

MARK J. SHAW, ESQ.  
ADMITTED IN PA AND OH  
DIRECT DIAL 814-870-7607  
E-MAIL MSHAW@MIJB.COM

May 27, 2026

**VIA ELECTRONIC SUBMISSION**

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

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

Dear Secretary Homsher:

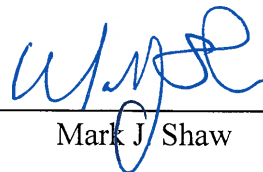
Enclosed, please find Conneaut Lake Park Water Corporation, Inc.'s Motion to Dismiss the Formal Complaint of Tammy Claypoole, in the above-referenced matter. An electronic copy is being filed through the Commission's eFiling portal. Copies have been served in accordance with the Certificate of Service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

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

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By \_\_\_\_\_



Mark J. Shaw

MJS/nes/4925-2864-0157 v.1  
Enclosures

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tammy Claypoole,	:	
Complainant,	:	
	:	
v.	:	
Conneaut Lake Park Water Corporation,	:	Complaint Docket No.
Inc.	:	C-2025-3058386
Respondent.	:	

**MOTION TO DISMISS**

Conneaut Lake Park Water Corporation, Inc. ("CLPWC"), by and through its undersigned counsel, hereby files this Motion to Dismiss Complaint at Docket No. C-2025-3058385.

1. On November 11, 2025, Tammy Claypoole filed a Formal Complaint ("Complaint") against CLPWC, ultimately pleading the following causes of action after preliminary objections were filed:

- a. Ms. Claypoole alleged that the cover to the water control valve was removed and had not been replaced.
- b. Ms. Claypoole alleged that she did not have access to the water control valve cover.
- c. Ms. Claypoole alleged that there was arsenic in the water.
- d. Ms. Claypoole alleged that CLPWC was not providing reasonable customer service, specifically that CLPWC was not responding to e-mails and Facebook messages from Ms. Claypoole.

2. These causes of action were in relation to the property that is commonly known as 10869 Brown Street, Conneaut Lake, PA, 16316 (the "Property"). Ms. Claypoole held the deed to the property at the time of the Complaint.

3. Additionally, at the time of the Complaint, Ms. Claypoole was a customer of CLPWC, which serviced the property.

4. On May 13, 2026, Ms. Claypoole granted the deed of the property in consideration of \$160,000 to Allen and Barbara Hershberger. *See* Deed attached hereto as **Exhibit A**.

5. As such, Ms. Claypoole is no longer a customer of CLPWC at the Property that the complaint originated from, as she no longer owns the deed to the Property.

6. Therefore, Ms. Claypoole no longer has standing to continue to prosecute the Complaint before the Public Utility Commission ("Commission") against CLPWC since she is no longer a customer of the utility.

7. Under 66 Pa.C.S. §701 any person may complain in writing regarding any act or thing done or omitted by a public utility as long as they have an interest in the subject matter. 66 Pa. Cons. Stat. §701 (2026).

8. The Commonwealth Court of Pennsylvania interprets 66 Pa.C.S. §701 to require the interest to be direct, immediate, and substantial in nature. *Mun. Auth. of West View v. PUC*, 41 A.3d 929, 933 (Pa. Commw. Ct., 2012). Direct means that the person bringing the claim must show cause of harm to *their* interest. *Id.* Immediate refers to the casual connection between the action complained of and the alleged injury of the complainant. *Id.* Lastly, substantial refers to the fact that there must be some discernable ill effect to a personal interest of the complainant. *Id.* This must be different than the abstract effect the action may have on the interests of all citizens. *Id.*

9. The Commission has held that to have the requisite interest to bring a complaint you must be a customer of the utility of which the complaint is filed against. *Home Oxygen and Medical Equipment v. Verizon Pennsylvania, Inc.*, Docket No. C-2011-2267086 (Opinion and

Order entered December 15, 2011). This is because the interest is not substantial, direct, or immediate if the complainant is not a customer. *Id.*

10. Since Ms. Claypoole no longer owns the property, there is a lack of direct interest in the property. This is because the alleged harm is to a property that she has divested her interest in through the sale of the property as evidenced by the deed. Since Ms. Claypoole fails to meet the direct prong of the standing requirement, she does not have standing to continue this claim.

