

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LeRon Alston	:	
	:	
v.	:	F-2025-3052978
	:	
Community Utilities of Pennsylvania Inc.	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses a Formal Complaint filed by a customer against his wastewater utility for failure of the customer to meet his burden of proof.

HISTORY OF THE PROCEEDING

On January 16, 2025, LeRon Alston (“Mr. Alston” or “Complainant”) filed a Formal Complaint (“Complaint”) against Community Utilities of Pennsylvania Inc. (“CUPA” or “Respondent”) with the Pennsylvania Public Utility Commission (“Commission”). Mr. Alston checked the boxes on the Complaint form stating that CUPA is threatening to or has already shut off his service and that there were incorrect charges on his bill. Specifically, Mr. Alston alleged that he is being charged for wastewater service that he does not use, stating that he does not have a wastewater meter

to accurately measure wastewater usage. For relief, Mr. Alston requested that he be refunded for all his wastewater usage charges.

Further, Mr. Alston alleged that he attempted to contact CUPA concerning its low-income assistance program but that CUPA did not respond to his calls and that CUPA's website application to apply for low-income assistance was no longer active. Mr. Alston attached his June 30, 2017, CUPA bill and a letter from CUPA titled "low-income assistance programs" to his Complaint.¹

On February 5, 2025, CUPA filed an Answer with New Matter to the Complaint. CUPA denied that there were incorrect charges on Mr. Alston's bill and asserted that there is no legal basis for CUPA to provide a refund to Mr. Alston. CUPA admitted that it provided Mr. Alston with information regarding low-income assistance including how to apply for low-income rates and CUPA's arrearages management program available to low-income consumers. CUPA denied, however, that its website application to apply for low-income assistance was incorrect or no longer active.

In its New Matter, CUPA asserted that pursuant to the Commission-approved settlement in its 2023 base rate case,² CUPA bills its wastewater customers metered rates based on the customer's actual water usage data from Aqua Pennsylvania Inc. ("Aqua"), the water provider. CUPA asserted that it is adhering to its Commission-approved tariff regarding Mr. Alston's wastewater metered charges. CUPA concluded its Answer with New Matter by requesting dismissal of the Complaint.

¹ The Complaint is a timely appeal of a decision by the Commission's Bureau of Consumer Services ("BCS") at BCS No. 4023632. The timely appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

² See *Pa. Pub. Util. Comm'n v. Cmty. Utils. of Pa. Inc.*, Docket Nos. R-2023-3042804 (water) and R-2023-3042805 (wastewater) (Opinion and Order entered Aug. 1, 2024) ("2023 base rate case").

The Answer with New Matter contained a Notice to Plead for Mr. Alston to file a Reply to CUPA's New Matter within 20 days of its service. Mr. Alston did not file a Reply to CUPA's New Matter.

Also on February 5, 2025, CUPA filed Preliminary Objections to the Complaint. CUPA argued in its Preliminary Objections that the Complaint is legally insufficient pursuant to 52 Pa. Code § 5.101(a)(4). CUPA explained that in its 2021 base rate case,³ it agreed to propose metered rates for flat rate wastewater customers. As a result, in its 2023 base rate case, CUPA proposed metered rates for previously unmetered, flat rate wastewater customers based on the actual water usage of the customer per the data obtained from Aqua. The 2023 base rate case resulted in a settlement, approved by the Commission on August 1, 2024. CUPA therefore argued that the actions complained of in the Complaint are in adherence to Commission orders and CUPA's Commission-approved tariff and thus do not violate any Commission order, regulation, or the Public Utility Code.

The Preliminary Objections contained a Notice to Plead for Mr. Alston to file an Answer to CUPA's Preliminary Objections within 10 days of its service. Mr. Alston did not file an Answer to CUPA's Preliminary Objections.

On March 10, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me as Administrative Law Judge.

On April 4, 2025, the Commission issued my Order Denying Preliminary Objections.

