



**Via Electronic Filing**

March 20, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

RE: ***PA PUC v. Aqua Pennsylvania Wastewater, Inc.***  
***PUC Docket No. R-2022-3036634***

***Richard Adams v. Aqua Pennsylvania Wastewater, Inc.***  
**PUC Docket No. C-2022-3037266**

Dear Secretary Chiavetta:

Enclosed for filing, please find Reply Brief of Aqua Pennsylvania, Wastewater Inc. (Aqua) in the above-captioned proceeding.

A copy of the Answer has been served upon the parties, as evidenced by the enclosed Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary McFall Hopper".

Mary McFall Hopper  
Regulatory Counsel  
mmhopper@aquaamerica.com  
(610) 645-1170

Enclosure

cc: Honorable Darlene Heep  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUC v. AQUA PENNSYLVANIA WATERWATER, INC.	:	DOCKET NO: R-2022-3036634
	:	
v.	:	
	:	
RICHARD ADAMS v. AQUA PENNSYLVANIA WASTEWATER, INC.	:	DOCKET NO: C-2022-3037266
	:	

**CERTIFICATE OF SERVICE**

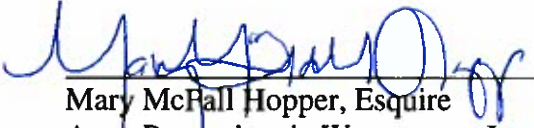
I hereby certify that I have this day served a true copy of the Reply Brief of Aqua Pennsylvania Wastewater, Inc. upon the persons and in the manner set forth below:

Via Email and Overnight Mail

The Honorable Darlene Heep  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
[dheep@pa.gov](mailto:dheep@pa.gov)  
[sdelvillar@pa.gov](mailto:sdelvillar@pa.gov)

Richard Adams  
221 Taylorsville Road  
Yardley, PA 19067  
[urbroa@hotmail.com](mailto:urbroa@hotmail.com)

David J. Truelove, Esquire  
Benjamin W.R. Hauser, Esquire  
Hill Wallack LLP  
777 Township Line Road  
Suite 250  
Yardley, PA 19067  
[dtruelove@HillWallack.com](mailto:dtruelove@HillWallack.com)  
[bhauser@HillWallack.com](mailto:bhauser@HillWallack.com)

  
Mary McFall Hopper, Esquire  
Aqua Pennsylvania Wastewater, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
(610) 645-1170  
[mmhopper@aquaamerica.com](mailto:mmhopper@aquaamerica.com)

Dated: March 20, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	<b>:</b>	<b>R-2022-3036634</b>
<b>v.</b>	<b>:</b>	
<b>Aqua Pennsylvania Wastewater, Inc.</b>	<b>:</b>	
	<b>:</b>	
<b>Richard Adams</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	
<b>Aqua Pennsylvania Wastewater, Inc.</b>	<b>:</b>	<b>C-2022-3037266</b>

**REPLY BRIEF OF  
AQUA PENNSYLVANIA WASTEWATER, INC.**

Date: March 20, 2023

Mary McFall Hopper, Esquire  
Aqua Pennsylvania Wastewater, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
[mmhopper@aquaamerica.com](mailto:mmhopper@aquaamerica.com)  
(610) 645-1170

**Table of Contents**

TABLE OF CONTENTS ..... ii

TABLE OF AUTHORITIES ..... iii

STATEMENT OF THE CASE..... 1

BURDEN OF PROOF ..... 2

STATEMENT OF THE QUESTION INVOLVED ..... 2

SUMMARY OF ARGUMENT ..... 2

ARGUMENT ..... 2

    Notice ..... 2

    Discrimination in Rates or Services ..... 2

    Wastewater Rates ..... 3

    Flat Rate Billing ..... 3

    Expansion of Proposed Tariff Supplement ..... 4

CONCLUSION AND REQUESTED RELIEF..... 4

**Table of Authorities**

***Statutes/Regulations***

52 Pa. Code §52.51(d).....	1
52 Pa. Code §53.52(a) and (b).....	1, 3
66 Pa. Code §1304 .....	3
66 Pa. C.S. §1308.....	1, 2
66 Pa. C.S. §1502.....	3
66 Pa. C.S. §1505.....	3

## **I. STATEMENT OF THE CASE**

This proceeding concerns the request of Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Company”), filed with the Public Utility Commission (“Commission”) on November 8, 2022, pursuant to Section 1308(b) the Public Utility Code (“Code”) for approval of Supplement No. 2 to Tariff Sewer- PA P.U.C. No. 3 (“Proposed Tariff Supplement”). The Proposed Tariff Supplement revises language concerning the use of secondary water meters (“deduct meters”) for acquired wastewater customers in Limerick Township, East Norriton Township and Lower Makefield Township (“Townships”). The Proposed Tariff Supplement filing included all the information required by 52 Pa. Code §53.52(a) and (b). In addition, the Company served the appropriate parties as required by 66 Pa.C.S. §1308(a); 52 Pa. Code §53.51(d). Prior to the acquisition by Aqua, the Townships offered a deduct meter program for residents. The Proposed Tariff Supplement allows customers who previously owned and installed a deduct meter, prior to the acquisition by Aqua, to receive a sewer billing deduction for the measured water consumption that is used but does not enter the Company’s wastewater systems as previously provided for by the Townships. The record evidence in this proceeding supports the approval of the Proposed Tariff Supplement.

