	:	
AQUA PENNSYLVANIA, INC.	:	

**MOTION OF AQUA PENNSYLVANIA, INC.  
FOR JUDGMENT ON THE PLEADINGS**

Pursuant to the Order of the Honorable Darlene Heep, dated May 30, 2023, (*Order*) and Commission regulations at 52 Pa. Code § 5.102, Aqua Pennsylvania, Inc. (Company or Aqua), by and through its attorneys, Reger Rizzo & Darnall LLP, hereby submits its Motion for Judgment on the Pleadings to the Formal Complaint (2023 Formal) filed by Michael Hillman (Complainant) in the above-referenced proceeding. Aqua avers and represents as follows:

**I. Relevant Procedural History**

1. On February 21, 2020, the Complainant filed a Formal Complaint against Aqua at Docket No. F-2020-3019026, alleging there was foreign load “*dating back to 2015*” (2020 Formal). A copy of the 2020 Formal Complaint is provided as Attachment 1.

2. On March 24, 2020, Aqua filed its Answer and New Matter admitting the foreign load issue was timely investigated and verified that no foreign load existed noting the radiator that the Complainant alleged was tied to his water meter was permanently disconnected.

3. On December 2, 2020, the Initial Decision of the Honorable Christopher Pell (Judge Pell) was issued dismissing the 2020 Formal *with prejudice* because the Complainant obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest,

abandoned his hearing, and consequently failed to meet his burden of proof. A copy of the Initial Decision is provided as Attachment 2.

4. No exceptions were filed to the Initial Decision. A Final Order was entered January 27, 2021. No appeal was filed with the Commonwealth Court. A copy of the Final Order is provided as Attachment 3.

5. On February 9, 2023, Aqua was served the 2023 Formal at Docket No. C-2023-3038201 filed by the Complainant disputing billed charges arguing the foreign load situation continues to exist. The Complainant seeks a “*federal jury trial*” as his requested relief. A copy of the 2023 Formal is provided as Attachment 4.

6. On March 1, 2023, Aqua filed an Answer and New Matter specifically denying the Complainant’s recitation of facts and timeline of events as it relates to the water service provided. In its New Matter, Aqua avers that any dispute regarding the financial responsibilities of the Complainant and the owner/landlord is a matter to be resolved in the Court of Common Pleas and is outside the Commission’s jurisdiction.

7. The Complainant filed a Response to the New Matter on March 23, 2023 arguing that the foreign load issue was not timely addressed or corrected and that the 2020 Formal was “judged in error.” The Complainant averred that the Commission “*lacks jurisdiction to conduct a federal jury trial hearing. But this is the requested relief, sought here.*” A copy of the Response to New Matter is provided as Attachment 5.

8. By Notice, dated March 30, 2023, an Initial Call-in Telephonic Hearing was scheduled for Tuesday, May 16, 2023, before the Honorable Darlene Heep (Judge Heep).

9. On May 1, 2023, the Complainant filed a document labeled “Argument” stating “*this case is on-going...the actual facts are beyond the PUC’s jurisdiction.*” A copy of the “Argument” is provided as Attachment 6.

10. On May 8, 2023, the Complainant submitted Proposed Exhibits A and B. Proposed Exhibit A is a copy of the Utility Report, dated May 2, 2019, issued by Aqua addressing the foreign load issue. Proposed Exhibit B is the Utility Report, dated December 27, 2022, issued by PECO Energy Company, the Complainant’s provider of electric and gas services. A copy of the Complainant’s Proposed Exhibits A and B is provided as Attachment 7.

11. The hearing convened as scheduled on May 16, 2023. The Complainant appeared *pro se*, alleging that he had not received Aqua’s Proposed Hearing Exhibits, and requested that the matter be rescheduled so that the parties could convene in-person.

12. In accordance with the Commission's regulations and well-established precedent, Aqua files the instant Motion for Judgment on the Pleadings because there is no genuine issue of material fact in dispute. A hearing is not necessary; the sole issue is a legal one. The 2023 Formal attempts to litigate the issues that were dismissed with prejudice in the 2020 Formal. The 2023 Formal is also barred, without exception, by the three-year statute of limitations under Section 3314(a) of the Code.<sup>1</sup> Aqua is entitled to judgment as a matter of law.

## **II. Legal Standard**

13. In accordance with the Commission’s regulations, after the pleadings are closed but within such time as to not delay a hearing, a party may move for judgment on the pleadings. 52 Pa. Code § 5.102(a).

---

<sup>1</sup> 66 Pa.C.S. § 3314(a).

14. A presiding officer should grant a motion for judgment on the pleadings “if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled to judgment as a matter of law.” 52 Pa. Code § 5.102 (d)(1). *Hammerstein v. Lindsay, M.D.*, 655 A.2d 597 (Pa. Super. 1995).

15. When deciding whether a motion for judgment on the pleadings should be granted the court must examine the record in the light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved in favor of the non-moving party. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

16. The Commission’s regulations related to a motion for judgment on the pleadings serves judicial economy where no factual dispute exists. If no factual dispute exists, a hearing is wholly unnecessary. 66 Pa.C.S. § 703(b). *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 557 (Pa. Cmwlt. 1989).

17. Section 5.102 of the Commission regulations provides for the granting of a motion where there is no genuine issue as to a material fact and Respondent is entitled to a judgment as a matter of law. 52 Pa. Code § 5.102.

18. The Commission has discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest. 66 Pa.C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve the disputed questions of fact, and when the question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm’n.*, 563 A.2d 548 (Pa. Cmwlt. 1989); *Edan Transportation Corp. v. Pa. Pub. Util. Comm’n.*, 623 A.2d 6 (Pa. Cmwlt. 1993).

**A. The allegations raised in the 2023 Formal were dismissed with prejudice and the Complainant cannot raise those same issues in the 2023 Formal.**

19. In the 2020 Formal, the Complainant alleged the same issue as alleged in the 2023 Formal. The 2020 Formal was dismissed with prejudice for failure to carry his burden of proof by choosing not to participate in the evidentiary hearing before Judge Pell. Section 316 of the Code<sup>2</sup> prevent collateral attacks upon Commission orders:

Whenever the commission shall make any rule, finding, determination or order, the same shall be *prima facie* evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside or modified on judicial review.

20. It is clear that the 2023 Formal raises the same as the 2020 Formal. Commission precedent supports the dismissal of the allegations regarding the issue of foreign load. *Pearce Yost v Pennsylvania Electric Company*, Docket No. C-2017-2633652, Final Order entered June 14, 2018.

**B. The Code and Commission precedent unequivocally hold that the 2023 Complaint is barred by the applicable limitation on actions**

23. The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Code. *Shedlosky v. Pennsylvania Electric Company*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

24. The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super 1945).

25. Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

---

<sup>2</sup> 66 Pa. C.S. § 316.

26. Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa.Cmwlth. 1992), alloc. denied 637 A.2d 293 (Pa. 1993).

27. Section 3314(a) of the Code provides as follows:

No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefore arose, except as otherwise provided in this part.

66 Pa.C.S. § 3314(a).

28. A statute of limitations is non-waivable if the time limitation contained in it terminates not just the remedy but the actual right to bring the action. *Reuben v. O'Brien*, 445 A.2d 801 (Pa.Super. 1982).

29. The statute of limitations at 66 Pa.C.S. § 3314 is non-waivable since it terminates the right to bring an action before the Commission as well as any remedy the Commission may order.

30. Complaints must be filed within three years from the date that the liability arose. 66 Pa.C.S. § 3314(a); *Duquesne Light Co. v. Pa. P.U.C.*, 611 A.2d 370 (Pa.Cmwlth. 1992).

31. Section 3314 of the Code divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose. 66 Pa.C.S. § 3314(a).

32. Applying the three-year statute of limitations at 66 Pa.C.S. § 3314 to this case, the Complainant was present when Aqua investigated the allegation of the foreign on April 22, 2019. The 2023 Formal was filed with the Commission on February 2, 2023, alleging the foreign load still existed. The three-year statute of limitations therefore bars any claim that arose prior to April 22, 2022.

33. Since the three-year statute of limitations at 66 Pa.C.S. § 3314 bars the Complainant from continuing any prosecution against the Respondent for events that occurred prior to April 22, 2022, the claims in the 2023 Complaint that occurred before that date are barred.

