

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

REPLY TO NEW MATTER OF AQUA PENNSYLVANIA, INC.

AND NOW COMES G.A Homes, Inc., by and through its attorneys, Bugaj/Fischer, and files this Reply to the New Matter of Aqua Pennsylvania, Inc. as follows:

11. No response required.

12. No response required. By way of further answer, Complainant is not requesting that the Commission interpret and enforce the DEP regulations. Rather, the gravamen of G.A. Homes, Inc.'s Complaint is that the Aqua respondents acted improperly in selectively taking no action with respect to some of G.A. Homes, Inc.'s applications for sewer and water connections prior to the December 11, 2020 ban on new connections took effect. More specifically, the Aqua respondents approved 6 of the 17 applications that G.A. Homes, Inc. had submitted on November 2, 2020, more than a month before the Aqua respondents were notified of the moratorium on new connections, but did not approve or act on the other 11, and at the same time also approved at least 4 applications submitted by another party or parties *after* G.A. Homes, Inc. submitted its applications. G.A. Homes, Inc. believes and therefore avers that the Aqua respondents were aware that the ban on new connections in Masthope was coming and that the Aqua respondents improperly favored certain applications over others. By way of still further answer, on November 2, 2020, the Aqua respondents began demanding that permit applications be approved by the Pennsylvania Department of Environmental Protection, which G.A. Homes, Inc. believes and therefore avers was done as a delay tactic, then on November 6, 2020 indicated that this was incorrect and that applications on file were still under review. A true and correct copy of the November 2, 2020 communication from Aqua Pennsylvania, Inc. is attached as complainant's Exhibit A. A true and correct copy of the November 6, 2020 communication is attached as complainant's Exhibit B. Even though G.A. Homes, Inc.'s remaining 11 applications were properly submitted on November 2, 2020 and still under review, the Aqua respondents failed to act on them before December 11, 2020, and instead approved other applications that

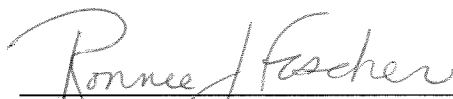
were submitted *after* those submitted by G.A. Homes, Inc., then waited until months after the ban went into effect to then deny these applications.

Further, on December 4, 2020, Aqua Pennsylvania Wastewater, Inc. sent a letter to the Lackawaxen Township Board of Supervisors advising them that it would not be approving any further wastewater applications within the Masthope community, even though the ban had not yet gone into effect. A true and correct copy of this communication is attached as complainant's Exhibit C. This evidences not only that the Aqua respondents were aware that the ban was coming, but also that the Aqua respondents intentionally blocked the ability of G.A. Homes, Inc. and other builders to apply for building permits with the Township. Thus, even though the Aqua respondents knew that the ban was coming, they did not notify the public of this, and intentionally interfered with G.A. Homes, Inc.'s ability to apply for a building permit *before* the ban even went into effect, knowing that building permit applications submitted before the ban went into effect would fall under a permitted exception to the ban.

WHEREFORE, complainant G.A. Homes, Inc. respectfully requests that the Commission grant it the relief requested by it in its Amended Complaint and such further relief as the Commission deems reasonable and just.

Respectfully submitted,

BUGAJ/FISCHER, by:



Ronnie J. Fischer, Esq., PA ID#91029
P.O. Box 390
Honesdale, PA 18431
570-253-3021
ronnie_fischer@hotmail.com

Denise Steuhl

From: Ron Tussel - rontussel@tiscali.net
Sent: Monday, November 2, 2020 11:00 AM
To: Denise Steuhl, Kelli Myers
Subject: FW: Aqua Water and Wastewater Applications
Attachments: Application for Water Service.pdf; Application for Wastewater Service .pdf

Please print and make available in accordance with the information from PA Aqua

From: Brindle, Paul J <PJBrindle@aquaamerica.com>
Sent: Monday, November 2, 2020 10:06 AM
To: seo@lackawaxentownship.pa.gov; Ron Tussel <ecce@masthost.org>
Subject: Aqua Water and Wastewater Applications

Ron,

Attached please find the Aqua Application's for service. As discussed, the application's need to be filled out by the property owner, or their representative. They will then be submitted to Aqua for review and signature. Upon review, Aqua will send the Wastewater application back to the property owner to forward to the Township for review and signature. From there, the application goes back to the property owner, and then forwarded to DEP. Once DEP reviews it, they will send a letter to the Property owner with the final Approval to proceed with the project. From there, the Property Owner can be issued their Building Permit. If you have any questions, let me know.

Thank you,
Paul

AQUA



Paul Brindle
Honesdale Field Supervisor
Aqua Pennsylvania, Inc.
1775 North Main Street
Honesdale PA. 18431
O: 570.647.0358 x30418



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EXHIBIT

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From: Brindle, Paul J

To: grace.anderson18@yahoo.com, excellhomes@ltis.net, Ray Ortiz, kcoutts@ptd.net

Cc: Randy Schmalzle, Ron Tussel, Stephens, Karl, Bucanelli, Aisha P, denise@lackawaxentownship.pa.gov, snovatnak@pa.gov

Sent: Fri, Nov 6, 2020 at 4:34 PM

Subject: Aqua Service Application Process

All,

Please disregard the previous notification regarding the Aqua service applications for both Water and Waste Water. The application process does not include the Township, or DEP. Application's for service must be submitted to Aqua for review, and approval.

For your convenience, the service application forms are attached to this email. Applications currently on file are still under review. We apologize for any confusion, or problems this may have created.

Thank you,
Paul Brindle

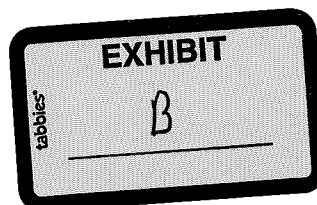
AQUA



Paul Brindle
Honesdale Field Supervisor
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1775 North Main Street
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O: 570.647.0358 x30418



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- image002.png (418 Byte)
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December 4, 2020

Via email: denise@lackawaxentownship.pa.gov

Lackawaxen Township Pennsylvania

Re: Aqua Pennsylvania Wastewater, Inc. - Sewer Service Application

To: Lackawaxen Township Board of Supervisors

This letter serves as confirmation of our recent communication to the Lackawaxen Township, residential home builders in the Masthope community and Masthope Homeowner Association. Please be advised that until further notice, Aqua Pennsylvania Wastewater, Inc. ("Aqua") will not be approving Wastewater Applications within the Masthope community. Applications currently on file for review are also on hold and not approved at this time.

Properties under construction and in receipt of a Township building permit are not exempt from this restriction, nor are these properties guaranteed a connection unless Aqua has previously received, reviewed, and approved an application for service.

Aqua will continue to evaluate this situation in conjunction with the Pennsylvania Department of Environmental Protection and Lackawaxen Township. Updates regarding this matter will be provided as the situation evolves.

Sincerely,

Karl Stephens

Karl Stephens
Northeast Area Manager
Aqua Pennsylvania Wastewater, Inc.
1 Aqua Way, White Haven, PA 18661
570.443.7099 ext. 55501
KStephens@AquaAmerica.com

877.987.2782 • AquaAmerica.com

EXHIBIT

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VERIFICATION

I hereby verify that the facts set forth in the foregoing document are accurate to the best of our knowledge, information and belief.

I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

G.A. HOMES, INC., by :

Date: 10/10/21



GRACE ANDERSON