

COMMONWEALTH OF PENNSYLVANIA
(Public Utility Commission)

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MICHAEL HILLMAN, :
Complainant, : Case No.:
vs. : C-2023-3038201
AQUA PENNSYLVANIA INC. :
Respondent. :
-----*

Pages 169 through 277 TELEPHONIC HEARING
Judge's Chambers
State Office Bldg.
801 Market Street
Philadelphia, PA 19107

Tuesday, January 16, 2024
Met, pursuant to notice, at 1:30 p.m.

BEFORE: THE HONORABLE DARLENE D. HEEP
Administrative Law Judge

INDEX TO EXHIBITS
Docket No.: C-20233-3038201
Hearing Date: January 16, 2024

EXHIBITS INDEX
EXHIBIT: FOR IDENTIFICATION IN EVIDENCE

AQUA EXHIBITS:
NUMBER

1	(Aqua Statement No. 1)	6	96
2	(Attached Exhibits HH(1) and HH(2))	6	96

COMPLAINANT EXHIBITS:
NUMBER

1	(Mr. and Ms. Hillman's written statements)		106
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August 25, 2023

Via Electronic Filing

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

**Re: Docket No. C-2023-3038201
Michael Hillman v. Aqua Pennsylvania, Inc
Written Testimony of Aqua**

Dear Secretary Chiavetta:

Pursuant to the *Order*, issued July 25, 2023, attached for filing is the Written Testimony of Aqua Pennsylvania, Inc.

A copy of the Written Testimony has been provided to the Complainant in the manner indicated on the enclosed Certificate of Service.

If there are any questions, please feel free to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP


Margaret A. Morris

MAM/co
Enclosures

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



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
8/25/2023	2491766

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2023-3038201

Case Description: Michael Hillman v. Aqua Pennsylvania, Inc.

Transmission Date: 8/25/2023 10:47 AM

Filed On: 8/25/2023 10:47 AM

eFiling Confirmation Number: 2491766

File Name	Document Type	Upload Date
HillmanCOS (Written Testimony).pdf	Certificate of Service	8/25/2023 10:47:17 AM

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No paper submission is necessary for filings under 250 pages.

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**Re: Docket No. C-2023-3038201
Michael Hillman v. Aqua Pennsylvania, Inc
Written Testimony of Aqua**


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via First-Class Mail

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

Dated: August 25, 2023


Margaret A. Morris, Esquire

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HILLMAN :

:

v. : Docket No. C-2023-3038201

:

AQUA PENNSYLVANIA, INC :

DIRECT TESTIMONY OF HEATHER S.D. HARRISSON

Aqua Statement No. 1

1 **Index of Exhibits of Aqua Pennsylvania, Inc.**

2 HH-1. Note Maintenance-Customer Contacts

3 HH-2. BCS Decision No. 3882309, closed 1/25/23

4

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1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE
2 RECORD.

3 A. Heather S.D. Harrison, 762 West Lancaster Avenue, Bryn Mawr, PA.

4 Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

5 A. Aqua Pennsylvania, Inc. which I will refer to as Aqua. I am a paralegal in the
6 Legal Department.

7 Q. HOW LONG HAVE YOU BEEN EMPLOYED BY AQUA?

8 A. 24 1/2 years.

9 Q. HOW LONG IN YOUR CURRENT POSITION?

10 A. 20 years.

11 Q. PLEASE PROVIDE YOUR EDUCATIONAL BACKGROUND.

12 A. BA in English from Kutztown in 1998; paralegal certificate from Villanova in
13 2001.

14 Q. PLEASE GENERALLY DESCRIBE YOUR DUTIES AND
15 RESPONSIBILITIES IN YOUR CURRENT POSITION.

16 A. I am responsible for managing the files in the legal department for both civil and
17 PUC matters. I provide assistance with PUC complaints and Executive complaints.

18 Q. IN YOUR POSITION, ARE YOU FAMILIAR WITH AND DO YOU UTILIZE
19 THE PUBLIC UTILITY CODE, SPECIFICALLY SECTION 1501?

20 A. Yes.

21 Q. IN YOUR POSITION, ARE YOU FAMILIAR WITH AND DO YOU UTILIZE
22 CHAPTER 56 REGULATIONS?

23 A. Yes.

1 Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

2 A. Aqua.

3 Q. ARE YOU AUTHORIZED TO TESTIFY ON BEHALF OF AQUA IN THIS
4 PROCEEDING?

5 A. Yes.

6 Q. IN THE NORMAL COURSE OF ITS BUSINESS ACTIVITIES, DOES AQUA
7 CREATE AND MAINTAIN RECORDS WITH RESPECT TO ITS CUSTOMERS'
8 ACCOUNTS?

