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February 27, 2026

***(Via electronic filing)***

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

***RE: Petroleum Valley Regional Water Authority v.  
East Brady Borough  
Docket No.: C-2024-3051609***

Dear Secretary Chiavetta:

Attached for electronic filing please find a copy of the Motion for Summary Judgment or, in the Alternative, Motion for Partial Summary Judgment on behalf of Petroleum Valley Regional Water Authority regarding the above-captioned matter.

Copies have been served on the parties as indicated on the Certificate of Service.

Very truly yours,

*/s/ Michael D. Gallagher*

Michael D. Gallagher

MDG:mt  
Attachment

cc: Administrative Law Judge Jeffrey A. Watson (*Via email*)  
Amy R. Schrempf, Esquire (*Via email and Regular Mail*)  
Petroleum Valley Regional Water Authority  
Attn: Rayne Brothers, Secretary (*Via email*)

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY

COMPLAINT DOCKET NO.:  
C-2024-3051609

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

**MOTION FOR SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Filed on Behalf of Complainant:

**PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY**

Counsel of Record for this Party:

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PA ID No. 59237

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**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.:
	:	C-2024-3051609
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT**

AND NOW, comes the Complainant, Petroleum Valley Regional Water Authority (hereinafter referred to as "PVRWA"), by and through its Solicitors, Gallagher Law Group, and files the within Motion for Summary Judgment or, in the Alternative, Motion for Partial Summary Judgment, against East Brady Borough (hereinafter referred to as "EBB"), and in support thereof avers as follows:

**OVERVIEW**

1. PVRWA adopts in part the procedural history of the ALJ in his Interim Order Denying Motions in Limine Without Prejudice (except as denoted by asterisk "\*...\*") as set forth below:

*Complainant is Petroleum Valley Regional Water Authority (Complainant, PVRWA or Authority). Respondent is East Brady Borough (Respondent, EBB or Borough). On October 10, 2024, the Authority filed a Formal Complaint (Complaint) against Borough regarding rates and terms of a water rate increase allegedly imposed by Borough against Authority April 22, 2024 [footnotes omitted]. \*It was subsequently determined that the rate increase was voted upon by EBB at their April 2, 2024 meeting.\**

*The Complaint alleges that on or about March 29, 2024, and March 31, 2024, the Borough mailed the Authority two separate invoices for water purchase. The March 29, 2024, invoice was designated "2 days at prior contract price" for a total of \$1,163.00, which is consistent with the price established pursuant to the contract formula of \$3.25 per thousand gallons. The Authority averred the monthly contract purchase price was approximately \$18,500.00 per month. The Authority further averred the March 31, 2024, invoice was designated "Out of Contract" for 30 days and did not state a specific price increase, but clearly had a large price increase (the invoice amount of \$39,875.55) divided by the purchase of 5,577,000 gallons equals a rate of \$7.15 per thousand gallons).*

*The Authority avers the "out of contract" invoice was the only notice of the rate increase provided to the Authority. The Complaint also appears to aver a rate increase of \$3.95 per thousand gallons up to 144,000 gallons per day, after which a surcharge would be imposed on "not long-term bulk water customer" of \$7.15 per thousand gallons, and that the average "out of contract" monthly purchase price now invoiced to the Authority is approximately \$45,000.00. The Authority also avers that it was the only existing customer outside of the Borough (or any customer) who fits into the new category of "not long-term bulk water customer".*

*The Authority also asserts that the approximate 118% rate increase was imposed upon the Authority by the Borough, even though the Borough did not review, analyze or consider any documentation of any sort, which would establish a reasonable basis to impose the 118% rate increase solely upon the Authority a customer outside the boundary of the Borough.*

*The Authority also avers that the rate increase, cost and revenue allocation by the Borough is unjust, unreasonable and unlawfully discriminatory in violation of 66 Pa. C.S. §§ 1301 and 1304 of the Public Utility Code, as well as being contrary to appropriate public policy and sound rate policy considerations and not being supported by any investigation or documentation.*

2. Discovery is closed. PVRWA has served three sets of Interrogatories upon EBB. In addition, PVRWA has served Open Records Requests upon EBB pursuant to the Pennsylvania Right to Know Law, 65 P.S. § 67.101, *et. seq.*

3. The pleadings, Answers to Interrogatories and Affidavits submitted establish that there is no genuine issue of material fact and that EBB is entitled to judgment as a matter of law, in whole or in part, as to the following issues:

(1) The PUC has the limited jurisdiction to determine this rate challenge by PVRWA, a Municipal Water Authority, against EBB, a Borough selling water outside the Borough boundaries.

(2) The 118% rate increase to EBB is unjust in contravention of 66 Pa. C.S. § 1301 of the Public Utility Code.

(3) The rate increase is discriminatory in contravention of 66 Pa. C.S. § 1304 of the Public Utility Code.

(4) EBB and not PVRWA has the burden of proof to establish that its 118% rate increase is just and reasonable. Even if PVRWA, however, has the burden of proof, it has met that burden.

(5) EBB seeks a 10% per month rate of interest on the purported delinquency from the three-month gap in PVRWA adjusting to the new rate; a 10% monthly interest rate is in contravention of 66 Pa. C.S. § 1312(a) which sets the statutory rate of interest at 6% per annum; and

(6) The PUC has the authority, pursuant to 66 Pa. C.S. § 1312(a) to require EBB to repay PVRWA the excess rate paid by PVRWA to EBB, with repayment to take place in four years with interest at 6% per annum.

4. In support of its Motion, PVRWA has attached the following documents:

- Exhibit "1" - Complaint of PVRWA;

- Exhibit “2” - Answer of EBB;
- Exhibit “3” - First Set of Interrogatories directed to EBB and EBB’s Answers thereto;
- Exhibit “4” - Third Set of Interrogatories directed to EBB and EBB’s Answers thereto;
- Exhibit “5” - August 26, 2024, Open Records Request and Response;
- Exhibit “6” - Affidavit of Jeffrey R. Shumaker and Exhibit thereto; and
- Exhibit “7” - Affidavit of Rayne M. Brothers and Exhibit thereto.

A. The PUC has the limited jurisdiction to hear this rate claim challenge.

5. PVRWA initially asserted this argument in its Answer (and supporting Brief) to EBB’s Preliminary Objections. By Order Dismissing Preliminary Objections entered on December 31, 2024, the ALJ denied EBB’s Preliminary Objections, including the Objections asserting lack of jurisdiction by the PUC, stating in part: “It is not appropriate to consider unverified averments that are not specifically admitted, as set forth in the preliminary objections.”

6. EBB subsequently asserted the lack of jurisdiction as a defense to the rate claim in paragraph 6 of its Answer: “It is specifically denied that the PUC has any jurisdiction to hear rate claim challenges of bulk [water] customers.”

7. In his Interim Order Extending Deadline to File Prehearing and Dispositive Motions and Cancelling Evidentiary Hearing, the ALJ set forth four questions to assist him with the resolution of the issue of the jurisdiction of the PUC. *Interim Order at pp. 4-5.*

8. The first question is:

- a. *Whether the Parties agree or contest that the Authority and Borough are municipal corporations as defined by Section 102 of the Pennsylvania Public Utility Code.*

9. 66 Pa. C.S. § 102 specifically includes a Borough in its definition of “municipal corporation”. EBB is a Pennsylvania Borough. See, [dced.pa.gov/localgovernment/municipal-statistics/municipalities/entitled](http://dced.pa.gov/localgovernment/municipal-statistics/municipalities/entitled) “PA Municipalities List”. See also, Marshall v. Charleston Township, 169 A.3d 162 (the Commonwealth Court took judicial notice of a Second Class Township after visiting the “PA Municipalities List”).

10. 66 Pa. C.S. § 102 also covers “municipal authorities”. A municipal authority is a municipal corporation. City of Phila. V. Phila. Parking Authority, 798 A.2d 161 (Pa. 2002). As set forth in the Affidavit of Jeffrey R. Shumaker, Chairman of PVRWA, Exhibit “6”, hereto, PVRWA is a municipal authority and has been since 2002.

11. Therefore, the answer to the ALJ’s first question is “Yes”.

12. The second question posed by the ALJ is:

*b. Whether the Borough provides/provided any public utility service furnished or rendered by the Borough, a municipal corporation, beyond its corporate limits, and therefore subject to regulation and control by the [C]ommission as to service and extensions, with the same force and in like manner as if such service was rendered by a public utility.*

13. The answer is “Yes”. First, as set in the Affidavit of Jeffrey R. Shumaker, Exhibit “6”, hereto, Mr. Shumaker avers that PVRWA’s service area is outside of the boundaries of EBB.

14. Second, EBB admits in para. 7 of its Answer that it provides water to PVRWA to supply PVRWA customers. More specifically, para. 7 states, in pertinent part: “...This grant was due to surface water contamination and contamination of the wells and water table and provided funding for PVRWA to source water through East Brady Borough to supply those customers.”

15. Third, the PUC definition of “public utility” in 66 Pa. C.S. § 102 includes the developing or furnishing of water to or for the public for compensation as being a public utility.

16. EBB asserts that the answer to the ALJ’s second question is “No” because EBB sells water to a bulk customer, PVRWA, which, in turn, resells water to its customers. See, para. 6 of EBB’s Preliminary Objections. EBB cites no case law in support of its proposition.

17. EBB’s argument, however, is belied by its admission set forth in para. 7 of its Answer to Complaint that DEP provided \$22 million dollars to PVRWA “to source water through East Brady to supply those customers.” In other words, EBB specifically admits that it was and remains part of a DEP project to provide its potable water to the public through PVRWA. PVRWA was not an end user like a bulk water commercial activity, it was a distribution conduit for EBB to supply its water to persons injured by water contamination. Therefore, EBB is providing a public utility service. See, Municipal Authority of Blythe v. PUC, 185 A.2d 628 (Pa. Cmwlth. 1962) (the “term” service is to be interpreted in its broadest sense).

18. In a similar vein, EBB’s rate increase on PVRWA, unlike a commercial bulk customer, flows through directly to the consumers. EBB’s rate increase directly impacts the public. As set forth in the Affidavit of Jeffrey R. Shumaker, Exhibit “6”, hereto, PVRWA proportionately raised the rates of its customers, and had to wait two to three months to begin payments to EBB under the contested rate, so that PVRWA could give notice to its customers and begin collecting the increased rates from the public to pay EBB because it did not have sufficient funds to pay the rate increase.

19. It follows then, that the answer to the ALJ’s third and fourth questions is also “Yes”. These questions inquire:

- c. *Whether the increase in rates alleged in the Formal Complaint are subject to the following provision of the Pennsylvania Public Utility Code (Acts of May 28, 1937, P.L. 1053, art. III, § 301, and March 21, 1939 P.L. 10, § 22, 66 P.S.*

*§ 1141): “Every rate made, demanded or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission. Provided, that only public utility service being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to regulation and control by the commission [Public Utility Commission] as to rates, with the same force, and in like manner, as if such service were rendered by a public utility.”*

*d. Whether the Borough and/or Authority are subject to the provisions of Section 701 of the Public Utility Code (Code), 66 Pa. C.S. § 701, which provides in pertinent part that “any person, corporation, or municipal corporation having an interest in the subject matter” may complain, in writing, about any act or thing done or omitted to be done by a public utility in violation, or claimed violation, of any law which the Commission has the jurisdiction to administer, or of any regulation or order of the Commission.*

20. The answer to both of the ALJ's questions is that EBB, by its own admission, is a borough furnishing service beyond its territory as part of a DEP project to provide safe potable water to the public, and is therefore subject to PUC review of EBB's rate increases to PVRWA, which are necessarily passed on to a public that was in large part injured by water contamination. See, Blythe, supra. (Under the PUC the commission is given jurisdiction over rates charged by the corporation for service beyond its corporate limit”).

21. There exists no genuine issue of fact or law on the matter of jurisdiction to be presented at trial. Therefore, Summary Judgment, or partial Summary Judgment as to this issue, is warranted in favor of PVRWA and against EBB.

B. The 118% rate increase sought by EBB is neither just nor reasonable.

22. Prior to April 2, 2024, EBB sold water to PVRWA for \$3.25 per thousand gallons. See, Affidavit of Rayne M. Brothers attached hereto as Exhibit "7" and Exhibit "A" to Exhibit "7".

23. On March 29, 2024, EBB invoiced PVRWA for \$1,163.50, based on two days at the \$3.25 per thousand gallon rate. Affidavit of Rayne M. Brothers, Exhibit "5", hereto, and PVRWA Complaint, Exhibit "1", hereto.

24. On March 31, 2024, EBB invoiced PVRWA for the period March 3, 2024, to March 31, 2024, based on a \$7.15 per thousand gallon rate, a 118% increase. Affidavit of Rayne M. Brothers, Exhibit "7", hereto, and PVRWA Complaint, Exhibit "1", hereto. As set forth in the calculations of Rayne M. Brothers for PVRWA, as of February 28, 2026, PVRWA paid \$889,559.21 to EBB, an increase of \$532,467.00 over the existing rate.

25. Because EBB gave no prior notice of the rate increase to PVRWA except as set forth on the invoice, PVRWA served a Right to Know Request upon EBB, which Request included (among other documents) a copy of a Press Release issued by EBB regarding the rate increase. See, PVRWA's Open Records Request dated April 11, 2024, and EBB's Response dated May 16, 2024, attached as Exhibit "3" to PVRWA's Complaint being attached as Exhibit "1" hereto. In that response, EBB produced a Press Release stating, in part:

"...the Borough set a base rate of \$3.95 per thousand gallons of water consumed up to a total of 144,000 gallons for the Borough or for its bulk long-term contract customers. Usage over that threshold would be charged at a surcharge rate of \$7.15 per thousand gallons. Any usage by non-Borough residents or by customers who are not long-term bulk contract customers will be billed at the surcharge rate."

26. In the same Open Records Request, Exhibit "5", hereto, PVRWA requested copies of all documents, including without limitation, engineering studies or reports, cost

estimates and/or construction estimates upon which East Brady imposed a Surcharge on PVRWA. EBB responded, "No records exist".

27. In the same Open Records Request, PVRWA requested copies of all emails by and between the members of the East Brady Borough Council pertaining to the increase in rates for the period October 1, 2023, and April 9, 2024. EBB once again responded, "No records exist".

28. The Press Release also stated, in part:

"In order to continue to have adequate water supply and in order to meet regulatory requirements, the Borough will be required to drill a new water well".

Exhibit "1", hereto.

29. In a separate Open Records Request from PVRWA to EBB dated August 26, 2024, Exhibit "5", hereto, PVRWA requested copies of all correspondence, including electronic, between EBB and the DEP pertaining or relied upon by the statement by EBB in its May 21, 2024, letter to PVRWA in which EBB states: "EBB has explained to PVRWA that pursuant to DEP requirements, [EBB] will need to drill a new well".

30. By response to the Open Records Office (occurring as a result of an appeal by PVRWA to OOR), EBB's attorney, on behalf of EBB stated: "In response to request #9 [sic] verbal discussions took place between Mr. Barnett, Borough Officials, Mike Valesky and Brad Schott of DEP. No written correspondence exists.". Even in a light most favorable to EBB, preliminary discussions about the possibility of a new well do not rise to the level of imposing a rate increase for potential improvements. See, Phila. Indus. & Comm. Gas Users Grp. v. PUC, 342 A.39 140 (Pa. Cmwlth. 2025 (a party cannot be charged for a cost it could not have caused). Other than an oral discussion, EBB did not produce any studies, rate factors, permits, or other documents pertaining to a new well.

31. The Minutes of the East Brady Borough Council for April 2, 2024 (along with other Minutes), were provided to counsel for PVRWA by counsel for EBB in an email and exhibits dated May 20, 2025, and is attached hereto as Exhibit "A" to the Jeffrey R. Shumaker Affidavit. Under the "Engineer's Report", the Minutes reflect that Council went into Executive session to discuss what were termed "legal matters". The regular meeting as resumed and without further discussion a Motion was made as follows:

Motion to approve a rate structure, setting a rate of \$3.95 per thousand gallons for water used up to 144,000 gallons, as allocated to the Borough users and its contract bulk customers respectively, and setting an **overage/surplus/surcharge rate** of \$7.15 per thousand gallons used over that allocation for any other purpose. (Emphasis added).

32. A second Motion was approved to "send a press release to the local papers". *Id.*

33. It is apparent from the Minutes that the only discussion for the rate increase took place in a closed meeting in contravention of the Sunshine Act. That raises the question why has EBB gone to such lengths to hide discussion about the rate increase. The Minutes for the Council meetings prior to April 2, 2024, and going back to October 3, 2023, reflect no discussion whatsoever was ever held regarding the rate increase. See, Exhibit "A" to the Jeffrey R. Shumaker Affidavit.

34. Additional discovery by PVRWA confirms that EBB cannot provide a basis for the rate increase. PVRWA's Interrogatories to EBB, paragraph 6. a. queried:

6. With reference to the EBB Response to PVRWA's August 26, 2024, Right to Know Request:

a. Confirm that included in Response No. 16 is a March 19, 2024, email from EBB's counsel to EBB attached hereto as Exhibit "B", is a true and correct copy of the March 19, 2024, email.

...

EBB responded as follows:

6. Exhibit B is a true and correct copy of an email from the Borough's solicitor to the Borough secretary.

A copy of the Interrogatory and Answer is attached hereto as Exhibit "3".

35. The email states, in pertinent part:

I'd suggest the language for the motion reads: "Motion to approve a rate structure, setting a rate of \$3.95 per thousand gallons for water used up to 144,000 gallons, as allocated to the Borough users and its contract bulk customers respectively and setting an overage/surplus/surcharge rate of \$7.15 per thousand gallons used over that allocation or for any other purpose."

36. In the next Interrogatory question, PVRWA asked the question:

7. With respect to the March 19, 2024, email, identify all documents relied on in preparing the Resolution.

In its Answer to this Interrogatory, EBB asserted attorney client privilege. See, Exhibit "3", hereto.

37. This again raises the issue as to how a discussion about rates, a very public matter, can be hidden from the public and PVRWA under the guise of attorney client privilege. At the request of counsel for PVRWA, counsel for EBB clarified its response stating, "Susan [the Borough Secretary] sent me an email to craft the motion around the terms she provided. I worded the motion. Once again, why would the terms be confidential?"

38. In Interrogatory No. 19, PVRWA made the inquiry:

19. Set forth the calculation based on "simple math" as referred to in Paragraph No 15 of EBB's Answer to PVRWA's Complaint relied on before raising rates in April of 2024.

EBB could not provide a calculation of “simple math” but instead gave an overbroad, vague and ambiguous answer by stating:

19. *The Borough has three (3) wells. DEP requires the Borough to meet the demand based on the largest well being out of service.*

*Total average daily production must equal or exceed total average daily demand with the largest well being out of service.*

*Production of Well 2 and Well 3 must equal or exceed average daily demand of the E. Brady Borough system (including Rimersburg and PVRWA).*

*Peak flows and average daily flows were provided to PRVWA as a response to its RTK request. The water allocation permit provides total average daily production for all three wells (500,000 GPD).*

This answer is not a calculation of simple math nor does it even begin to explain the reason for the rate increase. The answer basically tells PVRWA and now the ALJ to “figure it out yourself”.

39. In the Third Set of Interrogatories, Exhibit “4”, hereto, PVRWA requested EBB to identify and produce all documents EBB intends to use at hearing, in support of the April [2] rate increase. EBB has produced no documents in response to the discovery request listed above. The only conclusion that can be drawn from EBB’s Answers, above, is that there exists no documents or other evidence to support a reasonable basis for the 118% rate increase.

40. Curiously, in its Answer to Motion in Limine to Preclude Evidence of Rate Increase Calculations or Justification for Rate Increase, EBB takes the position that PVRWA only requested documents pertaining to a surcharge, but not a rate increase. See, para. 20 of EBB Answer, Exhibit “2”, hereto. Once again, EBB’s argument belies the facts. As set forth in para. 25, above, EBB’s Press Release utilized the surcharge rate for using water in excess of the allocation rate as the rate solely for PVRWA, stating “Any usage by non-Borough residents who are not long term bulk contract customers will be billed at the surcharge rate”. The actual

Motion itself states “and setting an overage/surplus/surcharge rate at the motion to increase the “overage/surplus/surcharge rate of \$7.15 per thousand gallons used for any other purpose”. (Emphasis added).