³ See *Pa. Pub. Util. Comm'n v. Cmty. Utils. of Pa. Inc.*, Docket Nos. R-2021-3025206 (water) and R-2021-3025207 (wastewater) (Opinion and Order entered Jan. 13, 2022) ("2021 base rate case").

On April 9, 2025, the Commission issued an Initial Call-In Telephonic Evidentiary Hearings Notice scheduling an evidentiary hearing for May 27, 2025.

On April 10, 2025, the Commission issued a Prehearing Order which provided the procedural rules that would govern the evidentiary hearing.

On May 27, 2025, the evidentiary hearing was held as scheduled. Mr. Alston testified in support of his Complaint and sponsored one exhibit that was admitted into the record. Whitney Snyder, Esquire, represented CUPA at the hearing and presented the testimony of a witness, David Clark, who sponsored three exhibits that were admitted into the record.

On June 11, 2025, the Commission received the 95-page electronic transcript of the hearing. The record was closed on this date.

This matter is ready for deposition. For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant in this matter is LeRon Alston.
2. Respondent in this matter is Community Utilities of Pennsylvania Inc.
3. On November 9, 2023, CUPA filed water and wastewater tariffs with the Commission proposing to increase its water and wastewater rates in order to increase its operating revenues for water and wastewater service. CUPA Exhibit No. 1, p. 6.

4. On November 22, 2023, CUPA filed its Proofs of Publication of Customer Notice of Base Rate Increase with the Commission, which evidenced that it published notice of the 2023 base rate case in newspapers of general circulation in its various service territories. Tr. 45.

5. CUPA mailed individual notices of the 2023 base rate case to their customers by way of individual bill inserts. Tr. 46.

6. Public input hearings were held in the 2023 base rate case proceeding on January 30, 2024, January 31, 2024, and February 1, 2024. CUPA Exhibit No. 1, p. 8.

7. CUPA published notice of the public input hearings on its website and on its Facebook account on January 23, 2024. Tr. 82.

8. CUPA provided its customers with a Notice of Proposed Rate Changes letter that explained that CUPA filed a request with the Commission to increase its water and wastewater rates effective January 9, 2024. Alston Exhibit 1, pp. 1-2.

9. The Notice of Proposed Rate Changes letter provided that if CUPA's entire wastewater request was approved, the total wastewater bill for a residential customer using 3,400 gallons per month would increase from \$74.73 to \$112.51. Alston Exhibit 1, p. 1.

10. The Notice of Proposed Rate Changes letter further provided that customers could challenge CUPA's request to change its rates in three ways: (1) through the filing of a formal complaint with the Commission, (2) through the filing of a

comment with the Commission, or (3) through participating as a witness at a public input hearing. Alston Exhibit 1, p. 2.

11. CUPA and the active parties to the 2023 base rate case proceeding reached a settlement of the matter. CUPA Exhibit No. 2

12. On August 1, 2024, the Commission issued an Opinion and Order that approved the settlement reached in the 2023 base rate case proceeding. CUPA Exhibit No. 1.

13. Approval of the settlement through the Commission's Opinion and Order in the 2023 base rate case resulted in an increase in wastewater rates for CUPA's customers that was less than what was initially proposed by CUPA. CUPA Exhibit No. 1.

14. The Commission's Opinion and Order in the 2023 base rate case proceeding authorized CUPA to charge customers volumetric wastewater rates based on water usage. Tr. 44; CUPA Exhibit No. 1.

15. Volumetric usage tracks and uses the customer's water usage as the billing determinant for their wastewater usage. Tr. 69-70.

16. CUPA's tariff implementing changes consistent with the Commission's August 1, 2024, Opinion and Order became effective August 9, 2024. Alston Exhibit 1, p. 5.

17. The Dollar Energy Fund ("DEF") is a third-party independent organization that determines eligibility for low-income programs and assists low-income utility customers in applying for the programs. Tr. 50.

