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November 5, 2025

Via Efiling

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

Re: Justin Henry v. Columbia Water Company; Docket No. F-2025-3053872;
COLUMBIA WATER COMPANY'S REPLY TO EXCEPTION

Dear Secretary Homsher:

Enclosed for filing with the Commission is Columbia Water Company's Reply to Exception of Justin Henry.

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

Very truly yours,

/s/ Whitney E. Snyder

Whitney E. Snyder

Counsel for Columbia Water Company

WES/das
Enclosures

cc: Office of Special Assistants (ra-osa@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Justin Henry,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3053872
	:	
Columbia Water Company,	:	
	:	
Respondent.	:	

Columbia Water Company’s Reply to Exception of Complainant Justin Henry

Pursuant to 52 Pa. Code § 5.535(a) and the October 8, 2025 Secretarial Letter issued in this proceeding,¹ Columbia Water Company (“Columbia Water” or the “Company”) files this reply to the exception of Complainant Justin Henry to the October 8, 2025 Initial Decision in this matter (ID).

The Public Utility Code requires Complainant’s exception be denied. Complainant excepts to the refund period the ID ordered: “The reimbursement start date should begin on the first bill I received from Columbia Water in 2018.” Henry Exceptions at 1. As stated in the Company’s exceptions, there was no basis to find a violation or order refunds in this proceeding. However, should the Commission order refunds – which it should not --, the Public Utility Code is clear that any refund period is limited at most to “within four years prior to the date of the filing of the

¹ “Replies to Exceptions, if any, must be filed with the Secretary of the Commission and served on each party of record and the Commission’s OSA, in the manner described above. They are due within ten (10) days of the date when Exceptions are due.” Exceptions were due October 28, 2025.

complaint.” 66 Pa. C.S. § 1312(a).² Here, the Complaint was filed (received by the Secretary’s Bureau) on February 28, 2025. Thus, under the Public Utility Code, Complainant cannot obtain refunds for the period prior to February 28, 2021.

Moreover, there is no evidence related to the calculation of the PennVEST surcharge prior to March 2023 in the record and Complainant wholly failed to meet his burden of proof to show Columbia Water violated a Commission Order, regulation, or the Public Utility Code. As the proponent of a rule or order, Complainant has the burden of proof under Section 332(a) of the Public Utility Code (Code), 66 Pa. C.S. § 332(a), to prove the elements of their claims by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. Ct. 1990), *appeal denied*, 602 A.2d 863 (Pa. 1992). *See also*, ID at 69-70. The Commission’s adjudications must be supported by “substantial evidence” in the record. 2 Pa. C.S. § 704. *Lansberry*, 578 A.2d at 602. Thus, there is no basis to order a refund of the PennVEST surcharge for any period including the period prior to the March 2023 surcharge.

² Section 1312(a) states in full:

General rule.--If, in any proceeding involving rates, the commission shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the commission, or was in excess of the applicable rate contained in an existing and effective tariff of such public utility, the commission shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron, in consequence of such unlawful collection, within four years prior to the date of the filing of the complaint, together with interest at the legal rate from the date of each such excessive payment. In making a determination under this section, the commission need not find that the rate complained of was extortionate or oppressive. Any order of the commission awarding a refund shall be made for and on behalf of all patrons subject to the same rate of the public utility. The commission shall state in any refund order the exact amount to be paid, the reasonable time within which payment shall be made, and shall make findings upon pertinent questions of fact.

Columbia Water reiterates, as stated in its Exceptions, that there is no legal basis to order a refund in this proceeding. Should the Commission order a refund (which it should not), that refund period should be limited to no earlier than March 2023.

WHEREFORE, Columbia Water Company respectfully requests Complainant's exceptions be denied.

Respectfully submitted,

/s/ Whitney E. Snyder

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Counsel for Columbia Water Company

Dated: November 5, 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 EMAIL ONLY

Mr. Justin Henry
4119 Marietta Avenue
Mt. Joy, PA 17552
jhenry1498@gmail.com

/s/ Whitney E. Snyder
Whitney E. Snyder

Dated: November 5, 2025