

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD J. BENDER	:	
	:	
Petitioner,	:	
	:	
v.	:	In the Matter of:
	:	Docket No.: C-2024-3048268
	:	
AQUA PENNSYLVANIA WASTEWATER, INC.	:	
	:	
Respondent.	:	

PETITIONER’S REPLY TO RESPONDENT’S NEW MATTER

12. To the extent that the averments contained in this paragraph constitute legal opinions and/or conclusions, they are denied.

13. To the extent that the averments contained in this paragraph constitute legal opinions and/or conclusions, they are denied.

14. To the extent that the averments contained in this paragraph constitute legal opinions and/or conclusions, they are denied.

15. Denied. To the extent that the allegations contained in this paragraph are construed to purport allegations of fact, rather than requests for relief, any such allegation of fact is denied.

16. Admitted in part, denied in part. It is admitted that 52 Pa. Code § 5.231 states that it is the policy of the Commission to encourage settlement. It is denied that Petitioner has a claim that can be characterized as one that necessarily avails itself to settlement.

17. Admitted in part, denied in part. It is admitted that Respondent requests for this matter to be referred to the Office of Administrative Law Judge’s Mediation Unit. By way of further response, Petitioner is amenable to the matter being referred to the Office of Administrative Law Judge’s Mediation Unit. It is specifically denied that in doing so, Petitioner waives any of his

rights or claims that he is otherwise entitled to through the formal complaint process before the Commission.

18. To the extent that the averments contained in this paragraph constitute legal opinions and/or conclusions, they are denied.

WHEREFORE, Petitioner, Richard Bender, requests that the Formal Complaint he filed in this matter be granted in its entirety. In the alternative, Petitioner is amenable to the matter being referred to the Office of Administrative Law Judge's Mediation Unit.

LAW OFFICE OF STEPHAN J. TULL

BY: /s/ Michael C. Cortese
MICHAEL C. CORTESE, ESQUIRE
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 /s/ Stephan J. Tull
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Date: May 20, 2024

VERIFICATION

The undersigned, having read the attached document, verifies that the within document is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the document is that of counsel and not of signer. Signer verifies that he/she has read the within document and that it is true and correct to the best of signer's knowledge, information, and belief. To the extent that the contents of the document are that of counsel, verifier has relied upon counsel in taking this Verification. This Verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

X Richard Bender
RICHARD BENDER

FILE NO.:8291

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant).

Via E-filing

Rosemary Chiavetta, Esquire
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Service to Heather S. D. Harrison

effectuated by emailed service to Margeret Morris

/s/ Michael C. Cortese

MICHAEL C. CORTESE, ESQUIRE
ID #: 329165

/s/ Stephan J. Tull

STEPHAN J. TULL, ESQUIRE
ID #: 329147

Dated: May 20, 2024