41. While a utility has a constitutional and a statutory right to a reasonable rate of return, the reasonable rate of return must be “just and reasonable”. Sabree v. Pa. PUC, 2025 Pa. Commw. LEXIS 188 (“the utility bears the burden of proving the justness and reasonableness of the requested rate increase”). There must exist a rational basis behind a rate structure. *Id.* citing Popowski v. Pa. PUC, 607 A.2d 1132 (Pa. 1997). Just and reasonable rates are the “keystone” in utility rate making, and the cost of providing a utility service is the “polestar” in achieving reasonable rates. Sabree, *supra.*, quoting Lloyd v. Pa. PUC, 904 A.2d 1010, 2006 Pa. Commw. LEXIS 438.

42. On its face, there is nothing reasonable about utilizing a surcharge rate for exceeding an allocation as a rate for a bulk water user that resells its water to the public. And, based on the law and the factors pertaining to justifiable rate increases, Summary Judgment is warranted to strike the 118% rate increase.

C. EBB’s rate is discriminatory.

43. 66 Pa. C.S. § 1304 states, in pertinent part:

*No public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, either as between localities or as between classes of service.*

Rate differentials must advance efficient and satisfactory service to the greatest number at the lowest overall charge. Lloyd v. Pa. PUC, 904 A.2d 1010, 2006 Pa. Commw. LEXIS 438.

44. The 118% rate increase is directed solely to PVRWA. As previously stated, the Press Release issued by EBB in setting a surcharge rate of \$7.15 per thousand gallons stated: “Any usage by non-Borough...customers who are not long-term bulk customers will be billed at the surcharge rate”. Exhibit “5”, hereto. The rate for PVRWA is the surcharge rate for all other customers.

45. As set forth in the Affidavit of Jeffrey R. Shumaker, Rimersburg Borough Municipal Authority and PVRWA were and remain non-resident bulk water customers who resell water to their customers. Both entities paid \$3.25 per thousand gallons prior to the rate increase. Rimersburg Borough Municipal Authority’s rate was raised from \$3.25 per thousand gallons to \$3.95 per thousand gallons, while PVRWA’s rate was raised from \$3.25 per thousand gallons to \$7.15 per thousand gallons. Residential customers within the Borough received rate increase from \$3.25 per thousand gallons to \$3.95 per thousand gallons. The reason given for the rate increase was because EBB was not a long-term bulk contract customer. See, para. 25, above.

46. As set forth in Section B, above, the underlying basis of the rate increase was made in secret and is now allegedly subject to attorney client privilege. Despite the numerous discovery requests and Open Records Requests directed to EBB by PVRWA to determine a specific reason and calculation for the rate increase, EBB steadfastly refuses to provide that information.

47. No matter the reason, the end result is that the rate/surcharge is punitive, to charge an excessive rate in an attempt to force PVRWA into a long-term contract.

48. In Lloyd v. PUC, 904 A.2d 1010 (Pa. Cmwlt. 2006), the Commonwealth Court cited its decision in Phila. Sub. Water Co. v. PUC, 808 A.2d 1044 (Pa. Cmwlt. 2002), in which the Court stated:

[I]n order for a rate differential to survive a challenge brought under Section 1304 of the Public Utility Code, 66 Pa. C.S. § 1304, the utility must show that the differential can be justified by the difference in costs required to deliver service to each class. The rate cannot be illegally high for one class and illegally low for another. [Citation omitted]. Overall, the rate differentials must advance efficient and satisfactory service to the greatest number at the lowest overall charge.

49. The rate differentials cannot and has not been justified by the difference in cost in delivering service to PVRWA as opposed to Rimersburg Borough Municipal Authority. The only “justification” given is because EBB is a non-long term bulk water user. EBB refuses to produce all other information regarding the rate increase. In a light most favorable to EBB, the attempt to hide the reason for the massive increase placed upon PVRWA, but not Rimersburg Borough Municipal Authority, can only lead to the conclusion that EBB sought to coerce PVRWA to a long-term contract. As a result, trial is unnecessary and Summary Judgment is warranted to set aside the rate increase is discriminatory.

D. EBB has the burden of proof.

50. In the Interim Order of October 6, 2025, the ALJ states that PVRWA “bears the burden of proof in this matter...” citing 66 Pa. C.S. § 332(a). § 332(a) states:

*(a) Burden of proof. – Except as may be otherwise provide in section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, the proponent of a rule or order has the burden of proof.*

This matter, however, is a rate challenge subject to § 315 (66 Pa. C.S. § 315(a)), which said statute states, in pertinent part:

*(a) Reasonableness of rates. – In any proceeding upon the motion of the commission, involving any proposed or existing rate of any public*

*utility, or in any proceedings upon complaint involving any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility.*

See, Sabree v. Pa. PUC, 2025 Pa. Commw. LEXIS 188 (“the utility bears the burden of proving the justness and reasonableness of the requested rate increase”). Substantial evidence is required to meet that burden. McCloskey v. Pa. PUC, 225 A.2d 192, 2020 Pa. Commw. LEXIS 68.

51. Even if the ALJ finds that PVRWA has the burden of proof, PVRWA has met its burden so that the burden shifts to EBB to establish that the rates are just and reasonable.

52. As set forth in para. 43, above, the Commonwealth Court has specifically held that in § 1304 challenges, the “utility must show that the differential can be justified by the difference in costs required to deliver service to each class”. Lloyd v. PUC, citing Phila. Suburban, supra. EBB has failed to provide and indeed admits no such evidence exists to justify its differential in costs. Summary Judgment is therefore warranted against EBB and in favor of PVRWA.

E. PVRWA is entitled to a refund of the fees for the difference between the bulk rate increase of \$3.95 per thousand gallons to \$7.15 per thousand gallons charged to PVRWA.

53. The remedy for charging unjust or unreasonable rates is set forth in 66 Pa. C.S. § 1312(a) which states, in pertinent part:

*If, in any proceeding involving rates, the commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the commission, ...public utility, the commission shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron, in*

*consequence of such unlawful collection, within four years prior to the date of the filing of the complaint, together with interest at the legal rate from the date of each such excessive payment. In making a determination under this section, the commission need not find that the rate complained of was extortionate or oppressive...*

54. Under the fee increase, the bulk water customer, Rimersburg Borough Municipal Authority, is charged \$3.95 per thousand gallons while PVRWA is charged \$7.15 per thousand gallons, a difference of \$3.20 per thousand gallons. The only difference between the two is that Rimersburg Borough Municipal Authority continues under contract with EBB, while PVRWA operates without a contract. From an operation or use of water perspective, nothing else has changed. EBB admits that the only reason for the change is that PVRWA is no longer under contract. Such action bears no relation to the difference in cost of providing services to the two entities. Instead, such action is unjustly arbitrary.

55. Since the rate increase to \$3.95 per thousand gallons until February 28, 2026, PVRWA calculates that Rimersburg Borough Municipal Authority has paid EBB a bulk rate of \$540,451.00, while PVRWA has paid EBB the sum of \$889,559.21, a difference of \$349,108.21. See, Exhibits "A" and "B" to the Affidavit of Rayne M. Brothers.

56. If this Court grants Summary Judgment on the issues above, then pursuant to 65 Pa. C.S. § 1312(a), this Court should grant Summary Judgment to PVRWA to be repaid the amount of \$436,896.00, to be paid in 48 equal monthly installments, with interest at the rate of 6% per annum.

F. EBB cannot charge PVRWA interest at the rate of 10% per month.

57. This section is the alternative to Sections A through E, above.

58. EBB provided PVRWA no notice of the rate increase. PVRWA only learned of the rate increase after receiving an invoice from EBB. As a result, PVRWA had insufficient

funds to make payment to EBB until it provided adequate notice to its customers and began receiving receivables to enable it to pay the cost, which it has done so, under protest, since May of 2024. At the same time, EBB is asserting it is entitled to interest in the amount of 10% per month. As set forth in 41 P.S. § 202, when there is no agreed upon interest rate between parties, the interest rate adjusts to 6% simple interest, per annum stating:

*Reference in any law or document enacted or executed heretofore or hereafter to "legal rate of interest" and reference in any document to an obligation to pay a sum of money "with interest" without specification of the applicable rate shall be construed to refer to the rate of interest of six per cent per annum.*

59. The amount claimed by EBB for interest at 10% per month is, as of February 28, 2026, \$530,708.50, or a principal amount of \$87,793.80. At 6% per annum, the amount of interest due is \$10,525.26. It is very evident that EBB seeks to engage in usury thereby making trial on the issue of interest unnecessary and warranting alternative Summary Judgment.

Respectfully submitted,

GALLAGHER LAW GROUP

By: /s/ Michael D. Gallagher

Michael D. Gallagher, Esquire

PA I.D. No. 59237

Sean M. Gallagher, Esquire

PA I.D. No. 318827

*Solicitors for Complainant,  
Petroleum Valley Regional  
Water Authority*

110 East Diamond Street  
Butler, PA 16001  
(724) 282-3141

*Petroleum Valley Regional  
Water Authority*

110 East Diamond Street  
Butler, PA 16001  
(724) 282-3141

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

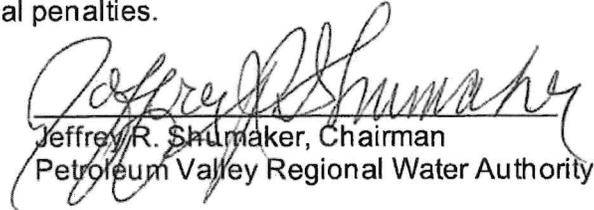
PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.
	:	C-2024-3051609
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**VERIFICATION**

I, Jeffrey R. Shumaker, being the Chairman of Petroleum Valley Regional Water Authority, have read the foregoing MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTINO FOR PARTIAL SUMMARY JUDGMENT and do hereby depose and state that the statements herein are true and correct to the best of my personal knowledge, information, and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Date: February 25, 2026

  
Jeffrey R. Shumaker, Chairman  
Petroleum Valley Regional Water Authority

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the following persons, in the manner indicated below on February 27, 2026:

Amy R. Schrempf, Esquire  
Solicitor for East Brady Borough  
Andrews & Price LLC  
1500 Ardmore Boulevard, Suite 506  
Pittsburgh, PA 15221  
*(Via email [aschrempf@andrewsandprice.com](mailto:aschrempf@andrewsandprice.com)  
and Regular Mail)*

*/s/ Michael D. Gallagher*  
Michael D. Gallagher, Esquire  
Sean M. Gallagher, Esquire

EXHIBIT "1"

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY,

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

:  
:  
: COMPLAINT DOCKET NO.: \_\_\_\_\_  
:  
: PUC REF. No.: \_\_\_\_\_  
:  
: PUC UTILITY CODE: \_\_\_\_\_  
:  
:  
:

**COMPLAINT – RATE INCREASE OUTSIDE OF MUNICIPAL BOUNDARY**

1. The Complainant is Petroleum Valley Regional Water Authority (“PVRWA”), with a mailing address of P.O. Box 308, Petrolia, PA 16050.
2. The name and address of the Complainant’s Solicitor is Gallagher Law Group, per Michael D. Gallagher and Sean M. Gallagher, 110 East Diamond Street, Suite 101, Butler, PA 16001.
3. The Respondent is East Brady Borough (“EBB”), with a mailing address of 502 Ferry Street, Suite 15, East Brady, PA 16028.
4. The Solicitor for East Brady Borough is Amy R. Schrempf, Esquire, of Andrews & Price LLC, with a mailing address of 1500 Ardmore Boulevard, Suite 506, Pittsburgh, PA 15221.
5. The Complaint is filed against the rates and terms of a water rate increase imposed by EBB against PVRWA on April 22, 2024.
6. The PUC has the sole and limited jurisdiction to hear rate claim challenges in cases such as this, where the seller is a municipal corporation, such as a Borough, and the

purchaser lies outside the Borough limits. *East Hempfield Twp. v. Lancaster*, 273 A.2d (Pa. 1971).

7. PVRWA was created in 2002 pursuant to a 22 million dollar (\$22,000,000.00) grant from the DEP to provide safe and clean potable water to a series of municipalities designated at risk because of the contamination of wells by the industrial dumping of resorcinol into the environment. PVRWA has 60 miles of line reaching approximately 1,200 customers in Fairview Borough, Fairview Township, Petrolia Borough, Bruin Borough and Karns City Borough in Butler County, and in Parker Township, Perry Township and Bradys Bend Township in Armstrong County.

8. PVRWA purchases its water from East Brady Borough, which has three (3) wells. The sale of water was pursuant to a Water Supply Agreement entered into between PVRWA and EBB on March 2, 2004. The Water Supply Agreement was for a term of 20 years and expired on March 2, 2024. Since that time, the parties have been operating without an Agreement.

9. On or about July 5, 2022, PVRWA advised EBB that it was developing an alternative water supply source at a mined-out limestone mine, Kaylor Mine No. 4 in Armstrong County, Pennsylvania. PVRWA has been working with the DEP on the permitting process and expects to close on the purchase of the mine on October 30, 2024. PVRWA anticipates that it will be able to utilize the Kaylor Mine No. 4 water system by 2026, if not 2025.

10. On or about March 29, 2024, and March 31, 2024, EBB mailed PVRWA two separate invoices for water purchase. The March 29, 2024, invoice was designated "2 days at prior contract price" for a total of \$1,163.00, which is consistent with the price established pursuant to the contract formula of \$3.25 per thousand gallons. A copy of said invoice is attached hereto as Exhibit "1" and made a part hereof. The monthly contract purchase price was approximately \$18,500.00 per month.

11. The March 31, 2024, invoice was designated "Out of Contract" for 30 days and did not state a specific price increase, but clearly had a large price increase (the invoice amount of \$39,875.55 divided by the purchase of 5,577,000 gallons equals a rate of \$7.15 per thousand gallons). A copy of said invoice is attached hereto as Exhibit "2" and made a part hereof.

12. The "out of contract" invoice was the only notice of the rate increase provided to PVRWA. In an Open Records Request, PVRWA requested "Copies of all Notices sent to PVRWA advising it of a rate increase." EBB responded: "No records exist." A copy of the Open Records Request is attached hereto as Exhibit "3" and made a part hereof.

13. In the same Open Records Request, PVRWA requested a copy of any "press release issued by the Borough pertaining to its April 2, 2024, Council meeting [at which the water rate increase vote took place." The press release attached to the Open Records Response indicates an increase in the base rate of \$3.95 per thousand gallons up to 144,000 gallons per day, after which a surcharge would be imposed on "not long-term bulk water customers" of \$7.15 per thousand gallons. The average "out of contract" monthly purchase price now invoiced to PVRWA is approximately \$45,000.00.

14. PVRWA was the only existing customer outside of EBB (or any customer) of EBB who fits into the new category of "not long-term bulk water customer". For example, PVRWA and the Rimersburg Authority were treated as bulk rate customers prior to the EBB rate increase of March 3, 2024. The designation of a class "not long-term bulk water customer" created solely for PVRWA separate and apart from a bulk water customer is an artificial construct, which rises to the level of a penalty being imposed on PVRWA and the customers of PVRWA.

15. The sole basis proffered by EBB for the rate increase to PVRWA is the cost of drilling a new well. Yet, there exists no documentation in the possession of EBB that supports the necessity of a new well, or any documentation or analysis to support any other reason for

a rate increase. In the aforesaid Open Records Request, PVRWA requested: "Copies of all documents, including without limitation, engineering studies or reports, cost estimates and/or construction estimates upon which East Brady imposed a Surcharge on PVRWA." In its Response, EBB acknowledged that no such documents exist, stating: "No records exist." See, Exhibit "3".

16. PVRWA believes and therefore avers that the approximate 118% rate increase was imposed upon PVRWA by EBB, even though EBB did not review, analyze or consider any documentation of any sort, which would establish a reasonable basis to impose the 118% rate increase solely upon PVRWA, a customer outside the boundary of EBB.

17. PVRWA believes and therefore avers that the rate increase, cost and revenue allocation is unjust, unreasonable and unlawfully discriminatory in violation of 66 Pa. C.S. §§ 1301 and 1304 of the Public Utility Code, as well as being contrary to appropriate public policy and sound rate policy considerations, and not being supported by any investigation or documentation.

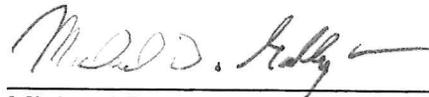
In light of the foregoing, Petroleum Valley Regional Water Authority requests the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of the March 3, 2024, rate increase;
- B. At the conclusion of such investigation, reject the new rates to the extent required to ensure that East Brady Borough's rates are lawful, just, reasonable and not unduly discriminatory to the Petroleum Valley Regional Water Authority; and
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

GALLAGHER LAW GROUP

By:



---

Michael D. Gallagher, Esquire  
PA I.D. No. 59237

Sean M. Gallagher, Esquire  
PA I.D. No. 318827

*Solicitors for Complainant,  
Petroleum Valley Regional  
Water Authority*

110 East Diamond Street  
Butler, PA 16001  
(724) 282-3141

EXHIBIT "1"

EAST BRADY BULK WATER  
 502 FERRY ST. SUITE 15  
 EAST BRADY, PA 16028  
 (724) 526-5531

**PLEASE REMIT THIS STUB  
 WITH PAYMENT**

PVRWA  
 P.O. Box 308  
 Petrolia, PA 16050

DUE DATE	ACCT NUMBER
04/30/2024	800
BY DUE DATE	AFTER DUE DATE
\$1,163.50	\$1,282.20

AMOUNT DUE

SERVICE ADDRESS > 1000 BRIDGE ST Public Authority

----- 8

KEEP THIS PORTION FOR YOUR RECORDS

EAST BRADY BULK WATER 502 FERRY ST. SUITE 15  
 (724) 526-5531 EAST BRADY, PA 16028

ACCOUNT NUMBER		BILLING DATE
800		03/29/2024
CURRENT	PREVIOUS	USAGE
199774000	199416000	358000 gal
FROM	TO	DAYS
02/29/2024	03/02/2024	2

SERVICE ADDRESS	DUE DATE
1000 BRIDGE ST	04/30/2024
DESCRIPTION	AMOUNT DUE
Prior Balance	16,971.50
Payment(s)	-16,971.50
Water	1,163.50
Total:	1,163.50

*2 DAYS at Prior Contract Price*

AMOUNT DUE

BY DUE DATE	AFTER DUE DATE
\$1,163.50	\$1,282.20

Account: 800  
 PVRWA  
 P.O. Box 308  
 Petrolia, PA 16050

EXHIBIT "2"



EXHIBIT "3"

## Gallagher Law Group

---

**From:** ebboro@zoominternet.net  
**Sent:** Thursday, May 16, 2024 3:38 PM  
**To:** Gallagher Law Group  
**Cc:** 'Amy Schrempf'  
**Subject:** Right to Know response  
**Attachments:** 2021 Subfacility Report.pdf; 2022 Subfacility Reports.pdf; 2023 Subfacility Reports.pdf; Average Water use 2021 2022 & 2023.xlsx; Min & Max water 2021-2023.pdf; Rimersburg bulk water agreement.pdf; Water Allocation permit.pdf; FOR IMMEDIATE RELEASE.docx; Andrews Price invoices 1-1-23 to 3-31-24.pdf

Here is the information you requested in a Right to Know Request dated April 11, 2024.

1. Chapter 110 sub facilities report for years 2021 through 2023 pertaining to Rimersburg.  
See attached.
2. Records pertaining to peak flow and average daily flows for the years 2021 through 2023.  
See attached.
3. Copy of intermunicipal agreement between East Brady and Rimersburg.  
See attached.
4. Copy of EBB's most recent allocation permit.  
See attached.
5. Minutes of East Brady Borough for the period October 1, 2023 to April 9, 2024  
Our meeting minutes can be found on our website: [www.eastbradyborough.com](http://www.eastbradyborough.com)
6. Copies of all documents, including without limitation, engineering studies or reports, cost estimates and or construction estimates upon which East Brady imposed a Surcharge on PVRWA.  
No records exist.
7. Copy of press release issued by the Borough pertaining to its April 2, 2024 Council meeting.  
See attached.
8. Copies of all correspondence, including electronic, between Senate Engineering/LSSE and East Brady Borough or any of its elected or appointed officials for the period November 1, 2023 to April 9, 2024.  
This request is denied due to being too voluminous. If you reduce your scope to a specific subject it may be reconsidered.
9. Copies of all Notices sent to PVRWA advising it of a rate increase.  
No records exist.
10. Copies of all invoices submitted to East Brady Borough by the law firm of Andrews & Price, LLC for the period January 1, 2023 to March 31, 2024.  
See attached.
11. Copies of all emails by and between the members of the East Brady Borough Council pertaining to the increase in rates for the period October 1, 2023 and April 9, 2024.  
No records exist.
12. Copies of any permits, permit applications and grant applications that pertain to the new well proposed by EBB.  
No records exist.

