

February 9, 2023

**Via Electronic Filing**

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

**Re: Docket No. C-2022-3037260  
New Garden Center LLC v. Aqua Pennsylvania Wastewater, Inc.  
Unopposed Motion for Continuance of Aqua**

Dear Secretary Chiavetta:

Attached for filing is the Unopposed Motion of Aqua Pennsylvania Wastewater, Inc. for a Continuance of the Telephonic Hearing scheduled for Wednesday, February 22, 2023, at 10:00 a.m.

A copy of the Motion for Continuance has been provided to 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. Mark A. Hoyer, Pennsylvania Public Utility Commission [w/encls.]  
Mary McFall Hopper, Esquire, Aqua Pennsylvania, Inc. [w/encls.]  
Michael F. Schleigh, Esquire [w/encls.]  
Kenneth J Hardin, II, Esquire [w/encls.]

**Re: Docket No. C-2022-3037260  
New Garden Center LLC v. Aqua Pennsylvania Wastewater, Inc.  
Unopposed Motion for Continuance of Aqua**

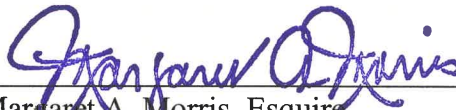
**CERTIFICATE OF SERVICE**

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 and First-Class Mail**

Michael F. Schleigh, Esquire  
Kenneth J Hardin, II, Esquire  
Wells Fargo Building, Suite 2235  
123 S. Broad Street  
Philadelphia, PA 19109  
[mschleigh@hardinlawpc.net](mailto:mschleigh@hardinlawpc.net)

Dated: February 9, 2023

  
\_\_\_\_\_  
Margaret A. Morris, Esquire

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NEW GARDEN CENTER LLC	:	
	:	
v.	:	Docket No. C-2022-3037260
	:	
AQUA PENNSYLVANIA WASTEWATER,	:	
INC.	:	

**NOTICE TO PLEAD**

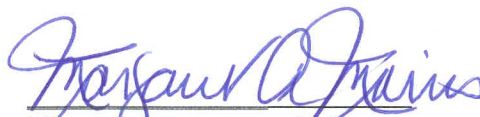
Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion for Continuance of Aqua Pennsylvania Wastewater, Inc. **within five (5) days from service of this notice**, the facts set forth by Aqua Pennsylvania Wastewater, Inc. in the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

**File by Mail or e-file with:**  
Rosemary Chiavetta, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**  
Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
Philadelphia, PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Date: February 9, 2023

The Hon. Mark A. Hoyer  
[mhoyer@pa.gov](mailto:mhoyer@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)

*Counsel for Aqua Pennsylvania Wastewater, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NEW GARDEN CENTER LLC

v.

AQUA PENNSYLVANIA WASTEWATER,  
INC.

:  
:  
:  
:  
:  
:

Docket No. C-2022-3037260

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

Aqua Pennsylvania Wastewater, Inc. (Aqua), by and through its attorneys, Reger Rizzo & Darnall LLP, and pursuant to 52 Pa. Code § 1.15, hereby moves that the Honorable Mark A. Hoyer (Judge Hoyer) of the Pennsylvania Public Utility Commission (Commission) issue an order continuing the Call-in Telephonic Hearing scheduled for February 22, 2023 (Hearing) as Counsel for Aqua, Margaret A. Morris, Esquire, was removed from the Commission’s Hearing schedule for the date of the scheduled hearing.

In support thereof, Aqua avers as follows:

1. Blaise Saienni on behalf of New Garden Center LLC (Complainant) filed a Formal Complaint, posted December 16, 2022, against Aqua, disputing the rate at which it is billed for wastewater services provided to 739 West Cypress Street, Pennsylvania (Service Location).
2. On January 5, 2023, Aqua efiled an Answer admitting that Complainant’s rates recently increased in compliance with its Commission-approved tariff.
3. By Notice, dated January 9, 2023, an Initial Call-In Telephonic Hearing was scheduled for Wednesday, February 22, 2023, before Judge Hoyer.

4. On January 10, 2023, Margaret A. Morris, Esquire efiled her Notice of Appearance on behalf of Aqua.

5. On February 8, 2023, the undersigned counsel contacted Complainant's Counsel to seek the Complainant's position on the requested continuance, and Complainant's Counsel advised that he had no objection to the hearing being continued.

6. 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.

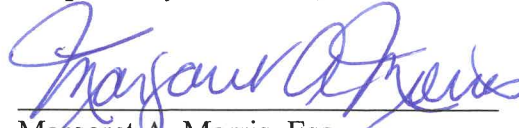
7. On November 10, 2022, the Commission's Scheduling Office, by email, confirmed that the undersigned counsel was removed from the Commission's hearing schedule for the period February 21, 2023 through March 1, 2023. A copy of the email is provided as Attachment 1.

8. The unavailability of Aqua's Counsel constitutes good cause consistent with Commission regulation.

9. Aqua respectfully requests the Telephonic Hearing be rescheduled for a date after March 1, 2023.

**WHEREFORE**, for good cause shown, Aqua Pennsylvania Wastewater, Inc., requests that Honorable Mark A. Hoyer grant its Unopposed Motion for Continuance of the scheduled February 22, 2023, Telephonic Hearing.

Respectfully submitted,



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)

Date: February 9, 2023

*Counsel for Aqua Pennsylvania Wastewater, Inc.*

Docket No. C-2022-3037260  
New Garden Center LLC v. Aqua Pennsylvania Wastewater, Inc.

Attachment 1

Email dated November 10, 2022

## Conor O'Brien

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**From:** Schleg, Deana <dschleig@pa.gov>  
**Sent:** Thursday, November 10, 2022 3:47 PM  
**To:** Conor O'Brien  
**Cc:** Margaret A. Morris, Esquire  
**Subject:** RE: [External] Margaret A. Morris not available for hearing (2/21 through 3/1/23)

I have blocked these dates for Attorney Morris.

*Deana Schleg*

Administrative Officer 3  
PA Public Utility Commission  
Office of Administrative Law Judge  
400 North Street  
Harrisburg, PA 17120  
PH: 717.783.9959  
FAX: 717.787.0481  
[dschleig@pa.gov](mailto:dschleig@pa.gov)  
[www.puc.pa.gov](http://www.puc.pa.gov)



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**From:** Conor O'Brien <cobrien@regerlaw.com>  
**Sent:** Thursday, November 10, 2022 9:20 AM  
**To:** Schleg, Deana <dschleig@pa.gov>  
**Cc:** Margaret A. Morris, Esquire <mmorris@regerlaw.com>  
**Subject:** [External] Margaret A. Morris not available for hearing (2/21 through 3/1/23)

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good Morning, Ms. Schleg:

Please remove Attorney Margaret A. Morris from the hearing calendar for the period of time between **Tuesday, February 21<sup>st</sup> through Wednesday, March 1<sup>st</sup>, 2023**. Attorney Morris will be available again beginning Thursday, March 2<sup>nd</sup> – thank you.