9 A. Yes.

10 Q. ARE YOU FAMILIAR WITH HOW AQUA COMPILES AND MAINTAINS
11 ITS BUSINESS RECORDS?

12 A. Yes.

13 Q. IS THIS INFORMATION KEPT IN THE ORDINARY COURSE OF
14 BUSINESS?

15 A. Yes.

16 Q. IS THE MAKING OF THE ENTRY A REGULAR PRACTICE FOR
17 EMPLOYEES?

18 A. Yes.

19 Q. IN YOUR POSITION WITH AQUA, DO YOU HAVE ACCESS TO AND USE
20 OF THE BUSINESS RECORDS WE JUST DISCUSSED?

21 A. Yes.

22 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

1 A. I will address the allegations raised by Mr. Hillman in his 2023 Formal Complaint
2 and his testimony provided at the in-person hearing on June 27, 2023.

3 Q. WHAT IS THE SCOPE OF YOUR TESTIMONY?

4 A. Judge Heep defined Mr. Hillman's claim as "on December 9, 2022, Mr. Hillman
5 began a dispute with Aqua who did not properly respond." TR 202-204.

6 Q. WHEN WAS THE ACCOUNT ESTABLISHED IN MR. HILLMAN'S NAME?

7 A. The Account was effective October 28, 2015.

8 Q. IS MR. HILLMAN STILL A CUSTOMER?

9 A. No. He called on December 9, 2022 requesting service be discontinued in his
10 name effective that day.

11 Q. YOU STATED YOU REVIEWED THE CUSTOMER CONTACTS.
12 REFERRING YOU TO WHAT HAS BEEN MARKED AS EXHIBIT HH-1. CAN YOU
13 PLEASE IDENTIFY THAT DOCUMENT?

14 A. Exhibit HH-1 is 2 pages of the notes related to complaints for the period August
15 29, 2023 (P. 1) through January 3, 2022 (P. 2).

16 Q. PLEASE BRIEFLY DESCRIBE HOW THE CONTACT RECORD IS
17 CREATED.

18 A. The contacts reflect actual contact with the customer. The customer call center
19 representative inputs data/summarizes issues during the conversation or immediately
20 following the conversation with the caller.

21 Q. WHY IS A PORTION OF THE DOCUMENT REDACTED?

1 A. The redacted information contains information about another applicant for service
2 at Mr. Hillman's prior apartment or contains contacts that are not related to the
3 allegations regarding the December 2022 calls.

4 Q. DID THE COMPLAINANT REPORT A NEW FOREIGN LOAD SITUATION
5 AT THE SERVICE LOCATION AND REQUEST AN INVESTIGATION IN
6 DECEMBER 2022?

7 A. No.

8 Q. MR. HILLMAN TESTIFIED THAT HE CALLED AQUA ON DECEMBER 9,
9 2022. TR. 257. WHO DID HE SPEAK WITH?

10 A. There were 2 calls. The first was at 10:44 am with Rep Lindsey Yoakum as
11 reflected on page 1 of Exhibit HH-1, five lines down.

12 Q. PLEASE SUMMARIZE THE CALL.

13 A. Mr. Hillman called to close his Account as of December 9, 2022 and the Aqua
14 call center representative confirmed the address for the Final Bill that would be issued.

15 Q. DO THE BUSINESS RECORDS REFLECT THAT MR. HILLMAN ADVISED
16 ON THIS CALL THAT THERE WAS A "NEW PROBLEM" AND THAT THE "HOT
17 WATER HEATER IS CONNECTED WITH THE WATER." TR. 258.

18 A. No.

19 Q. WHO DID MR. HILLMAN SPEAK TO ON THE SECOND CALL ON
20 DECEMBER 9, 2022?

21 A. The second call was with Call Center Supervisor Ashley Clemons at 11:13 am.

22 Q. PLEASE SUMMARIZE THE CALL.

1 A. Mr. Hillman called back to confirm that service was ending December 9, 2022
2 and explained he had not paid his bill since Aqua did not prove the usage was coming
3 from his apartment to the meter.

4 Q. DO THE BUSINESS RECORDS REFLECT THAT MR. HILLMAN ADVISED
5 ON THIS CALL THAT THERE WAS A “NEW PROBLEM” AND THAT THE “HOT
6 WATER HEATER IS CONNECTED WITH THE WATER.” TR. 258.

7 A. No.

8 Q. MR. HILLMAN TESTIFIED THAT HE CALLED AQUA AGAIN ON
9 DECEMBER 28, 2022. TR. 194. WHO DID MR. HILLMAN SPEAK TO ON
10 DECEMBER 28, 2022?

11 A. He spoke with Rep Lindsey Yoakum at 3:17 pm.

12 Q. PLEASE SUMMARIZE THE CALL.

13 A. Mr. Hillman called because he had not heard from the billing department
14 regarding his billing dispute.

15 Q. WHAT HAPPENED NEXT?

16 A. The call was dropped.

17 Q. DO THE BUSINESS RECORDS REFLECT THAT MR. HILLMAN ADVISED
18 ON THIS CALL THAT THERE WAS A “NEW PROBLEM” AND THAT THE “HOT
19 WATER HEATER IS CONNECTED WITH THE WATER.” TR. 258.

