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October 28, 2024

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RCUD PUC SEC BUR
OCT 31 2024 AM 10:50

IN RE: PUC Complaint
C-2024-3051609
Petroleum Valley Regional Water Authority/East Brady Borough

Dear PUC:

Please find enclosed Respondent East Brady Borough's Preliminary Objections to the Complaint filed by Petroleum Valey Regional Water Authority.

Should you have any questions or wish to discuss this matter, do not hesitate to contact me.

Yours very truly,



Amy R. Schrempf

\ars
cc: Gallagher Law Group
East Brady Borough

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

COMPLAINT DOCKET NO.
C-2024-3051609

**PRELIMINARY OBJECTIONS
TO FORMAL COMPLAINT**

Filed on behalf of Respondent:

**PETROLEUM VALLEY REGIONAL
WATER AUTHORITY**

Counsel of Record for this Party:

Amy R. Schrempf, Esquire
Pa. I.D. No. 87619

ANDREWS & PRICE, LLC
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Pittsburgh, PA 15221
(412) 243-9700

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.
	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

NOW COMES Respondent, East Brady Borough, (hereinafter “Borough”), by its undersigned counsel, and files the following Preliminary Objections to Formal Complaint, in support thereof averring as follows:

1. On October 10, 2024, PVRWA commenced this action by mailing a Complaint to the Pennsylvania Public Utility Commission.
2. On October 16, 2024, the PUC served counsel for the Borough.
3. PVRWA was a contract bulk-water customer of the Borough’s, until their contract expired on March 2, 2024. See Complaint at Paragraph 8.
4. PVRWA failed to enter into another long-term contract for water supply with the Borough. See Complaint at Paragraph 8.
5. The Borough sells water in bulk to PVRWA, and PVRWA in turn sells water to its individual customers.

6. Borough charges PVRWA a bulk rate, and PVRWA, in turn, resells that water to its own customers.

7. Borough does not charge rates to PVRWA's customers directly. The PUC does not regulate either PVRWA or the Respondent. <https://www.puc.pa.gov/water-wastewater/>

8. Borough is a municipal corporation, and is not a public utility.

9. Borough is not a "Public Utility" as that is defined in the Public Utility Code, 66 Pa.C.S.A. Section 102.

10. Because East Brady Borough is not a Public Utility, it is not subject to the jurisdiction of the PUC.

11. Since the PUC does not regulate either the Borough or PVRWA, the PUC does not have jurisdiction over this matter.

12. Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

13. Borough asserts that the Formal Complaint should be dismissed, as PVRWA has failed to establish jurisdiction under the PUC.

WHEREFORE, Borough respectfully requests that its Preliminary Objections be GRANTED.

Respectfully submitted,

ANDREWS & PRICE LLC

By: 

Amy R. Schrempf
Attorney for Respondent, East Brady Borough

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL	:	COMPLAINT DOCKET NO.
WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

ORDER

AND NOW, this ____ day of _____, 20__, upon consideration of the Preliminary Objections filed by Respondent, it is hereby **ORDERED** that Respondent's Preliminary Objections are hereby **GRANTED**, and that the Formal Complaint is **DISMISSED** with prejudice.

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL : COMPLAINT DOCKET NO.
WATER AUTHORITY, : C-2024-3051609
: :
Complainant, : :
: :
vs. : :
: :
EAST BRADY BOROUGH, : :
: :
Respondent. :

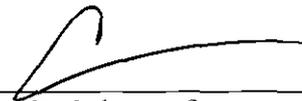
CERTIFICATE OF SERVICE

The undersigned counsel hereby verifies that on October 28, 2024, a true and correct copy of the Preliminary Objections was served upon the following by U.S. Postal Service, First Class Mail:

Michael D. Gallagher
Gallagher Law Group
110 East Diamond Street, Suite 101
Butler, PA 16001

ANDREWS & PRICE LLC

By: _____


Amy R. Schrempf
Attorney for Respondent, East Brady Borough

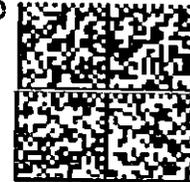
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