

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

America’s Best Value Inn	:	C-2024-3047802
	:	C-2024-3047806
v.	:	
	:	
Pennsylvania-American Water Company	:	

SECOND INTERIM ORDER
Reopening the Hearing Record
And
Scheduling an Initial Hearing

Before
Katrina L. Dunderdale
Administrative Law Judge

On March 25, 2024, America’s Best Value Inn (Complainant or ABVI) filed a Formal Complaint (Complaint)¹ with the Pennsylvania Public Utility Commission (PUC or Commission) against Pennsylvania-American Water Company (PAWC). ABVI alleged the utility threatened to shut off utility service, there were incorrect charges on the bills and there was a reliability, safety or quality problem with the utility service. For Requested Relief, ABVI requested the Commission order PAWC to compensate ABVI or credit to ABVI an allowance based on normal usage.

On April 15, 2024, PAWC filed an Answer in which PAWC generally denied the allegations and contended there had been multiple confirmed leaks at the service address. Further, PAWC averred Complainant must be represented by an attorney, pursuant to 52 Pa. Code §§ 1.21, 1.22. PAWC requested the proceeding should be forwarded to mediation.

¹ Only one complaint form was filed but it referenced both water and wastewater services. The water service issue in the Complaint was docketed as C-2024-3047802 and the wastewater service issue in the Complaint was docketed as C-2024-3047806.

On January 29, 2025, the Office of Administrative Law Judge (OALJ) issued a Call-In Telephone Hearing Notice, which scheduled an initial hearing to be conducted concerning the water service issue, at Docket No. C-2024-3047802, for March 18, 2025, with Administrative Law Judge Katrina L. Dunderdale (the ALJ or presiding officer). On the same date, the OALJ issued a Call-In Telephone Hearing Notice, which scheduled an initial hearing to be conducted concerning the wastewater service issue, at Docket No. C-2024-3047806, for March 26, 2025, with Administrative Law Judge Conrad A. Johnson (ALJ Johnson).

On January 29, 2025, the OALJ issued Prehearing Orders in both dockets, which Prehearing Orders outlined various procedural matters including the requirement to obtain representation if a party is not an individual.

On January 30, 2025, ALJ Dunderdale issued the Interim Order Requiring Representation (Interim Order), which required Complainant to retain the services of a Pennsylvania attorney to represent the interests of the corporate entity on or before February 17, 2025. The Interim Order specified that failure to retain the services of an attorney would result in the dismissal of ABVI's Complaint.

On January 31, 2025, the OALJ issued the Judge Change Notice which transferred responsibility for Docket No. C-2024-3047806, concerning wastewater services, from ALJ Johnson to ALJ Dunderdale. On the same day, the OALJ issued the Cancelled/Rescheduled Initial Telephonic Hearing Notice which cancelled the hearing originally scheduled for March 3/31/2025/26/31/2025, 2025 with ALJ Johnson and rescheduled the matter with ALJ Dunderdale on March 18, 2025.

On February 19, 2025, the OALJ issued the Hearing Cancellation Notice which cancelled the Initial Hearing scheduled for March 18, 2025.

On February 25, 2025, the presiding officer issued the Interim Order Closing the Hearing Record because ABVI had not retained the services of an attorney.

On March 13, 2025, a Notice of Appearance (Notice) was filed by Lane M. Turturice, Esquire, indicating ABVI was represented by Pennsylvania counsel. On the same day, Mr. Turturice filed a Motion for Reconsideration and Request to Vacate Order (Motion) with the Commission's Secretary's Bureau. Counsel served a copy of the Notice and Motion on Respondent's counsel but did not serve or provide a copy to the presiding officer. The Motion requested the hearing record should be reopened and an initial hearing should be scheduled in this proceeding.

On March 28, 2025, Complainant's counsel provided a copy of the Motion to the presiding officer via email.

DISCUSSION

Pursuant to 52 Pa. Code §5.571(d), the presiding officer may reopen a record provided the presiding officer has not issued a decision or certified the record to the Commission. The record may be reopened upon notification to the parties in order to receive additional evidence if there is reason to believe that conditions of fact or of law have so changed as to require the reopening of the proceeding.

After the record closed, the presiding officer learned Complainant ABVI retained the services of a Pennsylvania attorney and the attorney had filed a Motion with the Commission's Secretary's Bureau on March 13, 2025, without serving a copy upon the presiding officer. ABVI's counsel served the Motion on the presiding officer via email on March 28, 2025.

While failing to comply with the Interim Order in a timely manner, ABVI did retain the services of an attorney who did request the hearing record be reopened and ABVI be given a new opportunity to submit evidence in support of the Complaint. The presiding officer agrees that, despite ABVI's delays, it has shown that it is ready to proceed with its Complaint. The hearing record will be reopened and ABVI will be provided with that opportunity to present

evidence in support of its Complaint, at which time PAWC will have an opportunity to provide contrary evidence.

Accordingly, an initial telephonic hearing should be conducted in this proceeding. The parties will receive a scheduling notice from the OALJ.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the proceeding at Docket No. C-2024-3047802 and C-2024-3047806 is reopened.
2. That the Office of Administrative Law Judge will schedule an initial telephonic hearing.

Date: March 31, 2025

Katrina L. Dunderdale
Administrative Law Judge

C-2024-3047802 - AMERICAS BEST VALUE INN v. PENNSYLVANIA AMERICAN WATER COMPANY

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Served via eService March 31, 2025

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Served via eService March 31, 2025

(Counsel represents Pennsylvania American Water Company)