11. Due to lack of standing, CLPWC moves under 52 Pa. Code §5.103 to dismiss this complaint.

WHEREFORE, Conneaut Lake Park Water Corporation, Inc., respectfully requests that the Commission grant this Motion to Dismiss Complaint at Docket No. C-2025-3058386.

Respectfully submitted,



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Mark J. Shaw, Esq. (Pa. ID No. 50763)  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7607  
Attorneys for  
Conneaut Lake Park Water Corporation, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 27th day of May, 2026, served a true copy of the foregoing document upon the parties, listed below, by the manner indicated below, and in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party):

Tammy Claypoole  
43 High Street  
New Castle, PA 16101  
tammyclaypoole1@gmail.com  
*(Via electronic mail)*

Respectfully submitted,



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Mark J. Shaw, Esq. (Pa. ID No. 50763)  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7607  
Attorneys for:  
Conneaut Lake Park Water Corporation

# COUNTY OF CRAWFORD

## OFFICE OF REGISTER AND RECORDER

COURTHOUSE

MEADVILLE, PENNSYLVANIA 16335

Phone (814) 373-2537

Marlo B. Urey - Acting Recorder

Jennifer Hilson - Deputy

**\*Total Pages - 5**

Instrument Number - 202605415

Recorded On 5/18/2026 At 3:19:04 PM

\* Instrument Type - DEED

Invoice Number - 123751

\* Grantor - CLAYPOOLE, TAMMY L

\* Grantee - HERSHBERGER, ALLEN

User - AMM

\* Customer - SIMPLIFILE LC E-RECORDING

**\* FEES**

STATE TRANSFER TAX	\$1,600.00
STATE WRIT TAX	\$0.50
JCS/ATJ/CJEA	\$41.25
RECORDING FEES -	\$13.00
RECORDER OF DEEDS	
RECORDER OF DEEDS IMP	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
UNIFORM PARCEL	\$20.00
IDENTIFIER FEE - RECORDER OF	
DEEDS	
AFFORDABLE HOUSING	\$5.00
BLIGHT DEMOLITION	\$10.00
CONNEAUT SCHOOL	\$800.00
DISTRICT	
SADBURY TOWNSHIP	\$800.00
TOTAL PAID	\$3,294.75

**\*RECORDED BY:**

ALLEGHENY REALTY SETTLEMENT, LLC  
 890 MARKET ST  
 MEADVILLE, PA 16335-3318

Crawford County UPI Certification  
 On May 18, 2026 By KP

Recorded in the Recorder of Deeds Office of said County.  
 WITNESS my hand and official seal of Meadville, PA



*Marlo B. Urey*

Marlo B. Urey  
 Acting Recorder of Deeds

THIS IS A CERTIFICATION PAGE

**Do Not Detach**

THIS PAGE IS NOW THE FIRST PAGE  
 OF THIS LEGAL DOCUMENT

0024JO



\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT  
 A

Parcel ID No: 4403-002-20-1

## THIS DEED

Made the 15<sup>th</sup> day of May, in the year Two Thousand Twenty-Six (2026)

### Between

Tammy L. Claypoole, unmarried, and Mackenzie E. Bucholz, unmarried, hereinafter referred to as "Grantors",

*and*

Allen Hershberger and Barbara Hershberger, husband and wife, hereinafter referred to as "Grantees",

**Witnesseth**, That in consideration of ONE HUNDRED SIXTY THOUSAND AND 00/100 Dollars (\$160,000.00), in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey, sell and confirm unto the said Grantees, their heirs and assigns,

