

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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MARGARET COLLINS : DOCKET No.  
: C-2023-3037963  
v. :  
: PENNSYLVANIA-AMERICAN :  
WATER COMPANY :  
: Further Telephonic Call In Hearing :  
-----

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Judge's Chambers  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pa 17120

October 11, 2023  
Commencing at 10:13 a.m.

BEFORE:

JOHN M. COOGAN, ADMINISTRATIVE LAW JUDGE

REPORTER:

ELISE FITZGERALD, RPR, NOTARY PUBLIC

APPEARANCES:

MARGARET COLLINS  
224 North Hyde Park Avenue  
Scranton, Pennsylvania 18504  
(570) 343-1469  
Lelani\_c@yahoo.com

MICHAEL A. GRUIN, ESQUIRE  
STEVENS & LEE  
17 North Second Street, 16th Floor  
Harrisburg, Pennsylvania 17101  
(717) 255-7365  
Michael.gruin@stevenslee.com

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1 JUDGE COOGAN: Good morning. We are now  
2 on the record. My name is John Coogan. I am the  
3 Administrative Law Judge assigned to this proceeding.  
4 This is the complaint of Margaret Collins v.  
5 Pennsylvania-American Water Company docket number  
6 C-2023-3037963. Today's date is October 11, 2023 and  
7 the time is 10:13 a.m. This hearing is being  
8 conducted remotely by telephone. Counsel for  
9 Pennsylvania-American is Michael Gruin.

10 And, Mr. Gruin, if you could please  
11 introduce yourself along with the witnesses -- the  
12 potential witnesses with you on the line today?

13 MR. GRUIN: Sure. Thank you, Your Honor.  
14 This is Michael Gruin, G-r-u-i-n, of Stevens & Lee. I  
15 am counsel for Pennsylvania-American Water Company.  
16 On the line today from Pennsylvania-American Water  
17 Company are two representatives; Mark Misura -- that's  
18 M-a-r-k, M-i-s-u-r-a -- who is a senior superintendent  
19 of operations, the other represent is Bryan,  
20 B-r-y-a-n, Hooks who is a field operation supervisor  
21 with PAWC.

22 JUDGE COOGAN: Okay. Thank you. And also  
23 present on the line is Ms. Collins.

24 Good morning, Ms. Collins.

25 MS. COLLINS: Good morning, Judge.

1 JUDGE COOGAN: Okay. So we had a brief  
2 discussion off the record before we began and I will  
3 provide a brief overview of this case.

4 So Ms. Collins filed her complaint  
5 alleging, among other things, that PA-American  
6 threatened to terminate her service unless a leak on  
7 her service line was fixed, but Ms. Collins alleged  
8 that that was Pennsylvania-American's responsibility  
9 to fix. Evidentiary hearings were held on July 5th,  
10 2023 in this matter and we did attempt settlement  
11 discussions during that evidentiary hearing. So this  
12 proceeding was stayed by Order issued on July 7th,  
13 2023 because during the evidentiary hearing we agreed  
14 it would be worthwhile for parties to explore  
15 settlement, and it is my understanding that the issue  
16 of regarding the replacement of Ms. Collins' service  
17 line has been resolved. In other words, she has had a  
18 new service line installed at her address and that  
19 issue has been resolved, but we did have brief  
20 discussion off the record before we began today and  
21 Ms. Collins did make it clear that she wants to  
22 proceed with her complaint in regards that she  
23 believes that PA-American did not provide her proper  
24 notice and communications regarding the possibility  
25 that PA-American would terminate service at her

1 property because of a suspected leak. So that is the  
2 issue that she would like to pursue at today's  
3 proceeding and I will --

4 I will ask you, Ms. Collins, when we start  
5 your testimony if you'll provide your testimony,  
6 explain why it is that you think Pennsylvania-American  
7 violated the Public Utility Code or Commission  
8 regulations with their communications to you. And you  
9 have circulated exhibits, so if you reference those  
10 during your testimony, that's fine, but then we will  
11 have to move to admit them at the end of your  
12 testimony, and I will ask Mr. Gruin if he has any  
13 objection to your exhibits, and then Mr. Gruin will  
14 then have a chance to ask you questions once you're  
15 done your testimony, and we will do the same thing for  
16 Pennsylvania-American's witnesses. Mr. Gruin will ask  
17 them questions for their testimony and then you can  
18 ask cross-examination questions of them, if you would  
19 like.

20 If the parties would like and we have time  
21 -- as I said, I have a hearing at 1:30 today so I have  
22 a hard out at 1:00. If the parties want to do closing  
23 statements, that's fine, but do try to be mindful of  
24 the time today so everyone can say what they need to  
25 say today for both sides.

1           And, Ms. Collins, since you filed the  
2 complaint under The Commission's rules the party  
3 seeking relief from The Commission has the burden of  
4 proof in this proceeding, and so you have the burden  
5 to show by a preponderance of evidence, which is --  
6 which means more likely than not, that  
7 Pennsylvania-American violated a statute regulation on  
8 Commission order and that you are entitled to the  
9 relief requested.

10           So that is -- that's all I need to say  
11 before we start, and I want to remind the parties to  
12 -- you may already know this but the details in your  
13 formal complaint aren't part of -- or the answer for  
14 that matter -- aren't part of the formal record so  
15 today is the chance to get what you want into the  
16 formal record. So please make sure you let me know  
17 everything you want to put in the record today.

18           MS. COLLINS: Okay.

19           JUDGE COOGAN: So that being said,  
20 Ms. Collins, I am going to swear you in.

21           MARGARET COLLINS, after having first been  
22 duly sworn, was examined and testified as follows:

23           JUDGE COOGAN: Okay. And I want to ask you  
24 A few very basic questions. So you live at the  
25 address which you provided in your formal complaint,

1 224 North Hyde Park Avenue in Scranton, is that right?

2 MS. COLLINS: Yes, Your Honor.

3 JUDGE COOGAN: And your complaint is  
4 regarding service at that address, is that right?

5 MS. COLLINS: Yes, Your Honor.

6 JUDGE COOGAN: Okay. All right. Well in  
7 that case please go ahead and let me know why you  
8 filed your complaint and what you would like the  
9 Commission to do.

10 MS. COLLINS: Yes, Your Honor.

11 - - -

12 DIRECT EXAMINATION

13 - - -

14 MS. COLLINS: The exhibits I will be  
15 referencing to in general will be the complainant's  
16 reply -- will be my reply to Exhibit 9 PAWC records  
17 that were supplied to me in July of this year, 2023,  
18 and the Exhibit 1, Exhibit 2, Exhibit 4, Exhibit 5,  
19 Exhibit 10, those are all termination letters.  
20 Exhibit 7, which is my request for the 10/11/22 week  
21 reports, and the Document, my request PAWC for  
22 production of records. Now the 9/30/22 door hanger is  
23 where everything basically started. Before that there  
24 was a 8/11/22 door hanger that no one got back to me.

25 JUDGE COOGAN: Sorry, Ms. Collins, just to

1 cut you off, to the extent you're referencing a door  
2 hanger could you please mention which if it's included  
3 in an exhibit when you reference that door hanger?

4 MS. COLLINS: Yes. These are all -- yeah.  
5 Yeah. I just I believe said all of that. Exhibit 1,  
6 Exhibit 2, Exhibit 4, Exhibit 5. Do you want me to  
7 keep saying that as I go through which one they were?

8 JUDGE COOGAN: Well if you --

9 (Simultaneous conversation)

10 THE COURT REPORTER: I'm sorry. Can you  
11 say that again? I'm missing it when you talk over  
12 each other.

13 JUDGE COOGAN: Yeah. I am sorry about  
14 that.

15 So, yeah, Ms. Collins, it would be helpful  
16 if you say this all started with door hanger X and  
17 door hanger X is at Exhibit Number whatever so --

18 MS. COLLINS: Okay. All right. Okay. All  
19 right. Got it. It started with door hanger 8/11/22  
20 and I took that as a scam on the elderly. So I called  
21 PAWC and they told me that they were going to do an  
22 investigation on it because they had no notice on my  
23 record of anything. So six weeks later I received  
24 door hanger 9/30/22 and that one was stating the 4.9  
25 tariff and I had to repair the leak within 10 days or

1 termination. These both are at Exhibit 1.

2 Now the problem with that is that once the  
3 dispute is initiated at 52 PA Code Section 56.151 it  
4 requires that the utility not issue termination notice  
5 based on the disputed subject matter. It also  
6 requires that they provide the customer with  
7 information necessary to -- so that they can inform  
8 judgment. It also requires that they initiate a  
9 response within 30 days. Now none of this was done  
10 between 8/11 and 9/30.

11 It also requires at 56.152 that the service  
12 statements be issued, that the service will not be  
13 terminated pending completion of a dispute process,  
14 including both informal and formal complaints, and  
15 that if the complaining party does not agree with the  
16 Public Utility Company that a report will be filed  
17 with The Commission to ensure preservation of a  
18 complaining party's rights.

