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September 25, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Howard Gee v. Pennsylvania-American Water Company
Docket No. F-2025-3057262**

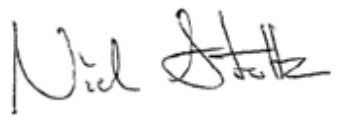
Dear Secretary Homsher:

Enclosed for filing on behalf of Pennsylvania-American Water Company is its Preliminary Objection to the above-referenced Complaint. 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



Nicholas A. Stobbe

Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Gee,	:	
Complainant	:	
	:	
v.	:	Docket No. F-2025-3057262
	:	
Pennsylvania-American Water Company,	:	
Respondent	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MUST FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,

STEVENS & LEE



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Attorney I.D. 78625
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DATE: September 25, 2025

*Counsel For Pennsylvania-
American Water Company*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Howard Gee,	:	
Complainant	:	
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	:	
Pennsylvania-American Water Company,	:	
Respondent	:	

**PRELIMINARY OBJECTION OF PENNSYLVANIA-AMERICAN WATER COMPANY
TO THE COMPLAINT OF HOWARD GEE**

AND NOW, comes Pennsylvania-American Water Company (“PAWC” or the “Company”) and hereby files this Preliminary Objection pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Formal Complaint filed by Howard Gee (“Complainant”) be summarily dismissed in its entirety because it the Complainant lacks standing to pursue the Complaint.

In support thereof, the Company states as follows:

I. BACKGROUND

1. The Company is a “public utility” as the term is defined under the Public Utility Code, 66 Pa. C.S. § 102, subject to the regulatory jurisdiction of the Commission.

2. By Secretarial Letter dated September 25, 2025, the Company was served with the above-captioned Complaint. In the Complaint, the Complainant alleges, among other things, that there are incorrect charges for the account at 3303 West Run Road, Munhall, PA 15120 (“Service Address”) (Complaint ¶ 4.)

3. The Complainant further alleges that a former tenant at the Service Address incurred a bill for 395,200 gallons for the February 2025 billing period. (Complaint ¶ 4.)

4. As relief, the Complainant requests his former “tenant should not be charged for 395,200 gallons of water for February 2025 and 30,500 gallons of water for March 2025.” (Complaint ¶ 5.)

5. The Company herein files this Preliminary Objection to the Complaint. For the reasons explained below, the Company respectfully requests that the Complaint be summarily dismissed pursuant to Section 5.101(a)(7) of the Commission’s regulations because the Complainant lacks standing to pursue the Complaint. 52 Pa. Code § 5.101(a)(7).

II. STANDARD OF REVIEW

6. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

7. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonable deducible therefrom. *Stilp v. Commonwealth*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (“Stilp”) (citing *Dep’t of Gen. Servs. V. Bd. Of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)), *affirmed* 974 A.2d 491 (Pa. 2009). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep’t of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2008), *affirmed*, 963 A.2d 670 (Pa. 2009). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp* at 781.

8. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987) (citation omitted). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp* at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998) (quoting *Santiago v. Pa. Nat. Mut. Cas. Ins. Co.*, 613 A.2d 1235, 1238 (Pa. Super 1992)).

III. PRELIMINARY OBJECTION

A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINANT LACKS STANDING TO PURSUE THE COMPLAINT.

9. The Company incorporates Paragraphs 1 through 8, *supra*, as though fully set forth herein.

10. The Complainant lacks standing to pursue the Complaint.

11. To have standing to pursue a complaint, the Complainant must be the Respondent’s customer. *See Re. Pa.-American Water Co.*, 85 Pa. P.U.C. 548 (1995); *Pa. PUC et al., v. Marietta Gravity Water Co.*, 87 Pa. P.U.C. 864 (1997).

12. Further, to have standing, the Complainant must demonstrate an interest which is direct, substantial, immediate, and not a remote consequence of the action. *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975). *Landlord Service Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. P.U.C. 342 (1993). *Robert Beisel v. Pennsylvania Power & Light Co.*, 78 Pa. P.U.C. 569 (1993).

13. To have standing, a party must have a direct interest in the subject matter of the particular litigation, and the party's interest must be immediate and pecuniary, and not a remote consequence of the judgment. The interest must be substantial. *Keystone Raceway Corp. v. State Harness Racing Commission*, 405 Pa. 1, 7-8, 173 A.2d 97, 100 (1960).

14. PAWC has filed an Answer and New Matter concurrent with this Preliminary Objection. The Company's New Matter is incorporated by reference as though fully set forth herein.

15. Here, the Complainant lacks standing because he was not the account holder responsible for the disputed bill(s) rendered to the Service Address.

16. Rather, the account holder was Naeshaun Saunders ("Account Holder") during the disputed period.

17. Furthermore, PAWC is not requesting that the Complainant pay the bills rendered during the disputed period(s).

18. Therefore, the Complainant has no direct, substantial, or immediate interest in the outcome of the Complaint because: (1) PAWC has not billed, and will not bill, the Complainant for the disputed period(s); and (2) the Complainant's tenant – or former tenant – at the Service Address is the Account Holder responsible for the disputed bill(s) and is not party to this litigation.

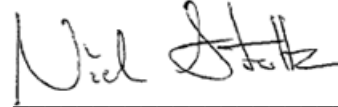
19. For these reasons, PAWC submits that the Complaint should be dismissed with prejudice pursuant to 52 Pa. Code § 5.101(a)(7) as the Complainant does not have standing to pursue the Complaint because the disputed bills are not associated with the Complainant and the Complainant lacks a direct, substantial, and immediate interest in the outcome of the Complaint.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Pennsylvania-American Water Company respectfully requests that the Complaint filed by Howard Gee be dismissed in its entirety as it is he does not have standing to pursue the Complaint.

Respectfully submitted,

STEVENS & LEE



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Pennsylvania-American Water Company,	:	
Respondent	:	

VERIFICATION

I, Tawana Dean, Regulatory Compliance Manager with Pennsylvania-American Water Company, verify that the factual allegations contained in the foregoing Preliminary Objection to Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

September 25, 2025
Date



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

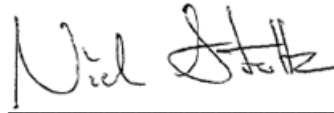
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Respondent	:	

CERTIFICATE OF SERVICE

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

VIA First Class U.S. Mail

Howard Gee
PO Box 15222
Pittsburg, PA 15237



September 25, 2025

Nicholas A. Stobbe