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October 20, 2025

By Electronic Filing

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

Re: Sean Petty v. Community Utilities of Pennsylvania, Inc.; Docket No. C-2024-3052590; **COMMUNITY UTILITIES OF PENNSYLVANIA, INC.'S MOTION TO LODGE PUBLIC UTILITY COMMISSION ORDER**

Dear Secretary Homsher:

Enclosed for filing is Community Utilities of Pennsylvania's Motion to Lodge Public Utility Commission Order in the above-captioned proceeding.

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

Very truly yours,

/s/ Whitney E. Snyder

Whitney E. Snyder
Erich W. Struble

Counsel for Community Utilities of Pennsylvania, Inc.

WES/das
Enclosures

cc: ALJ Alphonso Arnold (alphonarno@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SEAN PETTY,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052590
	:	
COMMUNITY UTILITIES OF	:	
PENNSYLVANIA, INC.,	:	
	:	
Respondent.	:	

**COMMUNITY UTILITIES OF PENNSYLVANIA, INC.’S
MOTION TO LODGE PUBLIC UTILITY COMMISSION ORDER**

Community Utilities of Pennsylvania, Inc. (“CUPA” or “the Company”) submits this Motion to Lodge to notify Administrative Law Judge Alphonso Arnold III of the Commission’s October 9, 2025 Order in *Jason Showers v. Community Utilities of Pennsylvania, Inc.*, Docket No. F-2025-3052795 (“*Showers*”), which adopted the August 18, 2025 Initial Decision of Administrative Law Judge Eranda Vero denying Mr. Showers’ Formal Complaint because he failed to satisfy his burden of proof that CUPA’s current Tariff is unreasonable. The Commission’s October 9, 2025 Order and Judge Vero’s August 18, 2025 Initial Decision are attached as **Appendix A.**

1. In *Showers*, Mr. Showers filed a Formal Complaint against CUPA, alleging that because he has separate water and wastewater utility companies, and his wastewater company, CUPA, does not have a deduct meter program, he is being billed for a large amount of water that is never treated by CUPA. *Showers* Initial Decision, at 1-2.

2. Mr. Showers requested that the Commission require CUPA to offer a deduct meter program to his customers. *Id.* at 2.

3. The Commission found that “CUPA’s billing method complies with its current Commission-approved Tariff” and “[t]here have been no changes to the facts and circumstances leading to the creating of the Commission’s approval of CUPA’s current Tariff.” *Id.* at 5.

4. The Commission explained that 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.” *Id.* at 6 (citing *Shenango Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm’n*, 686 A.2d 910 (Pa. Cmwlth. 1996)).

5. The Commission denied Mr. Showers’ Complaint, concluding that he failed to make a *prima facie* case because he “did not present any facts or circumstances to warrant a finding that the tariff provisions have become unreasonable since the Commission approved CUPA’s current Tariff on August 1, 2024.” *Id.* at 7-8.

6. The Commission stated that Showers’ request that the Commission order CUPA to offer a deduct meter program to customers, who like him, use large quantities of water for various outdoor purposes is “basically a personal request,” which the Commission cannot grant. *Id.* at 8.

7. Mr. Petty alleged the following in his Formal Complaint:

Following the approval of a new tariff, R-2023-3042804, which went into effect August 2024, [CUPA] began billing for wastewater services using water usage data from Aqua PA. I have no objection to the new rate of the tariff. My issue is that the new tariff did not contemplate homeowners (or others) with in-ground irrigation systems. My monthly bill went from about \$75 per month to more than \$800 during August, September, and November when the irrigation system was being used. CUPA offered no alternative metering or other resolution despite numerous attempts.

Complaint, ¶ 4.

8. Based on these allegations, Mr. Petty requests the following relief:

I would request that the PUC modify the tariff or find that an alternative metering system should be available for irrigation systems. This should either be a “deduct” meter or a way to have Aqua PA meter the irrigation differently and prevent that from being reported to CUPA. I have no objection to paying an additional fee for the installation of an alternate meter.

Complaint, ¶ 5.

9. The Commission’s decision in *Showers* is relevant to this proceeding because Mr. Petty’s allegations and request for relief are analogous to Mr. Showers’ allegations and request for relief.

WHEREFORE, for the reasons stated above, Community Utilities of Pennsylvania, Inc. respectfully requests that Administrative Law Judge Alphonso Arnold III take notice of the Commission’s decision in *Jason Showers v. Community Utilities of Pennsylvania, Inc.*

Respectfully submitted,

/s/ Whitney Snyder

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Attorneys for Respondent

Community Utilities of Pennsylvania, Inc.

Dated: October 20, 2025

APPENDIX A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Jason Showers :
 :
 v. : F-2025-3052795
 :
 Community Utilities of Pennsylvania, Inc. :

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Formal Complaint of Jason Showers against Community Utilities of Pennsylvania, Inc. because he failed to carry his burden of proving that Respondent's current Tariff is unreasonable.

