

SENT VIA CERTIFIED MAIL
OVERNIGHT

Mr. M. Hillman
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Plaintiff/Pro Se'

DATE OF DEPOSIT

MAY 23 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. M Hillman

V.

AQUA PA. INC.

SECRETARY BUREAU (2ND FLOOR)
PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120
EXCEPTIONS
Civil Action: C-2023 3038201

EXCEPTIONS / OBJECTIONS

- 1.) RE: p.1 I checked off boxes water, gas & steam, as the Complaint explains hot water heater. See complaint & my answer to new matter March 15, 2023 and answer to written testimony p. 3--#15, September 29, 2023
- 2.) RE: p. 1, My December 9, 2022 call to Aqua had more relevance than to discontinue billing me.
- 3.) RE: p2, par-1 ... I mentioned adequacy, reasonable, safety & discrimination from the last dispute and others in the current dispute. See my answer to aqua motion judge pleading #5,6,7 & 12, dated July 7, 2023.
- 4.) RE: p2, par-7, M. Morris did not send me exhibits for the May 16, 2023 hearing. She lied stating she and I discussed them over the phone. *See trans. p. 5--#3,4,5 and p.15--#15*. When M. Morris finally sent these exhibits (late) it was by certified mail. A copy of this receipt is what was provided on record—she claimed the receipt pertained to other pleadings (see aqua response to my motion for sanctions).
5. All Heep claims not to have received my exhibits for May 16, 2023 (sent to phila. Office) yet she received the Document Argument, both sent to same address by certified mail. See my answer to aqua motion judgment pleading #9, July 7, 2023.
- 6.) RE: p.5, par-2 Our written testimony was sent out on September 29, 2023.....I sent in a copy of the certified mail receipt with another requested copy on October 20th, so this is a lie.
- 7.) RE: p.7, par #5, 6 Fact, I never received an initial decision in 2020 to properly fairly respond to the scheme.

8.) RE: p3., par-1 The order issued May 31, 2023 was not served properly, nor fairly. ALJ Heep (for the 1st time) handed me a sealed envelope; (this order) in-person during the June 27, 2023 hearing. Also intentionally aqua did not send me motion for judgment on pleading (there was no way for me to respond by June 14th). So to clinch the collusion, another order dated May 16, 2023 denying constitutional rights and dismissing; I received this one by mail on June 29, 2023, two days after hearing was over. See orders and answer to written testimony p. 4--#19 and p.5

9.) RE: p.4, par-2 & 3 aqua never sent me their reply supposedly filed on July 17, 2023....another order follows this on July 25, 2023 that I never received and no fair opportunity to respond to either. On August 18, 2023 I scheduled an appt. with Ms Athena Delvillar to pick up orders dated May 30, 2023, July 25, 2023, August 17, 2023 and a 125-page copy of aqua's reply (for the 1st time) dated July 17, 2023. (see Aug 17th order). *Matter of fact, I just received a thick envelope from aqua just prior to receiving this initial decision.*

10.) ALJ Heep proceeds forward unconstitutionally, conspiring to prevent our testimony.

11.) RE: p.5, par-2,3. Intentional omission--On November 9, 2023 I sent out a motion/petition to reopen, including some shocking new evidence with approx, 36 photos. Suddenly there was an emergency continuance request granted on November 13th, several days before the scheduled hearing. ALJ Heep requested that I send all of it a 2nd time, prior to the January 16, 2024 rescheduled hearing, and so I did on January 9, 2024.

12.) The Doctrine of Equitable Estoppel tolls the statute of limitations, due to intentional Concealment. See my answer to aqua's motion for judgment on pleading #31,32, and 36 dated July 7, 2023 (RE:, ID p.4, par-2) So M. Morri's claiming a limitation on time, is not valid. see trans. P.9--#20. *Hauptmann v. Com, Dept. of Transp., 429 A.2d 1207, 59 Pa. Cmwltth, 277, Cmwltth 1981*

13.) RE: p.4, par-2 I filed a claim in common pleas on March term 21 (no. 210302819), then to Fed Court (no. 21cv4452 & 21cv-01676 and Fed Appeal Court (no. 22-2259/22-2260, which ended in March 2023. So according to *Artis v. District of Columbia* 28 U.S.C. § 1367 (d), (the period above is approx. 2 yrs) the clock stops on limitations of time. So the two years would be added to the 3yrs limitations with a total of 5yrs from the December 9, 2022 date, leading back to December 2017. I brought this to the court's attention several times, lastly, during the January 16, 2024 hearing..ALJ Heep realized this during Jan 2024 hearing, by saying "we're gonna have to go back to 2020; but M. Morris instructed her to the contrary and she decided to take instructions, as usual. Its been going on all the time (M. Morris is boss, there.)

