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October 2, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: LeRon Alston v. Community Utilities of Pennsylvania, Inc.; Docket No. F-2025-3052978; **COMMUNITY UTILITIES OF PENNSYLVANIA, INC.'S REPLIES TO EXCEPTIONS**

Dear Secretary Homsher:

Enclosed for filing with the Pennsylvania Public Utility Commission is Community Utilities of Pennsylvania, Inc.'s Replies to Exceptions in the above-referenced matter.

If you have any questions regarding this filing, please contact me.

Very truly yours,

/s/ Erich W. Struble

Whitney E. Snyder
Erich W. Struble

*Counsel for Community Utilities of Pennsylvania,
Inc.*

EWS/das
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LERON ALSTON	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3052978
	:	
COMMUNITY UTILITIES OF	:	
PENNSYLVANIA, INC.,	:	
	:	
Respondent.	:	

**COMMUNITY UTILITIES OF PENNSYLVANIA INC.’S
REPLIES TO EXCEPTIONS OF LERON ALSTON**

Pursuant to 52 Pa. Code § 5.535(a), Community Utilities of Pennsylvania, Inc. (“CUPA” or “the Company”) submits these Replies to Mr. LeRon Alston’s (“Mr. Alston”) Exceptions to the September 3, 2025 Initial Decision of Administrative Law Judge Alphonso Arnold III (“ALJ Arnold”) denying the Formal Complaint in this proceeding. For the reasons set forth below, CUPA respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) deny Mr. Alston’s Exceptions.

I. INTRODUCTION AND BACKGROUND

1. The Exceptions, which complain solely about alleged lack of notice of CUPA's most recent base rate increase, should be denied because the Initial Decision is correct that the record conclusively demonstrates that CUPA provided the notice the Commission requires.¹ The Exceptions should also be denied because Mr. Alston has failed to follow procedural requirements for exceptions.

2. On September 3, 2025, ALJ Arnold issued an Initial Decision denying Mr. Alston's Complaint due to his failure to satisfy his burden of proof at the time of the telephonic hearing held on May 27, 2025.

3. On September 22, 2025, the Commission's Secretary, Matthew Homsher, indicated in a letter to the parties that the Commission's Secretary's Bureau received Mr. Alston's Exceptions to ALJ Arnold's Initial Decision, but there was no indication that Mr. Alston properly served his Exceptions. Mr. Homsher's letter therefore attached a copy of Mr. Alston's Exceptions in order to accomplish service pursuant to 52 Pa. Code § 5.533. Mr. Homsher's letter further indicated that, in order to avoid any prejudice resulting from Mr. Alston's failure to provide service, CUPA "shall have until October 3, 2025 to file Reply Exceptions." These are CUPA's Reply Exceptions.

¹ See Initial Decision, Finding of Fact ("FOF") 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 territories.") (citing Hearing Transcript ("Tr.") at 45); FOF 5 ("CUPA mailed individual notices of the 2023 base rate case to their customers by way of individual bill insert.") (citing Tr. at 46); FOF 6-7 ("Public input hearings were held in the 2023 base rate case proceeding on January 30, 2024, January 31, 2024, and February 1, 2024" and "CUPA published notice of the public input hearings on its website and on its Facebook account on January 23, 2024.") (citing CUPA Hearing Exhibit No. 1, p. 8 and Tr. 82); FOF 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" and that 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.") (citing Alston Hearing Exhibit No. 1, pp. 1-2).

II. REPLIES TO EXCEPTIONS

4. Mr. Alston's Exceptions must be denied because he fails to explain the reasons for his disagreement with the Initial Decision, aside from again arguing that CUPA failed to provide him notice of changes to his wastewater rates. Mr. Alston states that CUPA provided him notice in January of 2024 "[p]roposing to increase the rate from 74.73 to 112.51" but in August 2024 his wastewater bill increased to \$338.57 "without any other notice." Mr. Alston states that his August bill does not reflect the increase to \$112.51 indicated in CUPA's January 2024 notice. He repeatedly submits that he was not provided notice of his rate increase, stating that: "I was given no notice of Rate change or what the increase would be" and the "PUC Rules are Clear" that a public utility must "Notify Customers at least 60 days in Advance before an increase" and the "notice must include the amount and how much more" a customer can expect to pay, yet here "I was not given Any of those Rights."

5. Mr. Alston's arguments regarding lack of notice, however, fail to explain why ALJ Arnold's Initial Decision, which concluded that Mr. Alston "did not meet his burden of proving that CUPA failed to provide him with notice of the 2023 base rate case proceeding," is incorrect. ALJ Arnold concluded that the record evidence shows that CUPA provided Mr. Alston with notice of the 2023 base rate proceeding in compliance with Section 1308(a) of the Public Utility Code, and notice of that proceeding is synonymous with notice of changes to CUPA's wastewater customers' rates, including Mr. Alston's rates. The Initial Decision highlights several portions of the evidentiary record which establish that CUPA provided proper notice: (1) 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; (2) CUPA witness Mr. Clark testified that

CUPA mailed individual notices to their customers by way of individual bill inserts; (3) public input hearings were held on January 30, January 31, and February 1, 2024 and CUPA published notice of these hearings on its website and Facebook account on January 23, 2024.

6. Mr. Alston's Exceptions should be denied because they fail to contend with any of this evidence.

7. Exceptions may be filed by a party and served within twenty (20) days after an initial, tentative, or recommended decision is issued. 52 Pa. Code § 5.533(a). Exceptions must be "concise." 52 Pa. Code § 5.533(c). Additionally, the Code provides that each exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. 52 Pa. Code § 5.533(b). Further, supporting reasons for the exception shall follow each specific exception. *Id.*

8. Mr. Alston's Exceptions must also be denied because they do not comply with the provisions cited above. The paragraph submitted by Mr. Alston fails to identify the finding(s) of fact or conclusion(s) of law to which each exception is taken. Additionally, Mr. Alston's Exceptions fail to cite the relevant pages of ALJ's Arnold's decision to which each exception is taken. Further, Mr. Alston's Exceptions fail to provide supporting reasons for each exception. Because of Mr. Alston's failure to conform to the provisions cited above, CUPA respectfully requests that his Exceptions be denied. *See Forward Township Municipal Authority v. Western Pennsylvania Water Co.*, No. C-882171, 1991 WL 476309 (Feb. 15, 1991) ("We note that the Complainant's Exception [] constitutes a bald assertion. Consonant with [Section 5.533(b)], we shall deny this Exception of the Complainant."); *Fulton v. PECO Energy Company*, No. C-2004-2502, 2005 WL 1838683, at *3 (June 29, 2005) ("We will deny the Complainant's Exceptions . .

. . Nor does the Complainant cite to any error of the ALJ based upon the record evidence before her.”).

III. CONCLUSION

WHEREFORE, for the reasons stated above, Community Utilities of Pennsylvania, Inc. respectfully requests that the Commission deny the Exceptions filed by Mr. LeRon Alston.

Respectfully submitted,

/s/ Erich W. Struble _____

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Attorneys for Respondent

Community Utilities of Pennsylvania, Inc.

Dated: October 2, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL

LeRon Alston
156 Hyland Drive
East Stroudsburg, PA 18301
leronalston27@gmail.com

/s/ Erich W. Struble _____

Whitney E. Snyder
Erich W. Struble

Dated this 2nd day of October, 2025