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November 20, 2025

**VIA ELECTRONIC SUBMISSION**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Tammy Claypoole v. Conneaut Lake Park Water Corporation, Inc.  
Docket Number: C-2025-3058386

Dear Secretary Homsher:

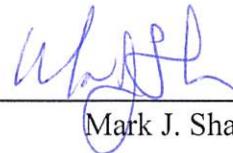
Enclosed, please find Preliminary Objections to the Formal Complaint of Tammy Claypoole on behalf of Conneaut Lake Park Water Corporation, Inc., in the above-referenced matter. An electronic copy is being filed through the Commission's eFiling portal. Copies have been served in accordance with the Certificate of Service attached to the Notice.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By \_\_\_\_\_



Mark J. Shaw

MJS/nes/4912-1569-0577 v.1  
Enclosures

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tammy Claypoole,  
Complainant,

v.

Conneaut Lake Park Water Corporation,  
Inc.,  
Respondent.

Complaint Docket No:  
C-2025-3058386

**NOTICE TO PLEAD**

You are hereby notified pursuant to 52 Pa. Code § 5.101(b) that an answer to the Preliminary Objections shall be filed within ten (10) days of the date of service of these Preliminary Objections.

Respectfully submitted,



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Mark J. Shaw, Esq. (Pa. ID No. 50763)  
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Erie, Pennsylvania 16507-1459  
(814) 870-7607  
Attorneys for Conneaut Lake Park Water  
Corporation, Inc.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**RESPONDENT CONNEAUT LAKE PARK WATER CORPORATION'S  
PRELIMINARY OBJECTIONS TO THE COMPLAINT OF TAMMY CLAYPOOLE**

Respondent Conneaut Lake Park Water Corporation ("Respondent"), by and through its counsel, MacDonald, Illig, Jones & Britton, LLP, hereby objects to the Formal Complaint of Tammy Claypoole ("Complainant") pursuant to 52 Pa. Code § 5.101 and respectfully requests that the Pennsylvania Public Utility Commission ("Commission") dismiss Complainant's Formal Complaint.

**I. BACKGROUND**

1. Respondent is a water utility company and under 66 Pa.C.S. § 102 is considered a "public utility."
2. Complainant is a customer of Respondent who resides adjacent to property owned by Keldon Holdings LLC.
3. Complainant filed a complaint against Respondent with the Commission on or about November 5, 2025.

4. Complainant alleges that during an event, "they" knocked off a water valve cover while operating Ghost Lake, a haunted house, and that Respondent did not repair the water valve cover. *See Exhibit A at p. 2.*

5. Complainant appears to allege that she attempted to replace the cover herself, but "was stipped".

6. Complainant alleges that that the pipe had not been fixed despite prior complaints. *See id.*

7. Complainant further alleges that she received a notice that there was arsenic in her water above the limit. *See id.* at p. 3.

8. Complainant does not include in her Complaint any information regarding the timing of any of these events.

9. Complainant does not include in her Complaint a reference to any provision of law or regulations that Respondent is alleged to have violated.

10. Complainant does not allege that Respondent was the party that removed the valve cover.

11. Complainant alleges that the valve cover is hers and does not allege that the valve cover is the responsibility of the Respondent.

## **II. PRELIMINARY OBJECTIONS**

12. The Rules of Administrative Practice and Procedure of the Commission allow for the filing of preliminary objections. 52 Pa. Code § 5.101.

13. When considering the Complaint, the Commission must accept all well-pled allegations as well as reasonable inferences deduced from those allegations. *Stilp v. Commonwealth*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006).

14. Additionally, "[f]or preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party." *Id.*

15. A respondent can file preliminary objections when a complainant lacks sufficient specificity in the complaint. 52 Pa. Code § 5.101(a)(3).

16. The Commission has interpreted 52 Pa. Code § 5.101(a)(3) to mean "that the complaint does not contain enough information to permit respondent to prepare an answer and defend the case." *Michael Sirak v. Metropolitan Edison Company*, 2012 Pa. PUC LEXIS 472, \*7 (Mar. 14, 2012).

17. Here, Complainant has not alleged sufficient information to permit Respondent to answer and defend this case because the complaint does not include facts that allege that Respondent engaged in any conduct that violated the Code, any Commission regulation, or order by the Commission. *See* Exhibit A at p. 2-3.

18. A respondent can also file preliminary objections when a pleading is legally insufficient. 52 Pa. Code § 5.101(a)(4).

19. The provision 52 Pa. Code § 5.101(a)(4) also promotes judicial economy by avoiding hearings where no factual dispute exists. *Jay Larry Moyer v. PPL Electric Utilities Corporation*, 2022 PA. PUC LEXIS 396, \*5 (Dec. 8, 2022); *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 128 Pa. Commw. 259, 275 (1989) ("It is a fundamental proposition of law that a hearing or trial procedure is necessary only to resolve disputed questions of fact and is not required to decide questions of law, policy, or discretion.").

20. Again, the Complaint fails to contain any reference to a law, regulation, or Commission order that Respondent has violated.

**III. CONCLUSION**

WHEREFORE, Respondent respectfully requests that the Commission dismiss Complainant's Formal Complaint pursuant to 52 Pa. Code § 5.101(a)(3), (4), and (7).

Respectfully submitted,



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Attorneys for Conneaut Lake Park Water  
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**CERTIFICATE OF SERVICE**

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

**SERVICE AS FOLLOWS:**

*Via Electronic Mail*

Tammy Claypoole  
43 High Street  
New Castle, PA 16101  
tammyclaypoole1@gmail.com

Respectfully submitted,



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