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Attorney for Newtown  
Artesian Water Company

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**ANN MARIE LUYANDO,**  
*Complainant*

v.

**NEWTOWN ARTESIAN  
WATER COMPANY,**  
*Respondent*

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**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**I.D. #73528**

**No. F-2022-3034600**

**FORMAL COMPLAINT**

**REPLY OF RESPONDENT NEWTOWN ARTESIAN WATER  
COMPANY TO COMPLAINANT’S NEW MATTER**

**AND NOW**, Respondent Newtown Artesian Water Company (“Company”), by and through its undersigned counsel, files this Reply to the New Matter of Complainant Ann Marie Luyando (“Luyando”) as follows:

20. Company incorporates by reference paragraphs 1 through 19, inclusive, of its Answer and New Matter as though the same were fully set forth herein at length.
21. **Admitted in part; denied in part.** Admitted only that Company’s Answer and New Matter to Luyando’s Formal Complaint was filed on January 25, 2023, with the Pennsylvania Public Utility Commission (the “Commission”) following service of the Formal Complaint. The remaining averments of paragraph 21 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.
22. **Denied.** The averments of paragraph 22 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.
23. **Denied.** The averments of paragraph 23 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.
24. **Denied.** The averments of paragraph 24 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.

25. **Denied.** The averments of paragraph 25 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied. By way of further reply, Company is without knowledge or information sufficient to form a belief as to the accuracy or truth of Luyando’s averments regarding any injury she suffered on or about March 1, 2023, and any ramifications therefrom. Strict proof thereof is demanded at the hearing, if relevant.
26. **Denied.** The averments of paragraph 26 of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied. By way of further reply, Company denies previously granting Luyando any digital water meter opt-out option. Luyando has declined Company’s offer to install a replacement digital water meter at Luyando’s residence with the radio transmitting features disengaged. Further, Company denies it is “forcing radiation” upon Luyando.
27. 1) **Admitted in part; denied in part.** Admitted that Luyando demands that Company accommodate her request that Company leave an analog water meter at her residence. Denied that Company refused Luyando an accommodation in connection with the proposed digital meter. By way of further reply, Luyando’s Formal Complaint fails to state a claim upon which relief can be granted and/or sufficient proof thereof under the applicable standards enunciated in *Povacz, et al v. Pa. Public Utility Commission*, 280 A.3d 975 (Pa. 2022) (*Povacz II*).
- 2) **Admitted in part; denied in part.** Admitted that Company sent Luyando the information she requested regarding the digital meter. Denied that Company raised the issue of smart meter safety.
- 3) **Denied.** Company is without knowledge or information sufficient for form a belief as to the accuracy or truth of these averments. Strict proof thereof is demanded at the hearing, if relevant. By way of further reply, Luyando’s Formal Complaint fails to state a claim upon which relief can be granted and/or sufficient proof thereof under the applicable standards enunciated in *Povacz II*.
- 4) **Denied.** Denied that Company instructed Luyando to file the instant Formal Complaint. By way of further reply, Company stated that it would abide by any decision of the Commission on Luyando’s request for that an analog water meter be at her residence.
- 5) **Denied.** The averments of paragraph 27 5) of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.
- 6) **Denied.** The averments of paragraph 27 6) of Luyando’s New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.

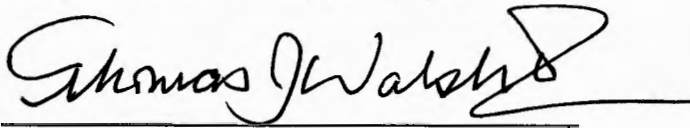
7) **Denied.** The averments of paragraph 27 7) of Luyando's New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.

8) **Denied.** The averments of paragraph 27 8) of Luyando's New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.

9) **Denied.** The averments of paragraph 27 9) of Luyando's New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied. By way of further reply, Company is without knowledge or information sufficient to form a belief as to the accuracy or truth of Luyando's averments regarding any injury she suffered on or about March 1, 2023, and any ramifications therefrom. Strict proof thereof is demanded at the hearing, if relevant.

10) **Denied.** The averments of paragraph 27 10) of Luyando's New Matter constitute legal conclusions to which no response is required. To the extent that a response is required, the averments are denied.

**WHEREFORE,** Respondent Newtown Artesian Water Company respectfully requests that Complainant Luyando's Formal Complaint be dismissed, with prejudice.

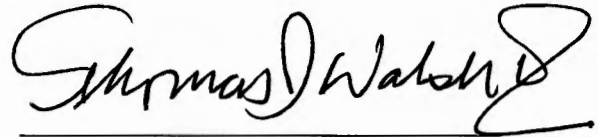
By: 

Thomas J. Walsh III, Esquire  
Attorney for Respondent  
Newtown Artesian Water Company

**VERIFICATION**

I, **Thomas J. Walsh III**, Esq., Counsel for and officer of Newtown Artesian Water Company, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: 2/27/2024



Thomas J. Walsh III, Esq.

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**CERTIFICATE OF SERVICE**

I, Thomas J. Walsh III, Esquire, attorney for Respondent Newtown Artesian Water Company, hereby certify that I am this 27<sup>th</sup> day of February, 2024, serving copies of the foregoing Reply to New Matter and this proof of service on the following persons in the manner indicated:

By First Class Mail, Postage Prepaid

And Electronic Mail:

Ann Marie Luyando  
4 Magnolia Drive  
Newtown, PA 18940  
Email: [madisoncedric166@gmail.com](mailto:madisoncedric166@gmail.com)

By Electronic Mail:

Honorable Gail M. Chiodo  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120  
Email: [gchiodo@pa.gov](mailto:gchiodo@pa.gov)

I understand that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

By: 

Thomas J. Walsh III, Esquire  
Attorney for Respondent  
Newtown Artesian Water Company  
Email: [twalsh@twalshlaw.com](mailto:twalsh@twalshlaw.com)