This fulfills the Right to Know Request.

Sincerely,  
Susan Buechele

**Susan D. Buechele**

East Brady Borough

Secretary/Treasurer

(724) 526-5531 Work

(724) 954-7080 Mobile

(724) 526-3504 Fax

ebboro@zoominternet.net

502 Ferry Street, Suite 15

East Brady, PA 16028

## East Brady Water

Based on daily Water well withdrawals

### WATER USAGE MINIMUM AND MAXIMUM

	Date	Minimum	Date	Maximum
January	1/25/2021	690000	1/10/2021	719790
February	2/7/2021	689990	2/13/2021	690460
March	3/5/2021	306320	3/1/2021	690330
April	4/29/2021	303260	4/7/2021	472900
May	5/18/2021	365210	5/18/2021	549330
June	6/12/2021	327800	6/6/2021	540300
July	7/25/2021	360530	7/21/2021	682240
August	8/2/2021	348240	8/3/2021	613990
September	9/17/2021	414780	9/7/2021	510410
October	10/4/2021	388730	10/20/2021	485850
November	11/21/2021	305950	11/24/2021	537510
December	12/21/2021	347590	12/20/2021	507080

#### Yearly- 2021

min & Max	4/29/2021	303260	1/10/2021	719790
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	Date	Minimum	Date	Maximum
January	1/6/2022	356010	1/13/2022	618440
February	2/11/2022	429190	2/27/2022	552790
March	3/26/2022	261620	3/3/2022	535280
April	4/9/2022	358890	4/25/2022	487780
May	5/14/2022	356430	5/22/2022	508470
June	6/28/2022	332690	6/13/2022	516970
July	7/23/2022	316440	7/27/2022	555030
August	8/25/2022	311730	8/24/2022	473030
September	9/3/2022	303320	9/7/2022	555740
October	10/1/2022	319900	10/27/2022	547680
November	11/15/2022	366550	11/17/2022	547330
December	12/13/2022	327210	12/14/2022	550310

#### 2022

min & Max	3/26/2022	261620	1/13/2022	618440
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	Date	Minimum	Date	Maximum
January	1/14/2023	364670	1/28/2023	920420
February	2/5/2023	365910	2/6/2023	499540

<b>March</b>	3/11/2023	350950	3/13/2023	441270
<b>April</b>	4/21/2023	299530	4/30/2023	803410
<b>May</b>	5/5/2023	377540	5/31/2023	511450
<b>June</b>	6/22/2023	345010	6/4/2023	474620
<b>July</b>	7/20/2023	358580	7/18/2023	482840
<b>August</b>	8/25/2023	344740	8/15/2023	438470
<b>September</b>	9/22/2023	294370	9/23/2023	474290
<b>October</b>	10/26/2023	301820	10/25/2023	492020
<b>November</b>	11/14/2023	336280	11/27/2023	439770
<b>December</b>	12/13/2023	361830	12/24/2023	451130

**2023**

Min & Max	9/22/2023	294370	1/28/2023	920420
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FOR IMMEDIATE RELEASE.

East Brady, Pa. East Brady Borough created a new, more sustainable rate structure this evening. In order to ensure an adequate supply of water to its residents and its long-term committed customers, the Borough set a base rate of \$3.95 per thousand gallons of water consumed up to a total of 144,000 gallons for the Borough or for its bulk long-term contract customers. Usage over that threshold would be charged at a surcharge rate of \$7.15 per thousand gallons. Any usage by non-Borough residents or by customers who are not long-term bulk contract customers will be billed at the surcharge rate.

East Brady Borough currently has three wells, which supply the Borough, Rimersburg and Petrolia Valley with potable water. In order to continue to have adequate water supply and in order to meet regulatory requirements, the Borough will be required to drill a new water well. The Borough is implementing this rate structure to support this new well, as well as to ensure quality drinking water to its customers.

This new rate structure also focuses on sustainability, since by its very nature will encourage mindful water usage and conservation of one of our most valuable resources.

## Average Daily Water Usage

<b>Rimersburg</b>	<b>2021</b>	<b>PVRWA</b>
January	106,774	250,484
February	94,172	241,897
March	94,903	237,935
April	96,767	222,133
May	106,742	277,935
June	105,800	264,333
July	101,323	260,968
August	100,290	280,935
September	102,567	222,833
October	102,194	215,226
November	108,300	204,867
December	113,387	199,839

<b>Rimersburg</b>	<b>2022</b>	<b>PVRWA</b>
January	119,000	217,065
February	119,571	232,214
March	101,226	222,613
April	103,400	208,900
May	110,323	193,839
June	115,133	216,467
July	128,613	199,871
August	105,484	192,290
September	104,400	195,700
October	114,226	223,129
November	120,567	191,533
December	124,774	234,871

<b>Rimersburg</b>	<b>2023</b>	<b>PVRWA</b>
January	103,548	244,613
February	103,536	237,714
March	97,710	209,968
April	107,333	209,800
May	114,065	224,355
June	108,500	203,167
July	109,290	199,645
August	113,097	194,097
September	109,967	204,367
October	107,742	201,290
November	103,733	194,733
December	109,290	211,581

Subfacility Report for PETROLEUM VALLEY REGIONAL WATER AUTH INTC (57641)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2023

Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO

MEASURING/METERING OF WATER

Measure Method            METERED  
Last Date Tested  
Tested By

INTERCONNECTIONS WITH OTHER WATER SUPPLIERS

Name of Interconnected Water Supplier  
PETROLEUM VALLEY RWA(CONSEC SYS) (53174)

SALE TO

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	7,583,000	Jan Days Use Sales	31
Feb Gallons Sales	6,656,000	Feb Days Use Sales	28
Mar Gallons Sales	6,509,000	Mar Days Use Sales	31
Apr Gallons Sales	6,294,000	Apr Days Use Sales	30
May Gallons Sales	6,955,000	May Days Use Sales	31
Jun Gallons Sales	6,095,000	Jun Days Use Sales	30
Jul Gallons Sales	6,189,000	Jul Days Use Sales	31
Aug Gallons Sales	6,017,000	Aug Days Use Sales	31
Sep Gallons Sales	6,131,000	Sep Days Use Sales	30
Oct Gallons Sales	6,240,000	Oct Days Use Sales	31
Nov Gallons Sales	5,842,000	Nov Days Use Sales	30
Dec Gallons Sales	6,559,000	Dec Days Use Sales	31
Total Gallons Sales	77,070,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

DATA ENTRY INFORMATION

Entered By:                Susan Buachele  
Last Data Entry Date:    01/17/2024  
Email:                        ebboro@zoominternet.net

Subfacility Report for RIMERSBURG BORO MUNI AUTH INC (51714)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2023Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO**MEASURING/METERING OF WATER**Measure Method            METERED  
Last Date Tested  
Tested By**INTERCONNECTIONS WITH OTHER WATER SUPPLIERS**Name of Interconnected Water Supplier  
RIMERSBURG BORO MUNI AUTH(CONSEC SYS) (19037)**SALE TO**

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	3,210,000	Jan Days Use Sales	31
Feb Gallons Sales	2,899,000	Feb Days Use Sales	28
Mar Gallons Sales	3,029,000	Mar Days Use Sales	31
Apr Gallons Sales	3,220,000	Apr Days Use Sales	30
May Gallons Sales	3,536,000	May Days Use Sales	31
Jun Gallons Sales	3,255,000	Jun Days Use Sales	30
Jul Gallons Sales	3,368,000	Jul Days Use Sales	31
Aug Gallons Sales	3,506,000	Aug Days Use Sales	31
Sep Gallons Sales	3,299,000	Sep Days Use Sales	30
Oct Gallons Sales	3,454,000	Oct Days Use Sales	31
Nov Gallons Sales	3,112,000	Nov Days Use Sales	30
Dec Gallons Sales	3,388,000	Dec Days Use Sales	31
Total Gallons Sales	39,296,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

**DATA ENTRY INFORMATION**Entered By: Susan Buechle  
Last Data Entry Date: 01/17/2024  
Email: ebboro@zcominternet.net

Subfacility Report for PETROLEUM VALLEY REGIONAL WATER AUTH INTC (57641)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2022

Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO

**MEASURING/METERING OF WATER**

Measure Method            METERED  
Last Date Tested  
Tested By

**INTERCONNECTIONS WITH OTHER WATER SUPPLIERS**

Name of Interconnected Water Supplier  
PETROLEUM VALLEY REGIONAL WATER AUTH (53174)

**SALE TO**

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	6,729,000	Jan Days Use Sales	31
Feb Gallons Sales	6,502,000	Feb Days Use Sales	28
Mar Gallons Sales	6,901,000	Mar Days Use Sales	31
Apr Gallons Sales	6,267,000	Apr Days Use Sales	30
May Gallons Sales	6,009,000	May Days Use Sales	31
Jun Gallons Sales	6,494,000	Jun Days Use Sales	30
Jul Gallons Sales	6,196,000	Jul Days Use Sales	31
Aug Gallons Sales	5,961,000	Aug Days Use Sales	31
Sep Gallons Sales	5,871,000	Sep Days Use Sales	30
Oct Gallons Sales	6,917,000	Oct Days Use Sales	31
Nov Gallons Sales	5,746,000	Nov Days Use Sales	30
Dec Gallons Sales	7,281,000	Dec Days Use Sales	31
Total Gallons Sales	76,874,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

**DATA ENTRY INFORMATION**

Entered By:                Susan Buechele  
Last Data Entry Date:    01/16/2023  
Email:                        ebboro@zoominternet.net

Subfacility Report for RIMERSBURG BORO MUNI AUTH INTC (51714)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2022Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO**MEASURING/METERING OF WATER**Measure Method            METERED  
Last Date Tested  
Tested By**INTERCONNECTIONS WITH OTHER WATER SUPPLIERS**Name of Interconnected Water Supplier  
RIMERSBURG BORO MUNI AUTH (19037)**SALE TO**

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	3,689,000	Jan Days Use Sales	31
Feb Gallons Sales	3,348,000	Feb Days Use Sales	28
Mar Gallons Sales	3,138,000	Mar Days Use Sales	31
Apr Gallons Sales	3,102,000	Apr Days Use Sales	30
May Gallons Sales	3,420,000	May Days Use Sales	31
Jun Gallons Sales	3,454,000	Jun Days Use Sales	30
Jul Gallons Sales	3,987,000	Jul Days Use Sales	31
Aug Gallons Sales	3,270,000	Aug Days Use Sales	31
Sep Gallons Sales	3,132,000	Sep Days Use Sales	30
Oct Gallons Sales	3,541,000	Oct Days Use Sales	31
Nov Gallons Sales	3,617,000	Nov Days Use Sales	30
Dec Gallons Sales	3,868,000	Dec Days Use Sales	31
Total Gallons Sales	41,566,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

**DATA ENTRY INFORMATION**Entered By:                    Susan Buechele  
Last Data Entry Date:      01/18/2023  
Email:                         ebboro@zoominternet.net

Subfacility Report for RIMERSBURG BORO MUNI AUTH INTC (51714)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2021Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO**MEASURING/METERING OF WATER**Measure Method            METERED  
Last Date Tested  
Tested By**INTERCONNECTIONS WITH OTHER WATER SUPPLIERS**Name of Interconnected Water Supplier  
RIMERSBURG BORO MUNI AUTH (19037)**SALE TO**

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	3,310,000	Jan Days Use Sales	31
Feb Gallons Sales	2,731,000	Feb Days Use Sales	28
Mar Gallons Sales	2,942,000	Mar Days Use Sales	31
Apr Gallons Sales	2,903,000	Apr Days Use Sales	30
May Gallons Sales	3,309,000	May Days Use Sales	31
Jun Gallons Sales	3,174,000	Jun Days Use Sales	30
Jul Gallons Sales	3,141,000	Jul Days Use Sales	31
Aug Gallons Sales	3,109,000	Aug Days Use Sales	31
Sep Gallons Sales	3,077,000	Sep Days Use Sales	30
Oct Gallons Sales	3,168,000	Oct Days Use Sales	31
Nov Gallons Sales	3,249,000	Nov Days Use Sales	30
Dec Gallons Sales	3,515,000	Dec Days Use Sales	31
Total Gallons Sales	37,628,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

**DATA ENTRY INFORMATION**Entered By: Susan Buechela  
Last Data Entry Date: 01/27/2022  
Email: ebboro@zcominternet.net

Subfacility Report for PETROLEUM VALLEY REGIONAL WATER AUTH INTC (57641)  
REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, 2021Client: EAST BRADY BORO CLARION CNTY  
Primary Facility: EAST BRADY BORO WATER CO**MEASURING/METERING OF WATER**Measure Method            METERED  
Last Date Tested  
Tested By**INTERCONNECTIONS WITH OTHER WATER SUPPLIERS**Name of Interconnected Water Supplier  
PETROLEUM VALLEY REGIONAL WATER AUTH (53174)**SALE TO**

<u>Month</u>	<u>Total Gallons</u>	<u>Month</u>	<u>Days</u>
Jan Gallons Sales	7,765,000	Jan Days Use Sales	31
Feb Gallons Sales	7,015,000	Feb Days Use Sales	28
Mar Gallons Sales	7,376,000	Mar Days Use Sales	31
Apr Gallons Sales	6,664,000	Apr Days Use Sales	30
May Gallons Sales	8,616,000	May Days Use Sales	31
Jun Gallons Sales	7,930,000	Jun Days Use Sales	30
Jul Gallons Sales	8,090,000	Jul Days Use Sales	31
Aug Gallons Sales	8,709,000	Aug Days Use Sales	31
Sep Gallons Sales	6,885,000	Sep Days Use Sales	30
Oct Gallons Sales	6,872,000	Oct Days Use Sales	31
Nov Gallons Sales	6,146,000	Nov Days Use Sales	30
Dec Gallons Sales	6,195,000	Dec Days Use Sales	31
Total Gallons Sales	87,863,000	Total Days Use Sales	365
Maximum Water Transfer Capability, GPD To: 0			

**DATA ENTRY INFORMATION**Entered By: Susan Buechle  
Last Data Entry Date: 01/27/2022  
Email: ebboro@zoominternet.net

11:29 AM  
05/16/24

**East Brady Borough Water**  
**All Transactions for Andrews & Price, LLC**  
**January 2023 through March 2024**

Invoices paid to Andrews and Price, LLC from January 1, 2023 to March 31, 2024

	<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Account</u>	<u>Amount</u>
Jan '23 - Mar 24					
	Bill Pmt -Check	10150	03/20/2024	06.100 · Water Works Checking	-472.50
	Bill Pmt -Check	10121	02/07/2024	06.100 · Water Works Checking	-1,435.00
	Bill Pmt -Check	10099	01/17/2024	06.100 · Water Works Checking	-367.50
	Bill Pmt -Check	10069	12/06/2023	06.100 · Water Works Checking	-1,050.00
	Bill Pmt -Check	10056	11/22/2023	06.100 · Water Works Checking	-140.00
	Bill Pmt -Check	10029	10/16/2023	06.100 · Water Works Checking	-787.50
	Bill Pmt -Check	10002	09/20/2023	06.100 · Water Works Checking	-367.50
	Bill Pmt -Check	9977	08/16/2023	06.100 · Water Works Checking	-787.50
	Bill Pmt -Check	9929	06/21/2023	06.100 · Water Works Checking	-787.50
Jan '23 - Mar 24					

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY,

Complainant,

v.

EAST BRADY BOROUGH,

:  
:  
: COMPLAINT DOCKET NO.: \_\_\_\_\_  
:  
: PUC REF. No.: \_\_\_\_\_  
:  
: PUC UTILITY CODE: \_\_\_\_\_  
:  
:  
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:  
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**VERIFICATION**

I, **Jeffrey R. Shumaker**, being the Chairman of Petroleum Valley Regional Water Authority, have read the foregoing **Complaint – Rate Increase**, and do hereby depose and state that the statements herein are true and correct to the best of my personal knowledge, information, and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Date: Oct 8, 2024

  
**Jeffrey R. Shumaker, Chairman**  
**Petroleum Valley Regional Water Authority**

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY,

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

:  
:  
: COMPLAINT DOCKET NO.: \_\_\_\_\_  
:  
: PUC REF. No.: \_\_\_\_\_  
:  
: PUC UTILITY CODE: \_\_\_\_\_  
:  
:  
:

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the following persons, in the manner indicated below on October 10, 2024:

Amy R. Schrempf, Esquire  
Solicitor for East Brady Borough  
Andrews & Price LLC  
1500 Ardmore Boulevard, Suite 506  
Pittsburgh, PA 15221  
*(Via email [aschrempf@andrewsandprice.com](mailto:aschrempf@andrewsandprice.com)  
and Regular Mail)*

Paul Diskin, Director  
Pennsylvania Public Utility Commission  
Bureau of Technical Utility Services  
Commonwealth Keystone Building  
400 North Street, 3<sup>rd</sup> Floor West  
Harrisburg, PA 17120  
*(Via email [pdiskin@pa.gov](mailto:pdiskin@pa.gov) and Regular Mail)*

Steven C. Gray,  
Sr. Supervising Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101  
*(Via email [sgray@pa.gov](mailto:sgray@pa.gov) and Regular Mail)*

Allison Kaster, Director  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17120  
*(Via email [akaster@pa.gov](mailto:akaster@pa.gov) and Regular Mail)*

Christiine M. Hoover,  
Sr. Asst. Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
*(Via email [choover@paoca.org](mailto:choover@paoca.org) and Regular Mail)*

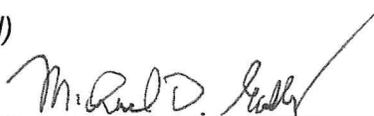
  
\_\_\_\_\_  
Michael D. Gallagher, Esquire

EXHIBIT "2"

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

COMPLAINT DOCKET NO.  
C-2024-3051609

ANSWER  
TO FORMAL COMPLAINT

Filed on behalf of Respondent:

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY

Counsel of Record for this Party:

Amy R. Schrempf, Esquire  
Pa. I.D. No. 87619

ANDREWS & PRICE, LLC  
1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL	:	COMPLAINT DOCKET NO.
WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

ANSWER TO FORMAL COMPLAINT

AND NOW COMES Respondent, East Brady Borough, (hereinafter “Borough”), by its undersigned counsel, and files the following Answer to Formal Complaint, in support thereof averring as follows:

1. The allegations contained in paragraph 1 of PVRWA’s complaint are admitted.
2. The allegations contained in paragraph 2 of PVRWA’s complaint are admitted, to the best of Respondent’s knowledge and belief.
3. The allegations contained in paragraph 3 of PVRWA’s complaint are admitted.
4. The allegations contained in paragraph 4 of PVRWA’s complaint are admitted.
5. The allegations contained in paragraph 5 of PVRWA’s complaint are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is deemed required, Respondent is without information or belief with respect to what PVRWA’s complaint entails. Further, PVRWA’s Complaint is a written document and it speaks for itself. All attempts to editorialize that document are specifically denied.

6. The allegations contained in paragraph 6 of PVRWA's complaint are denied. It is specifically denied that the PUC has any jurisdiction to hear rate claim challenges of bulk customers. Respondent charges PVRWA a bulk rate, and PVRWA, in turn, resells that water to its own customers. Respondent does not charge rates to PVRWA's customers directly.

7. The allegations contained in paragraph 7 of PVRWA's complaint are denied as stated. DEP provided \$22 million to PVRWA in order to provide a safe and clean potable water system to its constituent municipalities. This grant was due to surface water contamination and contamination of the wells and water table and provided funding for PVRWA to source water through East Brady Borough to supply those customers. Brady's Bend Township was added as a customer later due to a surface mine collapse and resulting contamination to the potable water supply.

8. The allegations contained in paragraph 8 of PVRWA's complaint are admitted. It is further averred that Respondent has offered a long term contract with PVRWA and offered alternative contract terms, which have been rebuffed by PVRWA.