20 A. No.

21 Q. DID MR. HILLMAN FILE AN INFORMAL COMPLAINT IN 2023?

22 A. Yes.

1 Q. REFERRING YOU TO WHAT HAS BEEN MARKED AS EXHIBIT HH-2.
2 CAN YOU PLEASE IDENTIFY THAT DOCUMENT?

3 A. It is 4 pages. Pages 1-2 are the opening report and 3-4 are the closing report for
4 BCS Decision No. 3882309.

5 Q. REFERRING YOU TO PAGE 1, WHEN WAS THE INFORMAL OPENED?

6 A. January 3, 2023.

7 Q. HOW DID BCS CATEGORIZE THE COMPLAINT?

8 A. Billing dispute.

9 Q. PLEASE SUMMARIZE WHAT WAS ALLEGED?

10 A. Mr. Hillman stated he wants service out of his name; disputes bills; wants to open
11 a billing dispute; believes he was charged after service was taken out of his name.

12 Q. WHEN WAS THE MATTER CLOSED?

13 A. January 25, 2023.

14 Q. PLEASE SUMMARIZE THE BCS RULING.

15 A. BCS issued a verbal ruling finding that Aqua properly discontinued service
16 effective December 9, 2022. Account was not billed after December 9, 2022; informal
17 involved water service not gas or electric; authorized closing of Informal and he will file
18 formal complaint to “sort it out.” PUC does not have jurisdiction over landlord/tenant
19 disputes.

20 Q. REFERRING YOU TO PAGE 3, DID BCS CITE AQUA FOR ANY
21 VIOLATION OF CHAPTER 56 IN THE HANDLING OF MR. HILLMAN’S
22 ALLEGATIONS?

23 A. Referring you to page 3, next to violation is the word “NO.”.

1 Q. MR. HILLMAN TESTIFIED THAT HE WENT TO AQUA'S OFFICE IN BRYN
2 MAWR, PA ON DECEMBER 30, 2022. TR. 202. DO THE BUSINESS RECORDS
3 REFLECT AN IN-PERSON VISIT FROM MR. HILLMAN IN 2022?

4 A. No—the business records reflect that Mr. Hillman came to Aqua's office on April
5 25, 2019. He spoke with Aqua representative William Kelly in the Lobby regarding the
6 alleged foreign load issue at the Service Location.

7 Q. IS THERE A RECORD OF THE APRIL 2019 VISIT?

8 A. Yes. There is a record of all visitors to Aqua's Bryn Mawr office.

9 Q. THE COMPLAINANT ALLEGES THAT COMMISSION REGULATIONS AT
10 SECTION 56.151 REQUIRES AQUA TO IMMEDIATELY RESPOND TO A
11 DISPUTE. TR. 259, 306. WHAT IS YOUR RESPONSE?

12 A. The timeframe specified in Section 56.151(5) is 30 days of the initiation of the
13 dispute, not immediately.

14 Q. DID AQUA VIOLATE COMMISSION REGULATIONS, SPECIFICALLY
15 SECTION 56.151, IN THE HANDLING OF THE CONCERNS RAISED BY MR.
16 HILLMAN ON DECEMBER 9, 2022 AND DECEMBER 23, 2022?

17 A. No.

18 Q. PLEASE EXPLAIN.

19 A. Section 56.151 does require Aqua to issue a report. That report would be due 30
20 days from December 9, 2022 or January 8, 2023. However, there was an intervening
21 event. BCS notified Aqua of the Informal Complaint on January 3, 2023. Aqua submitted
22 its Report to BCS on January 6, 2023 as required by Section 56.152.

1 Q. DID AQUA VIOLATE THE PUBLIC UTILITY CODE, SPECIFCALLY
2 SECTION 1501, IN THE HANDLING OF THE CONCERNS RAISED BY MR.
3 HILLMAN ON DECEMBER 9, 2022 AND DECEMBER 23, 2022?

4 A. No.

5 Q. PLEASE EXPLAIN.

6 A. Aqua is required to provide reasonable and adequate service which it has
7 provided. Mr. Hillman makes allegations without any proof and has attempted at every
8 turn to try to revive the dismissed foreign load issue.

9 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

10 A. Yes.

11

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL HILLMAN

v.

AQUA PENNSYLVANIA, INC.