14.) The U.S. Supreme court stressed the fact of using common sense in judgment. So an authority claiming expertise & knowledge in a field (utilities) should know water flows thru a meter to a faucet where it comes out or thru hot water heater to faucet...I provided photos of hot & cold water faucets in common area (see exhibits from Nov 9, 2023) so there should be an account/meter for that usage. I would imagine common sense is not considered in collusion. Just as well, photos of lights, receptacles in common areas, who is paying for that usage. Next, I would probably be expected to cite a case where common sense was used.

15.) Does the PA. PUC. (hire) have investigators on staff to stay inside at a desk, claiming to investigate while conspiring with the utility co.---or is this only occurring when dark skin people file complaints? Ignore 66 Pa. C.S.A 701 Complaints, among others.

16.) Why had aqua not shut off the water and I had not paid them during the disputed period, if they corrected the problem? The answer is yes, they did shut it off numerous times, but others were affected (Aug. 2022), so they had to leave it on. If aqua denies it, when were they going to shut it off....10 yrs later? Time begins to run at the end of dispute December 9, 2022...I am the disputing party----aqua never complained that I had not paid them.

17.) No orders shall be made without affording me the a hearing and opportunity to respond within 15 days.....functions should be conducted in an impartial manner....administering oath.....the proponent of a rule or order has the burden of proof See Pa.C.S.A. §§§ 331, 331 © and (d)(1) ,703 (f) , and 332 (a).

18.) RE: p7.--#12 and p. 12, par-2... Aqua did not mention responding to BCS with a report, during May 16, 2023 and June 27, 2023 hearings this is a lie. The report she claims to have received is Expart'e communication (where is my copy?) , neither did BCS issue verbal findings to me (66 Pa. C.S.A. § 334) see my answer to aqua motion judgment pleading p. 1 dated July 7, 2023

19.) RE; p.9 & 11 66 Pa.C.S.A § 1501 I am reiterating every public utility...furnish, maintain, adequate efficient, safe and reasonable service and facilities...(see my answer in Motion judgment pleading #20 and thru-out, dated July 7, 2023 .It also states the interchange/crossing of facilities between two or more of them. This means the hot water heater with water and gas, ties both aqua and peco to this violation (see § 1504. This is suppose to be common sense to an authoritative expert. While §§ 1502 and 1505 describe the unreasonable preference, prejudice and discriminating condition, that we have been dealing with going on six years. Also the word public can not be limited to those who used the services. *West penn Rys. Co. v. PA. PUC, 15 A.2d 539, 142 Pa. Super. 140, Super. 1940*

20.) § 701 Complaining of...an act or thing done, or omitted to be done...by the utility (lots of them) §703 (e) ...whether proper weight was given to the evidence. Puc is bound by due process, fairness, constitutional law etc....*Town Development, Inc. v. PA. PUC*, 411 A.2d 1317, 50 Pa. Cmwlt. 104, Cmwlt. 1980. Also *Borough of Bridgewater v. PA.PUC*, 124 A.2d 165, 181 Pa. super. 84, super. 1956

21.) An adjudication is not valid without affording reasonable notice of hearing and opportunity to be heard See 2 Pa. C.S.A. §553. Voir dire is not available to test Alj pUC with decisions. *Graham v. mars Area School Dist.*, 415 A.2d 924, 52 Pa. Cmwlt. 116, cmwlt. 1980

22.) Adjudication by constitution, in fairness includes being heard, and introducing evidence on my behalf. See *Belfour Beatty const. inc. v. Department of Transp.*, 783 A.2d 901, cmwlt. 2001 and *Byers v. PA. PUC* 109 A.2d 232, 176 pa.super. 620, super. 1954. See *WJ Dillner Trans. Co. v. PA. PUC* 107 A.2d 159, 175 Pa. super. 580, 1954...*Appeal dismissed* 75 S. CT. 580, 349 U.S. 903, 99 S.ED. 1240

23.) The PUC orders must be certified with evidence. See *Gradison Auto Bus Co. v. PA. PUC*, 184 A.2d 334, 199 Pa. super. 303, super. 1962. See *PA. Labor Relations Bd. v. Elk Motor Sales Co.*, 130 A.2d 501m 388 Pa. 173. See *Hinkle v. City phila*, 881 A:2d 22, cmwlt. 2005.