9. The allegations contained in paragraph 9 of PVRWA's complaint are denied as stated. It is admitted that on or about July 5, 2024, PVRWA advised Respondent that they were seeking an alternative water supply source. It is denied that at that time, PVRWA advised as to the location or place for said water supply source. It is also denied that PVRWA has been working with DEP on the permitting process as no permits have been submitted to DEP. It is denied that PVRWA will be able to utilize the Kaylor Mine No. 4, which is a surface limestone mine, for any stable water source, let alone the 6.6 million gallons of demand that PVRWA places on Respondent. It is further denied that PVRWA will be able to analyze, permit, design, bid, and construct a water treatment facility by 2026.

10. The allegations contained in paragraph 10 of PVRWA's complaint are admitted to the extent that Exhibit 1 is the true and correct invoice forwarded by Respondent to PVRWA. That invoice is a written document and it speaks for itself. All attempts to editorialize that document are specifically denied.

11. The allegations contained in paragraph 11 of PVRWA's complaint are admitted to the extent that Exhibit 2 is the true and correct invoice forwarded by Respondent to PVRWA. That invoice is a written document and it speaks for itself. All attempts to editorialize that document are specifically denied.

12. The allegations contained in paragraph 12 of PVRWA's complaint are denied as stated. The Open Records Request is a written document and it speaks for itself. All attempts to editorialize that document are specifically denied. It is specifically denied that the Respondent was required to provide any advance notice to PVRWA, and strict proof of any such contractual requirement is demanded at the time of trial.

13. The allegations contained in paragraph 13 of PVRWA's complaint are denied as stated. The Open Records Request is a written document and it speaks for itself. All attempts to editorialize that document are specifically denied. It is specifically denied that the Respondent was required to provide any advance notice to PVRWA, and strict proof of any such contractual requirement is demanded at the time of trial.

14. The allegations contained in paragraph 14 of PVRWA's complaint are denied. The rate imposed for "not long-term bulk water customer" is the same rate imposed as the "overage rate" which is imposed to bulk customers (and the Respondent in bulk) when that collective group consumes more water than is allocated in their contract or exceeds their average consumption, which is defined as the annual average daily quantity in gallons per day, with a

peak daily maximum water quantity of thirty three percent (33%) of the average day demand of the system.

15. The allegations contained in paragraph 15 of PVRWA's complaint are denied as stated. It is admitted that Respondent needs to raise rates to compensate for the need to drill an additional well. The need to have an additional well is a DEP requirement, that mandates that a water supply source be able to source its average daily demand with its largest well out of service. PVRWA has all of the documentation needed to perform this analysis itself as it is simple math. Respondent has provided documents showing the average daily demand on the system, and the rate of water flow from the largest well. This document is actually attached to the Complaint as Exhibit 3.

16. The allegations contained in paragraph 16 of PVRWA's complaint are denied as Respondent is without any knowledge or belief as to what PVRWA believes. See response to the allegations in paragraph 15 above.

17. The allegations contained in paragraph 17 of PVRWA's complaint are denied as Respondent is without any knowledge or belief as to what PVRWA believes. See response to the allegations in paragraph 15 above.

respectfully submitted,

**ANDREWS & PRICE LLC**

By:



---

Amy R. Schrempf  
Attorney for Respondent, East Brady Borough

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL : COMPLAINT DOCKET NO.  
WATER AUTHORITY, : C-2024-3051609  
:  
Complainant, :  
:  
vs. :  
:  
EAST BRADY BOROUGH, :  
:  
Respondent. :

CERTIFICATE OF SERVICE

The undersigned counsel hereby verifies that on January 16, 2025, a true and correct copy of the Preliminary Objections was served upon the following by U.S. Postal Service, First Class Mail:

Michael D. Gallagher  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001

**ANDREWS & PRICE LLC**

By:   
Amy R. Schrempf  
Attorney for Respondent, East Brady Borough

1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700 (Phone)  
(412) 243-9660 (Fax)

EXHIBIT "3"

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY

COMPLAINT DOCKET NO.:  
C-2024-3051609

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

**INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNED  
BY PETROLEUM VALLEY REGIONAL WATER  
AUTHORITY ON EAST BRADY BOROUGH**

Filed on Behalf of Complainant:

**PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY**

Counsel of Record for this Party:

Michael D. Gallagher, Esquire  
PA ID No. 59237

Sean M. Gallagher, Esquire  
PA ID No. 318872

GALLAGHER LAW GROUP  
110 East Diamond Street  
Butler, PA 16001-5999  
(724) 282-3141

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

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**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**  
**PROPOUNDED BY PETROLEUM VALLEY REGIONAL WATER**  
**AUTHORITY ON EAST BRADY BOROUGH**

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Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Petroleum Valley Regional Water Authority (“PVRWA”) hereby propounds the following Interrogatories and Requests for Production of Documents on East Brady Borough (“EBB”).

**INSTRUCTIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these interrogatories and requests for production of documents are propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. “PVRWA” means Petroleum Valley Regional Water Authority.
4. “EBB” means East Brady Borough.

5. To "identify" a natural person means to state that person's full name, title or position, employer, last known address, and last known telephone number.

6. To "identify" a business entity means to state the full name of such business, the form of the business, and its location or address.

7. To "identify" a "document" means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

a. The title or other means of identification of each such document;

b. The date of each such document;

c. The author, preparer or signer of each such document; and

d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.). In lieu of "identifying" any document, it shall be deemed a sufficient compliance with these Interrogatories to attach a copy of each such document to the Answers hereto and reference said document to the particular Interrogatory to which the document is responsive.

8. "Document" means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however

stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

9. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

10. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

11. "Person" refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

12. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

13. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

14. The answers provided should first restate the question asked and identify the person(s) supplying the information.

15. In answering these Interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the Interrogatories cannot be

answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's Answer is qualified in any particular, please set forth the details of such qualification.

16. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 9 and state the basis of the objection.

17. If the Responding Party objects to part of an Interrogatory and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that Interrogatory. If the Responding Party objects to the scope or time period of an Interrogatory and refuses to answer for that scope or time period, state the Responding Party's objection and answer the Interrogatory for the scope or time period that the Responding Party believes is appropriate.

18. If, in connection with an Interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

19. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

20. These Interrogatories are continuing and the Responding Party is obliged to change, supplement and correct all Answers given to conform to new or changing information.

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY PETROLEUM VALLEY REGIONAL WATER  
AUTHORITY ON EAST BRADY BOROUGH**

**DOCKET NO. C-2024-3041609**

1. With reference to the May 16, 2024, Response of EBB to PVRWA's April 11, 2024, Right to Know Request:
  - a. Confirm that the document attached hereto as Exhibit "A" is a true and correct copy of the EBB Response (without attachments), dated May 16, 2024.
  - b. If you cannot confirm that the document attached hereto as Exhibit "A" is a true and correct copy of the EBB Response (without attachments), dated May 16, 2024, state the reason why you cannot make such a confirmation.
  - c. If you cannot confirm that the document attached hereto as Exhibit "A" is a true and correct copy of the EBB Response (without attachments), then attach a true and correct copy of the May 16, 2024, EBB Response and attachments to PVRWA's April 11, 2024, Right to Know Request.
2. With reference to Request and Answer No. 10 in the May 16, 2024, Response, state the reason why no Notice was sent to PVRWA advising it of a rate increase.
3. With reference to Request and Response No. 6 in the May 16, 2024, Response, because no engineering studies or reports, cost estimates and/or construction estimates exist, state exactly what documents were relied on by EBB to impose a surcharge on PVRWA.
4. Attach to your Answer and Response a copy of all documents identified in Answer to Interrogatory No. 3, above.
5. With reference to Request and Response No. 5 in the May 16, 2024, Response, state whether the EBB meeting Minutes requested for the period October 1, 2023 through April 9, 2024, are no longer available on-line. If they are not, attach a copy of the EBB meeting minutes for the period October 1, 2023, through April 9, 2024.

6. With reference to the EBB Response to PVRWA's August 26, 2024, Right to Know Request:

a. Confirm that included in Response No. 16 is a March 19, 2024, email from EBB's counsel to EBB attached hereto as Exhibit "B", is a true and correct copy of the March 19, 2024, email.

b. If you cannot confirm that the document attached hereto as Exhibit "B" is a true and correct copy of the March 19, 2024 email, state the reason why you cannot make such a confirmation.

c. If you cannot confirm that the document attached hereto as Exhibit "B" is a true and correct copy of the March 19, 2024 email, then attach a true and correct copy of the March 19, 2024 email attached in partial Response to PVRWA's August 26, 2024, Right to Know Request.

7. With respect to the March 19, 2024, email, identify all documents relied on in preparing the Resolution.

8. Attach to your Answer and Response a copy of all documents identified in Answer to Interrogatory No. 7, above.

9. With respect to Paragraph No. 9 of EBB's Answer to PVRWA's Complaint, set forth the basis that:

a. PVRWA is not working with DEP in the permitting process.

b. That Kaylor Mine No. 4 is a surface mine.

c. That Kaylor Mine No. 4 has insufficient flow for 6.6 million gallons.

10. Attach all documents relied upon in the Answer to Interrogatory No. 9, above.

11. With respect to paragraph No. 14 of EBB's Answer to PVRWA's Complaint, identify all members of the "collective group" subject to the overage rate since April of 2024.

12. For each member of the “collective group” identified in the Answer to Interrogatory No. 11, above, set forth the amount of overage billed to each member from April of 2024, to the present.

13. Identify all members of the “not long-term bulk water customer” group subject to the overage rate since April of 2024.

14. For each member of the “no longer long-term bulk water customer” group identified In Answer to Interrogatory No. 13, above, set forth the amount of overage billed to each member from April of 2024, to the present.

15. Set forth the fee rate charged to bulk water customers prior to the April of 2024 rate increase.

16. Set forth the fee rate charged to PVRWA prior to the April of 2024 rate increase.

17. Set forth the fee rate for all EBB bulk water customers after the April of 2024 rate increase.

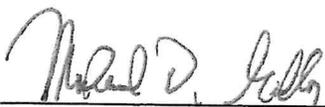
18. Set forth the fee rate for PVRWA after the April of 2024 rate increase.

19. Set forth the calculation based on “simple math” as referred to in Paragraph No. 15 of EBB’s Answer to PVRWA’s Complaint relied on before raising rates in April of 2024.

20. Identify all documents in which a calculation of "simple math" was provided to EBB's Council members prior to or at the time of the vote to raise water rates in April of 2024.

Respectfully submitted,

GALLAGHER LAW GROUP

By:   
Michael D. Gallagher, Esquire  
PA I.D. No. 59237

Sean M. Gallagher, Esquire  
PA I.D. No. 318827

*Solicitors for Complainant,  
Petroleum Valley Regional  
Water Authority*

110 East Diamond Street  
Butler, PA 16001  
(724) 282-3141

EXHIBIT "A"

## Gallagher Law Group

---

**From:** ebboro@zoominternet.net  
**Sent:** Thursday, May 16, 2024 3:38 PM  
**To:** Gallagher Law Group  
**Cc:** 'Amy Schrempf'  
**Subject:** Right to Know response  
**Attachments:** 2021 Subfacility Report.pdf; 2022 Subfacility Reports.pdf; 2023 Subfacility Reports.pdf; Average Water use 2021 2022 & 2023.xlsx; Min & Max water 2021-2023.pdf; Rimersburg bulk water agreement.pdf; Water Allocation permit.pdf; FOR IMMEDIATE RELEASE.docx; Andrews Price invoices 1-1-23 to 3-31-24.pdf

Here is the information you requested in a Right to Know Request dated April 11, 2024.

1. Chapter 110 sub facilities report for years 2021 through 2023 pertaining to Rimersburg.  
See attached.
2. Records pertaining to peak flow and average daily flows for the years 2021 through 2023.  
See attached.
3. Copy of intermunicipal agreement between East Brady and Rimersburg.  
See attached.
4. Copy of EBB's most recent allocation permit.  
See attached.
5. Minutes of East Brady Borough for the period October 1, 2023 to April 9, 2024  
Our meeting minutes can be found on our website: [www.eastbradyborough.com](http://www.eastbradyborough.com)
6. Copies of all documents, including without limitation, engineering studies or reports, cost estimates and or construction estimates upon which East Brady imposed a Surcharge on PVRWA.  
No records exist.
7. Copy of press release issued by the Borough pertaining to its April 2, 2024 Council meeting.  
See attached.
8. Copies of all correspondence, including electronic, between Senate Engineering/LSSE and East Brady Borough or any of its elected or appointed officials for the period November 1, 2023 to April 9, 2024.  
This request is denied due to being too voluminous. If you reduce your scope to a specific subject it may be reconsidered.
9. Copies of all Notices sent to PVRWA advising it of a rate increase.  
No records exist.
10. Copies of all invoices submitted to East Brady Borough by the law firm of Andrews & Price, LLC for the period January 1, 2023 to March 31, 2024.  
See attached.
11. Copies of all emails by and between the members of the East Brady Borough Council pertaining to the increase in rates for the period October 1, 2023 and April 9, 2024.  
No records exist.
12. Copies of any permits, permit applications and grant applications that pertain to the new well proposed by EBB.  
No records exist.

This fulfills the Right to Know Request.

Sincerely,

Susan Buechele

EXHIBIT "B"

# RESPONSE TO REQUEST #16

**Natalie Simonetti**

---

**From:** Amy Schrempf  
**Sent:** Tuesday, March 19, 2024 2:34 PM  
**To:** Rick Barnett; Larry Lennon Jr.; ebboro@zoominternet.net  
**Subject:** Drafts  
**Attachments:** Rate Increase Resolution.docx; FOR IMMEDIATE RELEASE.docx

Good afternoon.

Here is a draft resolution for tonight's meeting and a draft press release.

I'd suggest the language for the motion reads: "Motion to approve a rate structure, setting a rate of \$3.95 per thousand gallons for water used up to 144,000 gallons, as allocated to the Borough users and its contract bulk customers respectively, and setting an overage/surplus/surcharge rate of \$7.15 per thousand gallons used over that allocation or for any other purpose."

Let me know your thoughts!

Thanks.

Amy

Amy R. Schrempf

ANDREWS & PRICE LLC

1500 Ardmore Boulevard, Suite 506

Pittsburgh, PA 15221

phone: 412-243-9700

fax: 412-243-9660

aschrempf@andrewsandprice.com <mailto:aschrempf@andrewsandprice.com>

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY : COMPLAINT DOCKET NO.:  
REGIONAL WATER AUTHORITY, : C-2024-3051609  
:  
Complainant, :  
:  
v. :  
:  
EAST BRADY BOROUGH, :  
:  
Respondent. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the following persons, in the manner indicated below on February 6, 2025:

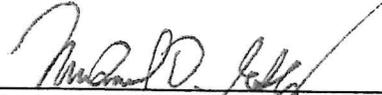
Amy R. Schrempf, Esquire  
Solicitor for East Brady Borough  
Andrews & Price LLC  
1500 Ardmore Boulevard, Suite 506  
Pittsburgh, PA 15221  
*(Via email [aschrempf@andrewsandprice.com](mailto:aschrempf@andrewsandprice.com)  
and Regular Mail)*

Paul Diskin, Director  
Pennsylvania Public Utility Commission  
Bureau of Technical Utility Services  
Commonwealth Keystone Building  
400 North Street, 3<sup>rd</sup> Floor West  
Harrisburg, PA 17120  
*(Via email [pdiskin@pa.gov](mailto:pdiskin@pa.gov) and Regular Mail)*

Steven C. Gray,  
Sr. Supervising Small Business Advocate  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101  
*(Via email [sgray@pa.gov](mailto:sgray@pa.gov) and Regular Mail)*

Allison Kaster, Director  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17120  
*(Via email [akaster@pa.gov](mailto:akaster@pa.gov) and Regular Mail)*

Christine M. Hoover,  
Sr. Asst. Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
*(Via email [choover@paopa.org](mailto:choover@paopa.org) and Regular Mail)*

  
\_\_\_\_\_  
Michael D. Gallagher, Esquire  
Sean M. Gallagher, Esquire

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

COMPLAINT DOCKET NO.  
C-2024-3051609

**ANSWER  
TO INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

Filed on behalf of Respondent:

**EAST BRADY BOROUGH**

Counsel of Record for this Party:

Amy R. Schrempf, Esquire  
Pa. I.D. No. 87619

ANDREWS & PRICE, LLC  
1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700

*First Set*

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY REGIONAL	:	COMPLAINT DOCKET NO.
WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

ANSWER TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW COMES Respondent, East Brady Borough, (hereinafter “Borough”), by its undersigned counsel, and files the following Answer to Interrogatories and Request for Production of Documents.

1. Exhibit A is a true and correct copy of the Borough’s response to PVRWA’s April 11, 2024 RTK request, without the attachments.
2. No such notice is required.
3. The Borough based its rates on historic usage from its customers, peak flow data, average daily flow data, its water allocation permit and its operating budget. Such data was produced in response to PVRWA’s April 11, 2024 RTK Request. The current operating budget of the Borough will be supplemented.
4. To be supplemented as listed above.
5. The District was not aware that the website host overwrites minutes. The requested minutes will be supplemented.

6. Exhibit B is a true and correct copy of an email from the Borough's solicitor to the Borough secretary.

7. The Borough objects to this question, as what its solicitor relies upon to respond to legal inquiries is work product and is protected by privilege.

8. The Borough objects to this question, as what its solicitor relies upon to respond to legal inquiries is work product and is protected by privilege.

9. The Borough relied on discussions with PVRWA, its response to the Borough's RTK request dated May 6, 2024 and the lack of filings available with DEP.

10. No such documents exist other than the RTK request, which was provided by PVRWA and as such, not reproduced here.

11. Residential, Commercial, Public and Industrial Base Charge for each meter per month shall be the equivalent of \$3.95 per thousand gallons of water, up to the aggregate of usage by the Borough or by the bulk contractual customers in the amounts as allocated, for up to 144,000 gallons per day per bulk contractual customer, or by the Borough for use by its residents. Residential, Commercial, Public and Industrial Surcharge Rate shall apply when the aggregate water used by the Borough or by its bulk contractual customers exceeds its allocation of 144,000 gallons per day. Such Surcharge Rate shall be \$7.15 per thousand gallons of water for every thousand gallons over the aggregate usage allocated. Said Surcharge Rate shall also apply for any and all emergency or temporary demands on the Borough's water system.

12. No long-term bulk customer has utilized more than their allocated amount of water or 144,000 gallons per day.

13. PVRWA is the only entity at this time who has requested to purchase water from the Borough on a temporary basis and not enter into a long term contract for water provisioning.

14. At this time, PVRWA is the only temporary customer requesting water from the Borough. PVRWA has copies of all bills forwarded to them by the Borough.

15. Bulk water was a new rate classification created in April of 2024 by Resolution 2024-03.

16. PVRWA was charged rates consistent with its contract with the Borough. PVRWA has copies of that contract.

17. \$7.15 per thousand gallons of water.

18. PVRWA advised the Borough that it intended to source its own water, and thus became a temporary user of the water system. PVRWA ceased being a bulk water customer at the expiration of its contract with the Borough. See Response number 17.

19. The Borough has three (3) wells. DEP requires the Borough to meet the demand based on the largest well being out of service.

Total average daily production must equal or exceed total average daily demand with the largest well being out of service.

Production of Well 2 and Well 3 must equal or exceed average daily demand of the E. Brady Borough system (including Rimersburg and PVRWA).

Peak flows and average daily flows were provided to PVRWA as a response to its RTK request. The water allocation permit provides total average daily production for all three wells (500,000 GPD).

20. The Borough's engineers performed those calculations and the Borough is not in possession of any such calculations.

Respectfully submitted,

**ANDREWS & PRICE LLC**

By: Amy R. Schrempf

Amy R. Schrempf

Attorney for Respondent, East Brady Borough

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.
	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

The undersigned counsel hereby verifies that on March 19, 2025, a true and correct copy of the Preliminary Objections was served upon the following by U.S. Postal Service, First Class Mail:

Michael D. Gallagher  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001

**ANDREWS & PRICE LLC**

By: \_\_\_\_\_  
Amy R. Schrempf  
Attorney for Respondent, East Brady Borough

1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700 (Phone)  
(412) 243-9660 (Fax)

EXHIBIT "4"

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY  
REGIONAL WATER AUTHORITY

COMPLAINT DOCKET NO.:  
C-2024-3051609

Complainant,

v.

EAST BRADY BOROUGH,

Respondent.

