

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lynn Ray	:	
	:	
v.	:	C-2023-3043218
	:	
Aqua Pennsylvania, Inc.	:	

**INTERIM ORDER GRANTING COMPLAINANT’S REQUEST FOR CONTINUANCE
AND RESPONDENT’S REQUEST FOR STATUS REPORTS**

On September 22, 2023, Lynn Ray (Complainant) filed a Formal Complaint against Aqua Pennsylvania, Inc. (Respondent or Aqua) with the Pennsylvania Public Utility Commission (Commission) regarding service to 408 Cheswold Court, Chesterbrook, Pennsylvania (Service Location). On October 16, 2023, Aqua filed its Answer denying the material allegations therein.

By Initial Telephonic Hearing Notice dated November 20, 2023, a call-in telephonic hearing was scheduled in this matter for January 4, 2024, at 10:00 a.m.

On November 22, 2023, Respondent submitted via email a request for continuance of the hearing scheduled for January 4, 2024, due to counsel’s unavailability on January 4, 2024. The Complainant was copied on the Respondent’s request, which also noted that the Complainant had previously been contacted by telephone and email to inform her of the request. By email to Ms. Ray, I directed her to respond to the Respondent’s request for continuance no later than November 30, 2023.

On November 30, 2023, Complainant sent an email to the presiding officer only. The Complainant did not expressly respond to the Respondent’s request for continuance; however, she requested that any for continuance of the hearing scheduled for January 4, 2024, be scheduled

“after 1:00 PM due to a diagnosed medical condition.” The Complainant’s reply and request was not sent to the Respondent, nor did it specify the nature or duration of the condition that served as the basis for her request.

On December 4, 2023, via email, I advised the parties that the hearing would be rescheduled and would be scheduled as an afternoon hearing consistent with OALJ hearing scheduling practice. In addition, the Complainant was reminded that as explained in the Hearing Notice and the December 1, 2023, Prehearing Order issued in this matter all parties must be included in any communication with the presiding officer, my clerk or OALJ. The Complainant was also directed to read all instructions provided in the Hearing Notice, Prehearing Order and any other communication or Order issued in this matter. She was also encouraged to contact my clerk if she had any questions concerning the instructions contained in those documents.

By Notice dated December 4, 2023, the initial hearing was rescheduled for January 17, 2024, at 1:30 PM.

On January 16, 2024, via email, Respondent’s counsel informed me that the parties had engaged in discussions to amicably resolve this matter and that jointly, they wished to request a continuance to allow the Complainant 30 days to address certain plumbing issues and a further 90 days to allow the parties to monitor the Complainant’s water usage during the 90 days after the work is completed. The request also indicated that the parties would “further discuss the usage after the 90-day period in a good faith effort to resolve the matter.

The parties’ joint request for a continuance was granted. By Hearing Notice dated January 23, 2024, the initial hearing for this matter was rescheduled for May 16, 2024, at 10:00 AM.

On Wednesday, May 15, 2024, the Complainant sent an email to my office and the Respondent’s counsel. No text was included in the email; however, an attachment labeled “Document” included a request for a further continuance of the hearing scheduled for the following day. The Complainant provided the following explanation for the request “I have idiopathic hypersomnia and therefore cannot attend a court time of 10 AM.” The Complainant also stated that

she had “previously informed the court of her medical condition. Respondent promptly responded that it did not oppose to the Complainant’s untimely request for continuance. However, the Respondent requested that any **“order granting the continuance specifically direct to the Complainant to send me monthly updates regarding the status of the plumbing work.”** (Emphasis in original).

As Respondent’s counsel accurately observes, the Complainant’s request does not confirm to the requirement for a continuance request set out in the Prehearing Order. The Complainant has previously been cautioned that she must comply with the terms of the Prehearing Order. I also note that this is not the first occasion on which the Complainant has failed to adhere to Commission rules, regulations, and practice. On April 9, 2024, the Complainant was ordered to provide documentation requested by the Respondent in a discovery request. Furthermore, the Complainant’s submission of a request to continue a hearing because of the scheduled time for the hearing, is highly irregular given that: (a) she has had over four months’ notice of the scheduled time for the hearing; and (b) the date and time of the hearing were reiterated in the Interim Order dated April 9, 2024, Order.

Nevertheless, in light of the lack of opposition to the request, the Complainant’s request will be granted. Respondent’s request that the Complainant provide monthly status reports on the status of the plumbing work will likewise be granted.

The Complainant is reminded that although the Commission grants a certain amount of latitude to complainants appearing *pro se*, as she does in this matter, a *pro se* litigant must comply with the rules, regulations, and standards applicable in Commission proceedings.

The Complainant is also reminded that a presiding officer's orders must be complied with, and a lack of compliance presents a sufficient basis to dismiss a complaint. *Treffinger v. PPL Electric Utilities Corp.*, Docket No. C-20027978 (Order entered March 3, 2003); *Snyderville Community Development Corp. v. PGW*, Docket No. C-20055032 (Order entered July 31, 2006); *Application of Black Diamond Cab Co.*, Docket No. A-00122566 (Order entered December 1, 1966).

C-2023-3043218 - LYNN RAY v. AQUA PENNSYLVANIA, INC.

LYNN RAY
408 CHESWOLD COURT
CHESTERBROOK PA 19087
610.420.4451
lynnwray@gmail.com
Accepts eService

MARGARET MORRIS ESQUIRE
REGER RIZZO & DARNALL
CIRA CENTRE 13TH FL
2929 ARCH STREET
PHILADELPHIA PA 19104
215.495.6524
215.870.5785
mmorris@regerlaw.com
Accepts eService
(Counsel for Aqua)

CHRISTOPHER FRANKLIN
762 W LANCASTER AVENUE
BRYN MAWR PA 19010
610.645.1015
hsdharrisson@aquaamerica.com
(Aqua Pennsylvania Inc)
Accepts eService