**IV. The requested relief is not available.**

34. The Complainant requests a “*federal jury trial hearing to resolve this matter.*”

35. The Commission lacks jurisdiction to conduct “a federal jury trial.”

**V. Conclusion**

36. Section 3314 of the Code divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose. 66 Pa.C.S. § 3314(a). The requested relief cannot be granted. A hearing is not necessary; judgement on the pleadings is appropriate.

37. The public interest does not require a hearing in this case. A hearing on the sole legal issue would be a fruitless exercise and therefore not necessary or in the public interest.

**WHEREFORE**, Respondent, Aqua Pennsylvania, Inc., requests that the Honorable Darlene D. Heep and the Commission grant this Motion for Judgment on the Pleadings and dismiss, with prejudice, the 2023 Formal Complaint of Michael Hillman against Aqua Pennsylvania, Inc., in its entirety, without a hearing.

Respectfully submitted,



Date: June 7, 2023

Margaret A. Morris, Esq.  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 tel.  
(215) 495-6600 fax  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Aqua Pennsylvania, Inc.*

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 1

2020 Formal Complaint

**SENT VIA  
CERTIFIED MAIL**

Hillman Timely  
BCS: 3699586

AQUA PENNSYLVANIA

Must be returned by MARCH 16, 2020

**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.*

RECEIVED

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

FEB 21 2020

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**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 Mr. Michael Hillman

Street (P.O. Box) 27757 Apt # \_\_\_\_\_

City Philadelphia, State PA Zip 19118-0757

County Philadelphia

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

484 494 4285 (home) ( ) (mobile)

E-mail Address (optional): \_\_\_\_\_

Utility Account Number (from your bill) 002243894 0061198

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 \_\_\_\_\_ (They have it listed Apt-A or 1F)

Street/P.O. Box 301 Lincoln Avenue FL-1 Front

City Collingdale, State PA Zip 19023

**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.

Aqua Pennsylvania, Inc.

① Hillman

3. Type of Utility Service

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

- ELECTRIC
- WASTEWATER/SEWER
- GAS
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- WATER
- MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

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.

To Add: Attached is a copy of my complaint to The Borough Hall, Utility Co (Report) and PUC.

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.

To Add: There was a violation discovered, so that should have warranted an inspection of the entire system (property) (CODE ENFORCED).

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) This is a foreign load issue, dating back to 2015. The current service and billing are part of the ② complaint.

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.

- Ⓐ There was a consistent, collective, effort to ignore my complaint; until they were forced to acknowledge part of it (at the least)!
- Ⓑ There was a collective effort to force me through an informal complaint procedure!
- Ⓒ The responsible parties (with the same systematically corrupt effort) purposely refuse to investigate any further!
- Ⓓ So, when the Borough's Plumbing Inspector decides to come out of hiding or from behind a cover-up; then these issues may begin to get the proper attention!

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.

- Ⓔ It has been a year now, how much more of this "stalling" will be permitted?? Hillman

Hillman

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order 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 for your personal safety or welfare?

YES

NO

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

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

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.

Hillman

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

To Add: I have exhausted my attempts - Hillman  
to work with the Utility Company,  
long ago.

**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, if known. 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 (if known) \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

Hillman

9. Verification and Signature

Hillman

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must sign and date** this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

I, Mr. Michael Hillman, hereby state that the facts above set forth are true and correct (or 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).

Mr. Michael Hillman  
(Signature of Complainant)

February 19, 2020  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. Two Ways to File Your Formal Complaint

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

Note: **Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Hillman

SENT VIA CERTIFIED MAIL

February 8, 2019

Mr. M. Hillman  
P.O.Box 27757  
Philadelphia, P.A. 19118  
(484) 494-4285

Ms. Olivia J. Hawkins  
762 W. Lancaster Avenue  
Bryn Mawr, PA. 19010  
(610) 525-1400 x51152

RE: AQUA.....002243894 0061198

To: Ms. Olivia J. Hawkins

Firstly, I have enclosed a copy of my statement, sent to the Borough Hall, in regards to Utility Usage Issues. The report explains, most of my concerns and how the landlord has been taking advantage of us. Evidently, the common area utilities (plus), are set-up to feed off our utility source. So, from this perspective, I am very confident in knowledge of the PA. Codes/Laws.

Therefore, I ask (In your position as an Aqua Employee), how will you assist in resolving this issue? My contact information is in the upper-right-hand-corner of this page. You are much welcomed, to call, however I would appreciate a written response. (address above) Thank you.

*Respectfully Submitted,*

Mr. M. Hillman

*P.S.* I stopped by your office, a few weeks ago, to ask for a business card.

**SENT VIA CERTIFIED MAIL**

February 8, 2019

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, Pa 19118  
(484) 494-4285

Mr. John Hewlings  
Borough Manager  
800 Macdade Boulevard  
Collingdale, Pa 19024  
(610) 586-0500

RE: 301 Lincoln Avenue FL-1 (Front), Collingdale, Pa. 19023 .....Landlord is Mr. Eric Kemp

To: Mr. Hewlings

To Begin With, we are residents of Collingdale and for several years remain an issue in question, regarding the Utility Bills/Usage. The information received from the landlord is not straight-forward, nor reasonable. When we are dealing with the utility companies for service calls, the basement is locked and we must try to reach the landlord. Then, the basement is labeled "off-limits", as if there is something to hide from us.

By Description, we live on the 1<sup>st</sup> floor of the building and inside the main entrance are two hallway areas. The 2<sup>nd</sup> hallway consist of the basement door and a flight of stairs to the 2<sup>nd</sup> floor, where three other units are located. There is another entrance to our apt. on Andrews Avenue, next to the unit at the rear. The address labeling lacks distinction and there is constant confusion, where AQUA labels with letters, P.E.C.O labels with numbers and so on.

For Instance, on November 29, 2018 an Aqua Employee shuts-off the water, by supposedly, mistaking our apt. for unit-c upstairs. We just happened to be home, in order to correct this. So, he then marked these two shut-off valves on the curb F & C. How is the water system hooked-up.....from the street.....to the meter.....to appliances.....to apt units? Why is there a mix-up in determining each unit's shut-off valve, at the curb? Also, on December 4, 2018 another employee (Mr. John Lilly) attempts to match-up the remaining 3 valves with each apt (as if Aqua does not have a viable means on record) and he inspected the routing of pipes in the basement. I managed to step down into the basement for a brief moment, while he was inspecting the system. The landlord insisted that I return upstairs, "Mr. Hillman might get hurt", he says. What does he mean by that? The pipes down there are hooked-up like a maze. The aforementioned employee wrote down Mr. Kemp's phone number and ours; he wanted the landlord to contact the other tenants, in order to complete the labeling, of the 3 remaining valve covers. To date, they have not been verified or marked, in order to eliminate further confusion.

**CONTINUED**

TO: Mr. Hewlings

FROM: Mr. Hillman

February 8, 2019

Next, there is a point in question, regarding Electric Power. On the evening of October 25, 2018 there was a power interruption in our unit. The common areas were coincidentally affected, as well. The lighting fixtures (one above the main entrance exterior), (one inside each hall area, including upstairs), were all pitch black. Our phone service inside the apt. went completely dead; not to mention, the basement lighting. All of the above, are all "rigged-up" together, improperly and could create hazardous conditions. We contacted the landlord, and he says, "It is just a breaker". He restores power later that evening.

In Conjunction, on December 10, 2018 the same loss of power occurs again,(pitch-black )and our phone is completely dead, all day. So, we called the landlord to restore power and asked, did he find the problem? "Yes, it was a neutral wire and your phone should be on," he said. I then replied, that we need our power/phone on in case of emergencies.....It should not be tied-up together. A short-time later, that evening we receive a phone call regarding a death in the family. This is quite striking, (to learn of a death in the family and phone service cut-off all day), would you say so? Not to mention, on January 4, 2019 the power interruption occurs again. We contact the landlord yet again, to restore power.

Therefore, we express displeasure in our utility service being tied-in with common areas. The radiator inside of the 2<sup>nd</sup> hallway (common area) is connected to our apts. heating system. This radiator gets "piping hot", for the tenants upstairs. We consider this one to be the warmest on our system. The radiator on our porch gets "lukewarm", and scarcely operates.....6 months out of the year, the porch is too cold, (un-inhabitable). So, we are paying to warm the upstairs tenants, an area that we never use. When our shower is in use, we hear other tenants turn on their water, and the water pressure "drops".