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Docket No. C-2023-3038201

VERIFICATION

I, Heather S.D. Harrison, am authorized to make this Verification on behalf of Aqua Pennsylvania, Inc. and I verify that the information provided in my Written Testimony is true and correct to the best of my knowledge, information, and belief. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

8-25-23

Date



Heather S.D. Harrison



General

Note Number: 2207982

Note Header		Dates
Type: CUST	Customer	Activity: 29-OCT-2015 13:
Customer: 2243884	HILLMAN, MICHAEL	Remind:
Premises: 51155	301 LINCOLN AVE APT 1F COLLINGDALE, PA	Exp: 29-JAN-2039
Service:		Origin: UCANOTE
Remind:		

Note Text	User	Activity
APT WAS SHUT OFF PER CUST/S/O NWAT CREATED OK PER GEORGE DISPATCH	YDAKUMLI	29-AUG-2022
12/9/22 MICHAEL CLDNO EMAIL/MVOT EFF 12/9/22/VERIFIED BILLING ADDRESS	YDAKUMLI	09-DEC-2022
12/9/22 MICHAEL DLD EARLIER MVOT CONFIRMED 12/9/22 HAS BILLING DISPUTE HAD	CLEMONSA	09-DEC-2022
ISSUE OCCURRING ABOUT 3-4 YEARS NEVER PROVED THAT USAGE WAS COMING FROM	CLEMONSA	09-DEC-2022
APARTMENT TO METER WAS DENIED REQ FSR OUT PREVIOUSLY TO HIM CUST STATES WHY	CLEMONSA	09-DEC-2022
HE HAS NOT PAID BILL REQ TO BE CONTACTED AT 215-990-1155	CLEMONSA	09-DEC-2022

General

Note Number: 5007982

Note Header

Type:	CUST	Customer	Activity:	29-OCT-2015 13:
Customer:	2243894	HILLMAN, MICHAEL	Remind:	
Premises:	81198	301 LINCOLN AVE APT 1F COLLINGDALE PA	Exp:	29-JAN-2099
Service:			Origin:	UCANOTE
Remind:				

Note Detail

Note Text	User	Activity
12.28.22 MICHAEL CLBCK/STATES CLD 12.9.22 REGARDING BILLING DISPUTE HAS NOT RCVD RESPONSE/NOTHING ON ACCT REGARDING A REQUEST TO BE CONTACTED CALL WAS LOST	YOAKUMLI	28-DEC-2022
1/3/23 CUST HAS CIVIL LAWSUIT AGAINST AQUA. PLEASE NOTIFY LEGAL VIA EMAIL TO HEATHER HARRISSON. TO CUST CONTACTS AQUA.....OUTSIDE COUNSEL SHOULD BE HANDLING.....HSDH	DOYLEH	03-JAN-2023
	DOYLEH	03-JAN-2023



Back

General

Creation Date 1/3/2023 12:40:43 PM
PUC Address P O Box 3265, Harrisburg, PA 17105
Case Number 3882309
Account Number 0022438940061198
Service Class RESIDENTIAL
Status OPENING

Company Information

Company Name AQUA PA (ALL DIVISIONS)
Company Code 0388
Company Type WATER PRIVATE

Customer Information

Name MICHAEL HILLMAN
Home Area Code 215
Home Phone Number 9901155
Work Area Code
Work Phone Number
Service Address 1 301 LINCOLN AVE
Service Address 2 APT 1
Service City COLLINGSDALE
Service State PA
Service Zip (5) 19023
Service Zip (4)
Mail Address 1 P O BOX 27757
Mail Address 2
Mail City PHILADELPHIA
Mail State PA
Mail Zip (5) 19118
Mail Zip (4)
Adults 0
Children 0
Age

Misc. Case Information

Date Opened 1/3/2023 12:00:00 AM
Reason For Contact BILLING DISPUTES (# 18)
Case Term. Date
Business Name

Problem THE CUSTOMER HAS TRIED TO CONTACT THE COMPANY NUMEROUS TIMES DUE TO WANTING THE COMPANY TO STOP BILLING HIM AND TAKE THE ACCOUNT OUT OF HIS NAME DUE TO NOT LIVING THERE. THE COMPANY HAS NEVER CALLED BACK AND THE LAST TIME HE CALLED THE COMPANY HUNG UP ON HIM. 18 - HIGH BILL DISPUTE. THE CUSTOMER IS DISPUTING THE BILL(S) FROM THE MONTH(S) OF. THE CUSTOMER REQUESTED ON 12/9/2022 FOR HIS NAME TO BE TAKEN OFF THE ACCOUNT AND HE WANTED TO OPEN A BILLING DISPUTE. - RELIEF SOUGHT - TO HAVE A BILLING DISPUTE OPENED HE

BELIEVES HE WAS BEING CHARGED EVEN AFTER HAVING THE ACCOUNT TAKEN OUT OF HIS NAME.