19 Now none of that was done and they kept  
20 initiating terminations and termination letters. Now  
21 I'm referring to Exhibit 2, Exhibit 4, Exhibit 5, and  
22 Exhibit 10. Exhibit 10 they initiated during the  
23 winter moratorium and that would be in violation of 52  
24 Pa. Code Section 56.99 that prohibits the use of  
25 termination solely as a collections device or when

1 termination is prohibited under this chapter. Now  
2 Exhibit 9 PA -- Pennsylvania-American Water records  
3 pages 1 through 11 seek termination, and that was all  
4 through the formal complaint, which is a violation I  
5 just cited under 52 Pa. Code 55 -- 56.151 and 52 Pa.  
6 Code Section 56.152. Now by stating on that 9/3/22  
7 door hanger the 4.9 tariff -- they didn't give  
8 anything else on there other than that -- they refused  
9 to -- they omitted the alternative, and particularly  
10 the alternative of the led pipe replacement program.  
11 So essentially what could be happening here is that  
12 people are being coerced into having their lines  
13 replaced whether or not there was a leak and whether  
14 or not they were eligible for the lead line  
15 replacement program, and that would not be in  
16 compliance with Pa -- or I'm sorry. That would not be  
17 in compliance with 66 Pa. C.S. Section 1352(B)(2).  
18 That would not be in compliance with their approved  
19 plan and it's also not in compliance with 66 Pa.  
20 C.S.A. Public Utilities Section 1353, repair, improve,  
21 or replace eligible property as part of the utilities  
22 distribution system. It's also not in compliance with  
23 66 Pa. C.S. Section 32058 that requires maintenance,  
24 repair, and replacement of facilities and equipment to  
25 ensure compliance with Section 1501.

1           It's also not in compliance with 66 Pa.  
2 C.S.A. Section 3308 in that it concealed the  
3 information that was needed. It's also not in  
4 compliance with 52 Pa. Code Section 56.99 that  
5 prohibits the use of termination solely as collections  
6 device, and it's also not in compliance with 66 Pa.  
7 C.S. Section 501C for failure to observe, obey, and  
8 comply with regulations and orders. Also not in  
9 compliance with 52 Pa. Code Section 66.1A, Chapter 56,  
10 ensures adequate provision of a residential public  
11 utility service to restrict unreasonable termination  
12 of, or refuses to provide that service, and to provide  
13 functional alternatives to termination or refuses to  
14 provide that service, and these terminations continued  
15 on 10/3/22, 10/14/22, 10/15/22, 12/13/22, and they did  
16 so while I was asking how the week was determined, and  
17 I was refused seven times that information including  
18 -- let's see here -- Exhibit 7 that was a request for  
19 the 10/11/22 week report. There was also some sort of  
20 a scuff up about fixing the leak and then I was told  
21 that that was never scheduled. Basically, that that  
22 was it. Spoke to Luke when he was here. I asked him  
23 when he put the headset on my head to hear the leak  
24 what side was the leak on and he told me to call Lee  
25 and pick his brain. When I called Lee the following

1 day he said if the leak was on their side then there  
2 would be no charge, and then he offered information  
3 for a contractor that would be inexpensive, however,  
4 that contractor wanted cash only, no check, and this  
5 would not comply with the tariff 4.9 that requires  
6 adequate confirmation that the leak was fixed.

7 Another offer to fix the leak was for me  
8 to pay a plumber to come and meet their plumber and  
9 then decide where the leak would be. Now my plumber  
10 that I contracted wanted I believe it was \$297 to show  
11 up and \$193 every hour thereafter. Luke had already  
12 been here. Why was it necessary for me now to pay  
13 somebody to determine the leak?

14 And those are basically the issues that  
15 happened here, and this all happened before the  
16 hearing in July. There were a lot of people out there  
17 that are basically being fleeced.

18 MR. GRUIN: Objection, Your Honor. Your  
19 Honor, I would object to any comment about what may be  
20 happening to other customers or other --

21 MS. COLLINS: All right. All right.

22 MR. GRUIN: -- situations. I would ask  
23 that statement to be stricken.

24 MS. COLLINS: If I had not followed through  
25 on this and went to the formal complaint I would have

1 had to come up with thousands of dollars to repair a  
2 leak that was covered under the lead protection  
3 program, the lead replacement program, and that's what  
4 would have happened based on the terminations, the  
5 door hangers, and all of the bait and switch that was  
6 going on and asking no information whatsoever as to  
7 whether or not I had a leak.

8 I also am requesting -- in the production  
9 of records -- hold on a second here. I requested but  
10 have not received any and all reports or documents  
11 prepared by defendant or employee/agent containing the  
12 facts of the July 12th, 2023 work report for the water  
13 line replacement on complainant's property at 224  
14 North Hyde Park Avenue, Scranton, PA 18504. I haven't  
15 received anything on that, and it is my statement that  
16 there was absolutely no leak on my line whatsoever  
17 either at the curb stop connection, or the meter  
18 connection, or anywhere in between.

19 Now, having said that, if I did not go for  
20 the formal complaint I would have paid thousands of  
21 dollars. One estimate was over \$10,000 to replace a  
22 line in order to keep my water running when I had no  
23 leak, or in this case I was actually covered whether  
24 there was a leak or not under the lead replacement  
25 program.

1           And I believe I covered everything, and I  
2 would also like to admit into the record my formal  
3 complaint.

4           JUDGE COOGAN: Okay. So are you done with  
5 your testimony though, Ms. Collins?

6           MS. COLLINS: Yes. Yes, Your Honor.

7           JUDGE COOGAN: Okay. So let me make sure I  
8 understand what you are moving to admit into the  
9 record. So on October 4th you -- of this year you  
10 circulated to me and Mr. Gruin a Word document which  
11 included, among other things, what you marked as  
12 Exhibit 1, Exhibit 2, Exhibit 4, Exhibit 5, Exhibit 7,  
13 Exhibit 9, and Exhibit 10, and then you also indicated  
14 your formal complaint -- you want to admit that into  
15 the record?

16          MS. COLLINS: Yes.

17          JUDGE COOGAN: Have I captured what it is  
18 that you want to be admitted into the record?

19          MS. COLLINS: Yes. Also Exhibit 9, the  
20 PAWC record.

21          JUDGE COOGAN: Right.

22          MS. COLLINS: And my document reply to  
23 those records.

24          JUDGE COOGAN: Okay. Well the reply to the  
25 record is -- I think it's your -- it's a narrative

1 that you wrote in a Word document sort of explaining  
2 what -- your response to what Pennsylvania-American  
3 provided and what you have marked as your Exhibit 9.

4 So, I mean, that being said, I will hear  
5 from Mr. Gruin what his response is but -- and just  
6 for clarification, those Pennsylvania-American records  
7 that you have marked as Exhibit 9 what are -- those  
8 are internal customer --

9 MS. COLLINS: Yeah.

10 JUDGE COOGAN: Go ahead.

11 (Simultaneous conversation)

12 MS. COLLINS: I am sorry. I keep talking  
13 over.

14 JUDGE COOGAN: Go ahead.

15 MS. COLLINS: Those are communication  
16 records from PAWC.

17 JUDGE COOGAN: Okay.

18 MR. GRUIN: Your Honor, I can shed some  
19 light on those documents, if you would like.

20 JUDGE COOGAN: Sure. Yeah. That would be  
21 helpful.

22 MR. GRUIN: So, Your Honor, Ms. Collins  
23 requested -- during the pendency of the formal  
24 complaint she did request various records of the  
25 company related to communications with her and so on.

1 These are records from the company's customer contact  
2 system that are maintained by customer service --  
3 Frontline customer service represents who receive a  
4 phone call from a customer or place an outbound call  
5 to a customer. They are entered into a system and  
6 they are attached to there and this is a printout.  
7 These are not documents that would be mailed to a  
8 customer or left at a door. These are internal  
9 records that are provided to her based on her request  
10 in this case.

11 JUDGE COOGAN: Okay. Thank you for that  
12 clarification.

13 MR. GRUIN: If that helps.

14 JUDGE COOGAN: Yeah. Yeah. Okay. So let  
15 me repeat again what Ms. Collins is moving to -- is  
16 proposing to move into the record and then I will ask  
17 Mr. Gruin if PA-American has any objections.