In Other Words, there is a Safety Concern and a Foreign Load Issue on our billing, without consent. The Heating Issue would include Gas, Electric (to an extent) and Water. The Main Electrical Panel Box. And the Water meter should be accessible, without restriction, in case of emergencies.

To Reiterate, the landlord refuses to allow us to enter the basement. When there is a service call, we must wait on him, who then says, "I do not want Mr. Hillman to get hurt, down here". Yet, the tenant (lady) upstairs has a key; her friends have access, as well.

For an example, on January 2, 2019 an Aqua van shows up at the property. The aforementioned employee supposedly restored water service to unit-c.. There was no need for the landlord to be there for them to gain access to the basement.

Coincidentally, I just happen to be in the business of Building Inspection, and home is an Ideal place. I have talked with Borough/City Managers through-out the years; noticing that some may not possess an inspectors (hands-on) knowledge. If at all possible, I may assist in expediting the time and effort. The question is, how many apt. units are on record for the address? The initial follow-up would be to count the meters, which will take less than 15 minutes. The gas meters are on the left side of the building.....electric meters on the right side.....with water meters in the basement. If there are 5 units; there should be 6 meters, according to our knowledge, (Ultimate-Bottom-Line). Possibly behind that, a further inspection of the units individual utility service, "hook-up". I have also enclosed a diagram of the water shut-off valves (at the curbside), to assist in eliminating confusion.

CONTINUED

TO: Mr. Hewlings

FROM: Mr. Hillman

February 8, 2019

In Conclusion, we were recently overwhelmed due to death-in-the-family. The borough inspector was scheduled to check-out the smoke detectors, on December 13, 2018; although we were allowed, to postpone until he returns. The prior smoke alarm inspection was on October 17, 2017: when we asked the inspector for his business card. He replied, "I will give one to Eric (landlord) to give you," and we have not yet received such. We thought it would be nice for employees (utility workers etc...) to have identification on their person.....would you say so? We acknowledge that the Borough Hall is busy with day-to-day activity and thank you for taking time out to read the information. If there are any questions or the circumstances request an immediate means of contact; there is a phone number in the upper right hand corner, (hopefully, the service is operating). Although, we ask that you please direct a written response to the address in the upper right hand corner of page 1. Consequently, we are curious to know if the Borough and PA Codes/Laws differ; what would be the variations?

**DIAGRAM ENCLOSED.....PAGE 4**

***Respectfully Submitted,***

Mr. M. Hillman

Lincoln Avenue  
301

CURB

LAWN

MAIN ENTRANCE

GAS METERS

Plan View

LAWN

WATER VALVES

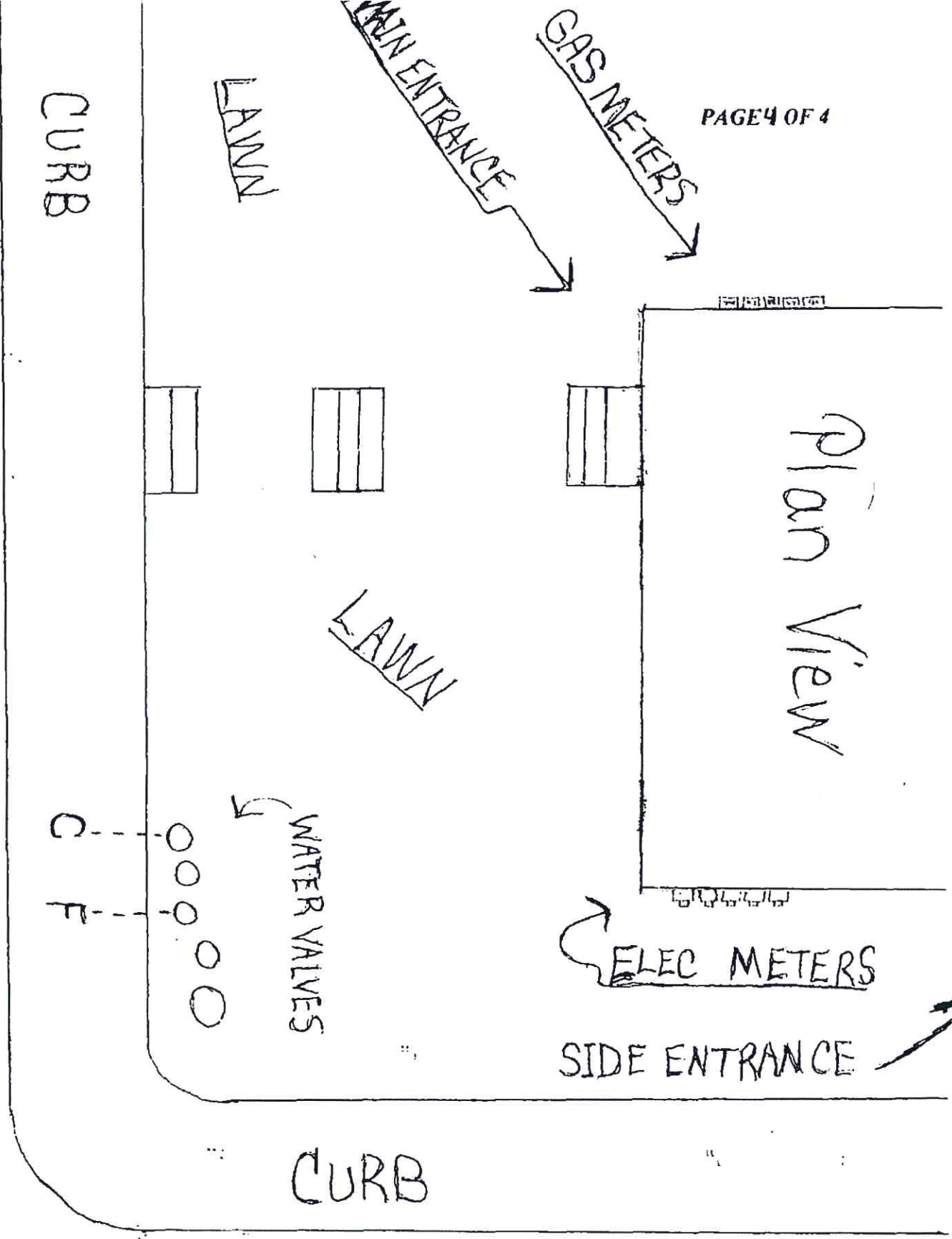
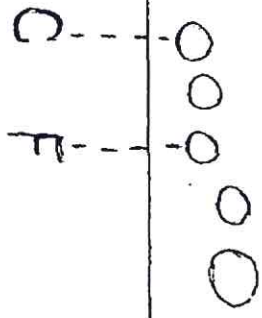
ELEC METERS

SIDE ENTRANCE

CURB

ANDREWS AVENUE

Recommendation  
FROM  
WILLIAMS



**SENT VIA CERTIFIED MAIL**

May 11, 2019

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, Pa 19118  
(484) 494-4285

Pennsylvania (PUC)  
P.O. Box 3265  
Harrisburg, PA 17107-3265

RE: Case Number 3699586

To: Penn PUC

Firstly, this written complaint would be in conjunction with the previous statement, dated April 19, 2019. Aqua has purposely ignored numerous requests and they have finally fabricated a report.

To help resolve the Issue, I would like a total reimbursement of all payments made on these accounts, since day one (October 2015). This does not include other damages, expenses and loss.

Therefore, the service should be placed into the landlord's name; until a thorough inspection of necessary equipment, is properly performed. The employees claim that they are only responsible for the meter.

By the way, I also filed this complaint again by telephone; on May 9, 2019. Enclosed is the copy of a two-page report, received from Aqua. This is a formal complaint.

*Respectfully Submitted,*

Mr. M. Hillman

SENT VIA CERTIFIED MAIL

April 19, 2019

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, Pa 19118  
(484) 494-4285

Pennsylvania (PUC)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: ~~Case Number 3693251~~

*conjunction*

3699586

*MH*  
2-19-20

To: Penn PUC

First of all, I sent out a complaint to borough hall, and a copy to Aqua/Peco February 13<sup>th</sup>. I had numerous conversations with Aqua, since December and they constantly ignored our grievance. Peco finally complied and scheduled an appointment for inspection.

To resolve, I would like a reimbursement of all payments made on these accounts, since day one (October 2015). This does not include other damages, expenses and loss.

