

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

**Public Meeting held August 1, 2024  
3043371-ALJ**

**Rashad McNair  
v.  
Pennsylvania American Water Company**

**Docket Nos. C-2023-3043371  
C-2023-3043372**

**STATEMENT OF COMMISSIONER KATHRYN L. ZERFUSS**

This Complaint proceeding by Rashad McNair (Mr. McNair or Complainant) against Pennsylvania American Water Company (PAWC) involves, in part, allegations of safety and quality problems with water service to his residence in East Stroudsburg, PA, in Monroe County. The Initial Decision by Administrative Law Judge Arlene Ashton determined that Mr. McNair failed to satisfy his burden of proof related to his Complaint allegations. Although I will be voting procedurally to dismiss the Complaint, I am concerned about the quality-of-service issues raised in this proceeding and believe the causes of these problems should be more closely examined.

For example, Mr. McNair testified that he has experienced several issues with his water supply including colored water, bad smell and taste of the water supplied by PAWC.<sup>1</sup> According to the Complainant, his clothing becomes discolored when washed using water supplied by PAWC to his residence. Tr. at 22-23. As a result, Mr. McNair stated that he installed a water filter system at his home in July 2023 to improve the water quality. Tr. at 26, 38. Additionally, the Complainant testified that he has replaced the three toilets at his home twice due to discoloration from PAWC's water. Tr. at 30.

In PAWC's recent base rate case, the Commission addressed similar quality-of-service issues in the northeastern Pennsylvania region of PAWC's service territory.<sup>2</sup> There, the Commission instituted an investigation into the quality-of-service issues in PAWC's northeastern service territory to examine these issues. Specifically, we directed the Commission's Law Bureau, in conjunction with the Bureau of Technical Utility Services (TUS), to investigate and issue a root cause analysis report exhibiting any key findings from the investigation. *PAWC 2024* at 13, 394-395.<sup>3</sup>

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<sup>1</sup> Specifically, Mr. McNair testified about high chlorine taste and high chlorine smell in his water. He also complained about the hard water causing stains in his clothing leaks due to lime scale build up on his water pipes. According to the Complainant, this has been going on for a period of three years. Tr. at 22-23.

<sup>2</sup> *Pa. PUC v. Pennsylvania-American Water Company*, Docket No. R-2023-3043189, et al. (Order entered July 22, 2024) (*PAWC 2024*).

<sup>3</sup> The Commission also directed Law Bureau to coordinate with the Department of Environmental Protection, as it deems necessary, in the investigation. *PAWC 2024* at 13.

In this case, I believe Mr. McNair's testimony highlights similar quality-of-service issues to those raised in PAWC's recent rate case. Additionally, Mr. McNair resides in East Stroudsburg which is encompassed within PAWC's northeastern service region and within the territory contemplated by the Commission's order directing the investigation of the quality-of-service issues in that region.<sup>4</sup> Accordingly, I request that the Law Bureau, in conjunction with TUS, ensure that its ongoing investigation includes the water supply to the service territory serving Mr. McNair and the East Stroudsburg region.

**DATE: August 1, 2024**



**Kathryn L. Zarfuss, Commissioner**

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<sup>4</sup> Indeed, customers from the East Stroudsburg region filed numerous comments and a *pro se* complaint alleging similar quality-of-water concerns in PAWC's rate case proceeding. See *PAWC 2024* at 11-12, Tables 3 and 4.