18. CUPA outsources approval for its low-income assistance program to DEF. Tr. 50.

19. On January 6, 2025, Mr. Alston first applied for CUPA's low-income assistance program. Tr. 49.

20. On January 9, 2025, Mr. Alston called CUPA concerning his low-income assistance program application. Tr. 51

21. Mr. Alston hung up the January 9, 2025, call while on hold. Tr. 51.

22. On January 15, 2025, DEF sent Mr. Alston an email to gather additional information from him regarding his eligibility for CUPA's low-income assistance program. Tr. 51.

23. Mr. Alston did not respond to the January 15, 2025, email from DEF. Tr. 51.

24. On January 29, 2025, Mr. Alston called CUPA to get an update on his low-income assistance program application. Tr. 52.

25. Mr. Alston hung up the January 29, 2025 call while on hold. Tr. 52.

26. Mr. Alston hung up a second call with CUPA after CUPA called Mr. Alston back following the first call on January 29, 2025. Tr. 52.

27. CUPA is willing to backdate Mr. Alston's eligibility for low-income rates to his application date of January 2025 if he completes his application and he is found to be eligible. Tr. 52-53.

28. CUPA simplified its low-income assistance program URL to avoid possible confusion between lowercase and uppercase letters and numbers. Tr. 48.

DISCUSSION

Legal Standards

As a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). The offense must also be a violation of the Public Utility Code ("Code"), a Commission regulation or order or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

Section 332(a) of the Code provides that a complainant, as the party seeking affirmative relief from the Commission, has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

Additionally, the Commission's decision must be supported by substantial evidence in the record. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to

be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts complainant's evidence, the burden of going forward with the evidence shifts back to complainant, who must rebut the utility's evidence with some additional evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

Section 1308(a) of the Code establishes the general rule that existing Commission-approved tariff rates remain in effect until a new Commission-approved tariff rate takes effect. Section 1308(a) provides in pertinent part:

§ 1308. Voluntary changes in rates

- a) General rule.--Unless the commission otherwise orders, no public utility shall make any change in any existing and duly established rate, except after 60 days notice to the commission, which notice shall plainly state the changes proposed to be made in the rates then in force, and the time when the changed rates will go into effect. The public utility shall also give such notice of the proposed changes to other interested persons as the commission in its discretion may direct. **Such notices regarding the proposed changes which are provided to the utility's customers shall be in plain understandable language as the commission shall prescribe.** All proposed changes shall be shown by filing new tariffs, or supplements to existing tariffs filed and in force at the time. The commission, for good cause shown, may allow changes

in rates, without requiring the 60 days notice, under such conditions as it may prescribe.

66 Pa.C.S. § 1308(a) (emphasis added).

Section 1308(d) of the Code further sets forth the mandatory procedure investigation of any proposed rate increase. Section 1308(d) provides in pertinent part:

(d) General rate increases.--Whenever there is filed with the commission by any public utility described in paragraph (1)(i), (ii), (vi) or (vii) of the definition of “public utility” in section 102 (relating to definitions), and such other public utility as the commission may by rule or regulation direct, **any tariff stating a new rate which constitutes a general rate increase, the commission shall promptly enter into an investigation and analysis of said tariff filing and may by order setting forth its reasons therefor, upon complaint or upon its own motion, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate,** and the commission may, at any time by vote of a majority of the members of the commission serving in accordance with law, permit such tariff to become effective, except that absent such order such tariff shall be suspended for a period not to exceed seven months from the time such rate would otherwise become effective.

66 Pa.C.S. § 1308(d) (emphasis added).

Tariff provisions previously approved by the Commission are *prima facie* reasonable, and a complainant seeking to evade the effect of an existing tariff provision carries a very heavy burden of proving that the facts and circumstances leading to the creation of the tariff provision have changed so drastically as to render the application of the tariff provision unreasonable. *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm’n*, 686 A.2d 910 (Pa. Cmwlth. 1996) (“*Shenango*”).