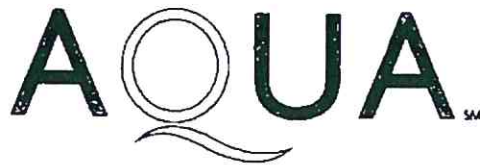
Therefore, the services should be transferred into the landlord's name, until a thorough inspection is performed. The employees claim that they are only responsible for the meter.

Enclosed are copies of the complaints (mentioned above), with the report from Peco. Please send all correspondence to the mailing address in the upper-right-hand corner of the page.

In Conclusion, I also filed this complaint by telephone; on Thursday April 18, 2019. A Representative (Ms. Sandy) asked a few questions and I could not clearly understand. She spoke with a low tone (noise in the background). It sounded as if she asked about contacting the Attorney General's Office, on my behalf. No, I would rather you not do so, thanks. Please send me the questions in writing for review or we can arrange a fax.. This is a formal complaint and should be forwarded to the Secretary Bureau or a relevant Department.

*Respectfully Submitted,*

Mr. M. Hillman



Customer Name: Michael Hillman  
Service Address: 301 Lincoln Ave  
Apt 1F  
Collingdale, PA 19023  
Account Number: 0022438940061198  
Mailing Address: PO BOX 27757  
Philadelphia, PA 19118

<u>Date:</u>	5.2.19
<u>Home Phone:</u>	484.494.4285
<u>Work Phone:</u>	

Date of Initial Customer Contact:

Contact Type: Telephone  E-Mail  Mailed  Copy Attached  Website

Type of Dispute: High Bill  Account Balance: \$ 63.40

Account Statement

**The problem as described by the customer:**

11/30/19 Mr. Hillman requested Aqua verify the meter connection at the property. This is a multi-unit property with six Aqua accounts. The CSR created an appointment to have the meter checked on 12/4/18. 2/28/19 Aqua received a certified letter, stating the customer's concerns with the utility usage at the property. The customer was not satisfied with the Company's investigation on 12/4/18. Aqua left the customer a voicemail requesting the landlord's contact information to set an appointment to further investigate the Customer's issue and to verify the meter connections at the property. An appointment was created for 3/18/19. On 3/5/19 the Pennsylvania Team Lead reviewed the account and placed a 30day dispute hold on the account. On 3/22/19 the customer called and stated he did not believe that the Company's FSR checked for foreign load.

**Aqua's Response:**

On 12/4/18 and 3/18/19 an Aqua technician visited the property and found no issues with the meter connection. Aqua did not have access to the radiator at that time. On 3/22/19 Mr. Hillman was sent an interim dispute letter stating Aqua was still researching the customer's concerns. Prior to scheduling another field visit the Company had to submit PA One call tickets to complete its investigation of the meter connections at the property. On 4/15/19 Aqua scheduled an appointment with the Landlord and Mr. Hillman for 4/22/19 to verify the potential foreign load Mr. Hillman believed was at the property. On 4/22/19 Aqua verified the Landlord removed the foreign load from the property. The Landlord had disconnected the radiator in the common hallway.

Aqua recommends the customer allow the company to obtain a full cycle reading after disconnection of the radiator in the common hallway. Aqua will obtain the full cycle read by June 10<sup>th</sup>, at which time Aqua will have more usage information for Mr. Hillman regarding any fluctuating that may have been due to the radiator in the common hallway.

Aqua will provide the information from the full cycle reading to Mr. Hillman. Aqua is not responsible for any financial compensation between the Landlord and Mr. Hillman resulting

from the foreign load. Aqua is not responsible for determining any foreign load related to the customer's electricity (PECO).

Dated  
5-2-19

**Action Required to avoid termination of service:**

No action required. The customer's account balance of \$63.40 was due on 4/30/19 but customer is not in delinquency/termination status at this time.

**For additional information, you can contact Aqua Pennsylvania at:**

762 W. Lancaster Avenue  
Bryn Mawr, Pennsylvania 19010-3489  
Tel: 877.987.2782 (toll free) or [www.aquaamerica.com](http://www.aquaamerica.com)

**Send payments to:**

Aqua Pennsylvania  
P. O. Box 70279  
Philadelphia, PA 19176-0279

If you disagree with the results on this report, you have the right to file an informal complaint with the PA Public Utility Commission **within 10 days** of the mailing date of this report.

**Please note:** pending completion of the dispute process for both formal and informal complaints, service will not be terminated as long as the customer is in compliance with PUC requirements

The requirements for filing an informal complaint are as follows:

An informal complaint to the Commission may be filed by telephone or in writing and must include the following information:

- (1) Your name and address and, if different, the address at which service provided
- (2) Your telephone number
- (3) Your account number, if applicable
- (4) Your Utility Company name, "Aqua Pennsylvania"
- (5) A brief statement/summary of the issue reported to Aqua
- (6) Indicate if the dispute has been the subject of an Aqua company investigation and report.
- (7) Indicate if the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The requested resolution.

The Commission's office address and telephone number where an informal or formal complaint can be filed is:

PO Box 3265  
Harrisburg, PA 17105  
Tel: 1-800-692-7380  
Fax: 717-783-8820

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, PA  
19118-0757



Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Commonwealth Keystone bldg 2nd Flr  
Harrisburg, Pennsylvania 17120

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 2

2020 Initial Decision



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

IN REPLY PLEASE  
REFER TO OUR FILE

December 2, 2020

F-2020-3019026

Michael Hillman  
v.  
AQUA Pennsylvania Inc.

**TO ALL PARTIES:**

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Your signed Exceptions to the decision, if any, must be: 1) **filed** with the Secretary of the Commission, **and** 2) **within twenty (20) days** of the date of this letter.

In accordance with the requirements of the Commission's Emergency Order at Docket Number M-2020-3019262 under the pandemic emergency, and since the Commission has no access to mail delivery, Exceptions must be efiled with the Secretary of the Commission by opening an efile account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you may email your exceptions to [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov).

In addition to filing with the Secretary of the Commission, a courtesy copy of your Exceptions must be emailed to the Commission's Office of Special Assistants (OSA) at [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov). Your filing should not be larger than 10mb.

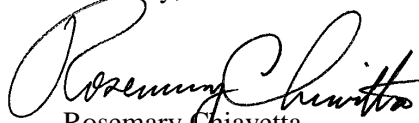
Replies to Exceptions, if any, must be efiled with the Secretary of the Commission and **served** on each party of record and the Commission's Office of Special Assistants in the manner described above. **They are due within ten (10) days of the date when Exceptions are due.**

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service (see format in 52 Pa. Code §1.58) shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall follow 52 Pa. Code §§5.533 and 5.535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge could become final without further Commission action. You will receive written notification if this occurs. However, even if no exceptions are received, the Commission may review and change the decision pursuant to Section 332(h) of the Public Utility Code, 66 Pa. C.S. § 332(h) and 52 Pa. Code Section 5.536.

Sincerely,

  
Rosemary Chiavetta  
Secretary

**Decision attached**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Hillman	:	
	:	
v.	:	F-2020-3019026
	:	
AQUA Pennsylvania Inc.	:	

**INITIAL DECISION**

Before  
Christopher P. Pell  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses a formal Complaint (Complaint) filed by Michael Hillman (Complainant) because the Complainant obstructed the orderly conduct of the proceeding in a way that was inimical to the public interest, abandoned his hearing, and consequently failed to meet his burden of proof.

**HISTORY OF THE PROCEEDING**

On February 21, 2020, Michael Hillman filed a Complaint against Aqua Pennsylvania, Inc. (Aqua, Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed checkmarks in the boxes indicating “I would like a payment agreement,” “[i]ncorrect charges are on my bill,” and “[o]ther. Complainant wrote in that “[t]his is a foreign load issue, dating back to 2015. The current service and billing are part of the complaint.”

On March 24, 2020, the Respondent filed an Answer and New Matter to the Complaint. In the Answer, the Respondent denied that there are incorrect charges on the account, admitted that the Company timely investigated the foreign load issue, and averred that at all times relevant to this proceeding, it has provided reasonable and adequate service in compliance with its Commission-approved tariff, the Public Utility Code, Commission regulations and Commission orders.