HISTORY OF THE PROCEEDING

On January 6, 2025, Jason Showers (Complainant or Mr. Showers) filed a Formal Complaint (Complaint) against Community Utilities of Pennsylvania, Inc. (CUPA, Respondent or Company) with the Pennsylvania Public Utility Commission (Commission). In the present Complaint, the Mr. Showers alleged that there are incorrect charges on his wastewater bill. More specifically, Mr. Showers averred that because he has separate water and wastewater utility companies, and his wastewater company does not have a deduct

meter program, he is being billed for a large amount of water that is never treated by the wastewater system operated by CUPA.

As relief, the Complainant requested that the Commission require CUPA to offer a deduct meter program to its customers. He stated that he is willing to pay for the deduct meter and its installation, as well as provide readings to the utility. Mr. Showers also requested that his account be credited for the wastewater treatment billed but not rendered by the utility.

This Complaint is a timely appeal of the informal decision issued by the Commission's Bureau of Consumer Services at BCS Case No. 4030168. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On January 27, 2025, the Respondent filed an Answer and New Matter, along with a Notice to Plead. In its Answer, CUPA denied the material allegations of the Complaint; whereas, in its New Matter, Respondent averred that Mr. Showers' Complaint fails as a matter of law, because even if all allegations within the Complaint are true, CUPA has not violated a Commission Order, regulation, or the Public Utility Code. New Matter ¶ 14 (citing *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947, 949 (Pa. Cmwlth. 1984)). CUPA further argued that its rate design, resultant rates, and average increases were fully set forth in the Commission-approved Settlement between CUPA, I&E, OCA, and OSBA in CUPA's 2023 Base Rate Case. *Pa. Pub. Util. Comm'n v. Cmty. Utils. of Pa., Inc.*, Docket No. R-2023-3042804 at 15-16 (Opinion and Order entered Aug. 1, 2024) (2023 Base Rate Case), Joint Petition for Settlement of 2023 Base Rate Case at Appendices E, F. In particular, Appendix F contained the percentage of the rate increase for all levels of wastewater usage from the flat rate to metered rates. In view of this, CUPA reasoned that the Commission approved that customers using higher volumes would face significant rate increases because the Commission expressly approved these rates as just and reasonable. New Matter ¶ 20.

Next, CUPA maintained that pursuant to 66 Pa.C.S. § 1303, it must adhere to its Commission-approved tariff and can only charge the Commission-approved rates on the terms therein. New Matter ¶ 23. Its Tariff does not contain a provision that would allow it to utilize deduct meters. New Matter ¶ 24. CUPA would need Commission approval through a separate proceeding to implement deduct metering, likely a rate proceeding. *Id.*

Also on January 27, 2025, the Respondent filed a Preliminary Objection seeking to dismiss the Complaint as legally insufficient. In its Preliminary Objection, CUPA argued that the actions complained about in Mr. Showers' 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.

On February 3, 2025, Mr. Showers filed an Answer to CUPA's Preliminary Objection in which he reiterated the claims and relief sought in his Complaint. Mr. Showers argued that his Complaint serves the public interest and should not be dismissed. He added that pursuant to 66 Pa.C.S. § 315(a) the burden of proving that the rate involved is just and reasonable is on the public utility. Answer to Preliminary Objection at 1.

By Motion Judge Assignment Notice dated February 12, 2025, CUPA's Preliminary Objection was assigned to me for disposition.

By Interim Order dated March 11, 2025, I denied CUPA's Preliminary Objection and set the case for a hearing.

An Initial Call-in Telephonic Hearing Notice dated March 12, 2025, notified the parties that an initial call-in telephone hearing was scheduled on May 5, 2025, at 10:00 a.m.

On March 17, 2025, I issued a Prehearing Order. The Prehearing Order directed the parties to comply with various procedural requirements, reminded them of the time and date of the hearing and provided instructions for calling in to the hearing.

The hearing was convened as scheduled on May 5, 2025. Mr. Showers appeared *pro se* and testified on behalf of the Complainant. He sponsored three exhibits, which were admitted into the record. Whitney E. Snyder, Esq., appeared on behalf of the Respondent and presented the testimony of David Clark, who is a Financial Planning and Analysis Manager for CUPA. The Respondent sponsored two exhibits which were admitted into the record.

After the cross-examination of Mr. Showers and the brief testimony of Mr. Clark, counsel for CUPA moved to dismiss the Complaint as a matter of law. Tr. 27-28.

The record in this matter closed on May 27, 2025, when I received my copy of the transcript.

FINDINGS OF FACT

1. The Complainant is Jason Showers, who resides at 1293 Crestmont Drive, Downingtown, PA 19335. Tr. 13.

2. The Respondent is Community Utilities of Pennsylvania, Inc., a wastewater public utility in Pennsylvania.

3. CUPA's billing method complies with its current Commission-approved Tariff, which became effective on August 9, 2024, pursuant to the Commission's Opinion and Order entered August 1, 2024, in *Pennsylvania Public Utility Commission v. Community Utilities of Pennsylvania, Inc.*, Docket No. R-2023-3042804 (Opinion and Order entered Aug. 1, 2024). Tr. 32-35; CUPA Exs. 1, 2.

