

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Margaret Collins	:	
	:	C-2023-3037963
v.	:	
	:	
Pennsylvania-American Water Company	:	

**ORDER**  
**ADMITTING LATE-FILED EXHIBITS AND CLOSING THE RECORD**

The evidentiary hearing in this case was held on October 11, 2023. During the hearing, counsel for Pennsylvania-American Water Company (PAWC or Respondent) proposed to submit two late-filed exhibits. I directed that counsel for PAWC submit the proposed exhibits by October 20, 2023, and that the Complainant, Margaret Collins, submit any objections to the late-filed exhibits by October 31, 2023.

On October 14, 2023, counsel for PAWC submitted two late-filed exhibits, marked for identification as follows:

- Exhibit 9 – Bureau of Consumer Services (“BCS”) Materials Case Number 3872384
- Exhibit 10 - July 12, 2023 Service Order

PAWC’s Exhibits 9 and 10 are attached to this order.

Ms. Collins submitted a letter regarding PAWC’s Exhibits 9 and 10 on October 24, 2023. Ms. Collins’ letter is attached to this order. In her letter, Ms. Collins states she has no objection to PAWC Exhibits 9 or 10.

The transcript of the October 11, 2023 evidentiary hearing in this case was filed with the Commission's Secretary's Bureau on October 30, 2023. No further hearings in this matter are scheduled to be held.

THEREFORE,

IT IS ORDERED:

1. That Respondent's late-filed Exhibits 9 and 10 are admitted into the record.
2. That the record at Docket No. C-2023-3037963 is closed.
3. That the Initial Decision in this case shall be prepared and issued.

Date: October 31, 2023

\_\_\_\_\_  
/s/  
John M. Coogan  
Administrative Law Judge

# PAWC EXHIBIT 9

## Case Opening

Case #:	3872384	Date Case Opened:	10/18/2022
BCS Investigator:	BCS CASE POOL	Account Number:	1024210029343611
Class Of Service:	RESIDENTIAL	Case Origin:	TELEPHONE
Reason for Contact:	PEOPLE-DELIVERED SERVICE (I.E., SCHEDULING DELAYS, PERSONNEL, DAMAGES) (# 58)		
Termination Date:	10/24/2022	Prior Case#:	
Customer Name:	MARGARET COLLINS	Service Address:	224 N HYDE PARK AVE ,SCRANTON PA 18504
Phone (Home):	570-3431469	Phone (Work):	-
Universal Service:	Yes	Arrearage:	0.00

## Family Size

Adult	Children	Age
1	0	

## Income Detail

Income Source	Amount
A1 SS	2000.00

### Company Position:

10/10/2022 COMPANY SAYS THERE IS A LEAK AT THIS ADDRESS AND THEY WANT IT FIXED. TECH CAME OUT 10/11/22 AND FOUND LEAK AT THE CURB BUT DID NOT KNOW WHERE IT WAS COMING FROM BUT CUSTOMER HAS TO PAY TO OPEN IT UP AND FIND WHERE LEAK IS ORIGINATING FROM.

### Related Information:

None

### Case Problem:

CUSTOMER HAS RECEIVED 2 TERMINATION NOTICES DUE TO PAWC SAYING THAT SHE HAS A POSSIBLE LEAK ON HER PROPERTY AND THEY NEED HER TO HAVE IT REPAIRED. CUSTOMER SAYS HER BILL HAS NOT INCREASED, NO LEAK SEEN, NO CHANGE IN WATER PRESSURE, ETC. AND SHE WAS WONDERING IF THIS WAS A SCAM. SHE CALLED COMPANY AND ASKED FOR A WRITTEN EXPLANATION FOR HOW THEY DETERMINED THERE WAS A LEAK BUT NO RESPONSE. - RELIEF SOUGHT - CUSTOMER FEELS SHE SHOULD NOT HAVE TO PAY TO FIND WHERE THE LEAK IS ORIGINATING FROM AND SHE DOES NOT WANT WATER TURNED OFF WHILE SHE TOO CONTINUES TO LOOK FOR SOMEONE TO MAKE THE REPAIRS.