18 So, Ms. Collins, Exhibit 1, which is a  
19 Pennsylvania-American door hanger, Collins Exhibit 2,  
20 which is Pennsylvania-American termination letter from  
21 October 3rd, 2022, Pennsylvania -- I'm sorry --  
22 Collins Exhibit 4, Pennsylvania-American termination  
23 letter from October 14th, 2022, Collins Exhibit 5,  
24 Pennsylvania-American termination letter from October  
25 15th, 2022. And I am doing this in numerical order,

1 not what Ms. Collins had it listed. So next would be  
2 Collins Exhibit 7, which is the Right to Know Request  
3 for the October 11th, 2022 week report, Collins  
4 Exhibit 9, which is what Mr. Gruin just explained was  
5 Pennsylvania-American records, Collins Exhibit 10,  
6 which is the Pennsylvania-American termination letter  
7 from December 13th, 2022, and then I will tentatively  
8 have marked as -- so Collins' Exhibit 11 would be what  
9 Ms. Collins included in this Word document that she  
10 identified as -- as just labeled Document, which is  
11 complainant's reply to Exhibit 9, so that will be  
12 tentatively Collins' Exhibit 11, and then also the  
13 formal complaint Ms. Collins wants introduced into the  
14 record, which will be tentatively Collins Exhibit 12.

15 So, Mr. Gruin, does Pennsylvania-American  
16 have any objection to any of those exhibits?

17 MR. GRUIN: Your Honor, thank you. I'm  
18 just trying to keep up here. Exhibit 7 -- okay. I  
19 see Exhibit 10 now. Exhibit 10 is the December 13th  
20 letter. You know, without admitting to the relevance  
21 or the accuracy of the material contained in the  
22 documents I don't have any objection to the admission  
23 of Exhibit Number 11.

24 I'm just reading this to see -- you know,  
25 this is really in the more of a legal brief, you know,

1 the more I look at this. I don't think this is any --  
2 this is not evidence or record. This is a  
3 self-produced discussion of law and regulations as  
4 Ms. Collins sees them based on references to her  
5 exhibits.

6 So I guess now that I look more carefully  
7 at this I don't think it's really appropriate to be  
8 marked as an exhibit, but the remainder of the  
9 exhibits, 1, 2, 3, 4, 5, 6, 7, 8, 10, and 12 we have  
10 no objection to.

11 JUDGE COOGAN: Okay. I'm sorry. And you  
12 said Exhibit 8. I don't see an Exhibit 8.

13 MR. GRUIN: Oh, we skipped Exhibit 8.

14 JUDGE COOGAN: Oh, you know what, I am  
15 looking at the first page of Ms. Collins' Word  
16 document, which she has listed, and she didn't  
17 identify an Exhibit 8 there. So maybe I am not --  
18 maybe that's in the body of the document.

19 MR. GRUIN: I think you're correct, Your  
20 Honor. I do not see an Exhibit 8 either.

21 JUDGE COOGAN: Okay. So -- but  
22 essentially, Pennsylvania-American, you're proposing  
23 that there be no objection to admission of the  
24 exhibits identified, other than Ms. Collins' Exhibit  
25 11?

1 MR. GRUIN: That is correct, Your Honor.

2 JUDGE COOGAN: Which -- one second.

3 Okay. Ms. Collins, I agree with Mr. Gruin.  
4 Exhibit -- what I marked as proposed Collins Exhibit  
5 11, which is your response to what you have as Exhibit  
6 9, that's really more both legal argument and also --  
7 but it's also factual assertions, which this isn't  
8 live testimony.

9 It's really appropriate only to have  
10 narrative and testimony be in live form because that's  
11 really how the other party is -- or so they can listen  
12 and be able to cross-examine your questions, and  
13 essentially this is fairly -- it's one, two, three,  
14 four, five, six, seven pages, so it almost verges on  
15 written testimony that would be admitted into the  
16 record when Pennsylvania-American hasn't had a  
17 corresponding chance to submit written testimony, and,  
18 you know, I don't want to over complicate the record  
19 here and also deprive Pennsylvania-American of any  
20 process that I afford to you but they don't also have.

21 So I agree. I'm fine admitting what's  
22 been marked as Collins Exhibit 1, 2, 4, 5, 7, 9, 10,  
23 and 12, but not Collins Exhibit 11 so -- but that's  
24 just my ruling on that, but otherwise, those exhibits  
25 which I have identified are admitted into the record.

1 MS. COLLINS: All right. Well, Judge  
2 Coogan, I did send all of this to Attorney Gruin so he  
3 did have opportunity to see it.

4 JUDGE COOGAN: Right. Right. I  
5 understand, but because we are having a live  
6 proceeding now --

7 (Simultaneous conversation)

8 MS. COLLINS: If you need testimony that  
9 Exhibit 9 PAWC records states termination on page 2,  
10 3, 4, 5, 6, 7, 8, 9, 10, and the discussion of that on  
11 11. Page 11.

12 MR. GRUIN: Your Honor, maybe just for the  
13 clarity of the record, I am looking at what was marked  
14 as Ms. Collins' Exhibit Number 9 and it has various --  
15 she has a series of pages numbered with a  
16 parenthetical around it.

17 MS. COLLINS: Right.

18 MR. GRUIN: I am not seeing where it says  
19 termination on those. Now you can make sure I have  
20 the correct documents.

21 MS. COLLINS: If you read that page you  
22 will see that it states termination on that page.

23 MR. GRUIN: Maybe I have the wrong  
24 documents then. Could you show me or point an example  
25 out of -- so I know I am looking at the correct

1 document? We're talking about the call records,  
2 right?

3 MS. COLLINS: Yes. Yes. We are. Well,  
4 for instance, on page 9(4).

5 MR. GRUIN: 9(4). Okay.

6 MS. COLLINS: It's saying that there was no  
7 issue for some reason. PAWC is supposed to be  
8 investigating. When actually the call was about a  
9 dispute regarding yet another termination on 10/15/22.

10 MR. GRUIN: Okay.

11 MS. COLLINS: On 9(5) --

12 MR. GRUIN: Okay. I am there. 9(5). I  
13 still don't see the word termination though. I am  
14 looking for that.

15 MS. COLLINS: That's what I'm saying.

16 MR. GRUIN: Oh.

17 MS. COLLINS: Some of these were not -- in  
18 other words, they were deceptive. They weren't  
19 putting down what the call was about. On 9(5) it said  
20 the customer is advised the service will be turned  
21 off.

22 MR. GRUIN: 9(5)?

23 MS. COLLINS: Uh-huh.

24 MR. GRUIN: Okay. Thank you, Ms. Collins.

25 MS. COLLINS: We can go through this whole

1 thing and basically that's what it comes down to.

2 MR. GRUIN: No. I understand though. I  
3 just wanted to make sure I was looking at the correct  
4 documents. It does appear that I do have the correct  
5 documents and these are the customer call center  
6 notes, and so we do not object to their admission.

7 JUDGE COOGAN: Okay. So, Mr. Gruin, do you  
8 have, otherwise, any cross for Ms. Collins?

9 MR. GRUIN: Just a few questions, Your  
10 Honor.

11 - - -

12 CROSS-EXAMINATION

13 - - -

14 BY MR. GRUIN:

15 Q. Just again to clarify the record,  
16 Ms. Collins, was your service ever terminated by  
17 Pennsylvania-American Water?

18 A. No. It was not but that was because I  
19 kept --

20 Q. Okay. Thank you. That's all I needed to  
21 know, Ms. Collins. Thank you. Now you had -- am I  
22 correct that you had multiple meetings at your  
23 property with representatives of Pennsylvania-American  
24 Water?

25 A. No. I didn't have multiple meetings. What

1 do you mean by that?

2 Q. Okay. So after the initial --

3 A. Luke was here. Luke was here.

4 Q. How many times was Luke there?

5 A. Once.

6 Q. Okay. Did anybody else besides Luke come  
7 to visit your property from Pennsylvania Water?

8 A. Not that I recall.

9 Q. So did Lee Jones ever come to your  
10 property?

11 A. No. Lee Jones never came to my property.

12 Q. Now did you speak to Lee Jones on the  
13 telephone?

14 A. Yes. I did.

15 Q. Okay. And did Lee Jones try to explain to  
16 you the leak detection process and why the company  
17 believed that there was a service line leak at your  
18 property?

19 A. No.

20 Q. What did you and Lee talk about?

21 A. Lee told me that if there is a leak on my  
22 property there will be no charge to fix it. He did  
23 not give me any information as to there was a leak on  
24 my property or how --

25 Q. Do you remember the day you spoke to Lee?

1 A. Yes. I spoke to Lee on the phone.

2 Q. I said do you remember the date when that  
3 call occurred?

4 A. Hold on one second here. I believe it was  
5 the day after I took Luke's advice and called them.  
6 Luke was here on 10/11 so he -- that conversation had  
7 to take place on 10/12.

8 Q. Now did you speak to Bryan Hooks at all  
9 during this process from the time -- between the time  
10 Luke found the first leak to when your service line  
11 was replaced?

12 A. I spoke to Bryan Hooks after the July  
13 hearing.

14 Q. Okay. What did you talk about?

15 A. Whether or not I had a ripped line and  
16 whether or not it was covered.

17 Q. Now as we sit here today -- well strike  
18 that. You filed an informal complaint to the Bureau  
19 of Consumer Services, is that correct?