**THIRD SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS PROPOUNED BY PETROLEUM  
VALLEY REGIONAL WATER AUTHORITY ON  
EAST BRADY BOROUGH**

Filed on Behalf of Complainant:

**PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY**

Counsel of Record for this Party:

Michael D. Gallagher, Esquire  
PA ID No. 59237

Sean M. Gallagher, Esquire  
PA ID No. 318872

GALLAGHER LAW GROUP  
110 East Diamond Street  
Butler, PA 16001-5999  
(724) 282-3141

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

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**THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED BY PETROLEUM VALLEY REGIONAL WATER  
AUTHORITY ON EAST BRADY BOROUGH**

---

Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Petroleum Valley Regional Water Authority (“PVRWA”) hereby propounds the following Third Set of Interrogatories and Requests for Production of Documents on East Brady Borough (“EBB”).

**INSTRUCTIONS**

1. The “Responding Party,” “you,” or “your” means the party to which this Third Set of Interrogatories and Requests for Production of Documents is propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. “PVRWA” means Petroleum Valley Regional Water Authority.
4. “EBB” means East Brady Borough.

5. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

6. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

7. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

a. The title or other means of identification of each such document;

b. The date of each such document;

c. The author, preparer or signer of each such document; and

d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.). In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these Interrogatories to attach a copy of each such document to the Answers hereto and reference said document to the particular Interrogatory to which the document is responsive.

8. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however

stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

9. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

10. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

11. "Person" refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

12. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

13. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

14. The answers provided should first restate the question asked and identify the person(s) supplying the information.

15. In answering these Interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the Interrogatories cannot be

answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's Answer is qualified in any particular, please set forth the details of such qualification.

16. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 9 and state the basis of the objection.

17. If the Responding Party objects to part of an Interrogatory and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that Interrogatory. If the Responding Party objects to the scope or time period of an Interrogatory and refuses to answer for that scope or time period, state the Responding Party's objection and answer the Interrogatory for the scope or time period that the Responding Party believes is appropriate.

18. If, in connection with an Interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

19. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

20. These Interrogatories are continuing and the Responding Party is obliged to change, supplement and correct all Answers given to conform to new or changing information.

**THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED BY PETROLEUM VALLEY REGIONAL WATER  
AUTHORITY ON EAST BRADY BOROUGH**

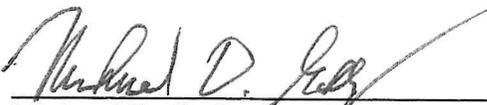
**DOCKET NO. C-2024-3041609**

1. State whether LSSE or any other person or entity has been retained by EBB since April 22, 2024, to undertake a rate study or other analysis of the rates charged by EBB for the sale of water to any of its customers, including without limitation, the same of water to PVRWA.
2. If the Answer to Interrogatory No. 1, above, is anything but “no,” state whether the rate study or other analysis of the rates charged by EBB for the sale of water to any of its customers, including without limitation, PVRWA, has been completed.
  - (a) If so, attach a copy of the rate study or other analysis to your Answers.
  - (b) If not completed, that the anticipated date of completion.
  - (c) Produce copies of all documents relied on by LSSE or any other person or entity in preparing the water rate study or other analysis of the rates charged by EBB for the sale of water to any of its customers, including without limitation, PVRWA.
3. Identify copies of all documents EBB intends to utilize at hearing, in support of its April 22, 2024, rate increase.
4. Produce all documents identified in Answer to Interrogatory No. 3, above.

5. If not already identified above, produce all documents EBB intends to utilize at hearing, in support of any rate increase sought from the PUC.

Respectfully submitted,

GALLAGHER LAW GROUP

By:   
\_\_\_\_\_  
Michael D. Gallagher, Esquire  
PA I.D. No. 59237

Sean M. Gallagher, Esquire  
PA I.D. No. 318827

*Solicitors for Complainant,  
Petroleum Valley Regional  
Water Authority*

110 East Diamond Street  
Butler, PA 16001  
(724) 282-3141

COMMONWEALTH OF PENNSYLVANIA

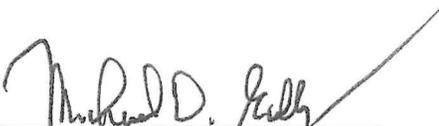
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the following persons, in the manner indicated below on May 29, 2025:

Amy R. Schrempf, Esquire  
Solicitor for East Brady Borough  
Andrews & Price LLC  
1500 Ardmore Boulevard, Suite 506  
Pittsburgh, PA 15221  
*(Via email [aschrempf@andrewsandprice.com](mailto:aschrempf@andrewsandprice.com)  
and Regular Mail)*

  
\_\_\_\_\_  
Michael D. Gallagher, Esquire  
Sean M. Gallagher, Esquire

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

COMPLAINT DOCKET NO.  
C-2024-3051609

**ANSWERS TO THRIST SET OF  
INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

Filed on behalf of Respondent:

**EAST BRADY BOROUGH**

Counsel of Record for this Party:

Amy R. Schrempf, Esquire  
Pa. I.D. No. 87619

ANDREWS & PRICE, LLC  
1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700

*Thrist Set*

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.
	:	C-2024-3051609
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Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

ANSWERS TO THIRD SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW COMES Respondent, East Brady Borough, (hereinafter “Borough”), by its undersigned counsel, and files the following Answer to Interrogatories and Request for Production of Documents.

1. No.
2. Not applicable.
3. The Borough will supplement the documents it intends to present at time of trial when said documents have been selected.
4. To be supplemented as listed above.

Respectfully submitted,

**ANDREWS & PRICE LLC**

By: Amy R. Schrempf  
Amy R. Schrempf  
Attorney for Respondent, East Brady Borough

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

: COMPLAINT DOCKET NO.  
: C-2024-3051609  
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VERIFICATION

I, hereby verify that I am authorized to make this verification on behalf of the Respondent, East Brady Borough and that the statements contained in the foregoing documents are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

July 18, 2025  
Date

Susan D. Buechele  
Susan D. Buechele

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL WATER AUTHORITY,	:	COMPLAINT DOCKET NO.
	:	C-2024-3051609
	:	
Complainant,	:	
	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

The undersigned counsel hereby verifies that on July 18, 2025, a true and correct copy of the Preliminary Objections was served upon the following by U.S. Postal Service, First Class Mail:

Michael D. Gallagher  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001

**ANDREWS & PRICE LLC**

By: \_\_\_\_\_

  
Amy R. Schrempf  
Attorney for Respondent, East Brady Borough

1500 Ardmore Blvd., Suite 506  
Pittsburgh, PA 15221  
(412) 243-9700 (Phone)  
(412) 243-9660 (Fax)

EXHIBIT "5"

Andrew F. Evankovich, Esq.  
[aevankovich@andrewsandprice.com](mailto:aevankovich@andrewsandprice.com)  
[www.andrewsandprice.com](http://www.andrewsandprice.com)

October 24, 2024

**Via E-FILE PORTAL**

Lyle Hartranft, Esq., Appeals Officer  
COMMONWEALTH OF PENNSYLVANIA  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234

**IN RE:           GALLAGHER v. EAST BRADY BOROUGH**  
**DOCKET NO.: AP 2024-2636**

Dear Appeals Officer Hartranft:

This office serves as the Solicitor for the East Brady Borough ("Borough"). Please consider this letter as the Borough's response to Executive Director Wagenseller's October 15, 2024 correspondence requesting the basis for the Borough's response to Mr. Gallagher's August 26, 2024 Right to Know request.

By Right to Know request form dated August 26, 2024, Michael D. Gallagher submitted a request to the Borough seeking seventeen (17) items which include among other things copies of correspondence between Senate Engineering/LSSE and EBB relating to a water rate increase and a need to drill for a new well. A copy of the August 26, 2024 request is attached as Exhibit 1.

By email dated September 3, 2024, Ms. Susan Buechele, the Secretary/Treasurer and Open Records Officer for East Brady Borough notified Mr. Gallagher that she had been on vacation and had only received her RTK request on September 3, 2024. A copy of the September 3, 2024 email is attached as Exhibit 2.

On September 6, 2024 Ms. Buechele on behalf of the Borough sent Mr. Gallagher a Right to Know thirty (30) day extension notice. A copy of the September 6, 2024 extension notice is attached as Exhibit 3.

On October 7, 2024 Ms. Buechele on behalf of the Borough sent a letter to Mr. Gallagher indicating that due to the volume of the request and the Boroughs staffing limitations the Borough asked for another thirty (30) days to produce any responsive records. A copy of the October 7, 2024 letter is attached as Exhibit 4.

By email dated October 9, 2024 to Ms. Buechele, Mr. Gallagher stated that he did not consent to the additional thirty (30) day requested extension and he considered the request deemed denied. A copy of the email dated October 9, 2024 is attached as Exhibit 5.

On October 14, 2024 Mr. Gallagher filed this appeal with the OOR. A copy of the October 14, 2024 OOR appeal is attached as Exhibit 6.

The request is granted in part and denied in part. In response to request #2 attached please find the 2019, 2020, 2021, 2022, and 2023 Daily Water Reports; the 2021 Bulk Water Billing and the East Brady Borough Profit & Loss Statements for 2021, 2022, and 2023; and the Water Usage Primary Facility Reports for 2021, 2022, and 2023. This response includes one hundred twenty-one (121) pages of responsive records.

In response to request #6 is a one page email dated May 26, 2024.

In response to request #8 verbal discussions took place between Mr. Barnett, Borough Officials, Mike Valesky and Brad Schott of DEP. No written correspondence exists.

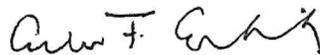
In response to request #16 attached are 24 pages of records. One email consisting of two (2) pages is exempt from disclosure as attorney work product in that it constitutes legal advice from the solicitor to his client.

All of the records provided are part of this OOR appeal are attached as Exhibit 7 and 8 and constitute a total of one hundred forty-six (146) pages of responsive records.

As to any of the other enumerated items set forth in Mr. Gallaghers Right to Know request no records exist. Please see Affidavit of Ms. Buechele attached as Exhibit 9.

Should you have any questions regarding this matter or require additional information, please do not hesitate to contact me.

Very truly yours,



Andrew F. Evankovich

AFE/nis  
Enclosure(s)

Cc: Susan D. Buechele, (via email)  
Michael D. Gallagher, Esq. (via email)



**pennsylvania**  
OFFICE OF OPEN RECORDS

**Standard Right-to-Know Law Request Form**

*Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.*

**SUBMITTED TO AGENCY NAME:** East Brady Borough (Attn: AORO)

Date of Request: August 26, 2024 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Michael D. Gallagher, Esquire Company (if applicable): Gallagher Law Group

Mailing Address: 110 East Diamond Street, Suite 101

City: Butler State: PA Zip: 16001 Email: attys@gallagher.legal

Telephone: 724-282-3141 Fax: 724-282-7378

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:** *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

See attached page.

- DO YOU WANT COPIES?**  Yes, printed copies (default if none are checked)  
 Yes, electronic copies preferred if available  
 No, in-person inspection of records preferred (may request copies later)

Do you want certified copies?  Yes (may be subject to additional costs)  No  
*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

Please notify me if fees associated with this request will be more than  \$100 (or)  \$\_\_\_\_\_.

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$\_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

**NOTE:** *In most cases, a completed RTKL request form is a public record.  
More information about the RTKL is available at <https://www.openrecords.pa.gov>*

Form updated Feb. 3, 2020

## **ATTACHMENT TO OPEN RECORDS REQUEST FORM**

### **Definitions:**

A. As used herein, the term "Senate Engineering/LSSE" refers to Senate Engineering which was subsequently merged into or acquired by LSSE.

B. As used herein, correspondence includes all forms of electronic communication, including but not limited to, email.

C. As used herein, East Brady Borough ("EBB") refers to the Borough, the Borough Water Authority, and their elected or appointed officials, employees and agents.

### **Records Requested:**

1. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period January 1, 2023, to March 31, 2023, pertaining to the 2024 water rate increase to PVRWA.

2. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period April 1, 2023, to June 30, 2023, pertaining to the 2024 water rate increase to PVRWA.

3. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period July 1, 2023, to September 30, 2023, pertaining to the 2024 water rate increase to PVRWA.

4. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period October 1, 2023, to December 31, 2023, pertaining to the 2024 water rate increase to PVRWA.

5. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period January 1, 2024, to March 31, 2024, pertaining to the 2024 water rate increase to PVRWA.

6. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period April 1, 2024, to June 30, 2024, pertaining to the 2024 water rate increase to PVRWA.

7. Copies of all correspondence between Senate Engineering/LSSE and EBB for the period July 1, 2024, to the date of this Request, pertaining to the 2024 water rate increase to PVRWA.

8. Copies of all documents relied on by EBB utilized by EBB, relied upon or referred to by EBB in its May 21, 2024, letter to PVRWA, in which EBB states: "This requires analysis of rates and users...". A copy of the May 21, 2024, letter is attached for the convenience of EBB.

9. Copies of all correspondence, including electronic, between EBB and the DEP pertaining or relied upon by the statement by EBB in its May 21, 2024, letter to PVRWA in which EBB states: "EBB has explained to PVRWA that pursuant to DEP requirements, [EBB] will need to drill a new well".

10. Copies of all DEP requirements that EBB relied on in making its statement in paragraph 9, above.

11. If not already provided above, produce copies of all correspondence between EBB and Senate Engineering/LSSE, including electronic, pertaining to DEP requirements for a new well from the period November 1, 2023, to May 21, 2024.

12. If not already provided above, produce copies of all correspondence and documents between Senate Engineering/LSSE and EBB for the period January 1, 2022, to December 31, 2022, pertaining to the need of EBB to drill a new well.

13. If not already provided above, produce copies of all correspondence and documents between Senate Engineering/LSSE and EBB for the period January 1, 2023, to December 31, 2023, pertaining to the need of EBB to drill a new well.

14. If not already provided above, produce copies of all correspondence and documents between Senate Engineering/LSSE and EBB for the period January 1, 2024, to July 31, 2024, pertaining to the need of EBB to drill a new well.

15. If not already provided above, produce copies of all correspondence and documents between Senate Engineering/LSSE and EBB for the period August 1, 2024, to the date of this Request, pertaining to the need of EBB to drill a new well.

16. All documents upon which EBB bases the statement of EBB's Solicitor, Amy Schrepf's letter of August 2, 2024, in which the Solicitor states: "the Borough will need to develop an extra well no matter what..."

17. All documents which reflect that the statement in No. 16, above, was discussed at an open meeting or listed on the agenda for an open meeting.

Attachment

## Gallagher Law Group

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**From:** ebboro@zoominternet.net  
**Sent:** Tuesday, September 3, 2024 2:19 PM  
**To:** Gallagher Law Group  
**Cc:** Sean Gallagher  
**Subject:** RE: Right-to-Know Request

I was on vacation last week and just received this today. Just FYI.  
Susan Buechele

**From:** Gallagher Law Group <attys@gallagher.legal>  
**Sent:** Monday, August 26, 2024 11:20 AM  
**To:** ebboro@zoominternet.net  
**Cc:** Sean Gallagher <smgallagher@gallagher.legal>  
**Subject:** Right-to-Know Request

Dear Right-to-Know Officer:

Please see the attached Right-to-Know Request Form on behalf of Attorney Michael Gallagher.

Thanks,

Mary for Mike Gallagher



110 East Diamond Street, Suite 101  
Butler, PA 16001  
[attys@gallagher.legal](mailto:attys@gallagher.legal)  
724-282-3141

## Gallagher Law Group

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**From:** ebboro@zoominternet.net  
**Sent:** Friday, September 6, 2024 2:48 PM  
**To:** Gallagher Law Group  
**Cc:** 'Amy Schrempf'  
**Subject:** RE: Right-to-Know Request  
**Attachments:** RTK extension 09-06-2024.docx

Please see the attached right to know extension.  
Susan

**From:** Gallagher Law Group <attys@gallagher.legal>  
**Sent:** Monday, August 26, 2024 11:20 AM  
**To:** ebboro@zoominternet.net  
**Cc:** Sean Gallagher <smgallagher@gallagher.legal>  
**Subject:** Right-to-Know Request

Dear Right-to-Know Officer:

Please see the attached Right-to-Know Request Form on behalf of Attorney Michael Gallagher.

Thanks,

Mary for Mike Gallagher



110 East Diamond Street, Suite 101  
Butler, PA 16001  
[attys@gallagher.legal](mailto:attys@gallagher.legal)  
724-282-3141

## East Brady Water and Sewer

502 Ferry Street  
Suite 15  
East Brady, PA 16028

### Right-To-Know Law Extension Notice

September 6, 2024

PVRWA  
PO Box 308  
100 Water Company Lane  
Petrolia, PA 16050

Dear PVRWA,

Thank you for writing to East Brady Borough to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.* On April 11, 2024, you requested 12 bullet points of information.

Pursuant to Section 902(a) of the RTKL, an additional 30 days are required to respond because:

- The request requires redaction in accordance with Section 706 of the RTKL.
- The request requires the retrieval of a record stored in a remote location.
- A timely response cannot be accomplished due to bona fide staffing limitations.
- A legal review is needed to determine whether the record is subject to access.
- The requester has not complied with the Agency's policies regarding access to records.
- The requester refuses to pay applicable fees authorized by the RTKL.
- The extent or nature of the request precludes a response within the required time period.

East Brady expects to respond to your request on or before October 7, 2024. *We will inform you of the cost prior to delivery of information.*

Respectfully,

Susan D. Buechele  
(East Brady Borough Secretary)

## East Brady Water and Sewer

502 Ferry Street  
Suite 15  
East Brady, PA 16028

### Right-To-Know Law Extension Notice

October 7, 2024

PVRWA  
PO Box 308  
100 Water Company Lane  
Petrolia, PA 16050

Dear PVRWA,

Thank you for writing to East Brady Borough to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.* On September 3, 2024, you requested 17 bullet points of information.

Due to the sheer volume of your Right to Know request dated September 3, 2024, and due to East Brady's staffing limitations, we will require an additional thirty (30) days to produce the records responsive to your request.

East Brady expects to respond to your request on or before November 6, 2024. *We will inform you of the cost prior to delivery of information.*

Respectfully,

Susan D. Buechele  
(East Brady Borough Secretary)

## Gallagher Law Group

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**From:** Gallagher Law Group  
**Sent:** Wednesday, October 9, 2024 1:18 PM  
**To:** ebboro@zoominternet.net  
**Cc:** 'Amy Schrempf'; Sean Gallagher  
**Subject:** RE: Right-to-Know Request

Dear Ms. Buechele:

I do not consent to your second 30-day extension which I consider to be a deemed denial. An appeal will be filed with the OOR.

Very truly yours,

Michael D. Gallagher



110 East Diamond Street, Suite 101  
Butler, PA 16001  
[attys@gallagher.legal](mailto:attys@gallagher.legal)  
724-282-3141

**From:** ebboro@zoominternet.net <ebboro@zoominternet.net>  
**Sent:** Monday, October 7, 2024 3:02 PM  
**To:** Gallagher Law Group <attys@gallagher.legal>  
**Cc:** 'Amy Schrempf' <aschrempf@andrewsandprice.com>  
**Subject:** RE: Right-to-Know Request

Mr. Gallagher,

I am the only one working in this office and I am unable to complete this lengthy request by today. I have attached a request for another extension.

I will get this information to you as soon as time allows.

Susan Buechele

**From:** Gallagher Law Group <attys@gallagher.legal>  
**Sent:** Monday, August 26, 2024 11:20 AM  
**To:** [ebboro@zoominternet.net](mailto:ebboro@zoominternet.net)

Cc: Sean Gallagher <[smgallagher@gallagher.legal](mailto:smgallagher@gallagher.legal)>  
Subject: Right-to-Know Request

Dear Right-to-Know Officer:

Please see the attached Right-to-Know Request Form on behalf of Attorney Michael Gallagher.

Thanks,

Mary for Mike Gallagher

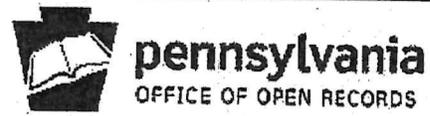


110 East Diamond Street, Suite 101  
Butler, PA 16001  
[attys@gallagher.legal](mailto:attys@gallagher.legal)  
724-282-3141

**From:** [nc-reply@openrecordspennsylvania.com](mailto:nc-reply@openrecordspennsylvania.com)  
**To:** [smgallagher3@gmail.com](mailto:smgallagher3@gmail.com)  
**Subject:** [External] PA Office of Open Records - Appeal Confirmation  
**Date:** Monday, October 14, 2024 11:31:22 AM  
**Attachments:** [oor\\_logo\\_email.png](#)

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**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).



