

# Stevens & Lee

17 N. Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 234-1090  
www.stevenslee.com

Direct Dial: (717) 255-7365  
Email: michael.gruin@stevenslee.com  
Direct Fax: (610) 988-0852

February 25, 2025

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: Michael and Mary Weishner v. Pennsylvania-American Water Company  
Docket No. C-2024-3046232**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Reply to Exceptions in the above-referenced. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Michael A. Gruin

Enc.

cc: Certificate of Service  
Office of Special Assistants (via email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL AND MARY WEISHNER	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3046232
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

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**PENNSYLVANIA-AMERICAN WATER COMPANY’S  
REPLY TO EXCEPTIONS**

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Pursuant to 52 Pa Code § 5.535, Pennsylvania-American Water Company (“PAWC” or “Company”), hereby files its Reply to the Exceptions filed by the Complainants Michael and Mary Weishner (“Complainants”) to the Initial Decision issued by Administrative Law Judge Mary Long (“ALJ Long”) in this matter. As set forth below, the Complainants’ Exceptions should be denied, and the Commission should uphold the Initial Decision. The Complainants’ Exceptions provide no factual or legal basis to overturn any of the Initial Decision’s Findings of Fact or Conclusions of Law, and do not provide any justification for altering the Initial Decision’s recommended determination that the Complainants did not satisfy the burden of proving that PAWC failed to provide adequate service.

**I. Background and Procedural History**

On January 24, 2024 the Complainants filed a Formal Complaint (“Complaint”) alleging that they had experienced muddy water and that PAWC had not responded to them and discriminated against them.

On February 28, 2024, the Company filed an Answer which denied the allegations in the Complaint.

After attempts at mediation were unsuccessful, an evidentiary hearing was held on September 18, 2024, and a further evidentiary hearing was held on October 31, 2024. During the hearings, the Company presented the testimony of Michael Ricciuti in response to the Complainant's allegations regarding muddy water and discrimination, and the testimony of Cheryl DiSanti in response to the Complainants' allegations that that the Company's customer service center failed to adequately address the Complainants' concerns.

On February 5, 2025, ALJ Long issued the Initial Decision dismissing the Complaint and finding that the Complainants failed to satisfy their burden to demonstrate that PAWC failed to provide adequate water service or adequate customer service.

On February 11, 2025, the Complainants filed Exceptions to ALJ Long's Initial Decision. The Complainants neglected to serve the Exceptions on PAWC. The Complainant's Exceptions were sent to PAWC by Secretarial Letter to constitute proper service.

## **II. Replies to Exceptions**

### The Exceptions Provide No Basis for Rejecting the Initial Decision.<sup>1</sup>

The Complainants' Exceptions provide no basis whatsoever for rejecting the Initial Decision's thorough and well supported Findings of Fact or Conclusions of Law. The Exceptions consist mainly of a recitations of the Complainants' allegations that were

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<sup>1</sup> Complainant's Exceptions do not contain separately number paragraphs for Respondent, PAWC, to admit or deny. Regardless, PAWC will attempt to respond to each allegation in the order presented by Complainant.

included in the Complaint form and that were discussed during the hearing.

With respect to the assertion regarding the Complainants' opposition to the Company's rate case, it appears that the Complainants are referring to fact that they were listed as parties in the Company's last rate case at Docket No. R-2023-303189, and their inclusion on the service list on the prehearing order in that case. As explained previously to the Complainants, the inclusion of parties on the service list in rate cases is coordinated by the Commission and the Company took no improper or unusual action regarding the service list in that case. Simply put, the Complainants were included on the Commission's service list because the Complainants filed an opposition to the Company's rate increase, which is standard and customary.

With respect to the Complainant's complaint regarding their claim of muddy water and the Company's response, this issue was discussed at length at the two hearings held in this case. PAWC's witness Michael Ricciuti explained the main being replaced on Kirk Lane did not serve the Complainants' home, and that the Complainants' home is served by a different main on Country Club Road.<sup>2</sup> He explained that there were no activities by PAWC which could have caused muddy water in the Weishners' home. There have not been any main breaks in the vicinity of the Weishners' home in 2023 or 2024. He noted that there are several other premises served by the main on Country Club Road, and none of these customers contacted PAWC to report discolored or muddy water. He also explained in detail why water from the Kirk Lane main could not have entered the Country Club Road main.<sup>3</sup> Notably, the Complainants did not provide any photographs or other evidence to depict dirty or discolored water.

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<sup>2</sup> Tr., 46 54.

