

2. Denied. Complainant's formal complaint is a written document which speaks for itself and any characterization of its contents by Respondent are specifically denied.

3. Denied. Respondent's answer and new matter are written documents which speak for themselves and any characterizations of their contents by Respondent are specifically denied. By way of further response, the remaining averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

4. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied. To the contrary and by way of further response, the Pennsylvania Public Utility Commission has jurisdiction over this matter.

II. Argument

5. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

6. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

7. Denied. Complainant's formal complaint is a written document which speaks for itself and any characterization of its contents by Respondent is specifically denied.

8. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied. By way of further response, 52 Pa. Code § 5.102(a)(2), as cited by

Respondent, does not exist, and § 5.102 speaks to motions for summary judgment and is inapplicable to the pleading sub judice.

9. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

10. Denied/denied as stated. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied. By way of further response, Complainant's planning module is allegedly no longer "valid" according to Respondent because Respondent abandoned the sewer line to which Complainant's subdivision was going to be attached. Moreover, Respondent was aware of the existence of Complainant's subdivision plans and, consequently, should not have abandoned the line. By way of further response, Respondent admitted that it represented to DEP that connections to its system were available for Complainant's subdivision. (See Respondent's answer and new matter at ¶ 1).

11. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

12. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied. By way of further response and contrary to Respondent's assertions, Elkin v. Bell Telephone Co. of Penn. held that where, as is here, the subject matter of a suit is within an agency's jurisdiction and is a complex matter requiring special competence, the proper procedure is for the court to refer the matter to the appropriate agency. 491 Pa. 123, 420 a.2d 371, 377 (1980).

13. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

14. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied. By way of further response and contrary to Respondent's assertions, the Elkin Court held that where, as is here, the subject matter of a suit is within an agency's jurisdiction and is a complex matter requiring special competence, the proper procedure is for the court to refer the matter to the appropriate agency. 420 a.2d at 377.

15. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

16. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

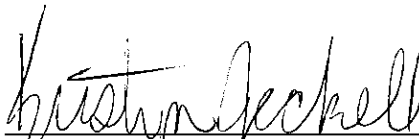
III. Conclusion

17. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

18. Denied. The averments contained in this paragraph consist of legal conclusions to which no responsive pleading is required. To the extent such a response is required, same is specifically denied.

WHEREFORE, Complainant Sheila Weaver t/d/b/a Enterprise 22, LLC demands that Respondent Aqua Pennsylvania Wastewater, Inc.'s preliminary objections to Complainant's formal complaint be denied.

Respectfully submitted,



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