

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105-3265**

**SHERYL R. DEVAUL  
V.  
CLARENDON WATER COMPANY**

**PUBLIC MEETING  
January 24, 2008  
JAN-2008-OSA-0083\*  
Docket No. C-20067108**

**DISSENTING STATEMENT OF COMMISSIONER KIM PIZZINGRILLI**

Today, the Commission affirms its September 17, 2007 Tentative Order which *inter alia* sustained the Complaint, imposed a \$1,000 civil penalty upon Clarendon, required Clarendon to issue a refund to Complainant and initiated a non-prosecutory investigation into Clarendon's water system, to be conducted in coordination with the Department of Environmental Protection (DEP).

I support the majority's decision to initiate and coordinate an investigation with DEP into Clarendon's water system; however, consistent with my Statement issued in this case at the August 8, 2007 Public Meeting, I continue to believe that it is premature to impose a civil penalty against Clarendon in light of the pending investigation. Furthermore, while I sympathize with the Complainant I cannot support the issuance of a refund to the Complainant since, in my opinion, the method used to calculate the amount is not supported by the record.

**January 24, 2008**  
Date

**KIM PIZZINGRILLI, COMMISSIONER**