

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rashad McNair	:	
	:	C-2023-3043371
v.	:	C-2023-3043372
	:	
Pennsylvania-American Water Company	:	

INITIAL DECISION

Before
Arlene Ashton
Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Formal Complaint filed by Rashad McNair because the customer failed to meet his burden of proving that the Respondent violated the Public Utility Code,¹ a Commission Regulation or Order, its Commission-approved tariff, or that the tariff is no longer reasonable or was applied unreasonably. The Complaint is also denied because the Commission does not have the authority to award damages.

HISTORY OF THE PROCEEDING

On September 21, 2023, Rashad McNair (Complainant or Mr. McNair) filed a Formal Complaint against Pennsylvania-American Water Company (Respondent or the Company) with the Pennsylvania Public Utility Commission (Commission).²

¹ 66 Pa.C.S. §§ 101–3316 (the “Code”).

² The Complaint was docketed at Docket # C-2023-3043372. It appears that on October 3, 2023, the Complainant again filed the Complaint (Complaint #2) and the matter was docketed at Docket # C-2023-3043371. At the December 18, 2023, hearing in this matter, Mr. McNair testified that he experienced transmission issues when filing the Complaint. He also confirmed that he intended to file a single complaint form. Tr. 7. The Complaint and

The Complainant placed a checkmark in three boxes on the Complaint form, indicating “I would like a payment agreement,” “I am having a reliability, safety or quality problem with my service,” and “Other.”³ As relief, the Complainant wrote that he wished to be reimbursed for the installation of a water softener and filter. He also requested that the water supply to Blue Mountain Lake community be sampled monthly and water treatment be monitored. In addition, he requested a flat rate for water supply and wastewater treatment.

On October 23, 2023, the Respondent filed an Answer denying all material allegations of fact in the Complaint.

On October 25, 2023, Chief Administrative Law Judge Charles E. Rainey, Jr. issued an Interim Order Setting Resolution Conference directing the parties to attempt to resolve this matter among themselves. The parties were unable to reach a resolution.

By Initial Telephonic Hearing Notice dated November 3, 2023, an initial call-in telephonic hearing was scheduled for December 18, 2023 at 10:00 a.m., and the matter was assigned to me.

On November 3, 2023, the Complainant contacted the Office of Administrative Law Judge (OALJ) via email and requested an in-person hearing.

On November 14, 2023, a Hearing Type Change Notice was issued, informing the parties that the December 18, 2023 hearing would be held in person at the Commission’s office in Philadelphia.

I issued a Prehearing Order on November 14, 2023. The Prehearing Order directed the parties to comply with various procedural requirements and also explained that the

Complaint #2 are identical and are referred to herein as the Complaint. At the December 18, 2023 hearing, the parties agreed to consolidate the filings by Mr. McNair at Docket # C-2023-3043372 and Docket # C-2023-3043371. Tr. 9.

³ In his testimony, the Complainant clarified that he was not seeking a Commission-issued payment arrangement. He explained that when he checked the repayment box, he was seeking compensation from the Company. Tr. 31-32.

Complainant bears the burden of proof to establish that the respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

The hearing convened as scheduled on December 18, 2023. The Complainant appeared *pro se* and testified. The Complainant offered three exhibits (Comp. Exhs. A-1, A-2, and A-3), Exhibits A-2 and A-3 were admitted into the record. The Respondent also appeared and was represented by Michael A. Gruin, Esq., who presented the testimony of Kasey White, a Senior Operations Supervisor for the Company and Natale Lussi, a Water Quality Environmental Compliance Supervisor for the Company. The Respondent offered seven exhibits, all of which were admitted into the record (Resp. Exhs. 1- 7).

Following the December 18, 2023 hearing, I exchanged email messages with the parties concerning scheduling of a further hearing to allow the Complainant to enter photographic evidence of the physical evidence presented at the hearing into the record.⁴ The parties agreed to the scheduling of a further telephonic hearing on January 23, 2024 for that purpose. On January 22, 2024, a Further Telephonic Hearing Notice was issued informing the parties that a call-in telephonic hearing was scheduled for January 23, 2024 at 1:30 p.m.