Company Position 12/28/2022 ON THE 28TH HE CALLED THE COMPANY, AND HE GAVE A CALL BACK NUMBER, AND NO ONE HAS CALLED HIM BACK

Related Information

Misc Info NO INTERNET

Hot Issue

Case Origin TELEPHONE

Prior Case Number 3699586

Arreage \$0.00

BCS Information

BCS Investigator Name BCS CASE POOL

BCS Phone Area Code 717

BCS Phone Number 7875468

BCS Fax Area Code 717

BCS Fax Number 7876641

BCS Intaker Name ALISHIA SNYDER

Number of Times Sent 1

Number of Times Faxed 0

Back

General

Creation Date 1/25/2023 11:50:06 AM
PUC Address P O Box 3265, Harrisburg, PA 17105
Case Number 3882309
Account Number 0022438940061198
File Type CLOSING

Company Information

Company Name AQUA PA (ALL DIVISIONS)
Company Code 0388
Company Type WATER PRIVATE

Customer Information

Name MICHAEL HILLMAN
Service Address 1 301 LINCOLN AVE
Service Address 2 APT 1
Service City COLLINGSDALE
Service State PA
Service Zip (5) 19023
Service Zip (4)

BCS Information

BCS Investigator Name BRANDI BARRICK
BCS Phone Area Code
BCS Phone Number
BCS Fax Area Code 717
BCS Fax Number 7876641
BCS Intaker Name
Number of Times Sent 1
Number of Times Faxed 0

Closed Case Details

Decision/Issue

Oral/Written O
Violation NO
Chapter

Section Rule

Total Balance \$2,784.23
Date Closed 1/25/2023 12:00:00 AM
Balance Date 1/6/2023 12:00:00 AM

Resolution VERBAL CLOSE: SPOKE WITH CUSTOMER AND ATTEMPTED TO CLARIFY DISPUTE. CUSTOMER BEGAN DISCUSSING HIS ELECTRIC AND GAS DISPUTES. INFORMED CUSTOMER I HAVE INFORMATION SPECIFIC TO HIS WATER DISPUTE. CONFIRMED THAT CUSTOMER WANTED THE SERVICE STOPPED IN HIS NAME EFFECTIVE 12/9/2022. CONFIRMED THE COMPANY DISCONTINUED SERVICE IN HIS NAME ON THAT DATE AS REQUESTED. CUSTOMER STATED THE FINAL BILL SHOULD BE SENT TO THE PROPERTY OWNER AS HE IS NOT RESPONSIBLE FOR IT. IFNORMED CUSTOMER THAT THE PUC DOES NOT GET INVOLVED IN PROPERTY OWNER TENANT DISPUTES AS THAT WOULD BE A CIVIL MATTER. CUSTOMER REQUESTED TO FILE A FORMAL COMPLAINT TO SORT IT OUT AND

FOR THIS COMPLAINT TO BE CLOSED. CLOSED DISPUTE PER CUSTOMER
REQUEST AND PROVIDED CONTACT INFORMATION FOR FILING A FORMAL
COMPLAINT.

Service Restored Pay	\$0.00
Service Continue Amount	\$0.00
Service Continue Date	
Terms	
Special Budget Amount	\$0.00
Regular Budget Amount	\$0.00
Arrears Payment Plus	\$0.00
Final Monthly Payment	\$0.00
Current Monthly Payment	\$0.00
End Monthly Payment	\$0.00
Letter Description	
Head Date	
Bill Date	
Reconnect Amount	\$0.00
Pay Amount	\$0.00

COMPLAINANT STATEMENTS 1 and 2

Hillman v Aqua C-2023-3038201

SENT VIA CERTIFIED MAIL

Mr. M. Hillman
P.O. Box 27757
Philadelphia, PA. 19118
(215) 990-1155
Plaintiff/Pro Se'

Mr. M Hillman

V.

AQUA PA INC.

RECEIVED
NOV 07 2023
OFFICE OF ADMINISTRATIVE LAW JUDGE
PUBLIC UTILITY COMMISSION
PHILADELPHIA
PA: PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120
RESSPONSE TO TESTIMONY
Civil Action: C-2023 3038201

RESSPONSE TO WRITTEN TESTIMONY, (by page and number)

1.) RE: P. 3:19+ P. 10 Aqua is in violation of §1501 by not furnishing and maintaining, adequate, efficient, safe, and reasonable service & facilities; intentional neglect in making repairs, alterations etc... for proper accommodation & public safety.

In reference to Disputes: prompt investigations, immediate investigations, within 30 days, proper party to be charged, issuing its report to the complaining party; there are violations in the following sections of 52 Pa. Code----§65.3, §65.10, §56.141, §56.151, §56.372, §56.381, §56.451, §59.23 and 66 pa. Code §3301.

2.) RE: P. 5:14-15 Both of the dates are questionable, and inaccurate. August 29, 2022, I called Aqua to inquire why our water had been shut-off. Aqua Rep states that they were suppose to shut-off another tenant's water. Of course, when they claim there are 5 units and in actuality there are only 3, this will occur by way of foreign load. (This part Aqua omitted).

3.) RE: P.5:19 Aqua claims to summarize conversations, complaints; this is not reliable nor trustworthy, as you will see.