The Respondent further answered: that the service location is a rental unit located in a multi-unit rental property (property); that there are six water meters installed at the property; that the Complainant contacted the Company on November 30, 2018, requesting the Respondent verify the meter connection at the service address; that on December 4, 2018, the Company checked the installed meter which records the Complainant's usage; that on February 28, 2019, the Complainant advised the Company via letter that he was not satisfied with the December 2018 investigation; that on March 18, 2019, the Company visited the property and once again found no issue with the meter connection; that the Respondent requested the contact information for the owner/landlord to set an appointment to further investigate the issue since the Complainant did not have access to the entire property; that the Company opened a foreign load investigation; that an appointment with the Company, the owner/landlord and the Complainant was scheduled for April 22, 2019; that on April 22, 2019, the Company met with the Complainant and owner/landlord to investigate the alleged potential foreign load; and that the investigation confirmed that there was no foreign load at the service address, and the radiator that the Complainant claimed was tied to his meter had been disconnected. The Respondent further noted that when the Complainant alleged foreign load on November 30, 2018, there was no delinquent account balance, that the calculated usage for the period November 30, 2018 through April 22, 2019 was \$130.15, and that Aqua credited the Complainant's account in the amount of \$130.15.

As New Matter, the Respondent indicated that the Public Utility Code sets forth the Company's responsibility in 66 Pa.C.S. § 1529.1, that the Company timely investigated and verified that no foreign load existed at the property, and that any dispute regarding the financial responsibilities of the Complainant and the owner/landlord is a matter to be resolved in the Court of Common Pleas and is outside the Commission's jurisdiction. *Ace Check Cashing, Inc. v.*

*Philadelphia Gas Works*, Docket No. C-2008-2056428 (Opinion and Order entered May 21, 2010). Aqua endorsed its New Matter with a Notice to Plead informing the Complainant he had twenty days to file a response with the Commission's Secretary. The Complainant's response to Aqua's New Matter was due on or before April 13, 2020.<sup>1</sup> The Complainant did not file a reply to Aqua's New Matter.

By Telephonic Hearing Cancellation/Reschedule Notice dated May 12, 2020, a call-in telephonic hearing was scheduled for July 1, 2020 at 10:00 a.m.

I issued a Prehearing Order on May 18, 2020. The Prehearing Order reminded the parties of the date and time of the scheduled hearing as well as how to call in for the hearing, and also explained that the complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

By Order dated June 16, 2020, I granted the Complainant's request for a continuance.

By Telephonic Hearing Cancellation/Reschedule Notice dated June 17, 2020, a call-in telephonic hearing was rescheduled for August 7, 2020 at 10:00 a.m.

The hearing convened as scheduled on August 7, 2020. Mr. Hillman appeared *pro se* and testified. Mr. Hillman referenced several exhibits during the course of his testimony, none of which were admitted into the record. Margaret Morris, Esquire, appeared on behalf of the Respondent and presented the testimony of three witnesses who sponsored six exhibits during the hearing that were admitted into the record.

Mr. Hillman voluntarily and purposefully hung up his telephone and ended his participation in the hearing after he had offered testimony and while counsel for Aqua was attempting to cross-examine him. After Mr. Hillman hung up the telephone, counsel for Aqua made

---

<sup>1</sup> 52 Pa. Code § 5.63(a).

an oral Motion to Dismiss the Complaint with prejudice for failure to prosecute. In accordance with the Public Utility Code and Commission regulations, I am granting Aqua's Motion.

The record in this case closed on September 2, 2020 when the hearing transcript was submitted to the Commission. For the reasons discussed below, Mr. Hillman's Complaint will be dismissed.

### FINDINGS OF FACT

1. The Complainant in this case is Michael Hillman.
2. The Respondent in this case is Aqua Pennsylvania.
3. On February 21, 2020, Mr. Hillman filed a formal Complaint against Aqua Pennsylvania, Inc. with the Commission on which he checked off that: "I would like a payment agreement," "[i]ncorrect charges are on my bill," and "[o]ther." Mr. Hillman also wrote in that "[t]his is a foreign load issue, dating back to 2015. The current service and billing are part of the complaint."
4. On March 24, 2020, the Respondent filed an Answer and New Matter to the Complaint.
5. On August 7, 2020, an evidentiary hearing convened regarding the Complaint filed by Mr. Hillman.
6. Mr. Hillman testified on his own behalf at the hearing but refused to answer cross-examination questions from counsel for Aqua or to obey instructions of the presiding Administrative Law Judge. Tr. 106-107.
7. Mr. Hillman voluntarily and purposefully hung up his telephone and ended his participation in the hearing. Tr. 115-116.

## DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the Respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa. PUC 196 (1990), *Feinstein v. Philadelphia Suburban Water Co.*, 50 Pa. PUC 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa.Cmwlth. 1990), *alloc. den.*, 602 A.2d 863 (Pa. 1992). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa.Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa.Cmwlth. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk and W. Ry. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa. Super. 278, 166 A.2d 96 (1960); *Murphy v. Pa. Dep't of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa.Cmwlth. 1984).

It is important for the Commission or an assigned presiding officer to maintain order in scheduled conferences and hearings. The Commission's regulations provide, in pertinent part, as follows:

- (a) After being notified, a party who fails to be represented at a scheduled conference or hearing will:
  - (1) Be deemed to have waived the opportunity to participate in the conference or hearing.

The regulation further provides:

(c) If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application or petition, if the action is that of complainant, applicant or petitioner.

52 Pa.Code § 5.245(a)(1), (c).

Moreover, Section 332(f) of the Public Utility Code provides as follows:

**(f) Actions of parties and counsel.**-- Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, or to recall for further examination of witnesses who were excused, unless the presiding officer shall determine that failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced by permitting such reopening or further examination. If the actions of a party or counsel in a proceeding shall be determined by the commission, after due notice and opportunity for hearing, to be obstructive to the orderly conduct of the proceeding and inimical to the public interest, the commission may reject or dismiss any rule or order in any manner proposed by the offending party or counsel, and, with respect to counsel, may bar further participation by him in any proceedings before the commission.

66 Pa. C.S. § 332(f).

A review of the transcript of the August 7, 2020 hearing demonstrates that the Complainant had a complete disregard for the orderly conduct of the proceeding. The Complainant was combative during the entirety of his participation in the hearing. I attempted to ask the Complainant questions to get a better understanding of his alleged foreign load issue and he continually ignored or refused to answer my questions. Moreover, the Complainant refused to answer questions posed by Aqua's Counsel on cross-examination:

Judge: Now, I've asked you several times to explain to me how foreign load existed and you haven't done so. You refuse to answer my questions is what I'm saying, regarding what you observed the landlord do or anything beyond that, you said you're done.

Mr. Hillman: Well, according to my knowledge, the landlord waits around for someone from Aqua and probably the PUC to inform on what to do. So, I gave you enough to do something and to respond is what I did.

Judge: And you refuse to answer Ms. –

Mr. Hillman: The landlord is not going to get by because it's constant foreign load. I'm not going to stop anybody, so that's – it can be as political and tight as the presidency.

Judge: Again, just so it's clear for the record, Mr. Hillman, Aqua is entitled to ask you Cross examination questions related to the testimony you provide here today.

If Ms. Morris asks you questions, are you going to answer them or are you going to refuse to answer them?

Mr. Hillman: Okay. My last statement, that that would end it for me, is I'm not allowed to complete my testimony and I'm – I should be, according to my knowledge, the first one to give her testimony. And all questions would be asked – answered, excuse me – would be answered with the completion of my testimony.

Judge: So, you will not – you will not answer her questions? Will you just answer my question, yes or no? Will you answer Ms. Morris's questions?

Mr. Hillman: I don't intend to go any further if I'm not allowed to – to continue with the testimony, and that's my last word.

Judge: I'm going to take that as a no, then.

Tr. 106-107. Ultimately, after an unfavorable evidentiary ruling, the Complainant voluntarily disconnected from the phone line and abandoned his hearing:

Mr. Hillman: Okay. So, I object to any of that being deleted, and that's the end for me.

All right?

I object to any – because there's questions you're going to ask me, I object to any of my exhibits being deleted, and that's the end for me.

All right?

Judge: Exhibit 2 – Mr. Hillman, I don't see any point in debating this with you.

Is Mr. Hillman still there? I guess he left.

Attorney Morris: Your Honor, I believe he hung up.

Tr. 115-116. The Complainant did not attempt to call back into the hearing, nor has he contacted my office since the date of the hearing.