At the telephonic hearing held on January 23, 2024, the Complainant appeared *pro se* and offered 12 exhibits, including photographs of the three physical exhibits identified at the December 18, 2023 hearing into the record. With the exception of the water testing report as Complainant Exhibit 1 at the January 23, 2024 further hearing,⁵ all of the Complainant's exhibits were entered into the record. The Respondent also appeared, represented by Michael A. Gruin, Esq., who again presented the testimony Natale Lussi. The Respondent offered no exhibits at the January 23, 2024 further hearing.

⁴ At the December 18, 2023, hearing, the Complainant presented a water filter as Exhibit A-2 and a stained t-shirt as Exhibit A-3; however, he failed to deliver them to me before leaving the hearing. To address the lack of physical evidence, the parties agreed to the use of photographs of Exhibits A-2 and A-3 in lieu of the physical items together with other documentary evidence offered by the Complainant. Tr. 156.

⁵ The same water testing report was previously identified as Complainant Exhibit 1-A at the December 18, 2023, hearing, at which time the Company raised authentication and hearsay objections, which were sustained at the hearing. Tr. 116-121.

The record consists of a 210-page transcript and 18 exhibits. The record closed on February 5, 2024 when the transcript was filed with the Commission.

FINDINGS OF FACT

1. The Complainant in this case is Rashad McNair.
2. The Respondent in this proceeding is Pennsylvania-American Water Company.
3. The Complainant resides at 7251 Bushingwood Grove, East Stroudsburg, PA (Service Address). Tr. 21.
4. The Complainant and five other family members moved into the Service Address on November 17, 2020. Tr. 23-24.
5. The Respondent has provided water and wastewater service to the Complainant since November 24, 2020. Tr. 23; Resp. Exh. 1.
6. The Complainant has experienced issues with the color, smell and taste of water supplied by the Respondent to the Service Address. Tr. 22.
7. The Complainant's clothing becomes discolored when washed using water supplied by the Respondent to the Service Address. Tr. 22-23.
8. The Complainant installed a water filter system at his home in July 2023 to improve the water quality at his home. Tr. 26, 38.
9. The Complainant has replaced the three toilets at his home twice due to discoloration. Tr. 30.

10. The Respondent operates under a wastewater tariff approved by the Commission on December 8, 2022. Tr. 46; Resp. Exh. 7 at 11.1.

11. Under the Company's wastewater tariff, residential customers are billed a monthly service charge and a fee for sewage flows based on their metered water usage. Tr. 47-48; Respondent Exh. 7 at 11.1.

12. The Complainant's water and wastewater bill is calculated based on water usage, which is metered. Tr. 28-29, 45, 47.

13. Under the Company's wastewater tariff, residential wastewater flows are not metered on an individual basis. Tr. 28, 45, 47.

DISCUSSION

The allegations and remedies requested by the Complainant in the Complaint, fall into three categories: issues relating to water quality, a claim for damages, and a request for flat rate billing rates for water and wastewater service. These categories of allegations and remedies are discussed in turn below.

Legal Standards

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the Respondent public utility is responsible or accountable for the problem described in

the Complaint.⁶ Such a showing must be by a preponderance of the evidence.⁷ A preponderance of evidence is evidence more convincing, by even the smallest amount, than that presented by the other party.⁸ Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence.⁹ More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.¹⁰

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent.¹¹

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission.¹²

Respondent is required by law to provide the Complainant with adequate and reasonable service. Section 1501 of the Public Utility Code provides, in relevant part:

⁶ *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976).

⁷ *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

⁸ *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

⁹ *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

¹⁰ *Norfolk & W. Ry. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

¹¹ *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

¹² *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

§ 1501. Character of service and facilities

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.^[13]

Interpreting this provision, the Commonwealth Court has stated:

[w]e hold that in order for the PUC to sustain a complaint brought under this section, the utility must be in violation of its duty under this section. Without such a violation by the utility, the PUC does not have the authority, when acting on a customer's complaint, to require any action by the utility.^[14]

The statutory definition of “service” is to be broadly construed.¹⁵ In applying the facts to the law, the issue becomes whether the Company's actions as described in the Complaint rise to the level of inadequate service that constitutes a violation of the Public Utility Code.

In addition, a public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law and is binding on the utility and the customer.¹⁶ Public

¹³ 66 Pa.C.S. § 1501.

