

May 21, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2021-3023766  
G.A. Homes, Inc. v. Aqua Pennsylvania Wastewater, Inc., et al.  
Unopposed Motion for Continuance of Aqua**

Dear Secretary Chiavetta:

Attached for filing is the Unopposed Motion of Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc. for a Continuance of the Initial Call-in Telephonic Hearing scheduled for Monday, June 21, 2021 at 10:00 am.

A copy of the Motion for Continuance has been provided to the Complainant's counsel in the manner indicated on the enclosed Certificate of Service.

If there are any questions, please feel free to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co  
Enclosures

cc: The Hon. John Coogan, PA Public Utility Commission [w/encl.]  
Mary McFall Hopper, Esquire, Aqua Pennsylvania, Inc. [w/encl.]  
Ronnie J. Fischer, Esquire [w/encl.]

**Re: Docket No. C-2021-3023766  
G.A. Homes, Inc. v. Aqua Pennsylvania Wastewater, Inc., et al.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons on the attached service list, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic Mail**

Ronnie J. Fischer, Esquire  
[ronnie\\_fischer@hotmail.com](mailto:ronnie_fischer@hotmail.com)

Dated: May 21, 2021

  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

G.A. HOMES, INC.

v.

AQUA PENNSYLVANIA WASTEWATER, INC.  
AQUA PENNSYLVANIA, INC.  
AQUA AMERICA, INC.

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Docket No: C-2021-3023766

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion for Continuance of Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc. within five (5) days from service of this notice, the facts set forth by Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc. in the Motion for Continuance may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Motion for Continuance, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Aqua Pennsylvania, Inc., Margaret A. Morris, Esq., and the Honorable John Coogan, the Administrative Law Judge presiding over the issue.

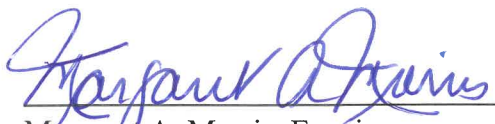
**File with:**

Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)

**With a copy to:**

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

The Honorable John Coogan  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)



Margaret A. Morris, Esquire  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (tel.)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Date: May 21, 2021

*Counsel for Aqua Pennsylvania Wastewater, Inc.  
and Aqua Pennsylvania, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

G.A. HOMES, INC.	:	
	:	
v.	:	Docket No: C-2021-3023766
	:	
AQUA PENNSYLVANIA WASTEWATER, INC.	:	
AQUA PENNSYLVANIA, INC.	:	
AQUA AMERICA, INC.	:	

**UNOPPOSED MOTION FOR CONTINUANCE  
OF AQUA PENNSYLVANIA WASTEWATER, INC. AND  
AQUA PENNSYLVANIA, INC.**

Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc. (collectively referred as Aqua for purposes of this Motion), by and through its attorneys, Reger Rizzo & Darnall LLP, and pursuant to 52 Pa. Code § 1.15, hereby moves that the Honorable John M. Coogan (Judge Coogan) of the Pennsylvania Public Utility Commission (Commission) issue an order continuing the Call-in Telephonic Hearing scheduled for June 21, 2021 (Hearing) due to the unavailability of a potential witness.

In support thereof, Aqua avers as follows:

1. On January 19, 2021, G.A. Homes, Inc. (Complainant) filed a Formal Complaint against Aqua Pennsylvania Wastewater, Inc. (Aqua Wastewater) and Aqua America, Inc. k/n/a Essential Utilities, Inc. (Aqua America/Essential) alleging that its applications for water and sewer connections were not timely processed.
2. On February 10, 2021, Aqua Wastewater filed an Answer and New Matter denying the material allegations and averring that the Complainant submitted 16 applications on November 1, 2020 and the nine pending applications do not meet Pennsylvania Department of Environmental Protection (DEP) exceptions to allow connections during a DEP-issued moratorium regarding sewer service connections.

3. Also on February 10, 2021, Aqua Wastewater filed Preliminary Objections arguing that the Commission does not have authority to determine whether the outstanding applications for water and wastewater connections are permitted under DEP regulations.

4. On March 1, 2021, an Amended Complaint was filed with the Commission against Aqua Wastewater and Aqua America/Essential alleging there were 11 pending applications.

5. By Notice, dated April 27, 2021, a Call-In Telephonic Hearing was scheduled for Thursday, May 20, 2021 before Judge Coogan.

6. On April 30, 2021, Judge Coogan issued an *Order Granting in part and Denying in Part the Preliminary Objections of Aqua Wastewater and Ordering the Joinder of Aqua PA*.

7. On May 20, 2021, Aqua PA filed its Answer and New Matter denying the material allegations. Aqua PA specifically argued that due to the DEP moratorium on building permits, the water and sewer applications could not be approved unless a DEP exception existed. The Complainant has never presented a building permit for any of the pending applications. The responsive pleading is due June 9, 2021.

8. 52 Pa. Code § 1.15 (b) states:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

9. The unavailability of one of its potential witnesses constitutes good cause consistent with Commission regulation.

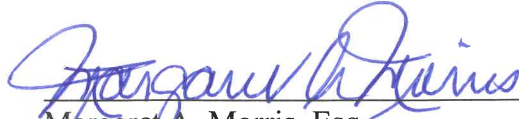
10. On May 17, 2021, the undersigned counsel contacted Ms. Fischer, counsel for the Complainant to advise of the request for the continuance. Complainant's counsel does not object to the hearing being continued.

9. The Respondent respectfully requests the Call-In Telephonic Hearing be rescheduled for a date after July 7, 2021.

**WHEREFORE**, for good cause shown, Aqua Pennsylvania Wastewater, Inc. and Aqua Pennsylvania, Inc., requests that Judge Coogan grant its Unopposed Motion for Continuance of the scheduled June 21, 2021 Call-In Telephonic Hearing.

Respectfully submitted,

Date: May 21, 2021



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13<sup>th</sup> Floor

2929 Arch Street

Philadelphia, PA 19104

(215) 495-6524 tel.

(215) 495-6600 fax

[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Aqua Pennsylvania Wastewater, Inc.  
and Aqua Pennsylvania, Inc.*