

October 6, 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
Answer of Aqua to Motion for Sanctions**

Dear Secretary Chiavetta:

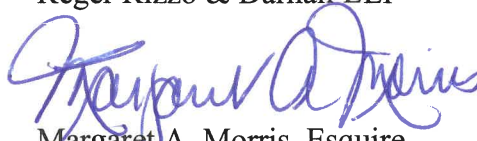
Attached for filing is the Answer of Aqua Pennsylvania, Inc. to Complainant's Motion for Sanctions in the above-captioned proceeding.

A copy of the enclosed Answer 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.]

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Michael Hillman v. Aqua Pennsylvania, Inc
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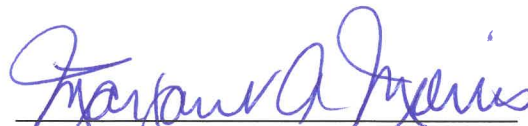
CERTIFICATE OF SERVICE

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: October 6, 2023


Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**ANSWER OF AQUA PENNSYLVANIA, INC. TO THE MOTION FOR SANCTIONS
FILED BY MICHAEL HILLMAN**

Aqua Pennsylvania, Inc. (Respondent or Aqua), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.371, hereby submits its Answer to the Motion for Sanctions (Motion) filed by Michael Hillman (Complainant).

As with other documents filed by the Complainant, the Motion simply repeats vague, unsubstantiated allegations with no reference to any evidence in support. The Motion also fails to identify what type of sanctions the Complainant is requesting pursuant to Commission regulations, 52 Pa. Code § 5.372. The Commission’s docket of the proceeding clearly refutes the baseless and convoluted allegations. The Motion also contains scurrilous comments,¹ which Aqua will not respond to and requests that they be stricken pursuant to Commission regulations, 52 Pa. Code § 1.4(e).

¹ The scurrilous comments are in paragraphs 5 (lying adversaries), 6 (untruthful adversaries) and 7 (as if there was a lack of medication available).

Mr. Hillman seeks sanctions against Aqua and its counsel pursuant to Commission regulations, 52 Pa. Code § 5.371, which provides that the Commission or presiding judge may make an appropriate order if one of the following occurs:

- (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests as required under this chapter.
- (2) A party deponent or an officer or managing agent of a party refuses to obey or induces another to refuse to obey an order of a presiding officer respecting discovery, or induces another not to appear.

52 Pa. Code § 5.371(1) and (2).

Aqua avers that the regulation cited is not applicable. There has been no discovery propounded or any order issued by the Honorable Darlene Heep (Judge Heep) directed at Aqua that has not been followed.

Aqua responds to the specific paragraphs as follows.

1. Denied that “Aqua files paperwork intentionally failing to meet the obligations of serving [the Complainant] a copy, yet falsifying a certificate.” The Complainant simply alleges he has not received any of Aqua’s pleadings within a timely manner but provides no documentation or proof. Consistent with Commission regulations, 52 Pa. Code § 1.54(b)(1), Aqua has served all pleadings to the Complainant by 1st Class mail, as he requested. Consistent with Commission regulations, 52 Pa. Code § 1.58, Aqua provided the Certificate of Service for each such mailings. Aqua is not responsible for any document once properly addressed, stamped, and delivered to the US Post Office. As noted by Judge Heep in her *Order*, dated August 17, 2023, the Complainant alleged he was not receiving documents mailed to him and that “postal

employees are engaging in mail tampering.” Complainant’s unsubstantiated allegation regarding actions relating to the post office are outside the scope of this proceeding and are not within Aqua’s control and therefore cannot be grounds for sanctions against Aqua or its counsel. Aqua notes that its Proposed Exhibits were mailed on May 16, 2023, *via* Certified Mail as directed and picked up by the Complainant on May 22, 2023. A copy of the Tracking Information for the mailed Proposed Exhibits is provided as Attachment 1.

2. Denied that Aqua did not serve the Complainant with its Reply, dated July 17, 2023. Consistent with Commission regulations, 52 Pa. Code § 1.58, Aqua provided the Certificate of Service for the pleading. As noted by Judge Heep in her *Order*, dated August 17, 2023, the Complainant alleged he was not receiving documents mailed to him and that “postal employees are engaging in mail tampering.” Complainant’s unsubstantiated allegation regarding actions relating to the US Post Office are outside the scope of this proceeding and are not within Aqua’s control and therefore cannot be grounds for sanctions against Aqua or its counsel.

3. Denied that Aqua did not properly serve its Written Testimony on the Complainant. Consistent with Commission regulations, 52 Pa. Code § 1.58, Aqua provided the Certificate of Service for the filing. Admitted that the Complainant left a voice message for Aqua’s counsel.

4. Denied that Aqua’s Motion for Judgment on the Pleadings was not properly served on the Complainant. Consistent with Commission regulations, 52 Pa. Code § 1.58, Aqua provided the Certificate of Service for the efiled Motion. Denied that the Motion was “frivolous”

“consisting of repetitious material, aimed at disrupting the truth” given Judge Heep’s ruling granting the Motion, in part, in the *Order*, dated July 25, 2023.

5. Aqua neither admits nor denies the allegation. The Complainant has not requested that he be permitted to pick up documents at the office for Aqua’s counsel.

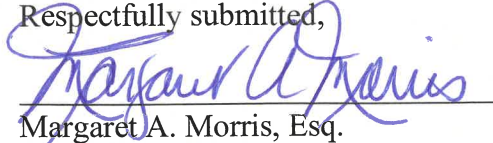
6. Aqua neither admits nor denies the allegation. This paragraph does not address any conduct of Aqua.

7. Denied that counsel for Aqua’s conduct was disruptive during any of the scheduled hearings. The Complainant cites Commission regulations, 52 Pa. Code §§ 1.26-1.27, in support of its allegation. The transcript of the proceeding to date reflect Judge Heep’s rulings on Aqua’s evidentiary objections which the Complainant characterizes as “interruptions.” The transcript does not support the allegations.

WHEREFORE, Respondent, Aqua Pennsylvania, Inc. requests that the Motion for Sanctions filed by Michael Hillman be denied in its entirety.

Date: October 6, 2023

Respectfully submitted,



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

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Philadelphia, PA 19104

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mmorris@regerlaw.com

Counsel for Aqua Pennsylvania, Inc.

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

Attachment 1

Tracking information for the mailed Proposed Exhibits

Tracking Number:

70192280000013292831



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Delivered, Individual Picked Up at Post Office

PHILADELPHIA, PA 19118

May 22, 2023, 3:14 pm

Arrived at Post Office

PHILADELPHIA, PA 19118

May 18, 2023, 8:05 am

Departed USPS Regional Facility

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May 18, 2023, 1:31 am

Arrived at USPS Regional Facility

PHILADELPHIA PA DISTRIBUTION CENTER

May 17, 2023, 2:34 pm

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