In accordance with the March 6, 2022 Briefing Due Date Extension Order (“Extension Order”) the Company, Richard Adams (“Complainant”) and Lower Makefield Township (“Lower Makefield”) filed Main Briefs on March 10, 2023. The Company submits this Reply Brief in accordance with the schedule presented in the Extension Order. The Company’s Reply Brief supplements its Main Brief and is limited to those matters requiring additional discussion as a result of the Main Briefs filed by the Complainant and Lower Makefield.

## **II. BURDEN OF PROOF**

The Company addressed Burden of Proof in Section II of its Main Brief. The Company submits that it has met its burden of proof.

## **III. STATEMENT OF THE QUESTION INVOLVED**

Aqua presented its Statement of Question Involved in Section III of its Main Brief.

## **IV. SUMMARY OF ARGUMENT**

The Company provided a detailed Summary of Argument in Section IV of its Main Brief and incorporates the summary provided. The Company fully complied with the Commission's filing and notice requirements and its Proposed Tariff Supplement is permissible under the Code and is not discriminatory in rates or service.

Any consideration to expand the Proposed Tariff Supplement beyond what is included in its filing is more appropriately addressed in a rate case proceeding where the Company could address any impacts to rate base, revenue and expense.

## **V. ARGUMENT**

### **A. Notice**

The Company addressed this in Section V.A, pages 5 through 6, of its Main Brief. Section 1308 of the Code does not require the Company to notify all customers of this proposed change. As outlined in the Company's Main Brief, the Company fully complied with the Commission's notice requirements regarding a voluntary rate change. 66 Pa. C.S. §1308(a); 52 Pa. Code §53.52(a) and (b).

### **B. Discrimination in Rates or Service**

The Company addressed this in Section V.B., pages 6 through 10, of its Main Brief. The Code does not require all rates to be identical. The Code, including the sections cited by

Complainant in his Main Brief (66 Pa. C.S. §§1304, 1502 and 1505) prohibit “unreasonable preference” as to rates and the Company has met its burden and justified that its Proposed Tariff Supplement is not unreasonable as to rates or service and that any differential is justified. Rate Zones 7 (Limerick), Rate Zone 10 (East Norriton) and Rate Zone 12 (Lower Makefield) differ from other Company rate zones by nature of the Commission-approved acquisitions of the municipalities’ wastewater systems and the rates in place at the time they were acquired. The Company is incorporating an existing practice from three wastewater systems it has acquired. For the reasons stated above and in the Company’s Main Brief, the Proposed Tariff Supplement is not discriminatory and any differences to other Company rate zones are legally justified.

**C. Wastewater Rates**

Complainant in his Main Brief continues his dispute with the way that wastewater charges are billed pursuant to the Company’s tariff. Aqua incorporates by reference its discussion at pages 9 through 10 of its Main Brief. The Company’s Commission approved tariff provides that wastewater service is calculated using metered water consumption where a customer’s water service is metered. The Proposed Tariff Supplement does not include a proposal to alter the approved rate design and Complainant has not provided any evidence that this Commission approved rate design can be altered.

**D. Flat Rate Billing**

Complainant raised an issue in his Main Brief (p.2) that was excluded by Administrative Law Judge Heep during the proceeding. The Complainant continues to request that the Commission, in this proceeding, be required to providing metering to flat rate customers. The Company’s objection to include this issue in this proceeding was sustained and Complainant should not be able to include this request in his Main Brief or Request for Relief.

**E. Expansion of the Proposed Tariff Supplement**

Both Complainant and Lower Makefield request the Commission to expand the Proposed Tariff Supplement to future customers. The Company addressed this in Section V.B. (pg. 8) of its Main Brief. The Proposed Tariff Supplement is exclusively applicable only to customers who had purchased a secondary water/deduct water meter prior to being acquired by the Company. Any future expansion of the use of deduct meters is more appropriately addressed during a rate case proceeding with a full review of the impacts to the Company's rate base, revenue and expenses.

**IX. CONCLUSION WITH REQUESTED RELIEF**

There is no record evidence to support the Complainant's position that the Proposed Tariff Supplement should not be approved. The record evidence in this proceeding, as described above, clearly establishes that the Proposed Tariff Supplement is reasonable, is not discriminatory in rates or service and should be approved.

For all the reasons stated above and in the Company's Main Brief, Aqua Pennsylvania Wastewater, Inc. respectfully requests that Administrative Law Judge Darlene Heep and the Pennsylvania Public Utility Commission approve Supplement No. 2 without modification and dismiss with prejudice the Formal Complaint filed in this proceeding in its entirety.

Respectfully submitted,

Date: March 10, 2023



Mary McFall Hopper, Esquire  
Aqua Pennsylvania Wastewater, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
[mmhopper@aquaamerica.com](mailto:mmhopper@aquaamerica.com)  
(610) 645-1170