### Hot Issues:

None

### Case Misc Info:

HOME PHONE ONLY, MAY VM; NO EMAIL AVAILABLE

**PENNSYLVANIA-AMERICAN WATER COMPANY  
UTILITY COMPANY REPORT  
TO THE INFORMAL COMPLAINT UNIT**

<b>Customer:</b>	Margaret Collins	<b>BCS Investigator:</b>	
<b>Service Address:</b>	224 NORTH HYDE PARK AVE SCRANTON, PA 18504	<b>Case Number:</b>	3872384
<b>Mailing Address:</b>	Same as above	<b>Date Received:</b>	10/18/2022
<b>Telephone Number: (Home)</b>	570-343-1469	<b>Balance: Due Date:</b>	46.83 11/14/2022
<b>Account Number:</b>	210029343611	<b>Service Class:</b>	Residential
<b>Budget:</b>	\$24.00	<b>Heating:</b>	Yes

10/10/2022 company says there is a leak at this address and they want it fixed. tech came out 10/11/22 and found leak at the curb but did not know where it was coming from but customer has to pay to open it up and find where leak is originating from. customer has received 2 termination notices due to pawc saying that she has a possible leak on her property and they need her to have it repaired. customer says her bill has not increased, no leak seen, no change in water pressure, etc. and she was wondering if this was a scam. she called company and asked for a written explanation for how they determined there was a leak but no response. - relief sought - customer feels she should not have to pay to find where the leak is originating from and she does not want water turned off while she too continues to look for someone to make the repairs.

**DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION:**

**08/11/2022**-Distribution investigating possible leak – “leak noise was originally detected. A we still have work to do tag was posted on the property, requesting the Customer call the Local Office to gain access the meter to test for the Property Owner service leak”

**08/12/2022** – The customer called the company – “Margaret Collins, customer states received door hanger at her property advising needing access to property for leak detection - notification states to contact Lee Jones 272-235-5674 to schedule appt. nothing updated on this account - please contact customer and advise if this is valid request”

**09/30/2022** – Leak Detection Specialist – posted the 2nd leak detection tag. The noise on her service was still present. Again, there was no answer at the Door.

**10/03/2022** – The customer called the company – “Issue: Customer says she keeps getting notices on door from AW guy. I advised there is leak on customer-side that must be repaired. She does not want to schedule someone to come inside her home. She also says her bill has not gone up. She wants to know what devices were used and how it was determined that she has a leak. She says she is not scheduling for anything to be dug up when she is not having a problem, until someone tells her how exactly it was determined there is a customer-side leak. I did advise her of the MLP s/o that is scheduled to be worked on 10/14/2022 to confirm the leak is repaired on that day. I offered to schedule for a s/o to have someone come out to speak with her about the leak. She declined scheduling a s/o. I also advised her the correspondence/letter "PA Non AWR Consumer Pipe Leak" has gone out today, 10/03/2022.

**10/03/2022** – PA non AWR Consumer Pipe leak letter was mailed

**10/04/2022** – Local Operations noted the account – “Sent to Lee Jones to call and explain to customer what devices were used. Customer does not have WLP and if they choose to not make repairs the service will be shut off around 10/24/22.”

**10/04/2022** – Leak Detection Specialist called the customer – “I spoke with this Customer by phone (2) different times, the 2<sup>nd</sup> Call lasting approx. 25 min. explaining to her how the leak was detected routine survey; how the leak was isolated to her service, and the process we use to determine the leak when it’s on the “customer’s service”. She continued to say she “just couldn’t grasp the idea that the leak was on her pipe”. As noted, this went on for 25+ minutes. She was having a difficult time accepting the fact that she was responsible for the service pipe on her property, beyond the shut off valve curb-stop”

**10/04/2022** – Leak Detection Specialist called the customer – “I spoke with this Customer by phone (2) different times, the 2<sup>nd</sup> Call lasting approx. 25 min. explaining to her how the leak was detected routine survey; how the leak was isolated to her service, and the process we use to determine the leak when it’s on the “customer’s service”. She continued to say she “just couldn’t grasp the idea that the leak was on her pipe”. As noted, this went on for 25+ minutes. She was having a difficult time accepting the fact that she was responsible for the service pipe on her property, beyond the shut off valve curb-stop”

**10/04/2022** - PA non AWR Consumer Pipe leak letter was mailed

**10/11/2022** – Service order for service line leak created by Field Supervisor – “service line leak, cust. side Meet Customer to gain access to meter to shut off and verify PO leak - Cust. requests PAW Employee wears a Mask to gain access to meter”

**10/11/2022** – Field Service Rep (FSR) at premise - “confirmed P.O. leak at 224 North Hyde Park Ave. Customer does not have the WLPP.”