I will note that after the Complainant abandoned the hearing, Aqua was allowed to present its witnesses and exhibits since they were all present on the line and prepared. Doing so was consistent with Section 5.403 of the Commission's regulations that provides the presiding officer with all necessary authority to control the receipt of evidence. 52 Pa.Code § 5.403(a).

Mr. Hillman's actions and conduct during the initial hearing on August 7, 2020 obstructed the orderly conduct of the proceeding and were inimical to the public interest. *See* 52 Pa. Code § 5.245(c). He refused to answer cross-examination questions from Aqua's Counsel or to obey my instructions. He frequently spoke over me and would not abide by my direction. He voluntarily and purposefully hung up his telephone and ended his participation in the hearing. Tr. 115-116. After Mr. Hillman ended his participation in the hearing, Aqua's Counsel made an oral Motion to Dismiss the Complaint with prejudice.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa.Cmwlth. 1984). This due process requirement is satisfied, however, when the parties are accorded notice and the opportunity to appear and be heard. *Id.*

Mr. Hillman was afforded an opportunity to have a full hearing on his Complaint. He testified on his own behalf and then ceased to cooperate. He would not follow my instructions or answer cross-examination questions, and voluntarily chose to disconnect from the telephonic hearing, ending his participation in the hearing. As previously noted, since he is the party seeking affirmative relief from the Commission, Mr. Hillman bears the burden of proof. 66 Pa. C.S. § 332(a). This means that he has the duty to establish a fact by a preponderance of the evidence and must show that the utility is responsible or accountable for the problem described in the Complaint. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950); *Feinstein v. Philadelphia Suburban Water Co.*, 50 PA PUC 300 (1976).

Mr. Hillman claimed in his Complaint that there is a foreign load issue related to his Aqua water service. However, Mr. Hillman failed to provide any evidence demonstrating that an Aqua foreign load issue exists at his address, and clearly failed to meet his burden of proof. Moreover, because Mr. Hillman voluntarily chose to end his participation in the hearing, he waived the opportunity to participate in the hearing. Accordingly, this case must be dismissed with prejudice because of Mr. Hillman's actions and conduct at the hearing and because he failed to meet his burden of proof. 66 Pa. C.S. § 332(a), (f), and 52 Pa. Code § 5.245(a), (c).

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is upon the Complainant. 66 Pa.C.S. § 332(a).

3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them and this requirement is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

5. The presiding officer has all necessary authority to control the receipt of evidence. 52 Pa.Code § 5.403(a).

6. If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application or petition, if the action is that of complainant, applicant or petitioner. 52 Pa.Code § 5.245(c).

7. The Complainant's actions obstructed the orderly conduct of the proceeding, were inimical to the public interest and, therefore, they justify the dismissal of the Complaint under 52 Pa.Code § 5.245(c).

8. The Complainant failed to meet his burden of proof.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of AQUA Pennsylvania Inc. to dismiss with prejudice the formal Complaint of Michael Hillman v. AQUA Pennsylvania Inc. at Docket No. F-2020-3019026 is granted;
2. That the Complaint of Michael Hillman against AQUA Pennsylvania Inc. at Docket No. F-2020-3019026 is dismissed with prejudice; and
3. That this matter be marked closed.

Date: November 19, 2020

/s/  
Christopher P. Pell  
Deputy Chief Administrative Law Judge

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 3

2020 Final Order

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Michael Hillman	:	
	:	
v.	:	F-2020-3019026
	:	
AQUA Pennsylvania Inc.	:	

**FINAL ORDER**

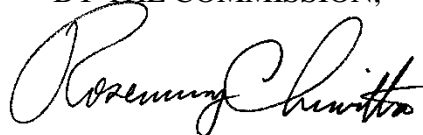
In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Deputy Chief Administrative Law Judge Christopher P. Pell dated November 19, 2020, has become final without further Commission action:

THEREFORE,

IT IS ORDERED:

1. That the Motion of AQUA Pennsylvania Inc. to dismiss with prejudice the formal Complaint of Michael Hillman v. AQUA Pennsylvania Inc. at Docket No. F-2020-3019026 is granted;
2. That the Complaint of Michael Hillman against AQUA Pennsylvania Inc. at Docket No. F-2020-3019026 is dismissed with prejudice; and
3. That this matter be marked closed.

BY THE COMMISSION,



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ENTERED: January 27, 2021

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 4

2023 Formal Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE OF DEPOSIT

FEB 02 2023

Formal Complaint

PA PUBLIC UTILITY COMMISSION

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. SECRETARY'S BUREAU

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

Sent via - Certified Mail

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 Mr. Michael Hillman
Street/P.O. Box P.O. BOX 27757 Apt #
City Philadelphia State PA Zip 19118-0757
County Philadelphia

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

(215) 990-1155 (home) (610) 275-2222 (mobile)

E-mail Address (required):

Utility Account Number (from your bill) 002243894 0061198

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
Street/P.O. Box 301 Lincoln Ave. FL-1 FT
City Collingdale State PA Zip 19023

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.

Aqua Pennsylvania Inc

3. Type of Utility Service

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

- ELECTRIC
- STORM WATER
- GAS
- WASTEWATER/SEWER
- WATER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- STEAM HEAT
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

2/17/2023  
1100  
1100  
1100  
-SEC

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.  
Peco shut-off electric and gas service on 5/12/21 for non-payment. Though our heater was off we were warming ourselves with the gas stove.  
 I would like a payment agreement.  
So, the hot water heater and stove was coming from another gas meter

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.

This is a foreign load, safety and discriminatory violations that remained since the last High Bill

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.

Dispute. I contacted Aqua on 12/9/22 to inform them that I no longer live at the address  
 Other (explain). So they can discontinue billing me. There is no way for Aqua to adequately charge me for service coming thru from another meter.

**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.

according to Title 66 section 1529.1 they are to pursue collections from the owner not the tenant. Plus, I would like a Federal Jury Trial Hearing to resolve this matter.

**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

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)?

*I informed the Investigator that this issue is on-going (4 yrs) Formal Complaint*  
YES   
NO

*BCS# 3882309  
Verbal Closure  
No Appeal  
YDD-SEC*

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?

*I stopped by their office but I was not permitted to see anyone. This was after I called them and the Rep hung up on me.*  
YES   
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.

I stopped by their office (in person) but I was not permitted to see anyone - I was told contact the PUC. Also, I tried by phone, they hung up on me.

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 Pro se Hillman  
Street/P.O. Box \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Area Code/Phone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.



**SENT VIA CERTIFIED MAIL**

**MY Mailing Address**

**Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, PA. 19118  
(215) 990-1155**

**Location**

**301 Lincoln Ave. Fl-1FT  
Collingdale, PA. 19023**


To: Pennsylvania (PUC)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Aqua....account # 002243894 0061198

To Begin, our Electric and Gas was shut-off on 5/12/2021 for non-payment On 5/14/2021, I called Peco and they confirmed several times, that the electric & gas was shut-off for non-payment. Recently, I contacted Aqua on 12/9/2022 to inform them that I am no longer at the address, above, so they can discontinue billing me. Also, there is no way for them to adequately charge me for a service that has been shut-off.

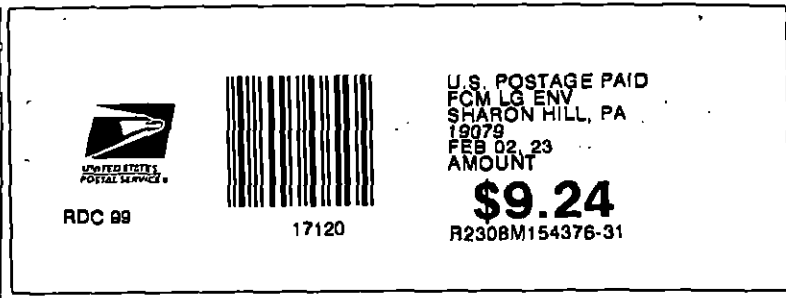
Basically, there was gas coming to the apartment from another gas meter—this is an on-going dispute for the past 4 years, unresolved. So, I would like this case to be heard by jury trial in Federal Court. I called PUC several times on Friday 12/30/22 and on Monday 1/2/2023 but were closed; then finally on Tuesday 1/3/2023 I filed the complaint by phone.(case # 3882309). This is a Formal Complaint, please forward to the Secretary Bureau..