20 A. Yes.

21 Q. Do you remember when you filed that  
22 informal complaint?

23 A. When did I file it?

24 Q. Yes.

25 A. Was that the question?

1 Q. That's the question. Yes.

2 A. I don't know if I have that on me. Here,  
3 hold on one second. I believe it was on 10/18/22. I  
4 am not sure.

5 Q. Okay. And do you remember what the result  
6 of that informal complaint to the Bureau of Consumer  
7 Services was?

8 A. I was never given a result.

9 MR. GRUIN: Okay. Your Honor, I would -- I  
10 do have copies of the BCS opening and closing report.  
11 It was oversight on my part not to submit them as  
12 exhibits but I do think they're relevant and they are  
13 Commission records. I would propose to submit them as  
14 late filed exhibits just for the purpose of indicating  
15 when the BCS complaint was opened and when it was  
16 closed by the BCS.

17 JUDGE COOGAN: Okay. That's fine. So what  
18 we will do is you can have -- so after today's hearing  
19 I will have 21 days until I receive the transcript.  
20 So, Mr. Gruin, you can have up to 10 days -- 10  
21 calendar days after today's hearing to submit those  
22 late filed exhibits.

23 And, Ms. Collins, then you will have 11  
24 days up to the 21 day when I will receive the  
25 transcript to respond to say whether you object or if

1 you're okay with admitting those records into the  
2 proceeding.

3 MS. COLLINS: Judge, I don't understand how  
4 that's relevant. What we're here today for is the  
5 procedure that led up to it.

6 JUDGE COOGAN: Okay. Well, like I said,  
7 it's not uncommon that there are late filed exhibits,  
8 and Mr. Gruin can submit the exhibits, and the  
9 argument you just raised with me or any other ones you  
10 have please respond to Mr. Gruin.

11 MS. COLLINS: Well if he feels that's  
12 relevant, I feel that my reply here to the record is  
13 also relevant.

14 JUDGE COOGAN: Okay. Well your reply to  
15 the record is more of a narrative than a legal  
16 argument and Mr. Gruin is proposing to have a --

17 (Simultaneous conversation)

18 (Whereupon, the court reporter advised the  
19 parties to talk one at a time.)

20 JUDGE COOGAN: Thanks, Ms. Fitzgerald.  
21 Sorry about that. And I know typically people aren't  
22 used to speaking in this manner, but, yeah, please try  
23 to wait until the other person is done speaking  
24 so . . .

25 MR. GRUIN: Your Honor, I have no further

1 questions for Ms. Collins. Thank you.

2 MS. COLLINS: So, Ms. Collins -- and I will  
3 afford the same chance to Mr. Gruin, but we also have  
4 redirect. So is there anything Mr. Gruin asked you  
5 questions about that you would like to clarify?  
6 Please keep it limited to just what Mr. Gruin asked  
7 you in his questions and please try to keep it brief.  
8 Again trying to keep this moving along, but is there  
9 anything you want to clarify based on Mr. Gruin's  
10 questions?

11 - - -

12 REDIRECT EXAMINATION

13 - - -

14 MS. COLLINS: Well he asked me if my  
15 service was ever terminated, and the harassment for  
16 over a year was very oppressive, and it would have  
17 been terminated and that's very evident with all of  
18 the evidence, including the -- Exhibit 9, the PAWC  
19 records.

20 JUDGE COOGAN: Okay. Okay. Thank you.  
21 Well thank you, Ms. Collins, for your testimony.

22 Mr. Gruin, who will we hear from first?

23 MR. GRUIN: We will hear from Mark Misura,  
24 Your Honor.

25 JUDGE COOGAN: Okay. Mr. Misura, are you

1 there?

2 THE WITNESS: Yes. I am.

3 JUDGE COOGAN: Okay.

4 MARK MISURA, after having first been duly  
5 sworn, was examined and testified as follows:

6 JUDGE COOGAN: Go ahead, Mr. Gruin.

7 MR. GRUIN: Thank you, Your Honor.

8 I want to give everyone a heads up I will  
9 be referring to Pennsylvania-American Water Company  
10 exhibits that were transmitted last week. There are  
11 eight exhibits. I want to make sure everyone has  
12 those exhibits in front of them and accessible.

13 MS. COLLINS: I did not get the last one.  
14 I believe you had some type of a correction. When I  
15 learned 10 after 10 last night and I tried to download  
16 it -- and I discussed this with you on several  
17 occasions that my computer is somewhat out of date and  
18 it kept cutting out. So I never got whatever it was  
19 you were trying to send me. I think it had to do with  
20 Exhibit 6.

21 MR. GRUIN: Yes, Ms. Collins. That is  
22 correct. I noticed Exhibit 6 had been incorrectly  
23 labeled as Exhibit 2 in my initial transmittal. So  
24 nothing has changed about the document. Just the  
25 label has changed. The number.

1 MS. COLLINS: Okay. Okay. I just wanted  
2 to clear that up.

3 MR. GRUIN: Okay. But you have the rest of  
4 the exhibits, Ms. Collins?

5 MS. COLLINS: Yes. I do.

6 MR. GRUIN: Okay. Good. Okay.

7 - - -

8 DIRECT EXAMINATION

9 - - -

10 BY MR. GRUIN:

11 Q. Then, Mark, can you confirm by whom you are  
12 employed?

13 A. Pennsylvania-American Water.

14 Q. And what is your job title?

15 A. Senior superintendent of operations.

16 Q. And how long have you been employed by  
17 Pennsylvania-American?

18 A. Eight years.

19 Q. And can you briefly summarize your job  
20 duties and your current position?

21 A. Yeah. So I oversee our regulation  
22 department, our leak detection department, and our  
23 metering department. I have four supervisors  
24 underneath me. I guess for relevancy sake that would  
25 be Lee Jones in the leak detection department.

1 Q. Is there a geographic region where you  
2 work?

3 A. Scranton/Wilkes-Barre. Our district  
4 stretches from Forest City to Mocanaqua.

5 Q. Okay. Now have you reviewed the company's  
6 records and actions related to Ms. Collins' complaint?

7 A. I did.

8 Q. Okay. And can you tell us how  
9 Pennsylvania-American and your team first came to  
10 suspect that there was a service line leak at her  
11 property?

12 A. Sure. So leak detection department  
13 routinely conducts what they call leak surveys  
14 throughout our system. They'll send leak specialists  
15 down to the field with wet sounding to pick up signal  
16 noise on hydrants and any other connection to the  
17 main. So when the leak detection specialist  
18 identifies a sound at a certain location we can use a  
19 correlation device to pinpoint the exact location of  
20 the leak based on the amount of feet from one of the  
21 devices.

22 Q. Okay. Can you please now turn to the  
23 document marked Exhibit Number 7?

24 MR. GRUIN: I'm going a little out of order  
25 here. I apologize to everybody.

1 BY MR. GRUIN:

2 Q. But Exhibit 7 is a color -- looks like a  
3 map of some sort. Can you explain what Exhibit 7 is?

4 A. Exhibit 7 is -- that's a map of our  
5 facilities in the area around Ms. Collins' house. So  
6 if you look about a third of the way down the page in  
7 the center there is a red circle that is labeled  
8 HSC465 and that stands for Hydrant Scranton City 465,  
9 and this is where our equipment picked up noise on  
10 August 11th. Ms. Collins' house is very close to the  
11 hydrant. Her house is 224, almost directly underneath  
12 465. So it's just two houses down from that hydrant.

13 Q. Okay. Okay. Thank you. So what happened  
14 next? After that survey picked up noise on August  
15 11th what happened next?

16 A. So based on the results of the survey the  
17 leak specialist used sounding equipment to find the  
18 precise location of the leak and that specialist was  
19 Luke Panusky, who was previously mentioned. So he  
20 used a device called a correlator and basically this  
21 device identifies where the highest frequency of sound  
22 is located and it enables us to locate the specific  
23 service line where the leak is.

24 So once the property is identified we  
25 usually go to the curb stoppage property and operate

1 the shut off valve. So this means that the field rep  
2 would close the valve and then open to listen if the  
3 noise of the water is going through the pipe.

4 Q. Okay. You mentioned a person name, Luke  
5 Panusky. Can you spell Mr. Panusky's last name for  
6 us?

7 A. Yep. P-a-n-u-s-k-y.

8 Q. Okay. Did Mr. Panusky verify the service  
9 location where the leak was?

10 A. He did.

11 Q. And where did he determine the leak to be?

12 A. On Ms. Collins' service line, 224 North  
13 Hyde Park Avenue.

14 Q. Did the company do any other follow-up  
15 investigations or inspections to confirm that that's  
16 where the leak was occurring?

17 A. Yes. We have records from field service  
18 representatives to confirm whether or not the leak had  
19 been repaired October 11th, October 14th, December  
20 9th, and December 28th.

21 Q. Okay. Can you please now turn to the front  
22 of the pack to a document that's marked PAWC Exhibit  
23 Number 1?

