

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

**Annuradha Goel**

**Public Meeting held October 19, 2023**

**3035690-ALJ**

**v.**

**Docket No. C-2022-3035690**

**Aqua Pennsylvania Wastewater, Inc.**

**MOTION OF COMMISSIONER KATHRYN L. ZERFUSS**

Before the Pennsylvania Public Utility Commission (Commission) for consideration is the Initial Decision, dated July 25, 2022, in the above-captioned proceeding. Based on the Administrative Law Judge’s finding that the Complainant made a verbal request to withdraw her complaint at the hearing, the decision grants the Complainant’s Petition to Withdraw the Complaint and withdraws the complaint.

By way of background, on September 28, 2022, Annuradha Goel (Complainant or Ms. Goel) filed a Formal Complaint against Aqua Pennsylvania Wastewater, Inc. (Aqua) challenging the reasonableness of the charges on her bill. Complaint at 4. In her complaint, Ms. Goel alleged that “Aqua has increased the rate of [her] water bill by 77%” and that her bill presents the following issues: (1) the amount is based on water usage metered by Chester Water Authority not actual meter readings of her wastewater usage, (2) the rate is not affordable as it is the second rate increase since New Garden Township sold the sewer system to Aqua, and (3) the rate is 424% more than other surrounding townships. Goel Complaint at 4.

On October 18, 2022, Aqua filed an Answer admitting that Ms. Goel’s rates recently increased and became effective on May 19, 2022, in accordance with the Commission’s May 16, 2022, Order approving Aqua’s request to increase its wastewater rates. *See Pa. Pub. Util., et al. Comm’n v. Aqua Pennsylvania, Inc.*, (Docket Nos. R-2021-3027385, R-2021-3027386) (Order entered May 16, 2022). Aqua averred that, at all relevant times, it has provided reasonable and adequate service in compliance with its Commission-approved tariff, the Public Utility Code and the Commission’s regulations and orders.

On March 14, 2023, the hearing convened as scheduled at which time the Complainant appeared *pro se*. Counsel appeared on behalf of Aqua and introduced five exhibits which were admitted into the record.

At the hearing, following the Administrative Law Judge’s (ALJ) explanation of the ratemaking process and Ms. Goel’s response to his questions about the scope of her complaint, the ALJ gave Ms. Goel two options — either withdraw the complaint or he would write a decision explaining that there is no justiciable issue in her case. Transcript at 32-34. In

accordance with the hearing transcript, it appears that Ms. Goel replied that she wanted the second option, for the ALJ to draft a decision about the justiciability of her complaint. *Id.* at 34.

I submit this Motion to reverse the Initial Decision because the hearing transcript does not support a finding of fact that Ms. Goel made a verbal request to withdraw her complaint. Rather, the hearing transcript appears to indicate that Ms. Goel's request is for the ALJ to issue a decision regarding the justiciability of her complaint.

Moreover, I take this opportunity to highlight the Commission's jurisdiction over the subject matter of this proceeding under Sections 316, 701, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 316, 701, 1301, 1501. *See Kossman v. Pa. Pub. Util. Comm'n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stitler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977). In such cases, especially those involving *pro se* complainants, the presiding ALJ should provide an explanation of the applicable burden of proof, *see* 66 Pa.C.S. § 332(a), and provide *pro se* complainants an opportunity to present their case in accordance with the applicable law. *See Manu v. Bell Tel. Co. of Pa.*, Docket No. F-09029141 (Order entered May 9, 1994) (The Commission accords *pro se* litigants a certain degree of latitude in proceedings).

For these reasons, Ms. Goel should be afforded an opportunity to present her case and provided a decision on the merits based on the evidence. Accordingly, the ALJ's Initial Decision should be reversed, and the matter should be remanded to the Office of Administrative Law Judge for such further proceedings, as deemed necessary, consistent with this motion.

**THEREFORE, I MOVE THAT:**

1. The Initial Decision of Administrative Law Judge Dennis J. Buckley is reversed, consistent with this motion.
2. The proceeding be remanded to the Office of Administrative Law Judge, for further proceedings, as deemed necessary, consistent with this motion.
3. That the Office of Special Assistants prepare an Order consistent with this motion.

**DATE: October 19, 2023**



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**Kathryn L. Zerfuss, Commissioner**