*Respectfully Submitted,*

  
Mr. M. Hillman

January 3, 2023

Mr. M. Hillman  
P.O. BOX 27757  
Philadelphia, PA  
19118 0757



**RECEIVED**

FEB 07 2023

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Secretary Bureau  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania  
17120

**RETURN RECEIPT  
REQUESTED**

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 5

Response to New Matter

SENT VIA CERTIFIED MAIL

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, Pa.  
(215) 990-1155

To: Secretary Bureau  
Rosemary Chiavetta, Esq  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

RE: Doc# C-2023-3038201.....Hillman v. Aqua Pa Inc.

Responding to the (so-called) Aqua New Matter

- A.) To clearly state, the gas feeding the hot water heater was coming from another gas meter, as foreign load.
- B.) On the prior, Aqua High Bill dispute Report, (dated 5/2/19) Aqua claims to have six accounts at the property, which is not the truth.
- C.) Re: #12.....The foreign load issues were not timely addressed nor were they corrected. This is discrimination in safety and the same for service. So far as justification being a concern, the case was judged in error, this is also discrimination.
- D.) Re: # 13.....Chapter 15 of the code instructs the company (aqua) to pursue collection from the building owner, not the tenant.
- E.) Re: #14.....The PUC lacks jurisdiction to conduct a federal jury trial hearing. But this is the requested relief, sought here.

Date: 3/15/23

*Respectfully Submitted,*

  
Mr. M. Hillman

Cc: Margaret Morris Esq. (Aqua)

CERTIFICATION OF SERVICE

I Mr. M. Hillman certify that on this date a true and correct copy of the foregoing response to new matter of aqua, was served upon the following:

---

Via Certified Mail  
Rosemary Chiavetta  
Secretary Bureau (PUC)  
P.O. Box 3265  
Harrisburg, PA.  
17105-3265

Via U.S. First Class Mail  
Margaret Morris  
Cira Centre, 13<sup>th</sup> Floor .  
2929 Arch Street  
Philadelphia, PA. 19104

Date: 3/18/23

  
Mr. M.. Hillman, Plaintiff /Pro Per

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, PA.  
19118-0757

PHILADELPHIA PA 190

18 MAR 2023 PM 6 L



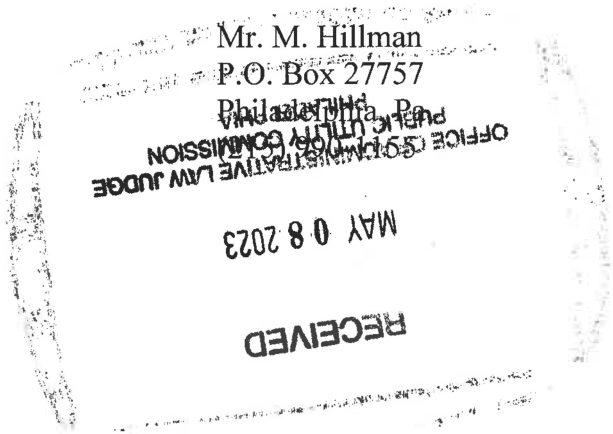
Margaret Morris Esq.  
Cira Centre 13th Floor  
2929 ARCH Street  
Philadelphia, Pennsylvania 19104

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 6

“Argument”

SENT VIA CERTIFIED MAIL



Att: Ms. Athena Delvillar, Legal Asst.  
Darlene Heep, Adm. Law Judge  
801 Market Street 4<sup>th</sup> Floor  
PA. PUC  
Philadelphia, Pa. 19107

RE: HILLMAN v. PECO ENERGY/ EXELON.....Doc# C-2023-3038204  
“ v. AQUA PA. INC. ....Doc#...C-2022-3038201

ARGUMENT

At this point, if the PUC has a problem with me representing myself, then this court is not the proper forum for me. Furthermore, my intent to show-up in court, is to prove my case and there is no way for me to be successful, being restricted to merely answer questions from the court and (or) the defendants/respondents. From my position, sitting back to answer yes or no to questions, is not proving anything, at all.

For instance, during the PECO hearing on 4/27/23, I requested to make a very, short statement of facts for 5 minutes or less (which would save lots of time & tax dollars) but I was prevented from doing so. Rule 131 of Philadelphia County provides me the right, as a Pro Se Litigant.

Therefore, I am inquiring information regarding the Pa. Rule or Statute that strips me of Pro Se Litigants Rights or would this be part of PUC Rules (Please send them to me). By limiting me to the words yes or no, I am accused of talking over everyone, if I speak beyond those two words. The same scenario has occurred during the prior PUC hearing. So, I would like to know, which rule or statute applies here, when denying me the right to make a very, short statement of facts, then limit me to answer questions.

Moreover, the inhumane treatment we experienced at our residence, by the utilities being shut-off for approximately 20 months, I do not agree to show-up at a hearing to be muffled, and simply answer questions, as if I am the criminal, here. In fact, by being the Plaintiff/Complainant in this case, I have no intentions of participating in the hearing for the purpose of just answering questions (in-person or by telephone). Having said that, there is an Aqua hearing scheduled in two weeks and rescheduling of the Peco hearing. Hopefully, someone will make the necessary arrangements in order to save time & tax dollars.

1.)

By the way, If you were not already aware-----this case is on-going .....the actual facts are beyond the PUC's Jurisdiction.

---

CERTIFICATION OF SERVICE

I Mr. M. Hillman certify that on this date a true and correct copy of the Argument, regarding Aqua & Peco hearings, were served upon the following:

Via Certified Mail

Ms. Athena Delvillar Legal Asst.  
PA. PUC  
801 Market Street 4<sup>th</sup> Floor  
Philadelphia, Pa. 19107

Via U.S. First Class Mail


Ms. Khadijah Scott  
Counsel for Peco/Exelon  
2301 Market Street S23-1  
Philadelphia, PA. 19103

Via U. S First Class Mail

Margaret Morris Esq.  
Cira Centre 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, Pa. 19104

Date:

5/1/2023

  
Mr. M.. Hillman, Plaintiff /Pro Per

Mr. M. Hillman  
P.O. Box 27757  
Philadelphia, PA  
19118-0757

**RETURN RECEIPT  
REQUESTED**



19107



RDC 99

U.S. POSTAGE PAID  
FCM LETTER  
PHILADELPHIA, PA  
19106  
MAY 01 23  
AMOUNT

**\$7.50**

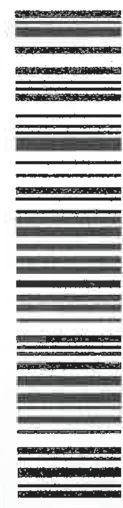
R2305M1 48391-25



Attention: Ms. Athena Delvillar, Legal Asst.  
**Pennsylvania - PUC**  
801 Market Street 4th Floor  
Philadelphia Pennsylvania

#4063

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE  
**CERTIFIED MAIL®**



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Ms. Athena Delvillar*  
*Legal Assistant - at -*  
*PA. Public Utility Commission*  
*801 Market Street*  
*Philadelphia, PA 19107*

9590 9402 6696 1060 2271 86

Article Number (Transfer from service label)

7019 2970 0000 5736 7966

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input type="checkbox"/> Agent
<b>X</b>		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? If YES, enter delivery address below:		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
3. Service Type		
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	
<input type="checkbox"/> Collect on Delivery Restricted Delivery		
Mail	Mail	
Mail Restricted Delivery	Mail Restricted Delivery	

USPS TRACKING#



9590 9402 6696 1060 2271 86

United States  
Postal Service



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Mr. M. Hillman  
P.O. BOX 27757  
Philadelphia, PA

19118-0757

Docket No. C-2023-3038201  
Michael Hillman v. Aqua Pennsylvania, Inc.