**10/14/2022** - The company sent the customer a 10 day non repair shut off notice letter informing them a leak was found on their customer owned service pipe and the repair needs to be completed.

**10/14/2022** – 2:28 PM – FSR at premise – “PO (property Owner) leak has not been repaired.”

**10/15/2022**- The company sent the customer a 10 day non repair shut off notice letter informing them a leak was found on their customer owned service pipe and the repair needs to be completed.

**10/18/2022** - The company received this PUC complaint 3872384.

### **COMPANY'S FINAL POSITION TO THE CUSTOMER:**

**10/04/2022** – Leak Detection Specialist called the customer – “I spoke with this Customer by phone (2) different times, the 2<sup>nd</sup> Call lasting approx. 25 min. explaining to her how the leak was detected routine survey; how the leak was isolated to her service, and the process we use to determine the leak when it’s on the “customer’s service”. She continued to say she “just couldn’t grasp the idea that the leak was on her pipe”. As noted, this went on for 25+ minutes. She was having a difficult time accepting the fact that she was responsible for the service pipe on her property, beyond the shut off valve curb-stop”

### **DETAILS OF THE COMPANY'S INVESTIGATION AFTER BCS CONTACT:**

**10/21/2022** – 1:44 PM - Margaret Collins, called with case # 3872384 states PUC is supposed to be investigating the complaint. Resolution advised no PUC notes on the acct at this time placed hold on acct unit 10/26/22

**10/24/2022** – 1:11 PM - Margaret Collins, Balance on account: 46.83, Issue: wanted the outcome of the PUC case. Resolution: advised it is still in process. advised. she will be called”

Leak Detection routinely sounds water lines and during one of the routine inspections they found noise on a line near the customer’s house. The leak detection narrowed the sound coming from the customer’s curb stop indicating a leak on the customer’s service pipe. A door tag was left informing the customer of the leak and need to repair. Per PAWC Commission approved Tariff 4.9 the installation, maintenance and repair of the customer’s service pipe is the responsibility of the customer. The Tariff also states failure to repair a leaking

service pipe may result in termination of service. The company provided a second door tag informing her of the service pipe leak and need to repair. A Field Operation Supervisor spoke to the customer explaining how the leak was found to be on her side of the curb box and she is responsible for the repair. The company verified that the service leak has not been repaired and 10-day non repair notices were sent to the customer.

The customer's meter is located inside the premise and the service pipe leak is before the meter. Therefore, the leaking water is not passing through the meter and not increasing her bill.

### **COMPANY'S FINAL POSITION TO BCS:**

Pennsylvania American Water (PAWC) has reviewed the company records. On 08/11/2022 a routine survey identified that there is a leak on the customer owned service pipe at the premise 224 N Hyde Park Ave, Scranton, PA. Door tags were posted at the property on 08/11/2022 requesting the Customer call the Local Office in reference to the Property Owner service pipe leak. On 09/30/2022 the noise on her service was still present. Consumer Pipe Leak Letters were sent on 10/03/2022 and 10/04/2022 informing the customer of the service pipe leak and the need to repair. The leak detection specialist spoke with the customer and explained how the leak was detected (routine survey), how the leak was isolated to her service, and the process we use to determine the leak when it's on the customer's service. The customer felt repair of the service pipe leak was not her responsibility. On 10/14/2022 the Field Service Representative went to the premise and noted "leak has not been repaired". Per PAWC Commission approved tariff 4.9 the customer is responsible for the maintenance and repair of customer owned service pipe. The company is permitted to terminate water service if repairs are not completed. Please dismiss.