¹⁴ *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947, 949 (Pa. Cmwlth. 1984) (footnote omitted).

¹⁵ *Country Place Waste Treatment Co., Inc. v. Pa. Pub. Util. Comm'n*, 654 A.2d 72 (Pa. Cmwlth. 1995). “ ‘Service.’ Used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, or contract carriers by motor vehicle, in the performance of their duties under this part to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them” 66 Pa.C.S. § 102.

¹⁶ 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997) (*Kossman*); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977).

utility rates are required to be just and reasonable, and where a customer is heard to complain concerning a proposed change in rate, the burden of proof is upon the public utility to show that the proposed rate is just and reasonable.¹⁷ However, “[w]here the complaint involves an existing rate . . . the burden then falls upon the customer to prove that the charge is no longer reasonable” or the application of the existing tariff at issue is applied unreasonably.¹⁸ The burden of showing that a tariff is unreasonable is “very heavy because tariff provisions submitted to and approved by the Commission are *prima facie* reasonable.”¹⁹

Inadequate or Unreasonable Service Due to Poor Water Quality

In the Complaint and at the hearing, the Complainant alleged that water supplied to the Service Address has a color, an odor, tastes bad, and stains clothing and household sanitary facilities.²⁰ The Complainant has raised a claim of inadequate or unreasonable service.

The Complainant provided convincing testimony concerning the quality of the water supplied by the Respondent to the Service Address. He testified that the water has a “high chlorine taste, high chlorine smell” and that his household relies on bottled water for household drinking water.²¹ He also credibly testified that the water supplied to his home is brown when it comes out of the faucet, that clothing washed in water supplied to the Service Address became discolored and that the water stained toilets and sinks at his home.²² Furthermore, Mr. McNair

¹⁷ 66 Pa.C.S. § 1301.

¹⁸ *Brockway Glass Co. v. Pa. Pub. Util. Comm’n*, 437 A.2d 1067, 1070 (Pa. Cmwlth. 1981) (*Brockway*).

¹⁹ *Kossmann*, 379 A.2d at 1151.

²⁰ Tr. 22-23; Complaint ¶ 6.

²¹ Tr. 22, 27.

²² Tr. 30.

contends that the water supplied to his home causes limestone build-up, corrodes metal pipes²³ and has caused the water pipes in the Complainant's home to leak.²⁴

The Company responded to each of the Complainant's allegations through testimony and evidence discussed in more detail below.

Natale Lussi, the Respondent's Water Quality Compliance Supervisor testified that the Respondent is required to comply with standards established by the US Environmental Protection Agency (EPA) under the Safe Drinking Water Act.²⁵ Mr. Lussi further explained that the Company ensures that water supplied to its customers complies with all relevant standards through water testing conducted in a manner prescribed by the EPA.²⁶ Mr. Lussi testified that he supervised the collection and testing procedures used in testing the water in the Service Address and the water supply to the Service Address.²⁷

Mr. Lussi also testified that Company representatives tested the Complainant's water supply twice. The test conducted on July 20, 2023 was based on samples taken from inside the Complainant's home. The test conducted on November 20, 2023 was based on water samples taken from the "meter pit" that is representative of the water supplied to the Service Address but outside the distribution system inside Complainant's home.²⁸

The Water Analysis Report prepared based on the water sample from the Service Address indicated that the water was of "good quality."²⁹ More specifically, he noted that the

²³ Tr. 15, 35.

²⁴ Tr. 23-23, 27.

²⁵ Tr. 76. Mr. Lussi appeared to be referring to the Safe Drinking Water Act, 42 U.S.C. 300f-300j.

²⁶ Tr. 77.

²⁷ Tr. 82-84, 97-98, 100-101. Resp. Ex 4. The Complainant provided no testimony or evidence that the current testing procedures employed by the Company are inadequate or unreasonable. Therefore, there is no support for his requested remedy that the water supply to Blue Mountain Lake community be sampled monthly and water treatment be monitored.

²⁸ Tr. 89.

