

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Louis Matzel & Jodi Asay	:	
	:	
v.	:	C-2023-3045163
	:	
Pennsylvania American Water Company	:	

ORDER MODIFYING PROCEDURAL SCHEDULE

On December 27, 2023, Louis Matzel and Jodi Asay (Complainants) filed a formal complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania American Water Company (PAWC). In their Complaint, Complainants alleged “dangerously” high water pressure that led to the damage of their water service line. Complainants requested that PAWC place a pressure reducing valve on the supply side of their service line. Complainants further requested reimbursement in the amount of \$12,336, which is comprised of charges on their water leak bill above their average usage of 2,500 gallons per month; and reimbursement for their excavation bill, the replacement of their service line, and damage to their fence and landscaping.

Complainants’ Complaint was served on PAWC on December 28, 2023. On January 19, 2024, PAWC filed an answer to the Complaint. In its answer, PAWC denied that the water pressure was too high; asserted that it would be Complainants’ responsibility to install a water pressure regulator the water pressure; and cited Commission regulations which state that the Commission does not have jurisdiction to award monetary damages. PAWC requested that the matter be referred to the Commission’s mediation program.

On January 22, 2024, the Commission served an Interim Order directing the parties to hold a resolution conference no later than February 19, 2024. The case did not resolve in mediation.

On February 6, 2024, the Commission served an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for March 20, 2024, at 10:00 a.m., and assigning me as the presiding officer. In anticipation of that hearing, I served a prehearing order on February 7, 2024, setting forth hearing information and the rules that would govern that proceeding.

On March 12, 2024, PAWC, through its counsel, Michael Gruin, Esquire, filed a Motion for Continuance. In its Motion, PAWC requested to postpone the March 20 hearing for approximately 30 to 60 days, as Mr. Gruin would be out of the state and unavailable for the hearing. Mr. Gruin indicated that Complainants did not object to the continuance request. The continuance request was granted via my Order dated March 12, 2024. The hearing was rescheduled for June 5, 2024.

The June 5, 2024 hearing was held as scheduled. Complainant Jodi Asay appeared, and Michael Gruin, Esquire appeared on behalf of PAWC with one witness. Testimony was taken and evidence was entered into the record. Near the end of the hearing, the parties entered into settlement discussions, and a tentative settlement plan was reached. The parties requested time to continue settlement discussions to see if a final agreement could be reached. It was therefore determined that the record would remain open to allow the parties to continue to explore the possibility of settlement. This Order modifies the procedural schedule to allow time for the parties to discuss settlement, or, if settlement is not reached, determine if further litigation is necessary. The transcript of the hearing was received on June 27, 2024.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa. Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa. Code § 5.485(a).

As the Commission encourages settlement whenever possible¹, and settlement would avoid the additional cost of litigation, it is reasonable to permit time for the parties to attempt to resolve this matter. PAWC will have until July 12, 2024 to provide a settlement offer

¹ 52 Pa. Code § 5.231(a).

to Complainants. Complainants will have 2 weeks, until July 26, 2024, to respond to PAWC's settlement offer. The parties will provide me with a status update no later than August 2, 2024. The status update should indicate (1) whether the case has settled; (2) whether the parties need more time to discuss settlement; and (3) if the case has not resolved, whether the parties seek an additional hearing to complete the litigation of this matter. If the case has not resolved, a briefing schedule will likely be set at the conclusion of the litigation.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties' request to modify the procedural schedule to allow for settlement discussions is granted.
2. That PAWC shall have until July 12, 2024 to provide a settlement offer to Complainants.
3. That Complainants have 2 weeks, until July 26, 2024, to respond to PAWC's settlement offer.
4. That The parties will provide me with a status update no later than August 2, 2024. The status update should indicate (1) whether the case has settled; (2) whether the parties need more time to discuss settlement; and (3) if the case has not resolved, whether the parties seek an additional hearing to complete the litigation of this matter. If the case has not resolved, a briefing schedule will likely be set at the conclusion of the litigation.

Date: July 1, 2024

/s/
Charece Z. Collins
Administrative Law Judge

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