4.) RE: P. 6 According to my records, Aqua Rep Lindsey answered the phone, when I called at 10:45 on December 9, 2022, to inform them that I no longer live at the address; to discontinue billing me (since there is foreign load , I did not use the term shut-off water). I continue explaining that peco shut-off the gas & electric on May 12, 2021, and our gas boiler heater stopped working, but the gas hot water heater remained on. The hot water heater links aqua & peco to foreign load, by it being fed from a different meter. There is no way for aqua to adequately charge me, when there is gas coming from another meter, feeding the hot water heater.

DATE OF DEPOSIT

1.

OCT 23 2023

PA Public Utility Commission
Secretary's Bureau

Continued

4.) RE: P. 6 I explained, that I had not paid the bill because aqua never proved to me that the water I am being charged for is coming exclusively from my meter to my apartment. So, I inquired about opening a high bill dispute, who do I speak with about it? I was waiting on hold for a while---then Ashley came on the line. I repeated the same statement above and Ashley said, aqua has nothing to do with peco, gas or hotwater heater. Coincidentally, Ashley is the same rep who I spoke with concerning the prior complaint.....she stated aqua has nothing to do with peco or the radiator. So, aqua is claiming an investigation on April 22, 2019, over 60 days after ignoring me on the last complaint. So I continued, I would like to open up a High Bill Dispute Request. How do I dispute the bill? Ashley replied, she would have to put in an inquiry---which takes 24-48hours. Someone from billing should be calling me—if not, I call them back.

5.) RE: P. 7:1-3 I confirmed that service was ending on December 9th at the beginning of my call, I did not call back a second time to repeat this (aqua is lying) and with my knowledge, water flows from the meter to the apartment, not the other way around, so this is inaccurate, also.

6.) RE: P. 7:8-16 I called aqua at 2:12pm. On December 28, 2022, to inquire why no one responded regarding my High Bill Dispute.....I left a message on the machine with my call back number (omitted by aqua). Then, 3:15 my call was returned by Lindsey—I reminded her of my call on December 9, 2022, pointing out that someone from Billing Dispute was suppose to be contacting me. She looked up the information saying that I spoke with Ashley a supervisor. She then put me on hold and the call went dead at 3:22pm.

7.) RE: P. 8:10-11 I never claimed to be charged after service was taken out of my name (Discontinue billing me is the more proper term, than shut-off when there is foreign load existing. Charging me after gas shut-off (which is suppose to be to my hot water heater) is inadequate charges.

8.) RE: P. 8:15 I know nothing of a verbal ruling by the Bureau of Consumer Services (§3113), neither did they provide me with anything written (§334 {c} expert'e communication) (A copy of initial complaint attached Exhibit MH1)

9.) RE: P.9:1 Yes, at aqua's office building in Bryn Mawr on December 30, 2022, the security guard "Shawn" said that there is no more customer service on the premises----call them up---I replied that I did so, and they hung up on me—he said call the PUC.

10.) RE: P.9:4-6 Yes, aqua's record reflects that I visited the property on April 25, 2019, because I was persistent in seeing someone. I was there to request a report and to mention that James Dolan ignored me and he would not communicate with me at all, on April 22, 2019, during the (so-called) investigation. What does the record reflect? I also visited the building on January 25, 2019, and I was persistent with the security guard.

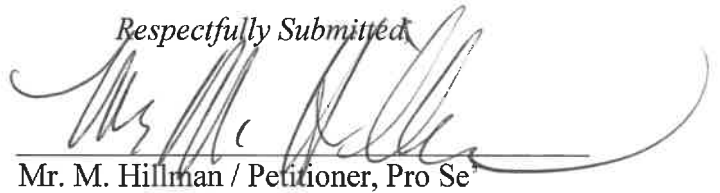
- 11.) RE: P. 9:8 How can aqua have a record of all visitors when there is a security guard to turn them away (why a security guard ?)
- 12.) RE: P. 9:16 The dates are not correct, how can aqua's record keeping be trustworthy?
- 13.) RE: P. 9:21-22 Untrustworthy Brandi Barrack at the Bureau of Consumer Services did not mention an aqua report to me, neither did aqua provide the complaining party with a copy, nor to the court, during the unfair hearing process.
- 14.) RE: P. 10:3 The dates are not accurate here either, on the planned statements of untrustworthy, testimony.
- 15.) Moreover, aqua falsifies their business records, the entire report (my exhibit A from the June 27, 2023 hearing) nothing on it is the truth, including the lie about the property having six accounts. Also exhibit E shows aqua records consist of lies. Why tell the truth, when you have the PUC backing whatever you can come up with (of course, out of hell, the place for liars). I checked off water, gas and steam on the formal complaint, the closest options...turn on your faucet for 5 minutes you get steam heat= hotwater heater!
- 16.) For an example, aqua's exhibits June 27, 2023, page 6 of 15 claiming a certified letter was received on February 28, 2019—but the letter was received on February 19, 2019. On page 7 of 15 John Carr the hostile (fsr) who visited the property on March 18, 2019 was omitted by aqua. Also, page 13 of 15 aqua claiming I am to be there witnessing inspection at noon on April 22, 2019, but Jason Dolan and Mr. Kemp sneak there way in at 11:30am—dishonestly, adamantly, refusing to allow me to witness anything.
- 17.) Therefore, I object to aqua's unreliable, untrustworthy, business records being admitted into evidence. Where is my right to confront the witness in cross-examination; this admission of evidence would violate them. My objection challenges "hearsay business records" and I am asserting that hearsay bars the admission, pursuant to Rule 803 (6) (E)...indicating a lack of trust.
- 18.) According to §5.412(C) and §5.223 written testimony is subject to the same rules of admissibility and cross examination as if the witness presented it orally, which is permitted prior to the hearing, not at the end of it.