²⁹ Tr. 79.

manganese level of the water was less than the federal standard and so low that it was less than the laboratory's detection level. Mr. Lussi explained that manganese in the water supply is associated with metallic taste, staining, stained fixtures, stained laundry.³⁰ He testified that manganese is not removed from the water; instead, it is treated with polyphosphate. Further, he also testified that the tests conducted in July and November fell within EPA standards, including the standard for manganese and iron.³¹ Mr. Lussi also testified that the Complainant's water supply would be classified as "hard water" meaning that it has a high mineral content. However, he testified that there is no applicable governmental standard for hardness of water, stating [i]t's just a scale or classification, like a range.³²

On the issue of chlorine, Mr. Lussi testified that the Respondent is required to treat water with chlorine.³³ He went on to explain that chlorine causes minerals such as iron or manganese to come out of water, the iron leaving a reddish color and manganese leaving a grayish or black color.³⁴ In sum, through his testimony, Mr. Lussi attributed the discoloration of clothing, sinks and toilets described by the Complainant as normal consequences of hard water that had been treated to meet federal drinking water regulations.

Here, the Complainant provided ample testimony of his observations regarding the water supplied to his home and his belief that the quality of the water constituted unreasonable service. However, the Respondent provided extensive testimony and documentary evidence demonstrating that the water supplied by the Respondent to the Service Address met all applicable water quality standards.

It is well established that "[r]egardless of how earnestly Complainant believes the Complaint allegations to be true, personal opinions or perceptions do not constitute substantial

³⁰ Tr. 94.

³¹ Tr. 89, 94, 104.

³² Tr. 80.

³³ Tr. 95.

³⁴ Tr. 95.

evidence sufficient to permit him to sustain his burden of proof.”³⁵ In this case, the Complainant failed to present competent testimony to refute or discredit the testimony and evidence presented by the Respondent on the issue of water quality. As a result, I must conclude that Complainant failed to meet his burden of proving that the Respondent did not provide reasonable service to him based on poor water quality.

Damages

In the section of the complaint form relating to remedies, Mr. McNair indicates that he wishes to be reimbursed for the installation of a water filter already installed in his home and a water softener recommended by Home Depot.³⁶

As a creature of legislation, the Commission possesses only the authority the State Legislature has specifically granted to it in the Code. Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom.³⁷

Nothing in the Code confers jurisdiction upon the Commission to award monetary damages.³⁸ The Complainant’s request for damages must be denied because the Commission simply does not have the authority to grant the remedy requested by the Complainant.

³⁵ *Kirby v. PPL Elec. Utils. Corp.*, Docket No. C-20066297 (Final Order entered Nov. 16, 2006) (citing, *Pa. Bureau of Corr. v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987)); see also, *Rivera v. Phila. Gas Works*, Docket No. C-2010-2164222 (Opinion and Order entered Jan. 12, 2012).

³⁶ Complaint ¶ 6. The Complainant testified that he installed a water filter in his home. Tr. 24. 29. He also testified that he also wishes to install a water softener, which he estimated would cost \$3,800. Tr. 25-26.

³⁷ *Feingold v. Bell of Pa.*, 383 A.2d 1191 (Pa. 1977); *Allegheny Cnty. Port Auth. v. Pa. Pub. Util. Comm’n*, 237 A.2d 602 (Pa. 1967). *Behrend v. Bell of Pa.*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Dep’t of Highways v. Pa. Pub. Util. Comm’n*, 182 A.2d 267 (Pa. Super. 1962); *City of Erie v. Pa. Elec. Co.*, 383 A.2d 575 (Pa. Cmwlth. 1978).

³⁸ See, *DeFrancesco v. W. Pa. Water Co.*, 453 A.2d 595 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1977); *Poorbaugh v. Pa. Pub. Util. Comm’n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

Flat Rate Billing

In the Complaint, Mr. McNair also requests that he be charged a “flat rate” for his water and wastewater service. He rejects the current billing method “due to having to filter and treat the water entering [his] home.”³⁹ He also objects to wastewater charges because he “get[s] charged for water that is not going through sewage.”⁴⁰

The Company responded to the Complainant’s requests concerning billing for water and wastewater service through testimony of its Senior Operations Supervisor, Kasey White and documentary evidence that the Complainant had been billed for service in accordance with the Company’s Commission-approved tariffs effective October 28, 2022 and July 1, 2023.⁴¹ Mr. White also explained that residential wastewater customers are billed for wastewater service based on metered water usage.⁴² He also explained that the Commission had approved this billing methodology in a recent case.⁴³

In complaining of an existing rate, the Complainant has a heavy burden to prove by a preponderance of the evidence that the charge is no longer reasonable or the application of the existing tariff at issue is applied unreasonably.⁴⁴

Through testimony and evidence, the Respondent established that residential wastewater flows are not metered separately from water usage. Further, the Commission recognizes that no customer’s wastewater usage will exactly match their water usage; however, a

³⁹ Complaint ¶ 6.