Completed By: DeeAnn Foster

Date Completed: 10/28/2022



## Closed Case

<b>BSC Case #:</b>	<b>3872384</b>	<b>Date Case Closed:</b>	<b>12/06/2022</b>
<b>BCS Investigator:</b>	<b>MONTRELL SMITH</b>	<b>Account Number:</b>	<b>1024210029343611</b>
<b>Customer Name:</b>	<b>MARGARET COLLINS</b>	<b>Address:</b>	<b>224 N HYDE PARK AVE ,SCRANTON PA 18504</b>
<b>Decision Issue:</b>	<b>N</b>	<b>Violation:</b>	<b>NO</b>
<b>Oral/Written:</b>	<b>O</b>		
<b>Chapter:</b>		<b>Section Rule:</b>	
<b>Total Balance:</b>	<b>46.83</b>	<b>Balance Date:</b>	<b>10/28/2022</b>
<b>Resolution:</b>	<p>VERBAL CLOSE: I CALLED AND SPOKE WITH THE CUSTOMER AT 570-343-1469. THE CUSTOMER SAID SHE HAD SOME PEOPLE COME OUT AND THEY WERE NOT ABLE TO LOCATE THE LEAK. I ADVISED THE CUSTOMER TO HAVE HER PLUMBER AND HER THE COMPANY COME OUT ON THE SAME DAY TO CONFIRM THE LEAK. THE CUSTOMER WAS NOT HAPPY BUT SAID SHE WILL DO THAT. I ADVISED THE CUSTOMER OF THE APPEAL PROCESS. THE CUSTOMER SAID FOR NOW SHE WILL HAVE A PLUMBER COME OUT WITH THE COMPANY TO CONFIRM AND LOCATE THE LEAK. THE CUSTOMER SAID THE FIRST PLUMBER ADVISED HER THE LEAK WAS ON THE COMPANY'S SIDE.</p>		
<b>Serv. Cont. Amount:</b>		<b>Serv. Cont. Date:</b>	
<b>Service Restored Pay:</b>		<b>Terms:</b>	
<b>Special Budget Amount:</b>		<b>Regular Budget Amount:</b>	
<b>Arrears Payment Plus:</b>		<b>Final Monthly Payment:</b>	
<b>Current Monthly Payment:</b>		<b>End Monthly Payment:</b>	
<b>Letter Description:</b>			
<b>PAR Description:</b>			
<b>Head Date:</b>		<b>Bill Date:</b>	
<b>Reconnect Amount:</b>	<b>0.00</b>	<b>Pay Amount:</b>	
<b>Archived:</b>	<b>No</b>		



## Work Orders

General

Order Number: 1188764

Initial Information	Map	Materials	Spoils	Markouts	Markout Violations	Markout Damages	Traffic Control	Restoration	Crew Assignments	Additional	Account	Purchase Orders (PO)	Job Site Check Lists	Job Observations	Documents	
Order Number:	1188764															
Town:	SCRANTON CITY							Town Section:								
Street Number:	224							Street:	N HYDE PARK AVE							
Apartment Addtl:																
Nearest Cross Street:	LAFAYETTE ST							Zip Code:	18504-3390							
Asset Type:	Service							Service ID:	p#:9240327473, s#: Device Location: 6002691493 Equipment #: 55277128 Installation: 7002845594							
								...								
								Data Collection:	<a href="#">View Service</a> <a href="#">Premise Details</a> <a href="#">SAP Technical Master Data</a>							
Requested By:	Employee							Requesting Employee:	Bryan Hooks							
Purpose:	Compliance							Job Priority:	Routine							
Description of Work:	SERVICE LINE RENEWAL CUST SIDE															
PMAT Override	RBS - Child WO to PS Project							Markout Requirement:	None							
WBS Charged:	R24-91H2.23-P-0024															
Traffic Control Required?	<input type="checkbox"/>							Street Opening Permit Required?	<input type="checkbox"/>							
Digital As-Built Required?	<input checked="" type="checkbox"/>							Digital As-Built Completed?	<input type="checkbox"/>							
Notes:	Customer has a 1/2 plastic line run through an old lead line. The plastic line is leaking. Service will be renewed to prevent potential lead exposure to the customer. Franchelli - kenbfei1@gmail.com 7/12/2023 6:23:48 PM: From centerline on Lafayette St															
Created By:	Bryan Hooks							Date Received:	7/7/2023							
Completed By:	Franchelli							Date Completed:	7/12/2023							
Flushing Notice Type:								Created On:	7/7/2023 11:25:00 AM (EST)							
SAP Notification #:	21117565							Supervisor Approved On:	7/14/2023 2:26:00 PM (EST)							
SAP Work Order #:	91389285							Materials Approved On:	7/14/2023 3:09:00 PM (EST)							
SAP Status:	Created Goods Issue Successfully							Material Planning Completed On:								
Contractor Assigned to: Franchelli On 7/7/2023 11:34:00 AM																

