



HARDIN THOMPSON

Michael F. Schleigh, Esquire
Bar Admissions: PA, NJ, and NY
Direct 267-459-8366/Fax: 267-486-9002
Email: mschleigh@hardinlawpc.net

Wells Fargo Building
123 S. Broad Street, Suite 2235
Philadelphia, PA 19109
www.hardinlawpc.net

February 1, 2023

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: New Garden Center, LLC. vs. Aqua Pennsylvania Wastewater, Inc.
P.U.C. No.: C-2022-3037260
Our File No.: 20.426
Response to Defendant's Motion to Dismiss

Dear Secretary Chiavetta:

Attached for filing please find Plaintiff, New Garden Center, LLC's Response to Defendant, Aqua Pennsylvania Wastewater, Inc.'s Motion to Dismiss in this matter.

In reviewing the moving papers of Defendant, Aqua Pennsylvania Wastewater, Inc., our attention was drawn to a Notice of Telephone Hearing scheduled and dated for February 22, 2023. Undersigned Counsel respectfully requests a copy of same for its records.

Thank you for your kind courtesies in this regard.

Respectfully submitted,

HARDIN THOMPSON, P.C.

Michael F. Schleigh, Esquire

MFS/alm
Enclosure

cc: The Hon. Mark A. Hoyer, PA. Public Utility Comm. (*via email* mhoyer@pa.gov) w/ encl.
Margaret A. Morris, Esquire, (*via email* mmorris@regerlaw.com) w/ encl.
Blase Saienni, New Garden Center, LLC (*via email* saiennient@verizon.net) w/ encl.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

NEW GARDEN CENTER, LLC

vs.

Docket No.: C-2022-3037260

AQUA PENNSYLVANIA WASTEWATER, INC.

PLAINTIFF, NEW GARDEN CENTER, LLC'S RESPONSE TO DEFENDANT, AQUA PENNSYLVANIA WASTEWATER, INC.'S MOTION TO DISMISS

Plaintiff, New Garden Center, LLC by and through its attorneys, Hardin Thompson, P.C., Kenneth J. Hardin II, Esquire and Michael F. Schleigh, Esquire, hereby respond to Defendant, Aqua Pennsylvania Wastewater, Inc.'s Motion to Dismiss as Follows:

Defendants' basis that the present Complaint be dismissed on the basis that Plaintiff is a corporate entity that was not represented by qualified legal counsel in this matter is now moot as undersigned Counsel have entered their appearances for Plaintiff pursuant to a Notice of Appearance that was filed with the P.P.U.C. on January 31, 2023. Plaintiff respectfully submits that any defect has now been cured, that Defendant's objections are moot, and the relief of dismissal be accordingly denied.

Respectfully submitted,

HARDIN THOMPSON, P.C.

/s/ Michael F. Schleigh

Kenneth J. Hardin II (PA ID #58303)

Michael F. Schleigh (PA ID #88407)

Wells Fargo Building

123 S. Broad St., Suite 2235

Philadelphia, PA 19109

P.: (267) 459-8366

Counsel for Plaintiff, New Garden Center, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ***Response to Defendant's Motion to Dismiss*** was provided to the following Counsel of record via electronic filing, this 1st day of February, 2023, addressed as follows:

Margaret A. Morris, Esquire
REGER RIZZO & DARNALL LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
Counsel for Defendant, Aqua Pennsylvania Wastewater, Inc.

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

The Honorable Mark A. Hoyer, P.A.
Administrative Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

HARDIN THOMPSON, P.C.

/s/ Michael F. Schleigh

Kenneth J. Hardin II (PA ID #58303)

Michael F. Schleigh (PA ID #88407)

Wells Fargo Building

123 S. Broad St., Suite 2235

Philadelphia, PA 19109

P.: (267) 459-8366

Counsel for Plaintiff, New Garden Center, LLC