

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

THIRD POST-HEARING ORDER

On December 27, 2023, Louis Matzel and Jodi Asay (Complainants, Mr. Matzel or Ms. Asay) filed the Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania American Water Company (PAWC). In the Complaint, Complainants alleged “dangerously” high water pressure led to the damage of the water service line at the service address. Complainants requested PAWC place a pressure-reducing valve on the supply side of the 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 an excavation bill, the replacement of the service line, and damage to the fence and landscaping at the service address.

On January 19, 2024, PAWC filed an answer to the Complaint. In its answer, PAWC denied the water pressure was too high; asserted Complainants’ are responsible to install a water pressure regulator; and noted Commission regulations which state the Commission does not have jurisdiction to award monetary damages. PAWC requested 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, however, the case did not resolve in mediation.

Thereafter, on February 6, 2024, the Commission's Office of Administrative Law Judge (OALJ) served an initial telephonic hearing notice setting a formal call-in telephonic hearing for March 20, 2024, and assigning Administrative Law Judge (ALJ) Charece Z. Collins as the presiding officer. On February 7, 2024, ALJ Collins served a prehearing order, 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 a postponement for approximately 30 to 60 days, due to the unavailability of counsel on the day of the hearing. Counsel asserted Complainants did not object to the continuance request. On March 12, 2024, ALJ Collins granted the continuance request and ALJ Collins rescheduled the hearing to June 5, 2024.

On June 5, 2024, ALJ Collins conducted the hearing as scheduled, at which Complainant Ms. Asay appeared, and counsel for PAWC appeared with one witness (Mr. Kasey White). Complainant and Mr. White testified and ALJ Collins admitted evidence into the record. Near the end of the hearing, the parties entered into settlement discussions, and the parties reached a tentative settlement plan. The parties requested time to continue settlement discussions to see if a final agreement could be reached. ALJ Collins ordered the record to remain open while the parties continue to explore the possibility of settlement. On July 1, 2024, ALJ Collins issued the Order Modifying Procedural Schedule which commemorated the discussions at the hearing and required the parties to provide a status update on or before August 2, 2024. Thereafter, ALJ

Collins received the transcript of the hearing, with the exhibits admitted at the hearing, on June 27, 2024.

On August 19, 2024, ALJ Collins issued the Order #2 Modifying the Procedural Schedule in response to communication from the parties, requesting an extension of time in which to pursue settlement. ALJ Collins extended the time in which the parties could pursue settlement to August 31, 2024, and required the parties to submit a status update on or before that date.

On August 27, 2024, the OALJ issued a notice to the parties indicating that the proceeding was re-assigned to ALJ Katrina L. Dunderdale.

On August 30, 2024, Complainants filed a request for a hearing, citing engineering difficulties arising during the settlement discussion stage. Complainants requested a hearing to better remediate any possible solutions to the problems.

On September 11, 2024, the OALJ issued the Telephonic Post-Hearing Conference Notice, scheduling a post-hearing conference in the matter for October 29, 2024.

On October 29, 2024, ALJ Dunderdale conducted the conference at which Complainant Ms. Asay and Mr. Gruin appeared. The parties engaged in a robust discussion of the factual scenario at the service address, the attempts made by the parties to find a resolution and how best to proceed herein. After discussion, the presiding officer indicated an order would be issued after the conference that would direct the parties to meet at the service address to test the water pressure at the main line, on the service line and inside the residence. Further, the parties agreed Complainants should provide a concise list of what actions Complainants requested from the Commission.

DISCUSSION

Pursuant to Section 5.483 of the Commission's regulations, presiding officers are empowered 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.

Complainant requested time in which to secure more recent water pressure readings at and near the service address. Complainant indicated she might request the presence of her own certified plumber at the same time the utility provides an individual or individuals who could monitor the pressure readings at the same time. Both parties agreed a convenient time could be found when pressure readings could be obtained at the main (at the curb stop), on the service line and inside the residence. The presiding officer requested Respondent provide at least one person during that visit who possessed significant experience with distribution water systems and/or the distribution system which feeds Complainants' service line.

After the visit, Respondent agreed to provide the presiding officer with a status update that provides notice of the date when the visit occurred in addition to provide basic information such as the date of the visit, the time of the visit, the length of time of the visit and the individuals present at the service visit during the visit, including any appropriate job titles for the individuals.

After the status update is filed by Respondent with the Secretary's Bureau and copied to the presiding officer, Complainant would have ten days in which to file a

concise and specific indication of what Complainants want the Commission to do for them.

Once the concise list is provided by Complainants, the presiding officer will issue an order scheduling the filing of main briefs and reply briefs by both parties.

If at any time during this process the parties are able to reach an agreement, the parties shall notify the presiding officer, and the litigation schedule will be modified or the matter will be considered closed, as appropriate.

THEREFORE,

IT IS ORDERED:

1. That Complainant and Respondent shall schedule a visit to the service address, within sixty (60) days of the date of this order, at which time Complainant should provide a certified plumber and Respondent should provide at least one employee with substantial experience with water distribution systems and/or the specific water distribution system present at the service address. The purpose of the visit shall be to document: (1) the water pressures measured at the mainline at or near the curb stop at the service address, and (2) the water pressures in the service line and/or within the service address.

2. That within ten (10) days of the date of that visit, counsel for Respondent shall file with the Secretary's Bureau, with a copy provided via email to Complainant and the presiding officer, a status report that indicates the date of the visit, the time of the visit, the length of time of the visit and the individuals present at the service visit during the visit.

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WATER COMPANY**

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