With respect to the Company's response to the Complainants' concerns, the Initial Decision correctly determined the Company's response was reasonable under the circumstances. The record reflects that Mrs. Weishner first contacted the Company shortly before noon on Thursday August 17, 2023.<sup>4</sup> At that time, the Company created a water quality report and sent two employees out to the location to flush two nearby water hydrants the same day as the call was received.<sup>5</sup> PAWC's witness explained that discolored water happens from time to time for a number of reasons, including issues with plumbing or appliances inside a home, and for external reasons such as hydrant flushing or main breaks. It typically is temporary and clears up in a short period of time. In nearly every such case, simply running the faucets for a few minutes will resolve the issue.<sup>6</sup> The Company's policy in response to reports of water discoloration is to try to call a customer back within one business day to give the customer an update if an update is available. Mrs. Weishner called at midday on Thursday, and the next business day was a Friday. As of close of business on Friday, PAWC's witness confirmed that there was no update to give.<sup>7</sup> Mr. Weishner then called PAWC back on the next business day, Monday August 21, 2023 about the fact that a neighbor on Kirk Lane had received a water buffalo and he had not.<sup>8</sup> In response to Mr. Weishner's call on August 21, 2023, the call center representative created a Business Process Exception Management (BPEM) record in response to the call, to request local supervisor review.<sup>9</sup> In response to that BPEM, the account records indicate that at 5:37 PM on that same day – August 21 – an

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<sup>3</sup> Id.

<sup>4</sup> PAWC Ex. 5

<sup>5</sup> Tr. 45 and PAWC Ex. 1

<sup>6</sup> Tr. 106

<sup>7</sup> Tr. 108

<sup>8</sup> Tr. p. 109 and PAWC Ex. 6

<sup>9</sup> Tr. 109-110

Operations Specialist noted the account saying that she sent the issue to local supervisors for investigation. However, before the local supervisors could contact Mr. Weishner, he filed an informal complaint to the Bureau of Consumer Services (“BCS”).<sup>10</sup> The Operations Specialist called Mr. Weishner back on August 23, 2023, at which time Mr. Weishner said he wanted someone to take a water sample and that he had an attorney.<sup>11</sup> On August 31, 2023, another PAWC representative called Mr. Weishner, who raised concerns about PAWC’s rates and the fact that one of his neighbors received a water buffalo, among other things.<sup>12</sup>

PAWC’s investigation confirmed that the Company had no other reports of water quality issues in the area, and the Bureau of Consumer Services closed his informal complaint.<sup>13</sup> Following the closure of the BCS complaint, Mr. Weishner contacted the Company again and requested reimbursement for a water filtration system.<sup>14</sup> PAWC referred the claim to its insurance carrier, who denied the claim.<sup>15</sup> PAWC stated that it was still willing to consider a reimbursement for a loss, but at the time of the hearing still had not been provided any evidence of poor water quality in the Complainants’ home, such as photos, water samples or dirty filters.

With respect to the issue of water buffaloes, PAWC’s witness explained that the customers who received water buffaloes were in a completely different situation from the Weishners, because those other customers were on Kirk Lane and were completely without water during the Kirk Lane main replacement, whereas the Weishners are served

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<sup>10</sup> Tr. 111

<sup>11</sup> Tr. 112 and PAWC Ex. 7

<sup>12</sup> Tr. 113 and PAWC Ex. 8

<sup>13</sup> Tr. 113 and PAWC Ex. 10

<sup>14</sup> Tr. 116 and PAWC Ex. 9

<sup>15</sup> Tr. 117

by a different main and were never without water service.<sup>16</sup> As such, there was no discrimination.

With respect to the new allegation that a neighbor of Mr. Weishner's was told that her water is contaminated, there is no evidence whatsoever in support of this allegation. To the contrary, PAWC's witness testified that the Company obtained two water quality test reports for the Kirk Lane main before it was placed in service, and both of the reports confirmed that no bacteria was present.<sup>17</sup>

For these reasons, there is no basis to reverse the ALJ's dismissal of the Complaint. The Complainant's Exceptions provide no legal or factual justification for reversal of the Initial Decision, and there is no evidence in the record that would permit such a reversal.

### **III. Conclusion**

For the reasons set forth above, the Commission should reject the Complainant's Exceptions, adopt the Initial Decision of ALJ Long in full, and dismiss the Complaint.

Respectfully submitted,  
STEVENS & LEE



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Michael A. Gruin, (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
Michael.gruin@stevenslee.com  
*COUNSEL FOR PENNSYLVANIA  
AMERICAN WATER COMPANY*

Dated: February 25, 2025

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<sup>16</sup> Tr. 41-42

<sup>17</sup> Tr. 4 and PAW Ex. 2

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL AND MARY WEISHNER	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3046232
	:	
PENNSYLVANIA-AMERICAN	:	
WATER COMPANY	:	
Respondent	:	

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Reply to Exceptions upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA Electronic Mail**  
Michael and Mary Weishner  
420 Country Club Rd.  
Washington PA 15301



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Michael Gruin

DATED: February 25, 2025