Attachment 7

Complainant submitted Proposed Exhibits A and B

SENT VIA CERTIFIED MAIL

Mr. M. Hillman  
P.O. Box 27757  
Phila. Pa. 19118  
(215) 990-1155

Att: Ms. Athena Delvillar, Legal Asst.  
PA. Public Utility Commission  
801 Market Street 4<sup>th</sup> Floor  
Philadelphia, PA. 10107

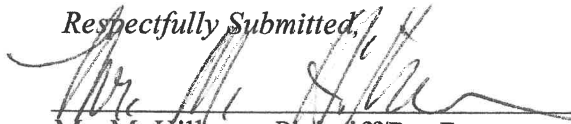
RE: HILLMAN v. AQUA Pa. Inc.....Doc# C-2023 3038201

Enclosed are the Exhibits ( A,B ) that I plan to use during the telephone hearing  
scheduled for 5/16/23 at 10am

Date:

5/8/2023

*Respectfully Submitted,*

  
Mr. M. Hillman, Plaintiff/Pro Per

HILLMAN (Plaintiff) : PENNSYLVANIA  
: PUBLIC UTILITY COMMISSION  
V. :  
AQUA PA. INC. : DOC# C-2023-3038201  
(Defendant) :

---

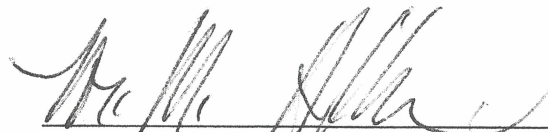
CERTIFICATION OF SERVICE

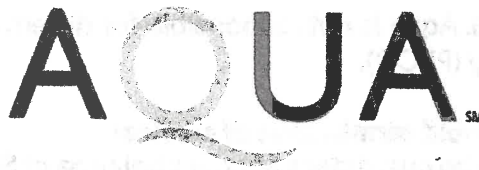
I Mr. M. Hillman certify that on this date a true and correct copy of the Exhibits, to be used during the 5/16/23 hearing, was served upon the following:

Via Certified Mail  
Ms. Athena Delvillar, Legal Asst.  
PA. Public Utility Commission  
801 Market Street  
Philadelphia, PA. 19107

Via U.S. First Class Mail  
Ms. Margaret Morris Esq.  
Counsel for Aqua pa Inc  
Cira Centre 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA. 19104

Date: 5/8/2023

  
Mr. M. Hillman, Plaintiff /Pro Per



012

**Customer Name:** Michael Hillman  
**Service Address:** 301 Lincoln Ave  
Apt 1F  
Collingdale, PA 19023

<b>Date:</b>	5.2.19
<b>Home Phone:</b>	484.494.4285
<b>Work Phone:</b>	

**Account Number:** 0022438940061198

**Mailing Address:** PO BOX 27757  
Philadelphia, PA 19118

Exhibit - A

**Date of Initial Customer Contact:**

**Contact Type:** Telephone  E-Mail  Mailed  Copy Attached  Website

**Type of Dispute:** High Bill  Account Balance: \$ 63.40

**Account Statement**

**The problem as described by the customer:**

11/30/19 Mr. Hillman requested Aqua verify the meter connection at the property. This is a multi-unit property with six Aqua accounts. The CSR created an appointment to have the meter checked on 12/4/18. 2/28/19 Aqua received a certified letter, stating the customer's concerns with the utility usage at the property. The customer was not satisfied with the Company's investigation on 12/4/18. Aqua left the customer a voicemail requesting the landlord's contact information to set an appointment to further investigate the Customer's issue and to verify the meter connections at the property. An appointment was created for 3/18/19. On 3/5/19 the Pennsylvania Team Lead reviewed the account and placed a 30day dispute hold on the account. On 3/22/19 the customer called and stated he did not believe that the Company's FSR checked for foreign load.

**Aqua's Response:**

On 12/4/18 and 3/18/19 an Aqua technician visited the property and found no issues with the meter connection. Aqua did not have access to the radiator at that time. On 3/22/19 Mr. Hillman was sent an interim dispute letter stating Aqua was still researching the customer's concerns. Prior to scheduling another field visit the Company had to submit PA One call tickets to complete its investigation of the meter connections at the property. On 4/15/19 Aqua scheduled an appointment with the Landlord and Mr. Hillman for 4/22/19 to verify the potential foreign load Mr. Hillman believed was at the property. On 4/22/19 Aqua verified the Landlord removed the foreign load from the property. The Landlord had disconnected the radiator in the common hallway.

Aqua recommends the customer allow the company to obtain a full cycle reading after disconnection of the radiator in the common hallway. Aqua will obtain the full cycle read by June 10<sup>th</sup>, at which time Aqua will have more usage information for Mr. Hillman regarding any fluctuating that may have been due to the radiator in the common hallway.

Aqua will provide the information from the full cycle reading to Mr. Hillman. Aqua is not responsible for any financial compensation between the Landlord and Mr. Hillman resulting

from the foreign load. Aqua is not responsible for determining any foreign load related to the customer's electricity (PECO).

**Action Required to avoid termination of service:**

No action required. The customer's account balance of \$63.40 was due on 4/30/19 but customer is not in delinquency/termination status at this time.

**For additional information, you can contact Aqua Pennsylvania at:**

762 W. Lancaster Avenue

Bryn Mawr, Pennsylvania 19010-3489

Tel: 877.987.2782 (toll free) or [www.aquaamericas.com](http://www.aquaamericas.com)

**Send payments to:**

Aqua Pennsylvania

P. O. Box 70279

Philadelphia, PA 19176-0279

If you disagree with the results on this report, you have the right to file an informal complaint with the PA Public Utility Commission within 10 days of the mailing date of this report.

**Please note:** pending completion of the dispute process for both formal and informal complaints, service will not be terminated as long as the customer is in compliance with PUC requirements

**The requirements for filing an informal complaint are as follows:**

An informal complaint to the Commission may be filed by telephone or in writing and must include the following information:

- (1) Your name and address and, if different, the address at which service provided
- (2) Your telephone number
- (3) Your account number, if applicable
- (4) Your Utility Company name, "Aqua Pennsylvania"
- (5) A brief statement/summary of the issue reported to Aqua
- (6) Indicate if the dispute has been the subject of an Aqua company investigation and report.
- (7) Indicate if the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The requested resolution.

The Commission's office address and telephone number where an informal or formal complaint can be filed is:

PO Box 3265

Harrisburg, PA 17105

Tel: 1-800-692-7380

Fax: 717-783-8820



An Exelon Company

2301 Market St, N5-7  
Philadelphia, PA 19103

www.peco.com

Date: 12/27/22

**UTILITY COMPANY REPORT**  
**Reporte De La Compania Utilidades**

<b>Name:</b> MICHAEL HILLMAN
<b>Service Address:</b> 301 LINCOLN AVE *APT 1 COLLINGDALE PA 19023
<b>Post Office:</b> PHILADELPHIA PA 19118
<b>Account Number:</b> 02974-87104

<b>Phone Home:</b> (215) 907-8853	<b>Phone Work:</b>
<b>Mailing Address:</b> PO BOX 27757 PHILADELPHIA PA 19118	

*Exhibit-B*

**Ratepayer's Claim or Dispute:**

On 09/21/22, you contacted our office regarding your PECO account at the above address.

**Results of PECO's Investigation:**

Dear MICHAEL HILLMAN:

Termination notice(s) were left at the property followed by telephone notices advising of the risk of service termination prior to 06/15/21. Following the standard notification process, on 06/15/21 your electric service was terminated for non-payment with no contact. Gas service remained ON and account 2974-87104 remained active.

On 12/09/22 you contacted PECO and requested to close the account stopping the Gas service. On 12/14/22 you contacted PECO reporting a gas odor. PECO technicians arrived to discover a leak in the flex-hose, stopped the gas at your gas stove and referred you to have repairs made. On 12/15/22 your account was closed, with gas disconnected and final bill rendered 12/15/22 for the balance \$5,326.66 due by 01/12/23.

When we spoke on 12/21/22, I explained PECO policy regarding the disconnect of electric for non-payment. I explained that although your electric service was terminated for non-payment, the gas remained on until you requested the disconnection 12/09/22. You stated that you had contacted PECO previously to request disconnection and to close the account. When I advised that we have no record of contact between the electric termination 06/15/21 and 12/09/22 you stated that you have your own record and would call back with information. I received your message and returned your call. There was no answer and no option to leave a message.

Our position is as follows: The readings obtained from electric meter 122181655 and gas meter 016386063 indicate that there was no mistake either in the previous reading(s) of your meter or in the calculation of your bill prior to or during the disputed billing period(s). The Investigation included review of your daily average usage, historical comparison, weather comparison, and billing history. There were no payments submitted on this account from service start date 04/10/19 to the disconnect date 12/15/22. The account is final. As of 12/15/22 the amount due by 01/13/23 is \$5,326.66. The investigation is being closed at this time. If you have any further questions, please contact PECO at 1-800-494-4000.

Cordially,  
Dorothy McCoy  
Analyst, PECO Customer Relations  
267-533-0101 / Dorothy.mccoy@exeloncorp.com