Margaret Collins vs. PAWC: Docket NO. C-2023-3037963  
2023

October 24,

**Presiding Officer: Administrative Law Judge John M. Coogan**

Email: [jcoogan@pa.gov](mailto:jcoogan@pa.gov)

Phone: 717-787-1399

Fax: 717-213-6812

Dear Judge Coogan,

Thank You: regarding the October 11, 2023 hearing request for my objections to allowing PAWC's proposed Exhibits 9 and 10 into the record are:

I have no objections to Exhibit 10 pending receipt from Attorney Gruin of the computer report form and any document that was sent to PAWC by the Franchelli crew who replaced the water line on July 12, 2023. At the hearing I cited requested documents of the July 12, 2023 work reports from a Request to PAWC for Production of Records that was emailed to Attorney Gruin with my exhibits and documents admitted in the hearing.

The email to Attorney Gruin also requested PAWC for Production of Records to provide witnesses expected to testify and I replied at the hearing that if I knew who they were I could ask them questions at the hearing instead of asking (myself) why I didn't ask this or that afterwards (Mr. Gruin also failed to provide witnesses as I requested in the July 7, 2023 hearing when he presented Luke as a witness). Had I known Mark was testifying, I could have asked how Exhibit 4, Leaking Hydrant next door to my property was able to accurately register surrounding leaks. And, why was the acoustic device that Luke placed on my head as he testified omitted as well as the lead pipe line from Exhibit 3.

I have no objections to allowing Exhibit 9 into the record. Exhibit 9 corroborates evidence stated in the July 19, 2023 PAWC Records, pages 9(10 to 9(11); Claimant's Formal Complaint and exhibits that demonstrate PAWC improperly threatened termination in violation of the Public Utility Code and Commission regulations that I cited in the October 11, 2023 hearing.

**Exhibit 9. PENNSYLVANIA - AMERICAN WATER COMPANY UTILITY COMPANY  
REPORT TO THE INFORMAL COMPLAINT** First paragraph states:

10/10/22 company says there is a leak at this address and they want it fixed. Tech came out 10/11/22 and found a leak but did not know where it was coming from but customer has to pay and open it up and find where leak is originating from. customer has received 2 termination notices due to PAWC saying that she has a possible leak on her property and they need her to have it repaired. customer says her bill has not increased, no leak seen, no changes in water pressure, etc. and she is wondering if this was a scam. she called company and asked for a written explanation for how they determined there was a leak - but no response.

This paragraph sets the stage for inexcusable actions by PAWC who improperly threatened termination in violation of Commission regulations and the Public Utility Code as evidenced in the July 19, 2023 PAWC Records, pages 9(1) to 9(11); the 8/11/22, 9/30/22, 12/28/22 door hangers and the 10/04, 10/14, 10/15, and 12/13/22 termination letters admitted in the hearing.

**DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION:** Lists a 10/04/2022 paragraph

three times that states Leak Detection Specialist called the customer two different times. I informed Mark at the hearing that I did not speak to any one on 10/04/2022. On 10/11/22, I asked Luke what side the noise was on and he said to call Lee and pick his brain (this tracks with above statement: Tech came out 10/11/22 and found a leak but did not know where it was coming from) . I called Lee Jones on 10/10/22 and on 10/12/22 Lee said if the leak is at the curb stop it will be fixed at no charge and offered a contact who wanted cash only, no check - I stated at the hearing that this violates tariff 4.9 for proof of repair. I previously requested PAWC for Production of Records to provide the 10/10/22 and 10/12/22 phone records. I'm requesting the 10/04/2022 phone records herein to be produced to correct the record.

