

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Isaac Scholle	:	
	:	
v.	:	C-2024-3050056
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

**ORDER REOPENING THE RECORD**

On July 11, 2024, Isaac Scholle (Mr. Scholle or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Aqua Pennsylvania Wastewater, Inc. (Aqua, the Company, or Respondent) alleging that Aqua incorrectly charges a Customer Charge of \$53.49 per month in addition to a consumption charge despite the tariff schedule for Rate Zone 12 mentioning a Minimum Charge of \$53.49 and not a Customer Charge of \$53.49. As relief, the Complainant requests that the Commission order Aqua to refund all overpayments due to incorrect charges, order Aqua to bill correctly in the future, and fine the utility for not following the tariff schedule.

On August 1, 2024, Aqua filed an Answer and New Matter to the Complaint. In its Answer, Aqua denied the material allegations of the Complaint, whereas in the New Matter Aqua it averred that the Complainant's account is billed monthly for residential wastewater service, consistent with the Company's Commission-approved Rate Zone 12 Tariff. The monthly bills reflects a minimum charge of \$53.49 which is consistent with the Company's Commission-approved Rate Zone 12 Tariiff and is billed regardless of whether any wastewater is used. Aqua further explains that, pursuant to 66 Pa.C.S. § 1301 and *Brockway Glass Co. v. Pa. PUC*, 437 A.2d 1967, 1070 (Pa. Cmwlth. 1981), its Rate Zone 12 Tariff has the force and effect of law and is binding on both the public utility and its customers. Finally, Aqua requested that the matter be referred to the Mediation Unit.

On August 1, 2024, Mr. Scholle filed a Response to New Matter asserting that a minimum monthly charge is distinct from a customer charge. He explained that a minimum charge generally refers to the lowest amount billed to ensure service availability, regardless of actual usage, whereas a customer charge typically includes fixed costs associated with maintaining service availability and infrastructure.

By Hearing Notice dated August 5, 2024, a telephonic hearing was scheduled for October 8, 2024, and the matter was assigned to me.

On September 19, 2024, I issued a Prehearing Order reminding the parties of the time and date of the hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

On September 30, 2024. Aqua submitted three proposed exhibits in preparation for the hearing:

- Aqua Exhibit 1 – Customer screen
- Aqua Exhibit 2 – Relevant Tariff provisions
- Aqua Exhibit 3 – Current monthly bill, dated 9/5/24

The proposed exhibits were served on me and Mr. Scholle.

The hearing convened as scheduled on October 8, 2024. Mr. Scholle appeared *pro se*. Margaret Morris, Esq. appeared representing the Respondent. The parties expressed their interest in exploring settlement discussions through the Settlement Judge Process. Settlement discussions were conducted off the record, but the parties were unable to reach a resolution to the issues raised in the Complaint. Instead, the parties requested and were granted permission to brief the legal issues raised in the Complaint. I instructed the parties that main briefs were due on November 12, 2024, and reply briefs were due on December 31, 2024.

The parties submitted timely Main and Reply Briefs in which they address the information contained in Aqua's proposed exhibits. However, these exhibits were not moved or admitted into the record in this matter.

It is my duty as presiding officer to prepare a clear and complete record in this case. In order to do that, I am requesting that Aqua file a motion for the admission of its proposed exhibits into the record by no later than April 4, 2025. Complainant will be given 10 days, or until April 14, 2025, to file any written objections to the proposed exhibits. In the alternative, the parties may file a joint stipulation for the admission of the exhibits into the record, by no later than April 14, 2025.

THEREFORE,

IT IS ORDERED:

1. That the record in Isaac Scholle v Aqua Pennsylvania Wastewater, Inc., Docket No. C-2024-3050056 will be reopened.
2. That Aqua Pennsylvania Wastewater, Inc., shall file a motion for the admission of its proposed exhibits into the record by no later than April 4, 2025.
3. That Isaac Scholle may file any written objections to Aqua Pennsylvania Wastewater, Inc.'s proposed exhibits by no later than April 14, 2025.
4. That, in the alternative, the parties may file a joint stipulation for the admission of the exhibits into the record, by no later than April 14, 2025.

Date: March 27, 2025

\_\_\_\_\_/s/  
Eranda Vero  
Administrative Law Judge

**C-2024-3050056 - ISAAC SCHOLLE v. AQUA PENNSYLVANIA WASTEWATER INC**

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