

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ronald Derian and	:	
Shelia Derian	:	
	:	C-2023-3041252
v.	:	
	:	
Pennsylvania American Water Company	:	

**INTERIM ORDER  
ATTACHING COMPLAINANTS' BRIEF TO THE RECORD  
AND CLOSING THE EVIDENTIARY RECORD**

An evidentiary hearing was held in the above-captioned matter on November 9, 2023, and December 7, 2023. The transcripts, with associated exhibits, were filed on December 4, 2023, and December 28, 2023, respectively.

At the conclusion of the hearing on December 7, 2023, I advised the parties I would provide an opportunity for them to file briefs by issuing an Order setting a briefing schedule after the transcripts were filed.

On December 14, 2023, Ms. Derian emailed me a "letter." I forwarded it to counsel for the Company to cure the *ex parte* nature of the email. Counsel replied seeking clarification of my directive at the hearing regarding the filing of briefs. I clarified I would be issuing an Order setting a deadline and providing instructions.

Ms. Derian's email to me on December 14, 2023, was lengthy, obviously taking considerable time on her part.

On January 3, 2024, I issued an Interim Order setting a deadline for the filing of briefs. I noted in my Order that if Ms. Derian wanted her email to me dated December 14, 2023,

to be considered her brief, she did not need to file any additional document. I explained that if she wanted to prepare a new document to be considered, she must file it by the deadline set forth in my Order and clearly state she wanted her new filing to replace the email dated December 14, 2023. Finally, I explained if she did not file a new document by the deadline, I would issue an Order attaching her email to the record as her brief.

The Company subsequently filed its brief on January 19, 2024. Ms. Derian did not file any additional documents. Ms. Derian's email is attached to this Order.

THEREFORE,

IT IS ORDERED:

1. That the email sent to me by Shelia Derian on December 14, 2023, shall be considered Complainants' brief.
2. That the email sent to me by Shelia Derian on December 14, 2023, shall be attached to the docket at C-2023-3041252.
3. That the record in this matter is closed.

Date: February 5, 2024

\_\_\_\_\_  
/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2023-3041252 - RONALD AND SHEILA DERIAN v. PENNSYLVANIA AMERICAN WATER COMPANY**

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*(Counsel for PAWC)*

-----Original Message-----

From: Sheila Derian <sam\_rjd@yahoo.com>  
Sent: Thursday, December 14, 2023 5:29 PM  
To: DeVoe, Emily <edevoe@pa.gov>  
Subject: [External] Letter case # c-2023-3041252

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Dear Judge Devoe,

Thank you for the opportunity to write a letter conveying my cumulative thoughts on the many pages of record concerning case #2023-3041252 Ronald and Sheila Derian Vs. Pennsylvania American Water Company in a much condensed form.

As a result of my husband, Ronald's breathing symptoms worsening in response to the escalating mold and bacteria created by the NRW infiltration, Dr. Leap, his pulmonary doctor, after studying his most recent ct scan, blood tests, and sputum testing, of October 2023, suspecting M. Avium bacterial exposure from the water source, referred him to the Pittsburgh Institute of Infectious Disease, Dr. Geraldo. November 3, 2023, a bronchoscope was performed. After several weeks of growing cultures including earlier sputum cultures, it was confirmed on December 8, 2023, on visit to Dr. Teresa Geraldo, that Ronald had MAC Lung Disease from exposure to M. Avium bacteria. The suspect infection source is the still infiltrating NRW as the vehicle bringing the bacteria into the home through the foundation, aerosolizing and inhaled into the lungs. The survival rate from this disease is typically 4.9 years after diagnosis. Ronald will begin a minimum of 1 1/2 years of intense, very expensive, exceeding \$5000.00, antibiotic treatment at the end of December 2023 and continuing until June 2024. He will need bi-weekly blood testing, CT's, monthly sputum cultures, and close medical monitoring by his doctors throughout treatment. We have spent an excess of \$20,000.00 in medical expenses treating lung issues relating to the exposure of the mold and bacteria generated from the still continuing water infiltration. With regards to the life threatening diagnosis from the M. Avium exposure and mold, I have requested assistance from the Allegheny County Health Department to assist in water analysis, along with requesting assistance from the CDC, EPA, and DEP with water analysis.

During Shane Rotolo's testimony conducted by Mr. Gruin, he stated he found it odd field workers had no access to the property without a prior appointment. He made the wild accusation that Sheila Derian dumped water into the trench. This accusatory of committing an act of fraud is a defamation of my character. During my cross examination of Shane Rotolo, I asked if during any of the three water sample collections by Matt, Tom, or Shane himself if an appointment was necessary for access to the property.. It was proven that no appointment nor prior notice was required. They simply knocked on the door asking for sample, immediately went inside. All three water samples were collected DIRECTLY FROM POINT OF ENTRY INTO FOUNDATION as it

was flowing through the foundation. Mr. Rotolo stated the mold and bacteria development were the cause of an improperly installed French drain. First, Mr. Rotolo did not list being a Mold Remediation expert nor Microbiologist in his qualifications. We did not attempt to install a French drain. My husband simply created a trench to contain the ever infiltrating NRW from reaching other parts of our home. Mr. Rotolo stated in his testimony on June 15, 2021, the conversation as “not happening” concerning his explanation of the condition of the damaged main as being badly perforated to myself and my husband. On cross examination. Mr. Rotolo stated the Hill St. line had two large holes and several smaller holes causing it to split. It seemed to me to be descriptive of a badly perforated line. This damage did not occur overnight, but instead over many years of corrosive conditions.

