

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**INTERIM ORDER
HOLDING RESPONDENT’S PRELIMINARY OBJECTION IN ABEYANCE**

On November 6, 2025, Tammy Claypoole (Complainant or Ms. Claypoole) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission), against Conneaut Lake Park Water Corporation, Inc. (Conneaut Lake, CLPW, Company, or Respondent) regarding service at 10869 Brown Street, Conneaut Lake, PA (service location). Complainant checked the “other” box on the Formal Complaint form, writing,

I have another formal complaint I need to file. Back in May 2025, I had to ask for help from you about a water cover. BCS # 4052437. Was closed 5/12/2025 They put a cover on it with glue or something. They were having ghost Lake, using the house beside my house used a fence and knocked off again, That’s when i realized, they glued it or something Because I tried to put the cover on myself the pipe was not fixed, was stripped, I called the police and he mentioned it to Todd. I emailed and Facebook messaged about it and nothing in being done. No One calls you back.

Complaint ¶ 4. As relief, Complainant requested she “would like Todd Joseph to have to fix my water valve and leave it alone.” Complaint ¶ 5. She also alleged, “They also mailed us all that there was above the limit for arsenic in our water. Maybe a Fine!” *Id.* Regarding service by the Commission, Complainant chose to be served by eService, checking the box next to this option.

On November 20, 2025, Conneaut Lake filed Preliminary Objections to the Complaint. Respondent avers it provides water service to Complainant and that Complainant resides in a property adjacent to property owned by Keldon Holdings, LLC. Preliminary Objections ¶¶ 1-2. CLPW avers Complainant does not provide any information regarding the timing of the events alleged in her Complaint, nor does she include a reference to any provision of the law or regulations that Respondent is alleged to have violated. Preliminary Objections ¶¶ 8-9. Further, the Company argues Complainant does not allege Respondent was the party that removed the cover nor does she allege that the cover is the responsibility of the Company. Preliminary Objections ¶¶ 10-11.

The Company argues Complainant has not alleged sufficient information to permit it to answer and defend because the Complaint does not include facts that allege the Company violated the Public Utility Code, any Commission regulation, or order by the Commission. Preliminary Objections ¶ 17.

The Preliminary Objections included a Notice to Plead, advising Complainant of her right to file a response within ten days of service.

Complainant did not file a response to the Preliminary Objections.

On December 29, 2025, the Commission assigned this matter to me.

On December 29, 2025, the Commission issued a Telephonic Prehearing Conference Notice, scheduling a prehearing conference for February 11, 2026.

Discussion

Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

In deciding the preliminary objections, the Commission must determine whether, based on well-pleaded factual averments of the petitioners, recovery or relief is possible. *Dept. of Auditor General v. SERS*, 836 A.2d 1053, 1064 (Pa.Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa.Cmwlth. 1996). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa.Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections. *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985); *Pennsylvania State Lodge, Fraternal Order of Police v. Dept. of Conservation and Natural Resources*, 909 A.2d 413 (Pa.Cmwlth. 2006), *aff'd per curiam*, 924 A.2d 1203 (Pa. 2007). Only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Board*, 690 A.2d 1312 (Pa.Cmwlth. 1997).

Upon review of the Complaint, I find that it includes ambiguous, vague, and unclear language. Complainant makes several references to "they" without an explanation as to whom Complainant is referring. Further, I agree with the Company that the Complaint fails to allege the timing of these events. In sum, I find the Complaint, as filed, lacks sufficient specificity for the Company to submit an answer.

Well-established Commission precedent tends to afford unrepresented complainants the opportunity to orally set forth their cases on the record and cautions against dismissing cases on a preliminary basis. *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993). In *Carlock*, the complainant alleged, *inter alia*, the utility suspended his telephone service without prior notice. *Id.* The utility filed an answer concurrent with a Motion for Summary Judgement, averring, *inter alia*, that Mr. Carlock had made only four payments on his account during the period of time at issue, and a suspension notice was mailed in accordance with the Commission's rules and regulations. *Id.* The Administrative Law Judge recommended the utility's Motion for Summary Judgement be granted and complainant's complaint be dismissed without a hearing because the complainant did not dispute any facts set forth in the utility's motion, the facts did not rise to an inference of a genuine pertinent fact being at issue (i.e. a fact tending to show that the utility had violated the law or a regulation or order of the Commission), and the complaint was not substantively

directed against the utility's conduct but rather sought a change in the Commission's regulations.
Id.

The Commission reversed the ALJ's recommendation. In its Opinion and Order, the Commission explained,

[A] Motion to Dismiss and a Motion for More Specific Pleading should not be granted against unrepresented complainants who are pursuing small claims until they have had a least an oral opportunity to explain their position. **We did not...and do not now, rule out the possibility that pretrial motions can be granted in such cases, only that such motions should not be granted on the pleadings.** The ALJ must first develop a sufficient record.

In more complex cases with counsel participating, the record is likely to include depositions, answers to interrogatories, admissions and supporting affidavits. Answers to the motion may include similar filings. Certainly, in our view, unrepresented complainants cannot be expected to navigate through such complex procedural territory. **Rather than relying on the pleadings, the ALJ has an affirmative duty to ensure the development of a record that reasonably presents the underlying grievance.**

In this case, the ALJ has recommended that we grant Respondent's Motion for Summary Judgment on the pleadings ... [T]he Complainant is unrepresented by Counsel and did not file an answer to the pre-trial motion. We recognize that unrepresented plaintiffs often are not able to file an effective response to a pre-hearing motion. Yet, in many cases unrepresented complainants can explain their dispute orally much better than they can communicate their grievance in written form. Therefore, to deny unrepresented complainants a meaningful opportunity to be heard in such cases, can be viewed as a gross abuse of our authority.

Id. at 2 (citations omitted) (emphasis added).

Considering the Court's holding in *Carlock*, I find it is appropriate to hold a conference to allow Complainant, a self-represented individual, an opportunity to explain her

claims orally on the record and provide additional details, as necessary and appropriate. If Complainant is able to provide sufficient details, I will set a deadline for the Company to file an answer.

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by Conneaut Lake Park Water Company, LLC, against the Formal Complaint filed by Tammy Claypoole at Docket Number C-2025-3058386 are held in abeyance pending a prehearing conference.
2. That the parties shall appear at the conference and be prepared to discuss the Complaint and Preliminary Objections.
3. That if Complainant fails to appear at the prehearing conference, the Complaint may be dismissed without a hearing on the merits of the Complaint.

Date: December 30, 2025

_____/s/
Emily I. DeVoe
Administrative Law Judge

C-2025-3058386 - TAMMY CLAYPOOLE v. CONNEAUT LAKE PARK WATER CORPORATION INC

TAMMY CLAYPOOLE
43 HIGH ST
NEW CASTLE PA 16101
724.651.9240
tammyclaypoole1@gmail.com
Served via eService – 12/30/2025

TODD JOSEPH
CONNEAUT LAKE PARK WATER CORPORATION INC
713 BROAD ACRES ROAD
NARBETH PA 19072
tjosephproperties@hotmail.com
Served via email – 12/30/2025