All that certain leasehold estate or unexpired term of years of the original lease between Conneaut Lake Company and Mrs. Stella Walker dated October 15, 1920 and recorded in the Records of Crawford County, Pennsylvania in Crawford County Agreement Book R page 397 in and to all certain piece or parcel of land situate in Sadsbury, Crawford County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point one hundred forty-five and ninety-seven hundredths (145.97') feet East of the Southeast corner of Comstock Street and Brown Avenue at the Northeast corner of land now or formerly of William S Markam, et ux.; thence South 21 degrees 23' 30" West fifty-five (55') feet to a point; thence South 68 degrees 36' 30" East approximately parallel with the South line of Brown Avenue forty (40') feet to a point; thence North 21 degrees 23' 30" East along lands now or formerly of Etta Mae Colestock fifty-five (55') feet more or less, to the south line of Brown Avenue; thence in a westerly direction along the south line of Brown Avenue forty (40') feet, more or less, to the point and place of beginning.

EXHIBIT

A

SUBJECT TO restrictions as set forth in the original lease between Conneaut Lake Company and Mrs. Stella Walker dated October 15, 1920 and recorded in the Records of Crawford County, Pennsylvania in Crawford County Agreement Book R page 397.

BEING the same leasehold interest in the same premises which Gary L. Lawhead, unmarried and Tina L. Gilpin, unmarried, by Deed dated August 22, 2017 and recorded August 22, 2017 in the Office of the Recorder of Deeds in and for the County of Crawford in Instrument No. 201709406, granted and conveyed unto Tammy L. Claypoole, unmarried and Mackenzie E. Bucholz, unmarried.

BEING more commonly known as 10869 Brown Street, Conneaut Lake, PA 16316 and bearing Crawford County Tax ID# 4403-002-20-1.

ON WHICH PROPERTY, GRANTOR(S) CERTIFY(IES) no "hazardous waste" as defined under the Solid Waste Management Act (35 P.S. §§ 6018.101 et seq.) or "hazardous substance" as defined under the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101 et seq.) is presently being disposed, or has ever been disposed, by Grantor(s) or to Grantor's/Grantors' actual knowledge.

**THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.**

**THE GRANTEE(S), AS EVIDENCED BY THE ACCEPTANCE AND RECORDING OF THIS DEED, IS/ARE FULLY COGNIZANT OF THE FACT THAT THE GRANTEE(S) MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, Oct. 10, P.L. 874, NO. 156 § 1.**

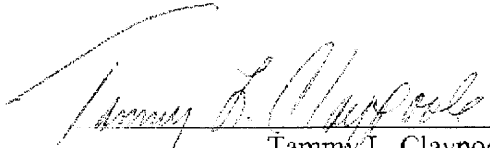
EXHIBIT

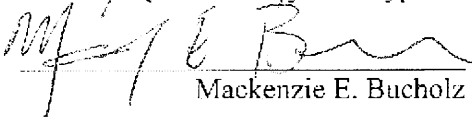
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And the said Grantors will Specially Warrant and Forever Defend the property hereby conveyed.

*IN WITNESS WHEREOF*, the said Grantors have set their hand and seal the day and year first above written.

**Scaled and delivered in the presence of:**

  
\_\_\_\_\_  
Tammy L. Claypoole

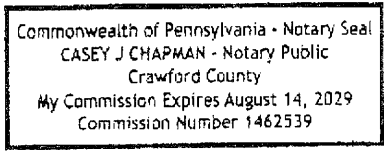
  
\_\_\_\_\_  
Mackenzie E. Bucholz

**ACKNOWLEDGMENT**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CRAWFORD

This record was acknowledged before me on the 15<sup>th</sup> day of May, 2026 by Tammy L. Claypoole and Mackenzie E. Bucholz.

\_\_\_\_\_  
Signature of Notarial officer  
Stamp



  
\_\_\_\_\_  
Title of office

My commission expires:  
8-14-29

**EXHIBIT  
A**

**CERTIFICATE OF RESIDENCE**

I do hereby certify the precise residence of Grantees herein is as follows:

10869 Brown St.

Conneaut Lake, PA 16316

John Swick / NV  
Attorney or Agent for Grantees

*This instrument prepared by and to be returned to:*

*Allegheny Realty Settlement, LLC*  
10744 State Highway 18  
Conneaut Lake, PA 16316

**EXHIBIT**  
**A**