19.) Aqua business records are inadmissible being offered to prove the truth of the matter asserted and is hearsay within hearsay. See Williams v. Remington Arms Co. No. 05-1383, 2008 WL 222496, at *(N.D. tex. Jan. 28,2008) See Olson v. Ford motor Co., 410 F. Supp. 2d 855, 861 (D.N.D. 2006) See Nissan Motor Co. v. Armstrong 145 S.W.3d 131, 140 (Tex.2004)

20.) Aqua's business records are admissible only to show notice. See QVC INC V. MJC AMERICA, LTD d/b/a SOLEUS INTERNATIONAL INC US DISTRICT COURT EDPA CV-NO. 08-3830 Document 75... January 6, 2012

Date: September 29, 2023

Respectfully Submitted


Mr. M. Hillman / Petitioner, Pro Se

DATE OF DEPOSIT

OCT 20 2023

Mr. M. Hillman
P.O. Box 27757
Philadelphia, PA. 19118
(215) 990-1155
Plaintiff/Pro Se'

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. M Hillman

PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET

V.

HARRISBURG, PA. 17120
VERIFICATION

AQUA PA INC.

Civil Action: C-2023 3038201

VERIFICATION

I, Mr. M. Hillman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities

September 29, 2023

Date



Mr. M. Hillman

SENT VIA CERTIFIED MAIL

Mr. M. Hillman
P.O. Box 27757
Philadelphia, PA. 19118
(215) 990-1155
Plaintiff/Pro Se'

Mr. M Hillman

V.

AQUA PA INC.

PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120
TESYIMONY IN WRITING
Civil Action: C-2023 3038201

DIRECT TESTIMONY OF MS. MARLO HILLMAN

DATE OF DEPOSIT

OCT 20 2023

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

1 Q. PLEASE STATE YOUR NAME AND ADDRESS CONCERNING THE
2 ISSUUES, AT HAND.

3 A. My name is Ms. Marlo Hillman, 301 lincoln Avenue, FL-1FT

4 Q. THE ISSUES AT HAND BEING FOREIGN LOAD; WERE THE FOREIGN
5 LOAD PIPING AND CODE VIOATIONS RESOLVED, OR WERE THE
6 (SO-CALLED) CORRECTIONS VERIFIED?

7 A. No! I have been down into the basement numerous times. The foreign load and
8 other issues were never corrected. Aqua is reporting six billing accounts, this is a
9 lie, there are not six accounts

10 Q. DO YOU RECALL, THE DAY PECO SHUT-OFF YOUR GAS UTILITY
11 SERVICE?

12 A. Yes, peco shut off our gas on May 12, 2021. Odd enough, the boiler heater
13 stopped working immediately, but the hot water heater and stove remained on
14 all three work by gas.

15 Q. ON APRIL 22, 2019, MORE THAN 60 DAYS AFTER THE COMPLAINT
16 AQUA CLAIMS TO HAVE VERIFIED AN INVESTIGATION OF FOREIGN
17 WITH MR. HILLMAN, IS THIS TRUE?

18 A. No that is not the truth. The aqua employee who came out on April 22, 2019,
19 said his name was jay. He was intentionally, ignoring and avoiding Mr. Hillman
20 while he and Mr. Kemp went down into the basement for one minute and came
21 back up. They would not allow Mr. Hillman in the basement. So, James Dolan
22 did not verify any foreign load with Mr. Hillman

1 Q. DO YOU REMEMBER THE TWO TENANTS, BOTH COMPLAINING OF
NO HEAT?

2 A. Yes, on March 14, 2022, tenants in separate units were complaining of no heat
3 and the property manager confirmed to the tenants that there are only 3 boiler
4 heaters, in the basement.

5 Q. DO YOU REMEMBER WHAT HAPPENED IN JUNE OF 2022?

6 A. Yes, on June 30, 2022, Aqua shut off one tenant's water and the other tenant's
7 water, shut off, also

8 Q. DID AQUA SHUT-OFF YOUR WATER NOT LONG BEFORE YOU
9 MOVED OUT?

10 A. Yes, on August 29, 2022, aqua says they meant to shut off a prior tenant's
Water, who had moved out from the second floor in February, 2022, six months
11 earlier. They were still sending him shut off notices

12 Q. DO YOU REMEMBER JUST BEFORE MOVING OUT OF THE
APARTMENT, CODE ENFORCEMENT, AND THE PROPERTY MANAGER
13 SHOWED UP SUDDENLY TO INSPECT THE OTHER APARTMENTS?

