

EXCEPTIONS TO INITIAL DECISION OF CASE DOCKET #C -[2023-3041252](#)

AUGUST 21, 2024

Via electronic filing

Rosemary Chiavetta, secretary, Pennsylvania, public utility commission

Commonwealth keystone building

400 North St., second floor

Harrisburg, PA 17120

Re:: Ronald and Sheila Derian versus Pennsylvania American water company

Docket # C - [2023-3041252](#)

Dear Rosemary, Chiavetta,

Attached, please find EXCEPTIONS to the INITIAL DECISION of Emily DeVoe, Administrative Law Judge, Docket # C - [2023-3041252](#).

Thank you,

Ronald Derian

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Sheila Derian

A rectangular box containing a handwritten signature in black ink that reads "Sheila Derian".

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August 21, 2024

Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North St., second floor  
Harrisburg, PA 17120

Dear Secretary Chiavetta,

We do not agree with the Initial Decision issued by Emily DeVoe, Administrative Law Judge, in respect to case Docket #C-2023-3041252 and respectfully request the dismissal of the case be reversed and revisited for the following:

EXCEPTION 1. On August 2, 2023, the Commission issued an Interim Order assigning this matter to the Mediation Unit of the Office of the Administrative Law Judge. Counsel for the Company, Michael Gruin, Esq., did not schedule a mediation session with the Mediator, disregarding the Interim Order by Judge Emily DeVoe issued to do so. Instead of scheduling a Mediation Session with the Mediator, Terri Rhodes, Mr. Gruin simply made a rushed, end of the business day phone call with me. The Company did not follow the ORDER issued by the Commission.

Exception 2. We DO NOT agree with Mr. Fagan's opinions on pages 12 through and including page 16. We have received very different opinions from various construction companies detailing cause and repair of damages as shown in our Exhibit 5.

EXCEPTION 3. On page 24 line 120 crew member states he did NOT see any running water in Complainant's basement. This is untrue. He contradicts himself in line 121, page 24, it states PAWC crew member performed a field test of the water in Complainant's basement, whereas in the immediate prior statement 5he crew members states there was NO water.

EXCEPTION 4. Page 28, line 147, Mr. Rotolo visit on May 20, 2022, he states Ms. Derian obtained water from deep in the basement trench and he could not confirm the source of that water or how long it had been there. Mr. Rotolo collected the water HIMSELF using his equipment to extract the water bubbling fresh from the foundation wall. All three water sample collections were made by PAWC employees and they used their equipment to perform the water collection.

EXCEPTION 5. Page 30, line 159-161 August 4, 2022 visit by Mr. Rotolo to specifically to make both myself and my husband aware that they were confident it was PAWC water and gave Us his cell phone number to keep us readily apprised of the work situation to stop the infiltration of PAWC water into our property.

EXCEPTION 6. Page. 37, line 211, it is ABSOLUTELY NOT true the pump is sending water TO the trench, it WITHDRAWS the water as shown in Complainants Exhibits 11 through 11F.

Thank you,

Ronald Derian

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Sheila Derian

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RONALD AND SHEILA DERIAN  
Complainants

Vs.

PENNSYLVANIA AMERICAN WATER COMPANY  
Respondent

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a true copy VIA E-MAIL EXCEPTIONS to the INITIAL DECISION of Docket. #c-2023-3041252 to the party listed below in accordance with the requirements of 52 Pa. Code § 1.54

VIA E-MAIL

Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission

Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA. 17120

Ronald Derian

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Sheila Derian

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DATED: August 21, 2024