You have filed an appeal of an agency's response to a request for records under the Right-to-Know Law.

<b>Name:</b>	Michael Gallagher
<b>Company:</b>	Gallagher Law Group
<b>Address 1:</b>	110 East Diamond Street
<b>Address 2:</b>	Suite 101
<b>City:</b>	Butler
<b>State:</b>	Pennsylvania
<b>Zip:</b>	16001
<b>Phone:</b>	724-282-3141
<b>Email:</b>	<a href="mailto:smgallagher3@gmail.com">smgallagher3@gmail.com</a>
<b>Email2:</b>	<a href="mailto:smgallagher3@gmail.com">smgallagher3@gmail.com</a>
<b>Agency (list):</b>	East Brady Borough
<b>Agency Address 1:</b>	502 Ferry Street
<b>Agency Address 2:</b>	
<b>Agency City:</b>	East Brady
<b>Agency State:</b>	Pennsylvania

<b>Agency Zip:</b>	16028
<b>Agency Phone:</b>	724-526-5531
<b>Agency Email:</b>	ebboro@zoominternet.net
<b>Records at Issue in this Appeal:</b>	Records requested in Requester's August 26, 2024 RtK Request to Agency - deemed denial.
<b>Request Submitted to Agency Via:</b>	e-mail
<b>Request Date:</b>	08/26/2024
<b>Response Date:</b>	
<b>Deemed Denied:</b>	No
<b>Agency Open Records Officer:</b>	Susan D. Buechele
<b>Attached a copy of my request for records:</b>	Yes
<b>Attached a copy of all responses from the Agency regarding my request:</b>	Yes
<b>Attached any letters or notices extending the Agency's time to respond to my request:</b>	Yes
<b>Agree to permit the OOR additional time to issue a final determination:</b>	No
<b>Interested in resolving this issue through OOR mediation:</b>	No
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• RTKL Appeal Form Filing Packet 10 14 2024.pdf</li> </ul>

I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.



**pennsylvania**  
OFFICE OF OPEN RECORDS

**RIGHT-TO-KNOW LAW ("RTKL")  
APPEAL OF DENIAL, PARTIAL DENIAL, OR DEEMED DENIAL**

Office of Open Records ("OOR")

Email: openrecords@pa.gov

Fax: (717) 425-5343

333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234

Today's Date: October 14, 2024

Requester: Michael D. Gallagher, Esquire

Company (if applicable): Gallagher Law Group

Address/City/State/Zip: 110 East Diamond Street, Suite 101, Butler, PA 16001

Email: attys@gallagher.legal Phone: 724-282-3141

Request Submitted to Agency Via:  Email  Mail  Fax  In-Person (check only one)

Date of Request: August 26, 2024 Date of Response: October 7, 2024  Check if No Response

Agency: East Brady Borough

Name & Title of Person Who Denied Request (if available): Susan D. Buechele, Borough Secretary

Address/City/State/Zip: 502 Ferry Street, Suite 15, East Brady, PA 16028

Email: ebboro@zoominternet.net Phone: 724-526-5531

Records at Issue in this Appeal (use additional pages if necessary): See attachment

I requested the listed records from the Agency named above. By submitting this appeal, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

Please complete the following:

- I have attached a copy of my request for records.
- I have attached a copy of all responses from the Agency regarding my request.
- I have attached any letters or notices extending the Agency's time to respond to my request.
- I hereby agree to permit the OOR an additional 30 days to issue a final determination.
- I am interested in resolving this issue through OOR mediation. *This stays the initial OOR deadline for the issuance of a final determination by 7 business days. If mediation is unsuccessful, the OOR has 30 days from the conclusion of the mediation process to issue a final determination.*

**ATTACHMENT TO RTKL APPEAL OF MICHAEL D. GALLAGHER**

This appeal is from the deemed denial of an Open Records Request made to East Brady Borough.

On August 26, 2024, Mr. Michael Gallagher made an Open Records Request to East Brady Borough by email, with 17 Requests. On September 6, 2024, East Brady Borough responded with a 30-day extension letter stating the requested documents would be submitted on or before October 7, 2024. On October 7, 2024, Ms. Buechele sent a second extension notice stating the documents would not be provided until November 6, 2024. To the extent the statement was a "request," it was denied by Mr. Gallagher on October 9, 2024.

When a 30-day extension was involved, EBB's failure to issue a final response constitutes a deemed denial. *Breth v. Moon Area School Dist.*, AP 2021-1241. Only a single extension can be taken by an agency as a matter of right. See, *Rooney v. Phila. Sch. Dist.* AP 2021-0953 (failure to obtain written consent from a requester prior to the conclusion of an extension constitutes a deemed denial).

Therefore, PVRWA respectfully requests that the OOR: (1) direct East Brady Borough to provide the documents within 5 business days; (2) make a finding that the deemed denial was willful, wanton or otherwise in bad faith; and (3) make a recommendation that the Court of Common Pleas impose a civil penalty of \$1,500.00, plus \$500.00 per day until the public records are provided.

EXHIBIT "6"



4. When EBB raised PVRWA's rates by 118%, PVRWA had insufficient funds to pay the water rates. PVRWA moved to increase its customers' rates proportionately but in order to do so, it was required to give 60 days' Notice to its customers and collect those funds to in turn pay EBB. As a result, PVRWA incurred an \$87,793.80 unpaid balance over a 2-3 month period, at which time it began making the full payments claimed by EBB under protest.

5. The May 20, 2025, email from counsel for EBB to counsel for PVRWA, Exhibit "A" hereto, was reviewed by me. It is a true and correct copy. The email arose out of PVRWA following the suggestion of the ALJ to attempt to remedy discovery disputes.

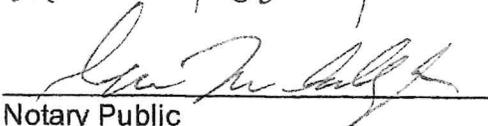
FURTHER THE AFFIANT SAYETH NAUGHT.

Date: February 25, 2026

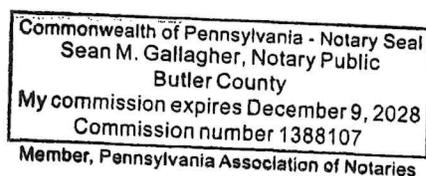
  
\_\_\_\_\_  
Jeffrey R. Shumaker, Chairman  
Petroleum Valley Regional Water Authority

Sworn and Subscribed before me this

26 day of February 2026.

  
\_\_\_\_\_  
Notary Public

(SEAL)



 Outlook

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RE: E-file Confirmation for 2718791

---

From Amy Schrempf <aschrempf@andrewsandprice.com>

Date Tue 5/20/2025 3:28 PM

To Gallagher Law Group <attys@gallagher.legal>

 1 attachment (7 MB)

Supplemental Discovery Responses.pdf;

Gentlemen:

I'm attaching the following supplemental discovery items.

1. The Water Profit and Loss, which is the closest thing they have to an operating budget for the water system.
2. 2024 daily average well use
3. 2024 Monthly total well use
4. Borough Minutes

Lastly, as we discussed, the final item of dispute was what I, as solicitor, relied on by the Borough to craft the motion relating to the rate increase. Susan sent me an email and asked me to craft the motion around the terms as she provided. I worded the motion for her. That is the summary of the email.

Please let me know if you need anything else or if I missed something.

Thanks.

Amy

**Amy R. Schrempf**  
**ANDREWS & PRICE LLC**  
1500 Ardmore Boulevard, Suite 506  
Pittsburgh, PA 15221  
phone: 412-243-9700  
fax: 412-243-9660  
[aschrempf@andrewsandprice.com](mailto:aschrempf@andrewsandprice.com)

**From:** Amy Schrempf  
**Sent:** Tuesday, March 18, 2025 9:09 PM  
**To:** Gallagher Law Group <attys@gallagher.legal>  
**Subject:** RE: E-file Confirmation for 2718791

Mike:

EXHIBIT "A" TO  
JEFFREY R. SHUMAKER AFFIDAVIT

**East Brady Borough Water**  
**Profit & Loss**  
January 2022 through December 2024  
Jan '22 - Dec 24

<b>Income</b>	
130.08 · Due from Sewer Fund	4,176.10
341 · Interest Income	33,041.21
378.000 · Water System Income	
378.110 · Metered Sales to Residential	448,147.57
378.120 · Metered Sales to Commercial	
378.121 · Metered Sales to Bulk- Cap Imp	155,375.61
378.120 · Metered Sales to Commercial - Other	1,096,253.78
<b>Total 378.120 · Metered Sales to Commercial</b>	<b>1,251,629.39</b>
378.23 · Customer Deposits	6,900.00
378.24 · Water Tap Fee	4,050.00
<b>Total 378.000 · Water System Income</b>	<b>1,710,726.96</b>
395 · Refund of Prior Year Expend.	800.00
<b>Total Income</b>	<b>1,748,744.27</b>
<b>Expense</b>	
402 · Auditing Services	6,975.00
404 · Legal Services	
404.310 · Solicitor Fees	15,940.00
404.353 · Licenses & Fees	6,850.00
<b>Total 404 · Legal Services</b>	<b>22,790.00</b>
405 · Office Expense	
405.210 · Supplies	1,213.36
405.213 · Computer/Copier Supplies	12,166.50
405.215 · Postage	2,311.76
405.383 · Office Rental	10,800.00
<b>Total 405 · Office Expense</b>	<b>26,491.62</b>
406.00 · Water System Administration	
406.100 · Refunded Deposits	865.41
<b>Total 406.00 · Water System Administration</b>	<b>865.41</b>
408 · Engineering	101,689.66
409.320 · Communication	
409.321 · Telephone	3,777.60
409.324 · Cellular Phones	2,915.13
<b>Total 409.320 · Communication</b>	<b>6,692.73</b>
409.360 · Utilities	
409.361 · Electricity	119,662.78
409.362 · Gas	8,324.20
<b>Total 409.360 · Utilities</b>	<b>127,986.98</b>
409.374 · Repair & Maintenance Supplies	
409.260 · Small Tools & Minor Equipment	30,695.67
409.370 · Repairs & Maintenance Services	3,436.98
409.384 · Rental- Machinery & Equip.	270.60
<b>Total 409.374 · Repair &amp; Maintenance Supplies</b>	<b>34,403.25</b>
410 · Police/Protection	
410.242 · Protection to Property	3,604.05

**East Brady Borough Water**  
**Profit & Loss**  
**January 2022 through December 2024**

	<u>Jan '22 - Dec 24</u>
410.450 · Contracted Police Coverage	72,073.27
<b>Total 410 · Police/Protection</b>	<b>75,677.32</b>
448.000 · Water System	
448.220 · Operating Supplies	
448.221 · Chemicals	100,546.66
448.231 · Vehicle Fuel	5,990.60
448.238 · Clothing & Uniforms	10,985.69
448.239 · Operating Parts	98,543.81
<b>Total 448.220 · Operating Supplies</b>	<b>216,066.76</b>
<b>Total 448.000 · Water System</b>	<b>216,066.76</b>
448.300 · Other Services	
448.310 · Professional Services	104,095.91
448.314 · Right to Know Request	20.75
448.316 · Services-Lab Fees	123,374.24
<b>Total 448.300 · Other Services</b>	<b>227,490.90</b>
448.390 · Bank Fees/Service Charges	10.00
448.420 · Dues, Subscriptions & Membershp	2,034.00
448.450 · Contracted Services- H2O ins	16,281.00
448.451 · Contracted Maint. Repairs	75,908.62
448.471 · Debt Principal- Water Loan Pmt	94,552.34
448.700 · Capital Purchases	
448.740 · Capital Improvements- Machinery	94,339.34
448.750 · System Improvements	414,788.30
<b>Total 448.700 · Capital Purchases</b>	<b>509,127.64</b>
481.484 · Employer Paid Benefits & Wth	
481.196 · Health Insurance	49,480.20
481.198 · Disability Insurance	864.79
<b>Total 481.484 · Employer Paid Benefits &amp; Wth</b>	<b>50,344.99</b>
486.000 · Insurance, Casualty, & Surety	
486.351 · Property Insurance	17,994.69
<b>Total 486.000 · Insurance, Casualty, &amp; Surety</b>	<b>17,994.69</b>
66000 · Payroll Expenses	153,796.40
<b>Total Expense</b>	<b>1,767,179.31</b>
<b>Net Income</b>	<b>-18,435.04</b>

**East Brady Water**  
**2024 Daily Average Well Use**

	Well #1	Well #2	Well #3
January	249923	131616	2.9
February	230397	125274	0
March	243895	116264	0
April	239158	117599	0
May	233175	129069	17
June	265660	144732	0
July	263574	135030	5531
August	238940	123257	1753
September	245167	129280	900
October	215831	138637	32575
November	182108	132899	58520
December	189493	143474	45730
<b>TOTAL:</b>	<b>2797321</b>	<b>1567131</b>	<b>145028.9</b>

## 2024 Riverwell Usage

Month	Well 1	Well 2	Well 3	Total	Days
January	7747640	4080110	90	12475500	31
February	6681540	3632970	0	10862060	29
March	7560760	3604200	0	11863320	31
April	7174750	3527990	0	11354790	30
May	7228430	4001140	540	11895120	31
June	7969810	4341970	0	13058330	30
July	8170810	4185960	171480	13363820	31
August	7407140	3820990	54360	11282490	31
September	7355010	3878410	27020	11260440	30
October	6690770	4297760	1009830	11998360	31
November	5463260	3986970	1755600	11205830	30
December	5874290	4447710	1417660	11739660	31
<b>Totals</b>	<b>85324210</b>	<b>47806180</b>	<b>4436580</b>	<b>142359720</b>	<b>366</b>

# East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -10/03/2023  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Bill John and Justin Wagner,  
**ABSENT:** Joy McCluskey and Mayor Tracy Sheakley.

**ROLL CALL:** As Above

**ATTENDANCE:** Curtis Double, Evanne Garies and Jeff Hillis (arrived late).

**MINUTES:** *It was moved by Denny King and seconded by Joe Hillwig to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Jeff Hillis. Mr. Hillis owns property on East Second Street. There was a house there that was destroyed by fire. He is being cited for not mowing the grass. He lives in Rimersburg now and doesn't want to cut the grass. He was told that he has to cut the grass like everyone else that lives in East Brady Borough.

**Maintenance Report:** Curtis Double gave a brief report. They have been flushing dead end lines and taking free chlorine readings. The project to replace the storm drain line that runs from Lehner Drive to East Second Street is now complete and it has been paved. We need 5 new electric heaters. Susan will purchase oil filled radiators with thermostats. Curtis will figure out how many new dehumidifiers we need.

**Motion to purchase, cost not to exceed \$1,000.00: Joe Hillwig 2<sup>nd</sup>: Denny King MC**

Curtis also stated that there is a catch basin at the corner of Grant and 5<sup>th</sup> Street in Bob Henry's yard that needs repaired. They will work on that soon.

Joe Hillwig told Curtis to use a 60/40 mix of sand and salt on the roads this winter. Susan will order a load of each

## **COMMITTEE REPORTS:**

**Police-** The September Report is provided. The Department is increasing the rate by 7% in 2024. That would take our annual rate from \$68,699.16 to \$73,508.10 (\$18,377.03 per quarter).

**Motion to approve: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC**

**Engineer's Report** –None.

**Water/Sewer-** 3<sup>rd</sup> Quarter bills were mailed.

Senate is telling us that completion of the GIS mapping project will take approximately \$5,000.00 to complete.

**Motion to approve: Joe Hillwig 2<sup>nd</sup>: Denny King MC**

Hydrant flushing will be scheduled with Curtis. He had to leave early for a fire call.

**Personnel** – N/A

**Streets & Street Lights:** Light up Night is Dec 2. Close 1<sup>st</sup> Street from Kellys Way to the Farmers Bank Drive through.

**Motion: Joe Hillwig 2<sup>nd</sup>: Denny King MC**

We need to compile a list of street lights that are out. Jenny Switzer said she would call them into West Penn Power.

**Building:** The Gym floor replacement is going very well. The old floor is coming out in steps. The new wood flooring will be delivered soon.

**Rental Approval:** KC Youth Basketball would like to use the gym once again. They will start Dec. 4, 2023. 46 rentals at \$70.00 each for a total of \$3220.00.

**Motion to approve:** *Jenny Switzer 2<sup>nd</sup>; Denny King MC*

A new youth soccer program would like to use the gym on Saturday's. Dates yet to be determined.

**Municipal Approval:** N/A

**Parks and trails:** There are a couple street lights are the park/playground that are not working. Discussion followed about the kind of lights that would be best in that area. Susan will contact Hey Electric and discuss it with them.

**UNFINISHED BUSINESS:** N/A

**NEW BUSINESS:** Clarion County recommends that we pass a resolution selecting The Clarion County Economic Development Corporation as the Tourism Promotion Agency.

**Motion to approve Resolution 2023-03:** *Joe Hillwig 2<sup>nd</sup>; Denny King MC*

West Penn Power will be doing system upgrades on Wednesday October 4 and most of the town will be out of electric power from 8-11 am. It is on the website.

**CORRESPONDENCE:** Received contract from McGill, Power & Bell for auditing services. Not to exceed \$9,975.00. (\$3325.00 for Water, Sewer & General)

**Motion:** *Denny King 2<sup>nd</sup>; Joe Hillwig MC*

**MONTHLY BILLS:**

**Motion to pay the bills:** *Jenny Switzer 2<sup>nd</sup>; Joe Hillwig MC*

**EXECUTIVE SESSION:** Entered into Executive session at 6:41 pm to discuss legal issues. Back in regular session at 6:58 pm. No action taken.

**Motion to adjourn meeting:** *Jenny Switzer 2<sup>nd</sup>; Denny King MC*  
**Meeting adjourned at 6:58 pm.**

Submitted by: \_\_\_\_\_

*Susan D. Buechele*  
*Secretary/Treasurer*

# East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -11/07/2023  
East Brady Borough Council  
Room 14 6:00 PM

A budget workshop was held prior to the regular meeting.  
The Budget for 2024 will be presented to council at the November 21<sup>st</sup> meeting. If it is acceptable, it will be advertised and then accepted at the first meeting in December of 2023.

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Joe Hillwig, Jenny Switzer, Bill John and Joy McCluskey.

**ABSENT:** Barb Mortimer, Denny King, Justin Wagner and Tracy Sheakley.

**ROLL CALL:** As Above

**ATTENDANCE:** Rev. Bev Roscoe, Linda Hilliard, Curtis Double and Rick Barnett.

**MINUTES:** *It was moved by Jenny Switzer and seconded by Bill John to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Rev. Bev Roscoe. Rev. Roscoe would like to move "Threads of Hope" to Room 1 of the Community Center. It is a used clothing store. Rent is \$250.00 a month plus heat. They are asking for a lower rental rate. Room 4 is available and the rent there is \$175.00. Council suggested they rent that room for a few months to get started. They will consider it and get back to us.

**Maintenance Report:** Curtis reported that the electrical work at the pump station is complete. They are having some computer issues that is causing alarms to go off. Doug with HCS came today and hopefully fixed the problem.

They have been busy picking up and dumping leaves.

Joe asked if the snow plows and salt spreaders have been prepared. They have not. Curtis will get to that.

Quote from Stephenson Equipment for forks for the backhoe: \$3500.00 plus shipping.

*Motion to purchase: Bill John 2<sup>nd</sup>: Joy McCluskey MC*

## **COMMITTEE REPORTS:**

**Police-** October report provided.

**Engineer's Report** –Provided by Rick Barnett with Senate Engineering.

Quote from Senate Engineering for completion of GIS mapping: \$4959.00

Approved at previous meeting.

Rick will see if the GIS information can be put on a iPad or tablet. If it can we will purchase one just for that purpose.

Resolution 2023-04 is for Grant application for a salt storage shed (estimate \$165,527.00)

*Motion: Joy McCluskey 2<sup>nd</sup>: Jenny Switzer MC*

Resolution 2023-05 is for Grant application for Community Center upgrades (Gym roof, Gym Furnace, and emergency generator), (estimate \$502,945.00)

*Motion: Jenny Switzer 2<sup>nd</sup>: Bill John*

Resolution 2023-06 is for Grant application for 1<sup>st</sup> Avenue Water line replacement (estimate \$396,067.00)

*Motion: Bill John 2<sup>nd</sup>: Joy McCluskey MC*

Resolution 2023-07 is for Grant application for water Treatment plant Improvements (estimate \$938,484.00)

*Motion: Joy McCluskey 2<sup>nd</sup>: Jenny Switzer MC*

**Water/Sewer-** Quote from Hey Electric for work on well #3. \$1990.00  
**Motion to approve:** *Joe Hillwig 2<sup>nd</sup>; Jenny Switzer MC*

The next water committee meeting is Monday, November 20 at 2:30 pm in the borough office.