A public utility has a duty to maintain safe, adequate, and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501. The Commonwealth Court has cautioned that the Commission may not sustain a complaint pursuant to Section 1501 of the Code unless it finds that a utility has violated a duty to render reasonable and reliable service. *W. Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947 (Pa. Cmwlth. 1984). Further, the Commission has stated that a utility is not mandated to furnish perfect service:

[Section 1501] does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service.

Re Metro. Edison Co., 80 Pa.P.U.C. 663, 672 (1993). However, a public utility is obligated to provide service that is reasonable and adequate. *Analytical Lab. Servs., Inc. v. Metro. Edison Co.*, Docket No. 20066608 (Opinion and Order entered Dec. 21, 2007).

Analysis

Mr. Alston raised several issues during the evidentiary hearing that will be addressed, and dismissed, below.

First, Mr. Alston claimed that CUPA did not provide him with notice of the 2023 base rate case proceeding, and as such, claimed that he did not have the opportunity to be heard in that proceeding. Tr. 10-11. Mr. Alston also claimed that the rates that were approved as a result of the 2023 base rate case did not match the rates that were initially proposed, asserting that the approved and proposed rates should match. Tr. 11-12. Relevant to these claims are pages 1 and 2 of Alston Exhibit 1, which is a Notice of Proposed Rate Changes letter wherein CUPA explains to its customers that it filed a

request with the Commission to increase its wastewater rates effective January 9, 2024. Alston Exhibit 1, pp. 1-2. The Notice provides that if CUPA's entire wastewater request was approved, the total wastewater bill for a residential customer using 3,400 gallons per month would increase from \$74.73 to \$112.51. Alston Exhibit 1, p. 1. The Notice further provides that there are three ways customers can challenge CUPA's request to change its rates: (1) through the filing of a formal complaint with the Commission, (2) through the filing of a comment with the Commission, or (3) through participating as a witness at a public input hearing. Alston Exhibit 1, p. 2.

CUPA presented the testimony of David Clark, a financial planning and analysis manager employed by CUPA. Tr. 40. The settlement reached between CUPA and the active parties to the 2023 base rate case proceeding was admitted into the record as CUPA Exhibit No. 2, and the Commission's August 1, 2024, Opinion and Order approving the settlement was admitted into the record as CUPA Exhibit No. 1.

The 2023 base rate case was initiated on November 9, 2023, when CUPA filed a water and wastewater tariff with the Commission proposing to increase its water and wastewater rates in order to increase its operating revenues for water and wastewater service. CUPA Exhibit No. 1, p. 6. On November 22, 2023, CUPA filed its Proofs of Publication of Customer Notice of Base Rate Increase with the Commission, which evidenced that it published notice of the 2023 base rate case in newspapers of general circulation in its various service territories. Tr. 45. In addition to publishing notice of the 2023 base rate case in newspapers, Mr. Clark testified that CUPA mailed individual notices to their customers by way of individual bill inserts. Tr. 46. Public input hearings were held in the 2023 base rate case proceeding on January 30, 2024, January 31, 2024, and February 1, 2024. CUPA Exhibit No. 1, p. 8. Mr. Clark testified that CUPA published notice of the public input hearings on its website and on its Facebook account on January 23, 2024. Tr. 82. Ultimately, after investigation of CUPA's proposed tariffs, the Commission approved the settlement reached between CUPA and the active parties to

the 2023 base rate case proceeding which resulted in an increase in wastewater rates less than what was initially proposed by CUPA. CUPA Exhibit No. 1.

Mr. Alston did not meet his burden of proving that CUPA failed to provide him with notice of the 2023 base rate case proceeding. The record evidence shows that CUPA provided Mr. Alston with notice of the proceeding in compliance with Section 1308(a) of the Code. The notice explained what was proposed by CUPA in the proceeding and how Mr. Alston could participate in the proceeding. The record evidence further shows that CUPA provided Mr. Alston with notice of the public input hearings that were held in the proceeding. Importantly, CUPA filed proof that it notified its customers of the 2023 base rate case and of the public hearings with the Commission and there is no evidence that the Commission or the parties to that proceeding raised any concern or issue with the notice that was provided. Ultimately, I find that Mr. Alston failed to show that CUPA violated the Code, a Commission regulation, or a Commission order regarding the notice provided to him in the 2023 base rate case proceeding.