24 A. Yep.

25 Q. And can you explain what that is?

1           A.       This is a copy of the door tag that Luke  
2 Panusky left with Ms. Collins on September 30th that  
3 confirmed the existence of a service line leak.

4           Q.       Does this document threaten termination of  
5 service in any way?

6           A.       No.

7           Q.       What's the purpose of leaving this document  
8 at a customer's property?

9           A.       Just to inform them of the findings and --  
10 mostly that. To let them know they do have a leak.

11          Q.       Okay. Can you please turn to the document  
12 marked PAWC Exhibit Number 3. Sorry for going out of  
13 order here again. Exhibit Number 3 and explain what  
14 Exhibit Number 3 is.

15          A.       Yep. I have it. Exhibit 3 looks to be the  
16 service order record for the inspection on October  
17 11th.

18          Q.       This is the inspection for Ms. Collins'  
19 property?

20          A.       Yes.

21          Q.       And are service records like this  
22 maintained as a business record associated with  
23 customer accounts?

24          A.       Yes.

25          Q.       And are service records routinely prepared

1 in connection with field activities and  
2 investigations?

3 A. Yes. Yes. They are.

4 Q. Now can you briefly summarize the  
5 information that is reflected here in the service  
6 order?

7 A. Yes. The service order that was generated  
8 on October 11th shows the customer's address and the  
9 employee who requested the service, and it's usually  
10 just like a description of the work that's being done  
11 and some notes that summarize the work. This one is  
12 showing that Luke confirmed a leak at Ms. Collins'  
13 property.

14 Q. Okay. How -- how did he confirm the  
15 existence of that leak?

16 A. It was confirmed because there was -- there  
17 was noise on the valve based on the correlator. So we  
18 know there is a leak somewhere on the service line  
19 there. When he turns off the shut off valve and  
20 doesn't hear noise it means there's no leak on the  
21 company's side. If there was a leak on the company's  
22 service pipe you would continue to hear the noise with  
23 the curb stop in the off position, and that didn't  
24 happen here. When the valve is turned off after a few  
25 minutes the pipe will drain and the noise will then go

1 away because there is no supply water on that side  
2 anymore.

3 Q. Okay. Have you, yourself, done leak  
4 protection activities or observed them in the field?

5 A. I have.

6 Q. And so is there a way just based on  
7 operating the curb box to tell whether the leak was on  
8 the company's side versus the customer's side of the  
9 curb box?

10 A. Yeah. Yeah. That's pretty much the --

11 Q. Is that pretty much what you just explained  
12 to us?

13 A. Yes. Exactly.

14 Q. Okay. Now was any attempt made to explain  
15 this process and these findings to Ms. Collins  
16 verbally?

17 A. Yes. From what I understand, Luke  
18 explained how the sounding equipment works with  
19 Ms. Collins and let her actually listen, which I don't  
20 think we typically do, but I know Luke explained how  
21 acoustical leak monitoring works. But I believe Lee  
22 Jones also explained it on October 4th on a phone  
23 call.

24 Q. Okay. Thank you. Please turn now to the  
25 exhibit that's marked as PAWC Exhibit Number 2, the

1 one flyer document, and explain to us what this  
2 document is?

3 A. Exhibit 2 is a service order for the  
4 inspection on October 14th. This one looks like it  
5 was completed by one of our complaint trucks, Tom  
6 Czerw, and he confirmed that the leak has not been  
7 repaired.

8 Q. Okay. Please turn now to the document  
9 marked Exhibit Number 4. Explain what that is.

10 A. It's another service order record for the  
11 inspection on December 9th. This inspection looks  
12 like it was completed by Jason Bradley and he  
13 confirmed that there was still noise on the hydrant.  
14 So many of our hydrants are equipped with noise  
15 detection equipment.

16 During the survey process this equipment is  
17 turned on at night to identify noises that could be  
18 caused by leaks or cut our water mains or customer  
19 service pipes. Basically just picks up noise at  
20 night. So on the morning of -- early morning December  
21 9th it looks like the equipment on the hydrant within  
22 the vicinity of Ms. Collins' house, the previously  
23 mentioned hydrant, picked up the noise that was  
24 indicative of a leak in the area.

25 Q. Okay. Thank you. And can you please turn

1 to the document marked Number 5 and explain what that  
2 is?

3 A. Yep. This is the service order records for  
4 the inspection on December 27th. This inspection  
5 looks to be completed by Dave Santarelli, who is  
6 another complaint truck operator, and he also  
7 confirmed that the leak was not repaired.

8 Q. Okay. Now Mr. -- Mr. -- were you listening  
9 earlier when Ms. Collins was testifying about her  
10 request for more information about her leak? Did you  
11 hear her talk about that?

12 A. I did.

13 Q. Does such a report or a document exist? In  
14 other words, is there like a written leak  
15 investigation report that Luke or somebody else at the  
16 company created in connection with their investigation  
17 of this service line leak?

18 A. No. There isn't.

19 Q. Is there any -- I'm sorry. Go ahead. I  
20 cut you off. Go ahead.

21 A. No. But, as I stated before, the process  
22 was verbally explained to her a couple different  
23 times.

24 Q. Is there there any written document that  
25 discusses the findings of the company's investigation

1 that was not provided to Ms. Collins?

2 A. No.

3 Q. Okay. Are leak detection investigations  
4 fairly common in your region?

5 A. Yes. That's a daily occurrence. Multiple  
6 occurrences daily.

7 Q. And you stated that you spend -- typically  
8 your team I should say spent a typical amount of time  
9 speaking to Ms. Collins or interact with her about her  
10 service line leak compared to other customers in your  
11 region are more than typical or less than typical?

12 A. Honestly, I would say more than typical.  
13 These things are pretty routine and straight forward.

14 Q. Okay. Thank you. Now can you please turn  
15 to the document marked PAWC Exhibit Number 6. Explain  
16 what that is. This is a document that had the -- the  
17 original version I sent out had an improper label on  
18 it. It said PAWC Exhibit Number 2 but that was  
19 corrected with the document that has the correct label  
20 on it, Number 6.

21 A. Yes.

22 Q. Do you have that document in front of you?

23 A. I do.

24 Q. And can you explain what that document is?

25 A. Yep. This is PAWC's water tariff. It

1 looks like specifically it's Rule 6.9 -- excuse me --  
2 which states that the customer is responsible for the  
3 maintenance and repair of all service pipes and  
4 failure of customer to maintain the service pipes is  
5 grounds for termination of service.

6 Q. And did the company issue a termination  
7 notice on Ms. Collins?

8 A. We did. On October 14th we informed her  
9 her service could be terminated the if she did not  
10 repair her service pipe.

11 Q. Now was that termination notice issued to  
12 her in order to collect on a debt or an overdue  
13 balance?

14 A. No. No. It wasn't. So the leak on  
15 Ms. Collins' service line was not causing any increase  
16 in her bill, so it was before her meter -- like I  
17 said, the leak is not metered and because Ms. Collins'  
18 meter is actually on the inside of her home we sent  
19 the termination notice letter to her because under  
20 Rule 4.9 of this exhibit we have the ability to  
21 terminate service if the customer does not repair a  
22 service line.

23 Q. But was service ever actually terminated?

24 A. No. It was not.

25 Q. As we sit here today is the service line in

1 Ms. Collins house still leaking?

2 A. No. It is not.

3 Q. Can you explain how it came to be that the  
4 service line leak was corrected?

5 A. Sure. So we determined that Ms. Collins'  
6 service line qualified for what's known as our lead  
7 service line replacement program. Therefore, the  
8 company installed a new copper service at the property  
9 at no cost to Ms. Collins, and this happened on July  
10 12th.

11 Q. Okay. Great. So during the process of  
12 evaluating Ms. Collins' service pipe for whether or  
13 not it qualified for the replacement program, and  
14 during the actual replacement, were you able to  
15 confirm once and for all whether there was a leak in  
16 her service line?

17 A. Yes. We were. Just based on the  
18 inspection during that process we concluded with no  
19 doubt that there was a leak on her service line, and  
20 we did that through what is known as a pressure test.  
21 So how we do that is we take the mirror out, we plumb  
22 in a pressure gauge, and we close the valve after the  
23 pressure gauge and we let the main charge the line all  
24 the way up to the pressure gauge in her house. Once  
25 it's charged all the way we close the curb stop. So

1 now if that line is air tight in between the curb stop  
2 and that pressure gauge it should maintain pressure.  
3 There is no way that anything is going to escape that  
4 line unless there's a break.

5 So that day when we isolated her line the  
6 pressure dropped down to zero, therefore, showing that  
7 there is water escaping her line and it was not  
8 holding pressure. This is usually a last resort to  
9 confirm a leak but it without a doubt confirms that  
10 there was a leak there.