14 A. Yes! On November 14, 2022, prior to Mr. Hillman and I moving out, a code
15 enforcement officer and the property manager unexpectedly shows up to inspect
16 the other apartments & basement. Mr. Hillman showed them the 3 boiler heaters
17 and the foreign load piping. Mr. Hillman requested a copy of the report via
18 Right To Know, several weeks ago, they appear to be stalling.

19 Q. AFTER THE DECEMBER 5, 2022 MOVE OUT, AQUA WAS CONTACTED
20 ON WHAT DATE?

1 A. On December 9, 2022, Mr. Hillman called aqua so they would discontinue billing
2 him, explaining the gas shut off my 12, 2021—how the heater stopped working,
3 but the hot water heater remained on, which ties aqua to foreign load. So, Mr.
4 Hillman requested to open up a high bill dispute...he was told someone would be
5 contacting him to open the high bill dispute, but they never did so.

6 Q. HOW DO YOU KNOW THERE WAS FOREIGN LOAD EXISTING?

7 A. Our water pressure dropped while taking a shower, when the other tenants turned
8 on their water. When Mr. Hillman and I were in the basement, he showed me
9 foreign load piping that were hooked up to our boiler heater and our hot water
10 heater, which were connected to other apartments. Also, thousands of gallons of
11 water were on our water bill, yet we both were rarely home, working all the time

12 Q. DURING A MAY 16, 2023 TELEPHONIC HEARING, DO YOU
13 REMEMBER IF THERE WAS AN OATH ADMINISTERED?

14 A. There was no oath administered, at all, during the May 16, 2023 telephonic
15 and the June 27, 2023 hearing, Margaret Morris was permitted by Judge Heep
16 to take control of both hearings, allowing Margaret Morris uncontrollable,
17 unruly, outbursts; preventing us from completing a sentence, during both
18 hearings.

19 Q. AT THE BEGINNING OF THE JUNE 27, 2023 HEARING, DO YOU
20 REMEMBER THE ENVELOPE THAT WAS HANDED TO MR. HILLMAN?

1 A. Yes, the envelope is dated May 31, 2023, and it has a yellow return sticker label
2 though it had the correct address. The contents: there was a May 30th ORDER
3 approving a verbal motion to dismiss, made by aqua. Mr. Hillman was also
4 Handed a motion to dismiss, for the first time. Mr. Hillman had not received
5 proper service of the ORDER nor the motion to dismiss, in order to fairly and
6 properly respond.

7 Q. FOLLOWING THIS, WAS THERE ANOTHER ORDER FROM THE PUC?

8 A. Yes, two days after the June 27, 2023 hearing Mr. Hillman received an ORDER
9 approving the written motion to dismiss. So, this ORDER prevented our
10 testimony, for the most part. When we showed up for the hearing, we knew
11 nothing about the ORDERS or Motion, and never had a fair opportunity.

12 Q. HOW DOES THAT MAKE YOU FEEL?

13 A. Well, there is a peculiar, unfairness about that issue; but as I think on it, that
14 would include the entire case as a whole. Aqua intentionally, neglects to serve
15 Mr. Hillman their pleadings or motions, to prevent him from responding....
16 which is very, very low and crafty.

DATE OF DEPOSIT

OCT 20 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. M. Hillman
P.O. Box 27757
Philadelphia, PA. 19118
(215) 990-1155
Plaintiff/Pro Se'

Mr. M Hillman

V.

AQUA PA INC.

PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120
VERIFICATION
Civil Action: C-2023 3038201

VERIFICATION

I, Ms. Marlo Hillman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities

September 29, 2023

Date

Marlo Hillman

Ms. Marlo Hillman

SENT VIA CERTIFIED MAIL

MY Mailing Address

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

Location

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

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

Exhibit MHI
9/29/23

RE: Aqua....account # 002243894 0061198

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

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

DATE OF DEPOSIT

OCT 20 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Respectfully Submitted,

Mr. M. Hillman

January 3, 2023

SENT VIA CERTIFIED MAIL

Mr. M. Hillman
P.O. Box 27757
Philadelphia, PA. 19118
(215) 990-1155
Petitioner/Pro Se

Mr. M Hillman

V.

AQUA PA INC.

PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120
RESPOND TO TESTIMONY
Civil Action: C-2023 3038201

CERTIFICATION OF SERVICE

I Mr. M. Hillman hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below, in accordance with the requirements of § 1.54 (relating to service by a party)

Sent Via Certified Mail
ALJ Ms. Darlene Heep
SECRETARY BUREAU
PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120

DATE OF DEPOSIT


OCT 20 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Date:

September 29, 2023


Mr. M. Hillman, Petitioner /Pro Se