Regarding Mr. Alston's argument that the rates approved through the 2023 base rate case should match the rates that were initially proposed, Section 1308(d) of the Code states that:

whenever a public utility files a tariff stating a new rate which constitutes a general rate increase, the Commission shall promptly enter into an investigation and analysis of said tariff filing and may by order setting forth its reasons therefor, upon complaint or upon its own motion, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate.

66 Pa.C.S. § 1308(d). After investigating the lawfulness, justness, and reasonableness of proposed rate increases contained in the tariff pursuant to this section of the Code, the Commission may: (1) approve the proposed rate increases, (2) approve rate increases less than what was initially proposed, or (3) reject any increase in rates. In the 2023 base rate

proceeding, the Commission approved a settlement between CUPA and the active parties to that proceeding which resulted in an increase in wastewater rates less than what was initially proposed. Mr. Alston's argument that the rates approved through the 2023 base rate case should match the rates that were initially proposed is without merit and must be rejected.

Next, Mr. Alston complained of his wastewater charges, claiming that he should not be charged the same amount for wastewater as he is being charged for water because he does not have a meter to measure his actual wastewater usage. Tr. 12.

Mr. Clark testified that CUPA has not installed wastewater meters for its customers, but that the Commission's Opinion and Order in the 2023 base rate case proceeding authorized CUPA to charge customers volumetric wastewater rates based on water usage. Tr. 44; CUPA Exhibit No. 1. Mr. Clark explained that volumetric usage tracks and uses the customer's water usage as the billing determinant for their wastewater usage. Tr. 69-70.

The Commission's Opinion and Order in the 2023 base rate case proceeding authorized CUPA to transition unmetered, flat rate wastewater customers to metered rates based on the customer's water usage data. CUPA's tariff implementing this billing method became effective August 9, 2024. Alston Exhibit 1, p. 5. As cited, Mr. Alston carries a heavy burden of proving that the facts and circumstances leading to the creation of CUPA's tariff provisions implementing its new billing method have changed so drastically as to render the application of the tariff provisions unreasonable. *Shenango*. Although Mr. Alston complained of CUPA's method of billing him for wastewater service, he did not introduce any evidence at the evidentiary hearing that could lead to a finding that he has met this heavy burden. Therefore, I find that Mr. Alston has failed to meet his burden of proof regarding this issue. If Mr. Alston wished to challenge CUPA's method of billing its customers, he could have done so in the 2023

base rate case proceeding. As I discussed above, Mr. Alston had proper notice of the 2023 base rate case proceeding and had the opportunity to file a formal complaint and/or to testify at a public input hearing.

Lastly, Mr. Alston complained about being unable to apply for CUPA's low-income assistance program, claiming that he has filled out several applications, but CUPA has not responded and has not placed him on the program. Tr. 21-22. In his Complaint, Mr. Alston also claimed that the URL that he was provided to apply for CUPA's low-income assistance program did not work.

Mr. Clark testified that CUPA outsources approval for its low-income assistance program to a third party, the Dollar Energy Fund. Tr. 43. Mr. Clark went on to testify regarding the history of Mr. Alston's attempts to apply for the program:

- On January 6, 2025, Mr. Alston first applied for CUPA's low-income assistance program. Tr. 49.
- On January 9, 2025, Mr. Alston called CUPA concerning his low-income assistance program application. Mr. Alston hung up the January 9, 2025, call while on hold. Tr. 51.
- On January 15, 2025, DEF sent Mr. Alston an email to gather additional information from him regarding his eligibility for the low-income assistance program. Mr. Alston did not respond to the January 15, 2025, email from DEF. Tr. 51.
- On January 29, 2025, Mr. Alston called CUPA to get an update on his low-income assistance program application. Mr. Alston hung up the January 29, 2025, call while on hold. CUPA attempted to call Mr. Alston back, and again he hung up while on hold. Tr. 52.