**COMPANY'S FINAL POSITION TO THE CUSTOMER:** 10/04/2022 - Leak Detection Specialist called the customer - this paragraph is a false narrative that discredits Mark's testimony at the hearing when I informed him that I did not speak to anyone on 10/04/22. Prior to the July 7, 2023 hearing, no one called me except for Lisa (Formal Complaint pg. 3, prgh 2; PAWC Records pg. 9(11)). On 1/06/2023 Lisa said fees for my plumber (\$235 plus \$193 an hour) would be reimbursed if it's determined that the leak is PAWC's responsibility. She reversed Luke's 10/11/22 leak finding, said the curb stop was silent when closed, the leak is on my property - these actions to alter and change the facts are willful fraud (Formal Complaint pg.3, prgh. 2; PAWC Records pg. 9(11)). I requested PAWC for Production of Records of the 1/06/2023 phone call prior to both hearings with no response.

**COMPANY'S FINAL POSITION TO BCS:**

Last three sentences state: - Per PAWC Commission approved tariff 4.9 the customer is responsible for the maintenance and repair of customer owned service pipe. The Company is permitted to terminate water service if repairs are not completed. Please dismiss. Date completed:10/28/2022.

These statements to BCS track all of PAWC's actions to use tariff 4.9 to supercede the Public Utility Code and Commission regulations and did so without impunity. See 52 Pa. Code § 56.1(a); 66 Pa. C.S. § 501(c) compliance; 66 Pa. C.S.A. § 3308 (continuance of refusal, neglect, concealment); 66 Pa. C.S.A. Public Utilities § 1353; 66 Pa. C.S. § 3205 (maintenance, repair, and replacement); 66 Pa.C.S.A. § 1501 (Character of service and facilities); 52 Pa. Code § 56.99 (prohibits use of termination solely as a collection device); and 52 Pa. Code § 56.151 (1)(4)(5)(i); 52 Pa. Code § 56.152 (3)(4); 52 Pa. Code 54.43 (f) deceptive unlawful acts; 66 Pa. C.S. § 1352(b)(2) the regulations shall ensure that a distribution system improvement charge shall terminate if the commission determines that the utility is not in compliance with the approved plan.

Exhibit 9 corroborates PAWC's deliberate laser focused campaign to use it's tariff 4.9 as a pocket pardon to supercede all Commission regulations and the Public Utility Code to extort customer (me) with a bait and switch shakedown to pay up front with the assurance from Lee (10//12/22 phone call) and then Lisa (1/06/23 phone call) that I will be reimbursed if it's determined the leak is PAWC's responsibility while continuously scheduling and threatening termination of service again and again and concurrently collecting DSIC charges. PAWC withheld all requests for explanation and put nothing in writing other than door hangers and termination notices prior to July 19, 2023 and is currently withholding relevant evidence requested at the hearing.

The July 19, 2023 PAWC Records (pages 9(1) to 9(11) detail continuous demands repeated again and again to fix the alleged leak while scheduling terminations and ongoing threats to terminate service in 10 days or immediately (14 times) while denying requests for the 10/11/22 leak report and information on what devices were used and how the leak was determined (7 times) and did not return any phone calls (5

times). The July 19, 2023 PAWC Records corroborate PAWC's Exhibit 1 door hanger 9/30/22 stating tariff 4.9; Complainant's 8/11/22, 9/30/22, 12/28/22 door hangers and 10/04, 10/14, 10/15, and 12/13/22 termination letters admitted in the hearing.

PAWC's egregious business practices and use of its tariff 4.9 as a pardon to supercede all Commission regulations and the Public Utility Code to demand and coerce customer(s) to pay up front in a bait and switch costly repair scam to fix an alleged service line leak or suffer a protracted onslaught of termination threats warrant appropriate penalty/fine and/or other remedy be applied to deter future violations to protect the public interest pursuant under Sections 66 Pa. C.S. § 3301(a)(b) continuing offenses. And to apply what the Commission Has set forth in a statement of policy, the factors and standards for evaluating proceedings involving violations of the Public Utility Code for purposes of determining appropriate civil penalty amounts at 52 Pa. Code 69.1201(c).

Respectfully,

Margaret Collins

Ph:570.343.1469

10/24/23

Email sent to: [michael.gruin@stevenslee.com](mailto:michael.gruin@stevenslee.com)