Joe reported that Jace Hiles will be working to make a roadway around the standpipe so that it can be cleaned. We will let Aaron know so that he can schedule the cleaning.

**Personnel:** N/A

**Streets & Street Lights:** N/A

**Building:** Update on Gym Remodeling. On schedule to be complete before Thanksgiving!  
Furnace in Gym not working. Chris Ciciarelli came and is working on it. Joe suggested that we may need a new furnace in there. Motion to purchase new furnace up to \$30,000.00 if needed.

**Motion:** *Joy McCluskey 2<sup>nd</sup>; Joe Hillwig MC*

A certified letter will be sent to Lease holders who are behind in rent. They will have 10 days to respond and then the locks will be changed. They will be responsible for the cost to clean out the room and late fees.

**Rental Approval:** See citizens to speak.

**Municipal Approval:** N/A

**Parks and trails:** Discussed leaf cleanup at Veteran's Park and Community Center. Joe has a "Cyclone" leaf vacuum that he says we are welcome to use. We will look into purchasing one of our own for next year.

**UNFINISHED BUSINESS:** N/A

**NEW BUSINESS:** Armstrong cable is coming to put up Christmas lights on Thursday, Nov. 16, 2023.

Quote for a new office computer from Clarion Computer: \$2,375.17

**Motion to purchase:** *Joy McCluskey 2<sup>nd</sup>; Bill John MC*

**CORRESPONDENCE:** N/A

**MONTHLY BILLS:** There are 2 spreadsheets since there were 5 weeks since the last meeting.

**Motion to pay the bills:** *Jenny Switzer 2<sup>nd</sup>; Joy McCluskey MC*

**EXECUTIVE SESSION:** entered into Executive session at 7:10pm to discuss personal matters.  
Back in regular session at 7:22 pm. No action taken.

**Motion to adjourn meeting:** *Jenny Switzer 2<sup>nd</sup>; Bill John MC*  
**Meeting adjourned at 7:22 pm.**

**Submitted by:** \_\_\_\_\_

*Susan D. Buechele*  
*Secretary/Treasurer*

## East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -11/21/2023  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Bill John, and Joy McCluskey.

**ABSENT:** Justin Wagner and Mayor Tracy Sheakley.

**ROLL CALL:** As Above

**ATTENDANCE:** Kitzie Deitrich, Paul Lawry, Ed & Mary Lou Scherer, Bill Markel and Evanne Garies.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Bill John to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Kitzie Deitrich. Ms. Deitrich would like to rent Room 4 in the Community Center for office space. Rent is \$175.00 plus gas. She has a HVAC company.

*Motion to approve: Jenny Switzer 2<sup>nd</sup>:Denny King MC*

**Maintenance Report:** None.

### **COMMITTEE REPORTS:**

**Police-** None

**Engineer's Report** –None.

**Water/Sewer-** The cleaning of the exterior of the water standpipe is postponed until spring. Joy McCluskey asked about the location of blow off valves in the water system. Discussion followed. Joe will discuss it with Curtis.

The installation of the bollards has never been done. Joy and Barb are to meet on Monday and mark the locations.

Joe will contact Mike Graham with Rimersburg water and arrange a meeting time.

**Personnel** – N/A

**Streets & Street Lights:** Armstrong Cable put up our Christmas Lights. Corey and Luke McCluskey took down the Hometown Hero banners.

We are going to look into getting new Christmas lights next year. They are on sale in March.

### **Building:**

The furnaces in the Gym need some work. One is working and the other needs a motor. Chris Ciciarelli is working on them.

*Motion to approve repairs: Denny King 2<sup>nd</sup>: Joe Hillwig MC*

Need new rugs and a shoe rack for Gym Entrance. Shoe rack is \$55.00 from Wayfair.

*Motion to approve the above: Joe Hillwig 2<sup>nd</sup>: Denny King MC*

A bench from Global would be \$379.00 plus shipping.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Joy McCluskey MC*

Pickleball playing cost will now be \$5 for a 2 hour playing time, to a maximum of \$40 per month.

We will request that players change their shoes when they come in the building.

Susan will look into the cost of an AED.

The "Celebrate" East Brady Afterschool program would like to start their afterschool program starting January and ending in April.

*Motion to approve: Jenny Switzer 2<sup>nd</sup>: Denny King MC*

**Rental Approval:** Threads of Hope would like to rent Room 1 for a used clothing store. Rent will be \$200.00 per month for the first 6 months and then go to \$250.00.

***Motion to approve: Joe Hillwig 2<sup>nd</sup>: Bill John MC***

**Municipal Approval:** N/A

**Parks and trails:** N/A

**UNFINISHED BUSINESS:** Are the plows and spreaders on the trucks? Joe will ask Curtis. The 2024 budget is complete.

***Motion to advertise: Joy McCluskey 2<sup>nd</sup>: Joe Hillwig MC***

Tax rate remains the same. Will be approved by resolution at the next meeting.

2024 Meeting Schedule.

***Motion to advertise: Joy McCluskey 2<sup>nd</sup>: Denny King MC***

**NEW BUSINESS:** Received a letter of resignation from Mayor Tracy Sheakley.

***Motion to accept resignation: Joe Hillwig 2<sup>nd</sup>: Denny King MC***

**CORRESPONDENCE:** Informational letter from Auditor for council. Copy provided.

**MONTHLY BILLS:**

***Motion to pay the bills: Joe Hillwig 2<sup>nd</sup>: Denny King MC***

**EXECUTIVE SESSION:** Council went into Executive session at 6:44 pm to discuss legal and personnel issues. Back in session at 7:34 pm

Motion to ask Bill Rode if he would like to be the Mayor. If he refuses, then we will advertise.

***Motion: Joy McCluskey 2<sup>nd</sup>: Denny King MC***

***Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Denny King MC***

***Meeting adjourned at 7:36 pm.***

***Submitted by: \_\_\_\_\_***

***Susan D. Buechele  
Secretary/Treasurer***

# East Brady Borough Council Meeting Minutes

Media: Josh Walszak

Regular Meeting -12/05/2023  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Bill John, Justin Wagner and Joy McCluskey.

**ABSENT:** No one.

**ROLL CALL:** As Above

**ATTENDANCE:** Josh Walszak, William Rode and Devon Weidenhof.

**MINUTES:** *It was moved by Denny King and seconded by Bill John to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** No one.

**Maintenance Report:** Report provided by Curtis Double who was unable to attend the meeting. Denny King reported that Mark Kinkella has a manual salt spreader that he does not use and he will sell it to the Borough for \$25.

**Motion to purchase:** *Joe Hillwig 2<sup>nd</sup>: Joy McCluskey MC*  
Today they were working on installing the bollards around Well 2 & 3.  
The air blow off valves have been located.

## **COMMITTEE REPORTS:**

**Police-** Provided by SCCRPD.

**Engineer's Report** –None. Rick is sick and will attend the next meeting.

**Water/Sewer-** We have received complaints of cloudy water. We are told that it is tiny air bubbles in the water. They go away in a few seconds.

**Personnel** – N/A

**Streets & Street Lights:** Denny says the street light in front of his house is out. Susan will report the outage.

The Christmas lights are all up and look very nice.

The plows and salt spreaders are on the trucks and ready to go when needed.

**Building:** Income from Pickleball is coming along well. Youth basketball started Monday, Dec. 4-2023. Barb reported that they have 111 kids signed up for soccer in January.

**Rental Approval:** N/A

**Municipal Approval:** Mr. McCarl would like to build a detached garage at his home at 569 Shady Shores Drive.

Richard Rode at 846 Shady Shores Drive would like to build an attached addition with garage at his home.

**Motion to approve both:** *Denny King 2<sup>nd</sup>: Jenny Switzer MC*

**Parks and trails:** Light up Night on Dec 2 went very well. The weather was mild and attendance was up.

**UNFINISHED BUSINESS:** The 2024 budget has been advertised and is ready for approval.

**Motion to approve Ordinance 2023-02** *Jenny Switzer 2<sup>nd</sup>: Justin Wagner MC*

Tax rate remains the same. Resolution 2023-08 is ready for approval.

*Motion to approve: Justin Wagner 2<sup>nd</sup>; Denny King MC*

**NEW BUSINESS:** Letter of interest from Bill Rode for mayoral position.

*Motion to approve Resolution 2023-09: Jenny Switzer 2<sup>nd</sup>; Denny King MC*

**CORRESPONDENCE:** N/A

**MONTHLY BILLS:**

*Motion to pay the bills: Denny King 2<sup>nd</sup>; Joy McCluskey MC*

**EXECUTIVE SESSION:** Not needed.

*Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>; Justin Wagner MC*  
*Meeting adjourned at: 6:20 pm.*

Submitted by: \_\_\_\_\_

*Susan D. Buechele*  
*Secretary/Treasurer*

# East Brady Borough Council Meeting Minutes

Media: None

Regular Meeting -12/19/2023  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Bill John, Justin Wagner, Joy McCluskey and Mayor Bill Rode.

**ABSENT:** No one.

**ROLL CALL:** As Above

**ATTENDANCE:** Rick Barnett with LSSE Engineering and Devon Weidenhof.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Denny King to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** No one.

**Maintenance Report:** None.

## **COMMITTEE REPORTS:**

**Police-** The Chief stopped coming to meetings to provide a report. Discussion followed and it was decided that they do NOT need to attend unless we request them to come prior to the meeting date.

**Motion:** Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC

**Engineer's Report –** Provided by Rick Barnett with LSSE. GIS mapping was discussed. Rick will look into what device would be sufficient to put the information onto. An iPad or a laptop. A list of approved grants was emailed today. We were not awarded any grants. Discussion followed about why we were not a recipient.

**Water/Sewer-** November's operators report provided by CWM.

Sewage plant needs UV bulbs and sleeves. Quote from Kappe is \$893.00 plus shipping.

**Motion to approve:** Joe Hillwig 2<sup>nd</sup>: Denny King MC

Tom Boyle had a sewer line clog. He believes it should be paid for by the Borough. He will need to attend a meeting and provide the invoice for it to be considered.

**Personnel –** To be discussed in Executive session.

**Streets & Street Lights:** Nothing.

**Building:** Pickleball is going well. Youth basketball continues and soccer starts on Saturdays in January.

Paris brought some rugs for down by the Gym. Motion to have them bring bigger ones.

**Motion:** Joe Hillwig 2<sup>nd</sup>: Denny King MC

**Rental Approval:** N/A

**Municipal Approval:** N/A

**Parks and trails:** Nothing.

**UNFINISHED BUSINESS:** Nothing.

**NEW BUSINESS:** The auditors are scheduled to come January 11, 2024.

**CORRESPONDENCE:** Received an email about a new Grant that is available. It is the COVID-19 ARPA Multi-Purpose Community Facilities Program. No matching funds are needed. Minimum requested has to be more than \$250,000 but not more than 2 million. Application opens in January and closes April 9, 2024. Motion to approve applying to this grant to make improvements to the Community Center.

*Motion: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC*

**Transfer of Funds:** Need to transfer \$15,000.00 from Special Water to Water to cover expenses.

*Motion: Justin Wagner 2<sup>nd</sup>: Joy McCluskey MC*

**MONTHLY BILLS:**

*Motion to pay the bills: Jenny Switzer 2<sup>nd</sup>: Joy McCluskey MC*

This is the last council meeting for Bill John. The council thanked him for being a dedicated and informed council member for many years. He stated that he has been on and off the council several times and said that this council accomplished more than any other because they all get along.

**EXECUTIVE SESSION:** entered into Executive Session at 6:44 pm to discuss personnel matters. Back in regular session at 7:24 pm.

Pay rates for employees in 2024 are as follows:

Curtis Double: \$19.00 per hour. Mark Kinkela: \$16.50 per hour. Harold Robinson: \$16.00 per hour. Susan Buechele: \$21.00 per hour. Jennifer King: \$275.00 salary every 2 weeks.

*Motion: Joe Hillwig 2<sup>nd</sup>: Justin Wagner MC*

*Motion to adjourn meeting: Bill John 2<sup>nd</sup>: Jenny Switzer MC*  
*Meeting adjourned at 7:26 pm.*

*Next meeting will be the reorganization meeting on Tuesday, January 2, 2024.*

Submitted by: \_\_\_\_\_

*Susan D. Buechele*  
*Secretary/Treasurer*

# East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -04/02/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Devon Weidenhof, Justin Wagner, and Mayor Bill Rode.

**ABSENT:** Joy McCluskey.

**ROLL CALL:** As Above

**ATTENDANCE:** Larry Lennon, Curtis Double, Evanne Garies and Elisa Spadafora.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Devon Weidenhof to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Elisa Spadafora with Early Learning Connections. They would like to rent Room 6 and move Pre K counts into the Community Center. Rent would be \$250.00 per month for 2 years. A lease was signed. It details what work the Borough will be responsible for and what they will do.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Denny King MC*

**Maintenance Report:** Curtis Double gave a report of jobs completed including opening of the public restroom and turning on the fountain at the park. Wink & Karen Shifflet had a high water bill. He checked the meter and it is working correctly. Discussion followed.

## COMMITTEE REPORTS:

**Mayor's Report:** Bill Rode gave a report. He is on the Riverfest committee and said it would be nice if the council would ride in the parade. He also handed out flyers about a new program called E3. He will be attending a meeting in Clarion on April 23 about it.

**EMS Report:** The next meeting is April 15.

**Police:** Nothing.

**Engineer's Report** –Report provided by Larry Lennon with LSSE.

**Water/Sewer:** The 1<sup>st</sup> quarter water/sewer bills were mailed Thursday, March 28, 2024. The next water committee meeting is scheduled for Wednesday, April 10 at 2 pm in the Borough office.

**Personnel** – Enrollment forms for life Insurance are in folders. Please fill out if you would like to be enrolled.

**Streets & Street Lights:** None.

**Main Street Committee:** Bill Rode gave a brief report.

## Building:

**Rental Approval:** UAA Baseball is renting the Gym again Saturday April 6 9-5 pm. \$500.  
Crystal Long wants to rent the Gym & Locker Room Saturday April 6 6-8 pm. \$200

*Motion to approve both: Denny King 2<sup>nd</sup>: Devon Weidenhof MC*

**Municipal Approval:** N/A

**Parks and trails:** Soccer starts Friday evening at the football field.

**UNFINISHED BUSINESS:** N/A

**NEW BUSINESS:** N/A

**CORRESPONDENCE:** Received an email saying we did NOT receive the Multimodal Transportation Grant that we applied for, for Ferry St.

**MONTHLY BILLS:**

*Motion to pay the bills: Justin Wagner 2<sup>nd</sup>: Joe Hillwig MC*

**EXECUTIVE SESSION:** Entered into Executive Session at 7:06 pm to discuss legal issues. Back in session at 7:32 pm No action taken.

*Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Justin Wagner MC  
Meeting adjourned at 7:32 pm.*

Submitted by: \_\_\_\_\_

*Susan D. Buechele  
Secretary/Treasurer*

## East Brady Borough Council Meeting Minutes

Media: None.

Regular Meeting -01/16/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Denny King, Jenny Switzer, Devon Weidenhof, Justin Wagner, Joy McCluskey and Mayor Bill Rode.

**ABSENT:** Joe Hillwig.

**ROLL CALL:** As Above

**ATTENDANCE:** Adolph Dahl and Neil Pfaff. Both arrived late.

**MINUTES:** *It was moved by Justin Wagner and seconded by Joy McCluskey to accept the minutes from the previous meeting as presented. Motion carried.*

**Maintenance Report:** None.

### **COMMITTEE REPORTS:**

**Mayor's Report:** Mayor Bill Rode said that he spoke to Dave Gumphre, owner of Dock 9. He asked him if he had plans for the property. Mr. Gumphre said not at this time. Bill also called Ryan McKivigan. Mr. McKivigan recently purchased the Sport Shack building. Mr. McKivigan has not returned his call at this time. Bill said he spoke to police Chief Malnofsky and asked him about the process of issuing Ordinance violations. The Mayor would like to talk to the violators before the violations are issued, to give them a chance to correct the problem. The Mayor and a council representative are meeting with Hind Deems and Eric Funk on Thursday afternoon. They are working with Clarion County and the Main Street Project.

**EMS Report:** Meeting postponed until Jan 23

**Police- Regional Board:** The next meeting is Thursday, January 25 in New Bethlehem.

**Association:** Brady Cup Annual Basketball Tournament was held in our Gym this past Saturday. Good attendance.

**Engineer's Report** –None.

**Water/Sewer:** None.

**Personnel** – None.

**Streets & Street Lights:** Armstrong is coming to take down our Christmas Lights on Thursday, January 25. Denny asked to tell the guys to put the lights in the back room with the angels.

**Main Street Committee:** Meeting with Representatives on Thursday, Jan. 18.

**Building:** Bad roof leak on Tuesday, Jan. 9.

Chris Ciccirelli has worked on the furnaces in the Gym.

Barb has made many calls to Legislators in regard to funding for a new roof.

Chris Steele's outstanding lease has been paid.

**Rental Approval:** Ashley Rodgers rental has been moved to Friday, January 19 (from Jan 6). Already approved.

Jessica Brink would like to rent the Gym & Locker Room Saturday Jan 27 from 6-8 for a Birthday Party. \$200.00

Krista Ritzert would like to rent the gym and Locker room on Sunday, Feb. 18 from 5:30-7:30 pm for a retirement party. \$200.00

**Motion to approve: Denny King 2<sup>nd</sup>: Jenny Switzer MC**

**Municipal Approval: N/A**

**Parks and trails:** There is a bush in Veteran's Park that Denny would like to trim/remove.

**UNFINISHED BUSINESS:** Audit was done on Thursday, Jan 11. No problems or issues. They will file the report with the DCED and provide a report for council as well.

**NEW BUSINESS:** New Christmas Lights for town. Money will come from Street Light fund.

Motion to purchase new lights cost not to exceed \$25,000.00.

**Motion: Denny King 2<sup>nd</sup>: Joy McCluskey MC**

Resolution 2024-01 adopts the Clarion County Emergency Operations Plan.

**Motion to approve: Denny King 2<sup>nd</sup>: Jenny Switzer MC**

The electric supply agreement with IGS is up for renewal. Previously we paid 0.0519 per kwh. New contract will only be for 11 months and will be 0.0639 per kwh.

**Motion: Justin Wagner 2<sup>nd</sup>: Devon Weidenhof MC**

**CORRESPONDENCE:** Received the 2023 Routine Bridge Safety Inspection Report for the East 2<sup>nd</sup> Street Bridge. There are no issues or concerns. Copy is filed in the office for inspection.

**MONTHLY BILLS:**

**Motion to pay the bills: Denny King 2<sup>nd</sup>: Jenny Switzer MC**

**CITIZENS TO SPEAK:** Adolph Dahl. Mr. Dahl and his family business recently demolished a duplex that they own on East Second Street. He said there is a paper alley next to that address that they would like the Borough to vacate. He said there is another paper alley called Lehner Street Extension adjacent to his property that they would like us to vacate as well. Barb said we would look into it. He said they had a storefront building in Chicora that is being sold. He said they are looking into moving their sporting goods store to property they own at the corner of Kellys Way and Ferry Street.

Neil Pfaff. Mr. Pfaff arrived at 7 pm. He said he is still asking the council to investigate a possible ordinance violation above his property. He said the property at 628 Ferry Street has a sewer line that is draining onto his property at 422 Maple Terrace. The Borough has looked into this 2 times before. Barb said she would refer it to the Water Committee.

He said there was a federal lawsuit filed against pharmaceutical companies, and Clarion County received a share. He asked if we received any of that money. We did not.

He asked for information about what happened to our Gym Floor. Denny told him. He asked where the deductible money came from. He inquired about the \$5 per person usage fee for pickleball.

He asked about the police reports that are provided by SCCRPD every month.

**EXECUTIVE SESSION:** Not needed.

**Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Justin Wagner MC**

**Meeting adjourned at 7:31 pm.**

Submitted by: \_\_\_\_\_

Susan D. Buechele  
Secretary/Treasurer

# East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -02/06/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Devon Weidenhof, Justin Wagner, Joy McCluskey and Mayor Bill Rode.

