

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**INTERIM ORDER  
HOLDING MOTION TO DISMISS IN ABEYANCE PENDING HEARING**

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

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

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

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

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

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

Complainant did not file a response to the Preliminary Objections.

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

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

On January 12, 2026, Complainant filed an Amendment to her Formal Complaint which was substantially identical to the initial Complaint.

The conference convened on February 11, 2026, but was subsequently rescheduled because counsel for the utility failed to appear.<sup>1</sup>

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<sup>1</sup> The Commission served the December 29, 2025 Notice on the utility, but failed to serve it directly on the utility's counsel.

On February 11, 2026, the Commission issued a Further Telephonic Status Conference, scheduling a conference for February 25, 2026.

The conference convened as scheduled on February 25, 2026. Counsel for the Respondent, Mark Shaw, Esquire, was present, as was Complainant. After discussion regarding Ms. Claypoole's claims, I determined that her oral explanations on the record were sufficient for the Company to prepare and file an answer. I explained that her Formal Complaint would be amended by her oral averments made at the conference. 52 Pa. Code §5.93. Ms. Claypoole provided sufficient detail and explanation orally on the record on February 25, 2026, and, as such, Respondent's Preliminary Objections are dismissed as moot.

On April 3, 2026, Respondent filed an Answer and New Matter. In its Answer, Respondent denied removing the cover for the water control valve and averred it had replaced the cover as of the date of the filing of the Answer. Respondent further denies that Ms. Claypoole does not have access to the water control valve, but explains that Ms. Claypoole is not permitted to tamper with it as it is owned by the Company, not Ms. Claypoole. Finally, the Company denies failing to appropriately handle Ms. Claypoole's complaints.

In New Matter, the Company argues Complainant has failed to state a claim upon which relief may be granted and requests the Complaint be dismissed.

Ms. Claypoole did not file a response to the New Matter.

On April 13, 2026, I issued an Interim Order amending Ms. Claypoole's Complaint, dismissing the Respondent's Preliminary Objection as moot, and directing that the matter be set for an evidentiary hearing.

On April 13, 2026, the Commission issued an Initial Telephonic Hearing Notice, scheduling a hearing for June 2, 2026, and I issued a Prehearing Order.

On April 20, 2026, Respondent filed a Motion to Continue the hearing due to counsel's unavailability due to an overseas trip.

The motion was granted and on April 21, 2026, the Commission issued a Rescheduled Initial Telephonic Hearing Notice, rescheduling the evidentiary hearing for June 24, 2026.

On May 5, 2026, I issued a new Prehearing Order.

On May 27, 2026, Respondent filed a Motion to Dismiss the Formal Complaint of Tammy Claypoole (Motion to Dismiss), averring Ms. Claypoole sold the service location on May 13, 2026, and, as such, lacks standing to continue to pursue this matter. It argues Ms. Claypoole now lacks a direct, immediate, and substantial interest required by 66 Pa.C.S. § 701. *See Mun. Auth. of West View v. PUC*, 41 A.3d 929, 933 (Pa. Commw. Ct., 2012).

The Motion to Dismiss did not include a Notice to Plead.

Well-established Commission precedent tends to afford unrepresented complainants the opportunity to orally set forth their cases on the record and cautions against dismissing cases on a preliminary basis. *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993). In *Carlock*, the Commission reversed an Administrative Law Judge's decision to grant a utility's motion for summary judgment and dismiss a complaint filed by a self-represented complainant. The Commission explained,

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

In more complex cases with counsel participating, the record is likely to include depositions, answers to interrogatories, admissions and supporting affidavits. Answers to the

motion may include similar filings. Certainly, in our view, unrepresented complainants cannot be expected to navigate through such complex procedural territory. **Rather than relying on the pleadings, the ALJ has an affirmative duty to ensure the development of a record that reasonably presents the underlying grievance.**

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

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

In light of *Carlock*, and the fact the Motion to Dismiss did not contain a Notice to Plead, it is appropriate to hold the Motion to Dismiss in abeyance pending the hearing scheduled on June 24, 2026. On June 24, 2026, the parties must be prepared to provide legal argument regarding the Motion to Dismiss. Once I hear the parties' arguments, I will determine whether it is appropriate to continue with an evidentiary hearing.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Dismiss the Formal Complaint of Tammy Claypoole filed by Conneaut Lake Park Water Company, LLC, at Docket Number C-2025-3058386 is held in abeyance pending the June 24, 2026, evidentiary hearing.

2. That the parties shall appear at the June 24, 2026, hearing and be prepared to provide legal argument regarding the Motion to Dismiss.

3. That Ms. Claypoole's failure to appear at the hearing on June 24, 2026, will result in dismissal of the Complaint.

4. That if Ms. Claypoole no longer wants to pursue this matter, she may submit correspondence to me by email or the Commission's Secretary's Bureau by First-Class Mail or e-filing advising she wants to withdraw her Complaint.

Date: June 8, 2026

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Emily I. DeVoe  
Administrative Law Judge

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**Revised 1/20/2026**

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