24.) The due process must be reasonable with an opportunity to object. See *Grossman v. State Bd. of Psychology*, 825 A.2d 748 cmwlt. 2003, *Appeal denied* 835 A.2d 710, 575 Pa. 693. See *Clark v. Com. Dept. of Welfare*, 427 A.2d 712, 58 Pa. cmwlt. 142, cmwlt. 1981

24.) The PUC''s power to act must be clear with evidence to support any orders. See *Peco Energy Co. v. PA. PUC.*, 791 A.2d 1155, 568 pa. 39, sup, 2002. See *City of Phila. V. Philadelphia Elec. Co.*, 473 A.2d 997, 504 Pa. 312, sup. 1984. See *West Penn rys. Co. v. PA PUC*, 4 A. 2d 545, 135 Pa. super. 89, super. 1939. See *Butler TP. Water Co. v. PA. PUC*, 473 A.2d 219, 81 pa. cmwlt. 40, cmwlt. 1984. See *Bortz coal Co. v. Air Pollution Commission*, 279 A.2d 388, 2 Pa. cmwlt. 441, cmwlt. 1971

25.) Substantial evidence is required with relevance that the reasonable mind might accept as adequate to support conclusion. See *City of Pittsburgh v. Commission on Human Relations of city of Pittsburgh*, 444 A.2d 182, 65 Pa. cmwlt. 610 cmwlt. 1982. See *Kviatkovsky v. PA. PUC*, 618 a.2D 1209, 152 Pa. cmwlt. 291, cmwlt. 1992. See *Direnzo Coal co. v. Department of General Services*, 825 A.2d 773, cmwlt. 2003

26.) The fact finder must be supportive of sufficient, competent evidence.. See *PA. State Athletic Commission v. Graziano*, 12 Pa. D & C.2d 127, 70 Dauph. 257 (1958). See *pa. State Bd. of Medical Ed & Licensure v. Schireson*, 61 A.2d 343, 360 pa: 129, sup, 1948

27.) I am entitled to present my case, and showing that facts are not properly noticed. See 66 Pa.CSA § 332 (e) and 332 ©.


28.) Statute of limitations begins to run on the last day of the disputed billing period. See *Duquesne light Co. v. PA. PUC.*, 611 A.2d 370, 148 Pa. cmwlth. 378, cmwlth. 1992

29.) RE: p5., par 2 October is an incorrect date ---should be Sept. 29th,.....p5, par-4 January 16, 2023 should be 2024.....p6. par 1 February 8, 2023 should be 2024.

30.) Trans. P. 16 # 24This was not a statement made by me----ALJ Heep made this statement....Trans. p. 7--#23I do not know anything about a Brian Rd., neither does a fact finder, yet a decision rendered from it.

Respectfully Submitted,

Date: May 23, 2024


Mr. M. Hillman, Plaintiff / Pro Se

DATE OF DEPOSIT

MAY 23 2024

SENT VIA OVERNIGHT DELIVERY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. M. Hillman
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Petitioner/Pro Se'

Mr. M Hillman

V.

AQUA PA INC.

SECRETARY BUREAU (2ND FL)
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400 NORTH STREET
HARRISBURG, PA. 17120
EXCEPTIONS
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)

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ALJ Ms. Darlene Heep
SECRETARY BUREAU (2ND FL)
PA. PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA. 17120

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Via U.S. First Class Mail

Ms. Margaret Morris
Counsel for Aqua PA. Inc.
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Date:

May 23, 2024

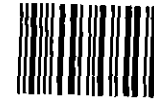

Mr. M. Hillman, Plaintiff/ Pro Se

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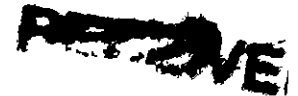
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