11 Q. Okay. Thank you for that. I guess I will  
12 just kind of wrap up here. And based on your review  
13 of all the records, and the company's actions, and  
14 your discussions with team members, and oversight, do  
15 you feel that the company adequately responded to  
16 Ms. Collins' concerns and took the appropriate steps  
17 to address her concerns?

18 A. Yeah. I think we definitely did. Our team  
19 identified the leak on her service line in August of  
20 2022 and left her a door tag informing her that we  
21 need to investigate the situation and we asked her to  
22 contact the local supervision to schedule that  
23 investigation.

24 So from the start Ms. Collins refused to  
25 believe that she had a service line leak. We made

1 numerous visits to her house and sent numerous letters  
2 to confirm that there was, in fact, a service line  
3 leak at the property. We sent leak detection  
4 personnel to her property on October 11th, the 14th,  
5 December 9th, December 28th, and all of those visits  
6 confirmed the existence of a leak. We left door tags  
7 on August 11th and September 30th explaining the same  
8 thing. We sent her letters on the 4th, 14th, 15th,  
9 and December 13th to explain that she had a leak, and  
10 our local office spoke to her in person and on the  
11 phone on multiple occasions for extended periods of  
12 time.

13 So needless to say it came to be a  
14 frustrating situation because she just would not  
15 accept what all the evidence showed, and we had data  
16 that showed it was pretty plain as day there was just  
17 clearly a leak on her service line. So she filed an  
18 informal complaint to the PUC and we provided all of  
19 the information that we had regarding our  
20 investigation and our attempts to explain the  
21 existence of the service line leak and BCS dismissed  
22 the complaint.

23 We tried to work with her after she filed  
24 the formal complaint. We ultimately came up with a  
25 solution to fully replace her service pipe at no cost

1 to her regardless. So during that replacement we  
2 determined without a doubt that her service line was  
3 leaking and I just -- I don't think that it's fair to  
4 say that we somehow acted unreasonably in handling  
5 this situation. The records show that we went above  
6 and beyond and spent a lot of man hours there  
7 demonstrating to her that she did, in fact, have a  
8 leak, we never terminated her service, and we  
9 continued to work with her to come to a solution and  
10 solve the issue at no cost to her.

11 Q. Okay. Thank you, sir. Do you have  
12 anything else to add to your testimony here today?

13 A. I don't. I think that that pretty much  
14 summarizes the entire situation.

15 MR. GRUIN: Okay. Well thank you, Your  
16 Honor. I have no further questions for Mr. Misura and  
17 he is available for cross-examination.

18 MS. COLLINS: Oh, yes. Can I refer to you  
19 as Mark?

20 THE WITNESS: Sure.

21 JUDGE COOGAN: Ms. Collins, Ms. Collins,  
22 hold on. I am sorry. I was on mute. Just real quick  
23 before you have cross-examination, so I mentioned  
24 before that I like to say moving the exhibits into the  
25 record to do it all as a package. So, Mr. Gruin, I

1 might want to wait until you're done with all of your  
2 witnesses. Are you intending to call your second  
3 witness -- you are intending to call your second  
4 witness?

5 MR. GRUIN: Your Honor, I do think I just  
6 need a couple questions with Mr. Hooks, and then he is  
7 sponsoring one, which is Exhibit Number 8, but his  
8 testimony should not be more than five minutes long.

9 JUDGE COOGAN: Okay. No problem. So we  
10 will wait until Mr. Gruin is done with his second  
11 witness to move for the admission of the exhibits into  
12 the record, and at that point we can do it all at one  
13 time.

14 Ms. Collins, you can let me know if you  
15 have any objections.

16 So that's how we will handle  
17 Pennsylvania-American's exhibits.

18 But go ahead, Ms. Collins, if you have  
19 questions.

20 MS. COLLINS: Yes. I would like to ask  
21 Mark a few questions.

22 - - -

23 CROSS-EXAMINATION

24 - - -

25 BY MS. COLLINS:

1 Q. Mark, regarding the 9/30/22 door hanger I  
2 think you just testified that it did not say  
3 termination on that. Am I correct?

4 A. That is correct.

5 Q. Okay. Now do you have that door hanger in  
6 front of you now?

7 A. I do.

8 Q. Okay. At the bottom it says it is  
9 important that you have the leak reported within 10  
10 days.

11 A. Repaired.

12 Q. Okay. It also says potential of having  
13 your water service disconnected if not repaired within  
14 10 days.

15 A. Yep.

16 Q. Okay. Now at the top it says Section 4.9,  
17 that I am responsible for repairing the leak now. At  
18 this point I have not been presented with any evidence  
19 whatsoever of the leak. So why would you testify that  
20 -- I'm not trying to be difficult here but why would  
21 you testify that I was not threatened with  
22 termination?

23 MR. GRUIN: Your Honor, I object to the  
24 characterization that -- Mr. Misura did testify that  
25 she did receive termination notices. So I think it's

1 a mischaracterization of his testimony.

2 MS. COLLINS: I am being specific about  
3 just this one. I am just asking him a few questions  
4 here. All right. I am done with that.

5 BY MS. COLLINS:

6 Q. Now as to me speaking to Lee Jones you just  
7 testified that I spoke to him on 10/4, is that  
8 correct?

9 A. Yes.

10 Q. I didn't testify -- or I didn't speak to  
11 him on 10/4. I spoke to him on 10/10 and on 10/12.

12 JUDGE COOGAN: Well, you see, Ms. Collins,  
13 I don't --

14 BY MS. COLLINS:

15 Q. All right. Where did you get the  
16 information that I spoke to him on 10/4?

17 A. These are just from my notes. I have that  
18 there was communication made on 10/4.

19 Q. All right. Well I'm asserting right now  
20 that I did not speak to him on 10/4. Now as for the  
21 leak without a doubt you're saying is there any  
22 possibility -- I am asking you now -- that there was  
23 no leak on my line?

24 A. Not possible, Ms. Collins.

25 Q. Not even a 10 percent possibility?

1 A. Not even a five percent responsibility.

2 Q. Okay. Now are you aware of the report from  
3 the crew that actually did the work on my property and  
4 replaced the line on July 12th? Have you seen that  
5 report?

6 A. Is that an exhibit here somewhere?

7 Q. No. I don't have it but I did ask for it.

8 A. I don't know what to tell you.

9 Q. I asked Attorney Gruin for that report and  
10 he didn't give it to me. I asked for a production of  
11 records and he didn't give it to me. So you haven't  
12 seen that report either?

13 A. I don't know if there is a report on that.

14 Q. There is. I spoke to the people that do  
15 the work. So they did their report. Now if I had  
16 that report right now -- I did ask for it -- we would  
17 be able to determine further whether or not there was  
18 an actual leak on my property?

19 A. We have already confirmed there was a leak  
20 on your property.

21 Q. I know that's what you're saying. I know  
22 that's what you're saying, but this report of the work  
23 that was done here on July 12th by that crew might  
24 have evidence in there that there is -- there was no  
25 leak. They found no leak on the line. That's all I'm

1 saying. I didn't get the report.

2 MR. GRUIN: Is this a question to me?

3 MS. COLLINS: I am still -- no. What I  
4 asked Mark was did he see that report. I am not  
5 asking him for the report, but I did ask Attorney  
6 Gruin for that report of the work that was sent on my  
7 property on July 12th.

8 MR. GRUIN: Your Honor, I can try to see if  
9 -- I don't believe any such report exists. I will  
10 confirm with Mr. Hooks and Mr. Misura to see if there  
11 is such a report. There may be a service order, but I  
12 am not aware that there is any report of any kind, but  
13 I can confirm that while Ms. Collins continues her  
14 examination and hopefully we will have an answer by  
15 the end of the hearing today.

16 JUDGE COOGAN: Just one second.

17 Mr. Misura, I thought it was your testimony  
18 Mr. Gruin asked you whether such a report existed. I  
19 thought you were -- maybe you were referring to a  
20 different report. I thought you said to your  
21 knowledge no report exists. Did I get that wrong or  
22 was that referring to a different report?

23 THE WITNESS: Yeah. Mr. Gruin was  
24 referring to what Ms. Collins was referring to as to  
25 leak detection reports, which, no, do not exist.

1 JUDGE COOGAN: Okay. So that's different  
2 than what she was asking for as far as July 12th, 2023  
3 work report? Is that right?

4 THE WITNESS: I believe that's what she's  
5 asking -- or looking for.

6 JUDGE COOGAN: Okay. Mr. Gruin, if you are  
7 able to find that, that would be great.

8 Ms. Collins, I think you sent this request  
9 for production of document with your exhibits, and  
10 that was only six or seven days ago. So, you know,  
11 The Commission does -- this is a formal hearing  
12 process. Now the Commission does have rules about  
13 discovery, and, you know, frankly,  
14 Pennsylvania-American would still be within their time  
15 to respond about that discovery. You know, I  
16 understand the practical matter, that we're actually  
17 here today for hearing, but I also have other  
18 concerns.