Mr. Joe Fagan’s testimony was mostly on rainfall. His qualifications did not state that he was a meteorologist. He gave no evidence of the rainfall in Munhall specifically, just the vast Pittsburgh area. Many times it has rained in bordering West Mifflin, and we have not had a drop of rain in Munhall. To equate the water infiltration to rain, it would have to rain each and every day in Munhall as is the infiltration of the NRW. The infiltration occurs whether it is rainy, hot, dry weather, or freezing cold temperatures.

During the December 7, 2023, hearing, I was recalling that during an AUGUST 29, 2023, conversation between myself and Mr. Gruin, he stated to me that he actually had a fourth water analysis document in addition to the three test results I mentioned throughout our phone conversation of August 29, 2023, he immediately shouted, “She is lying!” I did NOT lie. I consider Mr. Gruin’s outburst on record naming me a liar as a defamation of my character. It was stated that as an officer of the court, Mr. Gruin has a duty to comply fully with orders of the court.

Mr. Gruin called me on August 28, 2023 @ 10:39 a.m. I returned his phone call noting to him I was attending a funeral and not able to speak freely at this time, but would be available the next morning. He stated he was not available in the morning because he himself had to attend a funeral the next morning but would be available about 4:00 p.m. I agreed and we arranged to have phone conversation concerning c-2023-3041252. At the beginning of the phone call on August 29, 2023, @4:00 p.m. between myself and Mr. Gruin, I made him aware that for myself to avoid any “miscommunication” I prefer to have any contacts involving this case in e-mails, texts, letters, or recorded phone call conversations to eliminate possible “miscommunications”. I continued the conversation explaining the situation and the three water sample results that showed the water infiltration as being NRW. At 43 minutes 22 seconds into my explanations, Mr. Gruin interrupted and said, “Mrs. Derian. Mrs. Derian. I am going to stop you at this point as you have been talking non stop for about 45 minutes and it is now late in the day. What I do want to address is that along with the three water sample documents you mentioned, I actually have a fourth water sample document in my possession which indicates the water tested may be from a natural source.” I replied, “I am not traveling down the blame game road with this Mr. Gruin.” Mr. Gruin said, “Well I don’t think we can move any further forward with this conversation.” I said, “I agree.” Mr. Gruin said, “Goodbye.” I said, “Goodbye.” The call ended.

It is my belief the fourth water sample document that I recall Mr. Gruin referred to in our phone conversation was the result of the only other water sample taken from our property by Pennsylvania American Water Company by their own chemist obtaining the collection, whom the company sent to the property a number of years prior to 2018 after our many complaints about the water infiltration. This particular water sample collection by the company chemist was witnessed by myself, my husband, and two representatives from Munhall Boro Sanitation, Larry Billy and Mickey Harkowich. The chemist explained to all present that she would perform the test ON SITE to obtain the

best result and explained the procedure she would follow. She collected the water sample, explaining prior that when she adds the necessary chemicals, that if it was treated drinking water the the sample would turn purple. She added the chemicals and the water turned purple indicating that it WAS DETERMINED to be treated drinking water, UNDETERMINED to be groundwater and UNDETERMINED to be rainwater. No additional follow up from Pennsylvania American Water occurred. The issue was ignored.

As I had stated during Mr. Rotolo's cross examination by me, on December. 5, 2023, I noted, and which he confirmed, the newly installed leak detection devices installed and activated by 540 Technologies, a company Pennsylvania American Water Company had retained to provide top of the line Permaset SU and sound devices to identify leaking lines were now in service. As was noted by the technical engineer to myself, he stated the new leak detection equipment sends signals to a satellite 24 hrs.7 days a week identifying the areas of occurring leaks. As of December 5, 2023, the 540 Technology engineer stated three leaks from Company owned copper lines from the mains were found to be leaking in the immediate area surrounding my home. These leaking lines need to be addressed immediately not in the projected mid 2024 line replacement as intended by the Pennsylvania American Water Company.

My requested relief remains the same as when if filed my formal complaint on June 13, 2023: IMMEDIATELY stop the infiltration of NRW into my foundation causing continuous damage to property and created risks detrimentally affecting our health, safety, and welfare. We seek \$557,000 for the demolition and replacement of my home and contents to make it whole. We seek \$12, 000,000.00 suffering, pain, and medical treatment due to the mold and bacteria exposure we are experiencing due to the water infiltration.

To date, December 14, 2023, the NRW infiltration is still occurring.

Thank you,  
Ronald and Sheila Derian  
200 E. miller Avenue  
Munhall, PA. 15120  
412-969-3311

Sent from my iPad