**ABSENT:** No one.

**ROLL CALL:** As Above

**ATTENDANCE:** Evanne Garies, Tricia Romett, Curtis Double, Rick Barnett, Larry Lennon, Rita Smith and Chris Wolfe. Neil Pfaff arrived at 7 pm.

**MINUTES:** *It was moved by Justin Wagner and seconded by Denny King to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Tricia Romett. Mrs. Romett and her husband own a home at 804 Shady Shores Drive and would like to build a garage. All paperwork was provided and they are asking for Municipal approval.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Joy McCluskey MC*

Rita Smith. Ms. Smith is asking for council approval. She would like to use Chris Wolfe's kitchen for baking and selling at farmers markets or street fairs. Mr. Wolfe's address is 604 Kellys Way. After discussion, Council had no objection.

*Motion to approve: Devon Weidenhof 2<sup>nd</sup>: Denny King MC*

**Maintenance Report:** Curtis Double gave a report on work done in the last month.

## **COMMITTEE REPORTS:**

**Mayor's Report:** Mayor Rode said he will give a brief report later in the meeting. He asked if the Borough would reimburse him for Association Membership fees. We will inquire into it.

**EMS Report:** Barb and Joy attended a meeting in Shippenville on Tuesday, Jan 23. Joy McCluskey would like to become the East Brady Local Emergency Manager. She will take over completely after Susan retires.

*Motion: Denny King 2<sup>nd</sup>: Jenny Switzer MC*

**Police-** January Report provided.

Justin Wagner and Bill Rode attended the January Regional Police meeting.

**Engineer's Report** –Provided by Rick Barnett with LSSE Engineering. GIS mapping of our system continues. We will need to pay a yearly licensing fee. We still need to figure out what kind of mobile computer that is needed to put the information onto. The report was reviewed.

Council would like to replace the salt shed this year. Susan will contact Mark Skarbec with Penndot.

**Water/Sewer-** Late bills were mailed February 1, 2024.

Quote from Book & Proch for work to replace well pump at Well #3. Cost is \$23,640.39

Quote from Book & Proch to work on replacing pumps at Rimersburg pump station. Cost is \$158,896.00

*Motion to have the work done: Joe Hillwig 2<sup>nd</sup>: Denny King MC*

Resolution 2024-02 Authorizes work to be done

*Motion: Joe Hillwig 2<sup>nd</sup>: Denny King MC*

There are 2 water CD's that are up for renewal on February 14<sup>th</sup> at Farmer's National Bank. They are each worth \$75,524.80. Suggest we do not renew them and put them in the PLGIT account.

*Motion to approve: Denny King 2<sup>nd</sup>: Justin Wagner MC*

**Personnel** – Susan would like to take vacation February 22-March 1 to attend a wedding out of state. **Motion to approve: Jenny Switzer 2<sup>nd</sup>: Denny King MC**

**Streets & Street Lights:** Devon reported a street light out near his house. He will text Susan the pole number and she will report it.

**Main Street Committee:** Mayor Rode reported about a meeting he had with Hind Karns and Eric Funk. They are both with Clarion Tourism.

**Building:** Quote from Kroh roofing to replace the roof over the upper library wing of the old section of the building. \$44,758.00.

Quote from Scheltheis Roofing: \$65,000.00.

Hilltop Roofing quote: \$43,056.00

The quote from Kroh only have a 10 year warranty, while the other 2 have a 20 year warranty. Joy made some calls and looked into the different type of roofing. Discussion followed and it was agreed to contract with Kroh as long as he provides a 20 year warranty.

**Motion: Denny King 2<sup>nd</sup>: Devon Weidenhof MC**

Denny King met with Hercules Lighting representatives and they are going to give us a quote to switch old lighting to LED.

Devon Weidenhof asked if he could put a vending Machine in the Community Center. Council had no objection.

**Motion to approve: Denny King 2<sup>nd</sup>: Joe Hillwig MC**

**Rental Approval:** Brittany Collier would like to rent the gym & Locker room Friday Feb. 9 from 6-8 pm for a Birthday Party. \$200.

Stephanie Chandler would like to rent the Gym & Locker Room for a birthday party Saturday Feb 17 from 1-3 pm. \$200.00

Bud Stanley would like to rent the Locker room for a class reunion on Saturday May 25 from 6-9 pm. \$100.

**Motion to approve rentals: Joe Hillwig 2<sup>nd</sup>: Denny King MC**

**Municipal Approval:** Romett garage was approved early in the meeting.

**Parks and trails:**

**UNFINISHED BUSINESS:** Quote from Holiday Outdoor Décor for new Christmas decorations is \$30,074.00. That included shipping.

**Motion to approve and place order: Joe Hillwig 2<sup>nd</sup>: Joy McCluckey MC**

**NEW BUSINESS:** Clarion County has hired a new company to take care of delinquent taxes. It is now Keystone Collections Group. Letter provided. Agreement needs to be signed.

**Motion to approve: Joe Hillwig 2<sup>nd</sup>: Justin Wagner MC**

**CORRESPONDENCE:** Nothing.

**MONTHLY BILLS:** There are 2 spreadsheets since there were 3 weeks between meetings. The balances are correct on Page 2.

**Motion to pay the bills: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC**

**EXECUTIVE SESSION:** Not needed.

Neil Pfaff asked about the "Grey water" that he says is coming out of Leeann Needham's house. He was told that it was tested and does NOT contain chlorine. He asked about the testing. Joe Hillwig said he would collect another sample.

**Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Justin Wagner MC**  
**Meeting adjourned at 7:37 pm.**

Submitted by: \_\_\_\_\_

Susan D. Buechele  
Secretary/Treasurer

## East Brady Borough Council Meeting Minutes

Media: none

Regular Meeting -02/20/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Devon Weidenhof, Joy McCluskey and Mayor Bill Rode.

**ABSENT:** Justin Wagner.

**ROLL CALL:** As Above

**ATTENDANCE:** Brogan Gearheart, Chief Robert Malnofsky, Mike Braun and Craig Needham.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Denny King to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Brogan Gearheart. Mr. Gearheart works for Hercules Electric. He has done an energy audit of the building and proposes to replace old florescent light bulbs with LED. Cost is \$8400.00. There is a rebate available, but he did not have the amount. Hercules is a COSTARS company. No action taken.

Michael Baun. Mr. Baun and his wife have purchased a parcel of land from Pam Moore. He provided a parcel map and is asking the council for a right of way variance. He wants to be only 5 feet from the railroad right of way. Discussion followed and will be referred to our solicitor.

Craig Needham. Mr. Needham and his wife own a house at 628 Ferry Street. His neighbor, Neil Pfaff, alleges that there is a sewer line discharging onto land above his home. Mr. Needham assures us that that is not the case. Joe Hillwig recently went and checked it and the water is coming from the gutters on the home only.

**Maintenance Report:** None.

### **COMMITTEE REPORTS:**

**Mayor's Report:** Mayor Rode asked if the Borough has ever used probation workers. He said the EBADC would like to put grills in Riverfront park. Discussion followed. No action taken. He said he will be attending the Regional Police Department meeting this coming Thursday.

**EMS Report:** Joy McCluskey attended the meeting in Clarion last night and gave a brief report.

**Police-** None.

**Engineer's Report** –None

**Water/Sewer-** The 2023 Consumer Confidence Report was completed Feb 14 and delivered to our bulk water customers.

Cashed the 2 water CD's and deposited them into the special Water account. Then sent \$175,000.00 to the PLGIT account.

Curtis has ordered more water meters and radio reads.

**Personnel** – None.

**Streets & Street Lights:** Have Hey Electric check the Christmas lighting at the pole by the ambulance garage. We will have to find out who crashed into the pole and contact their insurance company.

Need to schedule street sweeping in the spring. The week after April 20.

**Main Street Committee:** None.

**Building:** Roof replacement on the old upper area has begun.

**Rental Approval:** Saydie Wisner would like to rent the Locker room on Sunday Feb. 25 from 1-3 pm. Cost \$100.00

Becky Lutz would like to rent the Gym & Locker Room on Saturday, March 9 from 2-4 pm for a Birthday Party. \$200.00

***Motion to approve rentals pending payment: Denny King 2<sup>nd</sup>: Devon Wedienhof MC***

**Municipal Approval:** N/A

**Parks and trails:** Nothing.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** We need a new push mower. Hetricks Farm Supply in New Bethlehem has one. Quote provided is \$577.15. It is a heavy duty self propelled model. In stock.

***Motion to purchase: Joe Hillwig 2<sup>nd</sup>:Denny King MC***

**CORRESPONDENCE:** Costars contract for road salt in 2025 needs submitted.

***Motion to keep it the same as last year: Joe Hillwig 2<sup>nd</sup>: Denny King MC***

**MONTHLY BILLS:**

***Motion to pay the bills: Jenny Switzer 2<sup>nd</sup>: Denny King MC***

**EXECUTIVE SESSION:** At 7:13 pm

Back in session at 7:50 pm.

After discussion, council gave approval to have our solicitor send PVRWA the new Emergency Bulk water contract.

***Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Devon Weidenhof MC***  
***Meeting adjourned at 7:51 pm.***

***Submitted by:*** \_\_\_\_\_

***Susan D. Buechele***  
***Secretary/Treasurer***

## East Brady Borough Council Meeting Minutes

Media: Evanne Garies

Regular Meeting -03/05/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Denny King, Jenny Switzer, Devon Weidenhof, Justin Wagner, Joy McCluskey and Mayor Bill Rode.

**ABSENT:** No one.

**ROLL CALL:** As Above

**ATTENDANCE:** Solicitor Amy Schrempf, Rick Barnett, Larry Lennon, Curtis Double, Evanne Garies and Brogan Gearheart.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Denny King to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** Brogan Gearheart. Mr. Gearheart works for Hercules Electric. He was at the last meeting. He told the council that West Penn Power will provide a rebate in the amount of \$1,884.92. The final amount for the lights would be \$5749.82. Discussion followed.

**Motion to proceed and accept the lighting contract:** Denny King 2<sup>nd</sup>: Jenny Switzer MC  
**Maintenance Report:** Report provided by Curtis Double. He said we need a battery charger. Joe Hillwig will look into purchasing one.

### **COMMITTEE REPORTS:**

**Mayor's Report:** Bill Rode stated that the EBADC cleanup day is April 27. He also said that Roger Blystone will pick up any recyclables for scrap. Discussion followed. Mayor Rode has a call into Magistrate Jeff Miller. He intends to meet with him regarding the amount of fines that are being imposed on ordinance violators.

**EMS Report:** Report given by Joy McCluskey.

**Police-** February report provided by SCCRPD.

**Engineer's Report** –Provided by Rick Barnett and Larry Lennon with LSSE..

**Water/Sewer-** the next water committee will be Wednesday March 20 at 2 pm.

**Personnel** – Corky Robinson is off work due to medical issues. Joe Hillwig has talked to him.

**Streets & Street Lights:** Received \$39,530.87 from PennDOT for Liquid Fuels. EBADC is having clean up day on April 27. Do we want street sweeping before or after? Susan will call Penn sweeping and see when they are available.

**Main Street Committee:** Nothing.

**Building:** The roof on the upper portion of the old section has been replaced. We received an email from Delta One saying they can apply for an appropriations grant on our behalf. We would have to provide some matching funds. Discussion followed.

**Motion to have them proceed:** Devon Weidenhof 2<sup>nd</sup>: Joe Hillwig MC

**Rental Approval:** N/A

**Municipal Approval:** N/A

**Parks and trails:** Matt Vereb is coming on Thursday at 2 pm to give us a quote on mowing. Kim Simpson would like to use the football field and playground on Saturday March 23 for the Annual Easter Egg Hunt.

**Motion to approve:** Joe Hillwig 2<sup>nd</sup>: Denny King MC

Spring Soccer would like to use the football field on Friday's in April. They will be lining a soccer field.  
*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Joy McCluskey MC*

UNFINISHED BUSINESS: N/A

NEW BUSINESS: N/A

CORRESPONDENCE: N/A

TRABSFER OF FUNDS: \$10,000.00 was transferred from Special Water to Water to cover expenses.  
Need to transfer \$100.00 from General to Playground account to keep it active.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Justin Wagner MC*

MONTHLY BILLS:

*Motion to pay the bills: Joe Hillwig 2<sup>nd</sup>: Denny King MC*

EXECUTIVE SESSION: entered into Executive Session at 6:57pm to discuss legal matters.  
Back in session at 7:16 pm. No action taken.

*Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Justin Wagner MC*  
*Meeting adjourned at 7:18 pm.*

Submitted by: \_\_\_\_\_

*Susan D. Buechele*  
*Secretary/Treasurer*

## East Brady Borough Council Meeting Minutes

Media: None

Regular Meeting -03/19/2024  
East Brady Borough Council  
Room 14 6:00 PM

Meeting brought to order at 6:00 PM with the Pledge of Allegiance and a prayer.

**PRESENT:** Barb Mortimer, Joe Hillwig, Jenny Switzer, Devon Weidenhof, and Mayor Bill Rode.

**ABSENT:** Denny King, Joy McCluskey and Justin Wagner.

**ROLL CALL:** As Above

**ATTENDANCE:** Rick Barnett.

**MINUTES:** *It was moved by Joe Hillwig and seconded by Devon Weidenhof to accept the minutes from the previous meeting as presented. Motion carried.*

**CITIZENS TO SPEAK:** None.

**Maintenance Report:** None.

### **COMMITTEE REPORTS:**

**Mayor's Report:** Mayor Bill Rode said he had a meeting with Magistrate Jeff Miller. He said Mr. Miller explained things to him and it was a good meeting.

**EMS Report:** Barb and Joy attended a meeting in Clarion on Monday, March 18. Barb gave a brief report.

**Police-** Bill Rode gave a brief report on the regional meeting he attended.

**Engineer's Report** – Council entered into Executive Session at 6:15 pm to discuss legal matters. Back in regular session at 6:41 pm. Resolution 2024-03 sets the water rates.

*Motion to approve a rate structure, setting a rate of \$3.95 per thousand gallons for water used up to 144,000 gallons, as allocated to the Borough users and it's contract bulk customers respectively, and setting an overage/surplus/surcharge rate of \$7.15 per thousand gallons used over that allocation for any other purpose.*

*Motion made by Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC all in favor.*

*Motion to send a press release to local papers: Jenny Switzer 2<sup>nd</sup>: Joe Hillwig MC*

The council expressed their sincere gratitude to Rick Barnett for his work as our engineer. He is retiring.

**Water/Sewer-** Quote from Book & Proch for spare pump for well #1: \$10,740.00.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

**Personnel** – Curtis Double would like to take a vacation day, March 27, 2024.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC*

**Streets & Street Lights:** N/A

**Main Street Committee:** N/A

**Building:** Threads of Hope would like to use Room 18 for storage. \$25.00 per month.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

**Rental Approval:** Kristie Rupp would like to rent the Gym and Locker room for a Birthday party on Saturday, April 13 from 2-4 pm. \$200.00.

Ashley Prejsnar would like to rent the Gym & Locker room Saturday, April 27 from 3-5 pm. \$200.00

*Motion to approve both: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

Jason McCollough with UAA baseball wants to rent the Gym on Saturday March 16 and 23 from 9-5. \$1000.00 for both days.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC*

Municipal Approval: N/A

Parks and trails: Kim Simpson want to change the Easter Egg Hunt to Sunday, March 24 at the football field and playground. She would like to use the Concession Stand. Can she have a key for the day? Yes.

*Motion to approve: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

UNFINISHED BUSINESS: Quote from MV Property Care Mgt. for mowing/Trimming: \$347.00 each time.

*Motion: Devon Weidenhof 2<sup>nd</sup>: Jenny Switzer MC*

NEW BUSINESS: N/A

CORRESPONDENCE: N/A

TRANSFER OF FUNDS: Need to transfer \$100.00 from Building checking to Building Capital Improvement account to keep it active.

*Motion: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

Need to transfer \$10,000.00 from Special water to Water to cover expenses.

*Motion: Joe Hillwig 2<sup>nd</sup>: Jenny Switzer MC*

MONTHLY BILLS:

*Motion to pay the bills: Joe Hillwig 2<sup>nd</sup>: Devon Weidenhof MC*

*Motion to adjourn meeting: Jenny Switzer 2<sup>nd</sup>: Devon Weidenhof MC*

*Meeting adjourned at 7:03 pm.*

The next scheduled meeting will be Tuesday, April 2, 2024

*Submitted by:* \_\_\_\_\_

*Susan D. Buechele  
Secretary/Treasurer*

EXHIBIT "7"

**COMMONWEALTH OF PENNSYLVANIA**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETROLEUM VALLEY	:	COMPLAINT DOCKET NO.:
REGIONAL WATER AUTHORITY,	:	C-2024-3051609
	:	
Complainant,	:	
	:	
v.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**AFFIDAVIT OF RAYNE M. BROTHERS IN SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

I, Rayne M. Brothers, being duly sworn according to law, do hereby state the following to be true and correct to the best of my information and belief:

1. I am employed by Keystone Municipal Management, Inc., which is the contractual Manager of PVRWA. Among my other duties, I am responsible for the office administration of the PVRWA office, including both secretarial and bookkeeping responsibilities. I have been in this position since 2017.

2. I did receive the invoices from EBB attached to the Complaint filed by PVRWA dated March 29 and March 31, 2024. Th invoices attached to the Complaint are true and correct copies.

3. I did calculate the increase in rates to be approximately 118%.

4. I did participate in the Open Records Requests made to EBB and reviewed the Responses. The Requests and Responses attached to the Summary Judgment Motion are true and correct copies.

5. I did the mathematical calculations set forth in Exhibits "A" and "B" hereto, utilized in the Summary Judgment Motion and Mr. Shumaker's Affidavit and they are true and correct to the best of my knowledge, information and belief.

FURTHER THE AFFIANT SAYETH NAUGHT.

Date: February 26, 2026

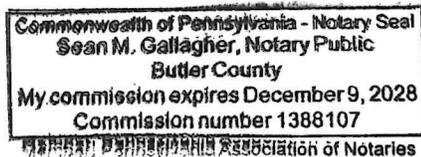
Rayne M. Brothers  
Rayne M. Brothers  
Keystone Municipal Management, Inc.

Sworn and Subscribed before me this

26<sup>th</sup> day of February 2026.

Sean M. Gallagher  
Notary Public

(SEAL)



<b>\$3.25/1000</b>	<b>\$3.95/1,000</b>	<b>\$7.15/1,000</b>
\$ 1,163.50	\$ 1,163.50	\$ 1,163.50
\$ 18,125.25	\$ 22,029.15	\$ 39,875.55
\$ 16,828.50	\$ 20,453.10	\$ 37,022.70
\$ 18,170.75	\$ 22,084.45	\$ 39,975.65
\$ 19,812.00	\$ 24,079.20	\$ 43,586.40
\$ 21,134.75	\$ 25,686.85	\$ 46,496.45
\$ 19,854.25	\$ 24,130.55	\$ 43,679.35
\$ 21,502.00	\$ 26,133.20	\$ 47,304.40
\$ 22,506.25	\$ 27,353.75	\$ 49,513.75
\$ 19,623.50	\$ 23,850.10	\$ 43,171.70
\$ 20,956.00	\$ 25,469.60	\$ 46,103.20
\$ 21,892.00	\$ 26,607.20	\$ 48,162.40
\$ 19,207.50	\$ 23,344.50	\$ 42,256.50
\$ 19,877.00	\$ 24,158.20	\$ 43,729.40
\$ 18,820.75	\$ 22,874.45	\$ 41,405.65
\$ 18,677.75	\$ 22,700.65	\$ 41,091.05
\$ 19,851.00	\$ 24,126.60	\$ 43,672.20
\$ 18,996.25	\$ 23,087.75	\$ 41,791.75
\$ 18,164.25	\$ 22,076.55	\$ 39,961.35
\$ 16,558.75	\$ 20,125.25	\$ 36,429.25
\$ 17,104.75	\$ 20,788.85	\$ 37,630.45
\$ 17,923.75	\$ 21,784.25	\$ 39,432.25
\$ 18,733.00	\$ 22,767.80	\$ 41,212.60
\$ 19,402.50	\$ 23,581.50	\$ 42,685.50
<b>\$ 444,886.00</b>	<b>\$ 540,457.00</b>	<b>\$ 977,353.00</b>

EXHIBIT "A"  
TO RAYNE M. BROTHERS AFFIDAVIT