Mr. Clark also explained that Mr. Alston's low-income program application is pending with DEF for Mr. Alston to submit further documentation. Tr. 52. CUPA is

willing to backdate Mr. Alston's eligibility for low-income rates to his application date of January 2025 if he completes his application and he is found to be eligible. Tr. 52-53. Regarding Mr. Alston's claim that the URL for Mr. Alston to apply for CUPA's low-income assistance program did not work, Mr. Clark testified that CUPA simplified the URL to avoid possible confusion between lowercase and uppercase letters and numbers. Tr. 48.

Mr. Alston has not met his burden of proving that CUPA provided him with unreasonable service regarding this issue. Based on the evidence provided, CUPA and DEF made various attempts to return Mr. Alston's calls and to contact him regarding his low-income assistance program application. I note that the record does not contain information with respect to the length of time Mr. Alston was placed on hold during his phone calls with CUPA. However, the Code does not require that public utilities provide perfect service but provides that public utilities provide reasonable service. The fact that CUPA and DEF made attempts to contact Mr. Alston concerning his application, and the fact that CUPA is willing to backdate Mr. Alston's eligibility for low-income rates to his initial application date of January 2025 if Mr. Alston completes his application and is found to be eligible, leads me to conclude that CUPA provided Mr. Alston with reasonable service regarding this issue.

Accordingly, for the reasons discussed above, Mr. Alston's Complaint will be denied in its entirety.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to this proceeding. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is on Complainant by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

3. A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

4. As a matter of law, to establish a legally sufficient claim, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990).

5. The Commission's decision must be supported by substantial evidence in the record. 2 Pa.C.S. § 704.

6. Unless the commission otherwise orders, no public utility shall make any change in any existing and duly established rate, except after 60 days notice to the commission, which notice shall plainly state the changes proposed to be made in the rates then in force, and the time when the changed rates will go into effect. The public utility shall also give such notice of the proposed changes to other interested persons as the commission in its discretion may direct. Such notices regarding the proposed changes which are provided to the utility's customers shall be in plain understandable language as the commission shall prescribe. All proposed changes shall be shown by filing new tariffs, or supplements to existing tariffs filed and in force at the time. The commission, for good cause shown, may allow changes in rates, without requiring the 60 days notice, under such conditions as it may prescribe. 66 Pa.C.S. § 1308(a).

7. Whenever there is filed with the commission by any public utility any tariff stating a new rate which constitutes a general rate increase, the commission shall promptly enter into an investigation and analysis of said tariff filing and may by order setting forth its reasons therefor, upon complaint or upon its own motion, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, and the commission may, at any time by vote of a majority of the members of the commission serving in accordance with law, permit such tariff to become effective, except that absent such order such tariff shall be suspended for a period not to exceed seven months from the time such rate would otherwise become effective. 66 Pa.C.S. § 1308(d).

8. Tariff provisions previously approved by the Commission are *prima facie* reasonable, and a complainant seeking to evade the effect of an existing tariff provision carries a very heavy burden of proving that the facts and circumstances leading to the creation of the tariff provision have changed so drastically as to render the application of the tariff provision unreasonable. *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

9. A public utility has a duty to maintain safe, adequate, and reasonable service and facilities and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501.

10. Section 1501 does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service. *Re Metro. Edison Co.*, 80 Pa. P.U.C. 663, 672 (1993).

11. Complainant has not met his burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed by LeRon Alston in the matter of LeRon Alston v. Community Utilities of Pennsylvania, Inc., Docket No. F-2025-3052978, is denied.
2. That the Secretary's Bureau shall mark Docket No. F-2025-3052978 as closed.

Date: September 3, 2025

/s/
Alphonso Arnold III
Administrative Law Judge