19 I mean, the complaint right now is isolated  
20 to the fact that you are claiming that they didn't  
21 provide you adequate or appropriate notice and  
22 communications regarding the water leak rather than  
23 where the actual water leak was located on the line.  
24 So to some degree I see that issue as moot as where  
25 the line -- the leak was because the line has been

1 replaced. So I am not sure it's hugely germane to  
2 your case.

3 That being said, if, Mr. Gruin, you're able  
4 to able to locate or even you're free to even submit  
5 it as part of your late filed exhibit package, to the  
6 extent that the parties are okay with that, you know,  
7 just to make sure that Ms. Collins is fully heard on  
8 the issues, that would be fine with me if you want to  
9 submit it with your late filed package of exhibits,  
10 but otherwise, you know, I don't want to spend too  
11 much time dwelling on the line, where the line was or  
12 wasn't -- where the leak was or wasn't located but --  
13 so that's, you know, my two sense about this  
14 particular --

15 MS. COLLINS: Judge, then I don't see why  
16 we are discussing any of this. This hearing was  
17 supposed to be about improper termination notices and  
18 the penalty and fines that go with that. That's what  
19 this is about. It's not about what actually happened  
20 with the line.

21 JUDGE COOGAN: Yeah, you know --

22 MS. COLLINS: But if that report on July  
23 12th does have in there that there was no leak on the  
24 line, that is germane as to whether or not I should  
25 have been confronted with all of this process.

1 MR. GRUIN: Your Honor, Mr. Hooks is going  
2 to testify here shortly, is much more familiar with  
3 the service line replacement project, and can discuss  
4 what kind of documents, if any, are available.

5 MS. COLLINS: I don't understand why any of  
6 that is relevant here. This is supposed to be about  
7 improper termination notices.

8 MR. GRUIN: No termination happened.

9 MS. COLLINS: It didn't happen but I was  
10 constantly harassed with this for almost a year.

11 JUDGE COOGAN: Ms. Collins, your point is  
12 taken. We're here today. We have done a lot of work  
13 to even get to this point. This is our chance today  
14 to put everything on the record. You know, we're --  
15 it's only 11:35. I think we might even get done by  
16 noon, if we're lucky. Maybe not. That's fine. You  
17 know, again I am happy to give the parties as much  
18 time as they need until I have to leave but -- so I  
19 would like to let Pennsylvania-American make their  
20 case, and I understand your position, but, you know, I  
21 will have to digest all of that for when I come to  
22 write the decision, and, you know, to the extent  
23 things aren't relevant to what we need to do now then  
24 I will take that into account, but, you know, but I  
25 also want to give somebody leeway as to how things

1 might tie together. So we don't want to -- I don't  
2 want to exclude things out of the record unless it's  
3 clear that they shouldn't be part of it.

4 MS. COLLINS: Okay.

5 JUDGE COOGAN: So, okay, all of that being  
6 said, Ms. Collins, do you have more questions for  
7 Mr. Misura?

8 MS. COLLINS: Not -- not really. Just my  
9 beef here today is about the improper -- they  
10 improperly threatened termination.

11 JUDGE COOGAN: Okay. Okay. Understood.  
12 Mr. Gruin, do you have any redirect for  
13 Mr. Misura?

14 MR. GRUIN: I do not, Your Honor.

15 JUDGE COOGAN: Okay. Well thank you for  
16 your testimony and you are excused, Mr. Misura.

17 Okay. And your next witness? Mr. Hook?

18 MR. GRUIN: Mr. Hooks. Yes, Your Honor.

19 BRYAN HOOKS, after having first been duly  
20 sworn, was examined and testified as follows:

21 JUDGE COOGAN: Okay. Mr. Gruin, please go  
22 ahead.

23 MR. GRUIN: Thank you, Your Honor.

24 - - -

25 DIRECT EXAMINATION

1 - - -

2 BY MR. GRUIN:

3 Q. Bryan, can you explain by whom you are  
4 employed and what your job title is?

5 A. Sure. I am employed by  
6 Pennsylvania-American Water and my job title is field  
7 operations supervisor and I oversee the lead service  
8 line replacement program.

9 Q. And did you oversee the replacement of  
10 Ms. Collins' service line and the restoration work  
11 done at her property?

12 A. I did. Yes.

13 Q. And did you personally visit Ms. Collins'  
14 house to determine whether her property qualified for  
15 the replacement program?

16 A. I did. Yes.

17 Q. How did you determine that she qualified?

18 A. So the -- Mark Misura was able to -- we had  
19 selected her for a pressure test. At that time in the  
20 basement we saw that there was leaking plastic service  
21 inserted through an old service line that was made of  
22 lead, and at that point I determined, while slight,  
23 there was a chance of lead exposure due to the leaking  
24 service and qualified it from that point for the lead  
25 service line replacement program.

1 Q. Was there any way for you to determine if  
2 she qualified for the program without gaining access  
3 to her house?

4 A. No. There is not.

5 Q. Okay. So once you determined she qualified  
6 for -- to have her service line replaced did  
7 Pennsylvania-American do that replacement itself or  
8 did it use a contractor?

9 A. We used a contractor.

10 Q. And what was the name of that contractor?

11 A. Franchelli Enterprises.

12 Q. Can you spell the name of Franchelli for  
13 us?

14 A. Sure. It's spelled F-r-a-n-c-h-e-l-l-i.

15 Q. Okay. And can you just give us a  
16 high-level overview of how that contractor performed  
17 the service line replacement?

18 A. Sure. So first the water service had to be  
19 turned off to the property. Next the contractor broke  
20 up the concrete in front of the property to access the  
21 service line for outside. They then insert a cable  
22 from the inside going out and pull the new copper  
23 service into place from the house out to the curb and  
24 then connect it. Then the line will be pressure  
25 tested to be sure there are no leaks and it was

1 properly installed, and then the service had been  
2 turned back on.

3 Q. Were you on site during any of this  
4 replacement process?

5 A. During the date of replacement I was not on  
6 site. That work is handled strictly by our  
7 contractor.

8 Q. Okay. After the new line was installed was  
9 there any noise on it that would indicate a leak at  
10 the service line?

11 A. No. There was not. There is no noise and  
12 confirms what we already knew, that previously there  
13 was a leak on that customer service line.

14 Q. After the service line was replaced was  
15 there any additional restoration work done at the  
16 property?

17 A. Yes. After the service line was installed  
18 our restoration contractor repaired the concrete that  
19 was impacted by the line replacement.

20 Q. Now you -- a few minutes ago there was some  
21 discussion about whether or not there was any kind of  
22 a report prepared after the July 12th service pipe  
23 replacement. Was there any report prepared by the  
24 company or its contractor about the replacement?

25 A. So there is no report prepared by the

1 contractor. We do issue them a work order through our  
2 system and they are able to enter any notes there, but  
3 again it's not an official record.

4 Q. Okay. Now can you please turn to the  
5 document that's been marked PAWC Exhibit 8?

6 A. Yes. I have it.

7 Q. Explain what Exhibit 8 is?

8 A. Exhibit 8 is a copy of the agreement that  
9 was signed by Ms. Collins stating that she wanted to  
10 have the lead service line replaced at her home. It  
11 covers a few things. One, she would allow our  
12 contractor onto the property to perform the work at  
13 the address specified, which is 224 North Hyde Park  
14 Avenue. It also covers that even though she still  
15 owns that portion of the service line that following  
16 the work we are offering a 24-month warranty on that  
17 line, and then that we would also be responsible for  
18 the restoration, which we did take care of.

19 Q. Okay. Now did you -- have you visited  
20 Ms. Collins' property since the service line was  
21 replaced?

22 A. Yes. I visited the following day, wanted  
23 to confirm whether or not she was satisfied with the  
24 work that was done. I try go above and beyond because  
25 we are dealing with customers' property, and she did

1 mention that she was satisfied with the work that was  
2 done.

3 Q. Thank you, Bryan. That's all of the  
4 questions I have for you.

5 MR. GRUIN: And Mr. Hooks is available for  
6 cross-examination.

7 MS. COLLINS: Yes. Hello, Bryan.

8 JUDGE COOGAN: Okay. Yes. Go ahead,  
9 Ms. Collins.

10 MS. COLLINS: Okay. I really have no  
11 questions for Bryan. He did excellent work while he  
12 was here, and, if anything, I think he and Mark  
13 deserve a promotion, and my beef here, like I stated,  
14 is the process with the improper threatening of  
15 terminations. It has nothing to do with Mark and  
16 Bryan. In fact, like I just stated, their work was  
17 excellent. I have no complaints about them and they  
18 really are -- they should be at least given a  
19 promotion or a raise, and that's my statement.

20 JUDGE COOGAN: Okay. Well in that case I  
21 am not sure -- well since there really were no  
22 questions I don't think, Mr. Gruin, you have any  
23 redirect. Do you, Mr. Gruin, just to check?