4. There have been no changes to the facts and circumstances leading to the creation of the Commission's approval of CUPA's current Tariff. Tr. 26.

DISCUSSION

Burden of Proof

As the proponent of a rule or order, Mr. Showers bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a). To satisfy this burden, he must demonstrate that the Respondent was responsible for the problems alleged in the Complaint through a violation of the Code or a regulation or order of the Commission. This must be shown by a preponderance of the evidence. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990). Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). In addition, the Commission's decision must be supported by "substantial evidence," which consists of evidence that a reasonable mind might accept as adequate to support a conclusion. A mere "trace of

evidence or a suspicion of the existence of a fact” is insufficient. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980).

Legal Standard

Tariff provisions previously approved by the Commission are *prima facie* reasonable. *Zucker v. Pa. Pub. Util. Comm’n*, 437 A.2d 1067 (Pa. Cmwlth. 1981). 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. *Shenano Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm’n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

The Interim Order issued on March 11, 2025, explained that Mr. Showers’ challenge to CUPA’s billing method carries a heavy burden of proof. In order for him to prevail on this claim, Mr. Showers has to prove by a preponderance of the evidence that the facts and circumstances leading to the creation of the Commission’s approval of CUPA’s current billing method for wastewater service have changed so drastically as to render the application of the tariff provision unreasonable. Interim Order at 5 (citing *Sattar v. Aqua Pa., Inc.*, Docket No. C-2010-2169756 (Order entered July 28, 2012)).

At the hearing, Mr. Showers testified that he paid a flat rate of \$74.44 monthly for wastewater services to CUPA until October 15, 2024, when his wastewater bill reflected CUPA’s moving from flat rate to metered billing. Tr. 21, 26. His October 15, 2024, CUPA bill was \$435.90 for 22,000 gallons of water, covering the period August 9, 2024, through September 6, 2024. Complainant Ex. 1. Mr. Showers explained that the way CUPA is charging its wastewater customers for metered service is by using the water company’s meter readings. Mr. Showers disputed this practice testifying that, in the summer months, he uses more than four times the amount of water

he uses the rest of the year. Tr. 17; Complainant Ex. 2. This water, however, is used for filling his swimming pool or irrigating his yard and trees. Tr. 17. This water does not go through CUPA's sewage system, nor is it treated in CUPA's facilities. Mr. Showers objected to CUPA's billing practice of charging him for water that CUPA does not treat. He pointed out that to resolve this very problem, his water service provider, Aqua, offers a deduct meter program in the areas of Lower Makefield, Limerick, or East Norriton Townships, where Aqua offers both water and wastewater services. Tr. 18, 24; Complainant Ex. 3. Mr. Showers would like CUPA to offer a similar program in his area or at least allow him to obtain and install his own deduct meter, then accept his readings from that meter and charge him accordingly. Tr. 18-19.

In return, CUPA's witness explained briefly how CUPA's billing method complies with its Commission-approved Tariff, which became effective on August 9, 2024, pursuant to the Commission's Opinion and Order entered August 1, 2024, in *Pennsylvania Public Utility Commission v. Community Utilities of Pennsylvania, Inc.*, Docket No. R-2023-3042804 (Opinion and Order entered Aug. 1, 2024). Tr. 32-35; CUPA Exs. 1, 2.

Neither in his Formal Complaint nor during the hearing did Mr. Showers dispute CUPA's compliance with its current Commission-approved Tariff. Importantly, when asked whether there have been any changes to the facts and circumstances leading to the creation of the Commission's approval of CUPA's current billing method for wastewater service, Mr. Showers answered in the negative. Tr. 26.

Following Mr. Showers' testimony, counsel for CUPA moved to dismiss the Complaint as a matter of law. Tr. 27-28. The Motion will be sustained. I find that the Complainant has failed to make a *prima facie* case against the Complainant's Tariff in this matter. Mr. Showers did not present any facts or circumstances to warrant a finding that the tariff provisions have become unreasonable since the Commission approved

CUPA's current Tariff on August 1, 2024. Complainant simply asks the Commission to request CUPA to offer a deduct meter program to customers, who like him, use large quantities of water for various outdoor purposes. Without more, Mr. Showers' request for relief is basically a personal request. Without any supporting evidence that CUPA's current Tariff is unreasonable, Mr. Showers' Complaint cannot be granted. Therefore, the Complaint must be dismissed for Complainant's failure to establish that Respondent violated any applicable law, regulation or order of the Commission.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The burden of proof in this proceeding is on the Complainant. 66 Pa.C.S. § 332(a).
3. Tariff provisions previously approved by the Commission are *prima facie* reasonable. *Zucker v. Pa. Pub. Util. Comm'n*, 437 A.2d 1067 (Pa. Cmwlth. 1981).
4. 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. *Shenano Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996).

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

Sean Petty
1220 Indian Trail Drive
Downingtown, PA 19335
Spetty01@gmail.com

/s/ Whitney E. Snyder

Whitney E. Snyder
Erich W. Struble

Dated this 20th day of October, 2025