⁴⁰ Complaint ¶ 6. Although the Complainant provided testimony that despite a reduction in the size of his household in 2023, he did not notice a commensurate reduction in his water bill, he did not characterize the matter as a billing dispute and did not present any evidence of improper billing by the Respondent. Tr. 24

⁴¹ Tr. 45, 50, 53. Resp. Exh. 2, 7.

⁴² Tr. 46-47.

⁴³ Tr. 54. In his testimony, Mr. White referenced *Genova v. Pennsylvania American Water Co.* C-2022-3035314 (Final Order issued Feb. 21, 2023).

⁴⁴ *Brockway; Kossman.*

customer's water usage provides a reasonable measure for that customer's wastewater usage.⁴⁵ This means that the Respondent's wastewater usage charge has been set at a rate which the Commission has determined is fair and reasonable and recognizes that not all water which passes through a customer's meter is water that will be discharged into the Respondent's wastewater system.⁴⁶

I agree with the Company that the Commission has consistently determined that utilizing water usage to determine wastewater charges is appropriate and reasonable and conclude that Mr. McNair has not met his burden of proof in regard to this claim. Accordingly, his request for a flat rate for service must be denied.

In light of the findings and conclusions set forth above, the Complaint must be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. To establish a legally sufficient claim, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail, and the offense must be a violation of the Public Utility Code, a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701; *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990).

3. The Complainant, as the party seeking affirmative relief from the Commission, has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332.

⁴⁵ See *Seamon v. Pennsylvania-American Water Co.*, Docket No. C-2018-3004588 (Final Order entered May 29, 2019)

⁴⁶ *Id.*

4. A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

5. Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service. 66 Pa.C.S. § 1501.

6. The Complainant failed to meet the burden of proving that PECO provided him with unreasonable or inadequate service. 66 Pa.C.S. §§ 332(a), 1501.

7. As a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Feingold v. Bell of Pa.*, 383 A.2d 1191 (Pa. 1977); *Allegheny Cnty. Port Auth. v. Pa. Pub. Util. Comm'n*, 237 A.2d 602 (Pa. 1967). *Behrend v. Bell of Pa.*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Dep't of Highways v. Pa. Pub. Util. Comm'n*, 182 A.2d 267 (Pa. Super. 1962); *City of Erie v. Pa. Elec. Co.*, 383 A.2d 575 (Pa. Cmwlt. 1978).

8. The Commission does not have the authority to award damages. *See, DeFrancesco v. W. Pa. Water C.*, 453 A.2d 595 (Pa. 1982); *Elkin v. Bell of Pa.*, 420 A.2d 371 (Pa. 1980); *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1977); *Poorbaugh v. Pa. Pub. Util. Comm'n*, 666 A.2d 744 (Pa. Cmwlt. 1995).

9. A public utility's Commission-approved tariff is *prima facie* reasonable, has the full force of law and is binding on the utility and the customer. 66 Pa.C.S. § 316; *Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlt. 1997); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlt. 1977).

10. Where the complaint involves an existing rate, the burden of proof falls upon the customer to prove that the charge is no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlt. 1981).

11. Complainant has failed to satisfy his burden of proof that Respondent's Commission-approved tariff rates are no longer reasonable or the application of the existing tariff at issue is applied unreasonably. *Brockway Glass Co. v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Rashad McNair at Rashad McNair v. Pennsylvania-American Water Company at Docket No. C-2023-3043371 is denied.
2. That the Complaint of Rashad McNair at Rashad McNair v. Pennsylvania-American Water Company at Docket No. C-2023-3043372 is denied.
3. That the proceeding at Docket No. C-2023-3043371 be marked closed.
4. That the proceeding at Docket No. C-2023-3043372 be marked closed.

Date: May 1, 2024

/s/
Arlene Ashton
Administrative Law Judge