24 MR. GRUIN: I do not, Your Honor. No. I  
25 do not.

1 JUDGE COOGAN: Okay. Well then thank you,  
2 Mr. Hooks, for your testimony, and you are excused.

3 Okay. So now we have Company American's  
4 Exhibits 1, 2, 3, 4, 5, 6, 7, and 8, which have been  
5 marked by Pennsylvania-American and which are proposed  
6 to be moved into the record.

7 Noting again that Pennsylvania-American  
8 Exhibit 6, Ms. Collins, I believe you have what's  
9 mislabeled as Exhibit 2 but it should be Exhibit 6.  
10 It's the exhibit which says rules and regulations at  
11 the top I believe.

12 So, Ms. Collins, do you have -- do you have  
13 an objection to any of these proposed exhibits being  
14 admitted into the record?

15 MS. COLLINS: I am not sure where the rules  
16 and regulations come from. Is that what we just spoke  
17 about here?

18 JUDGE COOGAN: Mr. Gruin, do you want to  
19 respond to that?

20 MR. GRUIN: The Exhibit Number 6 is the  
21 section from Pennsylvania-American's tariff --

22 MS. COLLINS: Oh, yeah. Okay.

23 MR. GRUIN: Commission and that's available  
24 online as well.

25 MS. COLLINS: No. That's fine because

1 that's relevant to the case.

2 JUDGE COOGAN: Okay. So do you have any  
3 objections to any of the proposed exhibits,  
4 Ms. Collins?

5 MS. COLLINS: No. I do not.

6 JUDGE COOGAN: Okay. And so then  
7 Pennsylvania-American Exhibits 1, 2, 3, 4, 5, 6, 7,  
8 and 8 are admitted into the record.

9 And, Ms. Collins, I'm -- I will take care  
10 of sending your exhibits to the court reporter.

11 But, Mr. Gruin, if you could please submit  
12 Pennsylvania-American's exhibits to the court reporter  
13 after this hearing.

14 MR. GRUIN: Sure.

15 JUDGE COOGAN: That would be helpful.

16 And, Ms. Fitzgerald, maybe at the end if  
17 you can let us know what e-mail address to send those  
18 to?

19 THE COURT REPORTER: Sure thing.

20 JUDGE COOGAN: Okay. And then as far as  
21 Mr. Gruin, you wanted to submit a -- the Pennsylvania  
22 Public Utility Commissions Bureau of Consumer Services  
23 document from them as a late filed exhibit. Can you  
24 also -- can you also research -- I don't know if you  
25 have found out yet -- wouldn't be surprised if you

1 haven't because it's hard to do multiple things at one  
2 time, but do you want to look into see whether -- as  
3 Mr. Hooks mentioned, I guess there is a work order or  
4 possibly there could be some notes from the contractor  
5 that might be relevant? That's what Ms. Collins asked  
6 for, which would be helpful if we could try to  
7 accommodate her if we can.

8 MR. GRUIN: Yes.

9 JUDGE COOGAN: To have that included as a  
10 possible late filed exhibit? So maybe -- so maybe the  
11 BCS document, whatever that is, we can tentatively  
12 mark that as Pennsylvania-American Exhibit 9, and then  
13 the work order from July 12th, 2023 we can tentatively  
14 identify that as Pennsylvania-American Exhibit 10, and  
15 again, Mr. Gruin, if you can try to submit those  
16 within 10 days, which would be the -- next Friday, the  
17 21st.

18 And then, Ms. Collins, you would have 11  
19 days after that, 11 calendar days, which would be I  
20 think till -- wait a second. Let me make sure I am  
21 looking at the calendar correctly. So today is  
22 October 11th.

23 So, Mr. Gruin, if you can try to submit  
24 those documents by October 20th, so that's actually  
25 nine days, next Friday, because the 10 days will be

1 the Saturday.

2 And then, Ms. Collins, if you can respond  
3 by October 31st, Halloween, which is whether you have  
4 any objections to PA-American's Proposed Exhibits 9  
5 and 10 being admitted into the record. So I can take  
6 care of that when I go to write my decision.

7 MS. COLLINS: Okay.

8 MR. GRUIN: Your Honor, I can have late  
9 filed exhibits filed by the end of this week. No  
10 problem. And I can check with Mr. Hooks after the  
11 hearing today. I think he has to run to an  
12 appointment but I can confirm with him about the  
13 service order for the replacement.

14 JUDGE COOGAN: Ms. Collins, any other  
15 questions?

16 MS. COLLINS: No. I would just like to  
17 have my final statement. Are we there yet?

18 JUDGE COOGAN: Yeah. Yeah. I think we are  
19 there, unless anybody has any housekeeping issues they  
20 want to talk about before we get there?

21 So, yeah, you can go ahead, Ms. Collins. I  
22 know during your testimony you did provide a lot of  
23 citations, legal citations, which you don't have to  
24 repeat them but there is -- you don't have to make  
25 this too long so -- but go ahead, Ms. Collins.

1 MS. COLLINS: All right. This -- my  
2 concern here was the improperly threatening  
3 termination, and I believe I stated all of those laws  
4 and regulations concerning that, and that it was  
5 necessary to go through this hearing because PAWC's  
6 business practice and customers' lack of tools to  
7 defend against inexcusable action warrants applying  
8 appropriate penalties in the public interest for  
9 unlawful actions in violations of the Public Utility  
10 Code and commission regulations to ensure reasonable,  
11 adequate, and sufficient service pursuant to 66 Pa.  
12 C.S. Section 1601, and to not have any accountability  
13 -- that type of impunity is the best guarantee that  
14 the practices herein will continue and -- so that's  
15 why I am requesting that the action be taken for  
16 penalties and/or fines or whatever else needs to be  
17 done to correct the situation, and I believe that I  
18 addressed all that in my reply for the improperly  
19 threatened termination.

20 JUDGE COOGAN: Okay. Thank you,  
21 Ms. Collins.

22 Mr. Gruin, do you have a closing statement?

23 MR. GRUIN: Just kind of very briefly, Your  
24 Honor, to summarize kind of some of the key points,  
25 first of all, the company is permitted to terminate

1 service. If there is a service line leak that is not  
2 being repaired it's well within its right under the  
3 tariff to do that. It did issue termination notices  
4 as per the record reflects, but water service was  
5 never terminated to the property.

6 I would also note that the termination  
7 notices were issued before the BCS case was opened on  
8 October 18th and after it was closed on December 6th,  
9 but during the pendency of the BCS complaint there was  
10 no termination notices issued and none during the  
11 pendency of the PUC formal complaint either.

12 The company believed that it adequately  
13 addressed all of Ms. Collins' concerns and they went  
14 above and beyond to try to explain to her the existing  
15 service pipe leak and her options in person, over the  
16 phone, and it just -- there was never an ability to  
17 reach a meeting of the minds on that point.

18 Unfortunately, we had to go through this process but I  
19 think the record reflects that the company acted more  
20 than reasonably and the solution that was provided at  
21 the end of the day was a good solution that confirmed  
22 that there was a leak in the service line but -- and  
23 be able to have the replacement of that service line  
24 at no cost to Ms. Collins.

25 So the company's position is that there is

1 no grounds to find any kind of a violation of the  
2 Commission's regulations or the Public Utility Code  
3 and certainly no civil penalty is warranted under  
4 these circumstances.

5 JUDGE COOGAN: Okay. Thank you, Mr. Gruin.

6 I understand both parties' positions and I  
7 appreciate your participation in today's hearing. I  
8 think we achieved what we needed to today, and, as I  
9 said before, I will receive the transcript from the  
10 court reporter in 21 days, and again, as I already  
11 mentioned before, those late filed exhibits can be  
12 filed.

13 And then, Ms. Collins, you will have a  
14 chance to respond to those as I outlined and -- so we  
15 can take care of that as well, but, otherwise, I'll --  
16 after I receive the transcript I'll have up to 90 days  
17 to write my decision. Hopefully the decision won't  
18 come out on day 90 but I do have up to 90 days to  
19 write that decision. If either party disagrees with  
20 my decision, you will have a letter accompanying my  
21 decision letting you know how you can file exceptions,  
22 which is essentially an appeal to the full five person  
23 commission here, and so that's where we go from here.

24 So that's it. So, everybody, let's just  
25 stay on the line then when I adjourn so we can get the

1 e-mail address from Ms. Fitzgerald regarding exhibits,  
2 but, otherwise, the time is 10:55 a.m., and thank you,  
3 everyone.

4                   And also to you Ms. Fitzgerald for your  
5 help today.

6                   We are adjourned.

7                   (Whereupon, the hearing concluded.)  
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C E R T I F I C A T E

I, hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me via remote teleconference, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

*Elise Fitzgerald* (s)

ELISE FITZGERALD, RPR  
KARASCH & ASSOCIATES  
Chester County Bar Association Building  
West Gay Street, 2nd Floor  
West Chester, Pennsylvania 19380  
(800) 621-5689

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