

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Manickavel Ganesan	:	
	:	
v.	:	C-2025-3054318
	:	
Community Utilities of Pennsylvania, Inc.	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision denies the Formal Complaint of Manickavel Ganesan against Community Utilities of Pennsylvania, Inc. because he failed to carry his burden of proving that Respondent’s current Tariff is unreasonable, that its billing method is incorrect, or that it is lacking a proper billing mechanism.

HISTORY OF THE PROCEEDING

On March 27, 2025, Manickavel Ganesan (Complainant or Mr. Ganesan) filed a Formal Complaint (Complaint) against Community Utilities of Pennsylvania, Inc. (CUPA, Respondent or Company) with the Pennsylvania Public Utility Commission (Commission) alleging that the Respondent’s billing method is incorrect and that the Respondent does not have a proper billing mechanism. As relief, the Complainant requested that: 1) CUPA’s billing rates be revisited by the Commission; 2) CUPA be

allowed to charge based only on actual usage reported by CUPA's wastewater meter – Complainant's water supplier's (Aqua Pennsylvania, Inc. or Aqua) readings not be used for CUPA's billing calculations; 3) wastewater meters be visible to CUPA's customers to verify their reading and unit rates be disclosed to customers; 4) the flat rate for the water treatment be removed if CUPA is billing for actual usage; and 5) wastewater charges should be less than charges for clean water.

On April 21, 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. Ganesan's 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 ¶ 16, citing *W. 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, the Bureau of Investigation and Enforcement (I&E), the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (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 ¶ 22.

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 ¶ 25. Its Tariff does not contain a provision that would allow it to utilize deduct meters. New Matter ¶ 26. CUPA would need Commission

approval through a separate proceeding to implement deduct metering, likely a rate proceeding. *Id.*

Also on April 21, 2025, the Respondent filed a Preliminary Objection seeking to dismiss the Complaint as legally insufficient. In its Preliminary Objection, CUPA reiterated that its metered rates for wastewater are based on volumes of water the customer uses as reported by Aqua in accordance with Commission-approved settlement terms. “To allow for meters that would deduct irrigation usage from water volumes and rebates pursuant to those meters would require a separate rate proceeding for Commission approval.” Preliminary Objection ¶ 3. CUPA further argued that its rates were designed based on historic customer usage data from Aqua, meaning the volumes of water used for all purposes were included in the current rate design. CUPA explained that, by law, it has no choice but to adhere to its Tariff and cannot provide the relief Complainant seeks. *Id.*

Complainant did not file a response to CUPA’s New Matter or its Preliminary Objection.

On May 29, 2025, a Call-In Telephone Hearing Notice was served on the parties scheduling an initial telephonic hearing on July 29, 2025, at 10:00 a.m. and the case was assigned to me. On June 2, 2025, a Prehearing Order was served on the parties.

By Interim Order dated June 12, 2025, I denied CUPA’s Preliminary Objection.

The hearing was convened as scheduled on July 29, 2025. Mr. Ganesan appeared *pro se* and testified on behalf of the Complaint. Mr. Ganesan sponsored one exhibit (Complainant Ex. 1). Counsel for CUPA objected to the information contained in the links that were included in the Exhibit. I informed the parties that I would rule on

CUPA's objection after I had an opportunity to review the information included in the links.

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 three exhibits which were admitted into the record.

The record in this matter closed on August 18, 2025, when I received my copy of the transcript.

FINDINGS OF FACT

1. The Complainant is Manickavel Ganesan who resides at 1713 Marsha Lane, Downingtown, PA 19335 (Service Address). Tr. 8.
2. The Respondent is Community Utilities of Pennsylvania, Inc., a wastewater public utility in Pennsylvania.
3. Mr. Ganesan receives wastewater service from CUPA. Tr. 9.
4. Mr. Ganesan receives water service from Aqua Pennsylvania, Inc. Tr. 31; Complainant Ex. 1.
5. Aqua and CUPA are two separate and distinct utility companies with different usage rates for their services. Tr. 31.

6. 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. 22-24; CUPA Exs. 1, 2, 7.

7. The Service Address is located in an area identified in CUPA’s Tariff as Utility Inc. of Pennsylvania Division (UIP). Tr. 33-34; CUPA Ex. 7.

8. Pursuant to CUPA’s current Tariff, the Company gets the usage volumes from the water utility serving UIP, Aqua Pennsylvania, Inc. Tr. 33; CUPA Ex. 7; Complainant Ex. 1.

9. 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. 28-29.

DISCUSSION

Preliminary Matter

As a preliminary matter, I will address CUPA’s objections to the admission of the information contained in the three electronic links included in Complainant Ex. 1 into the record. Tr. 16. I informed the parties that I would rule on CUPA’s objection after I had an opportunity to review the information included in the links.

The first link directs the user to the website of the United States Environmental Protection Agency (EPA). More specifically, it directs to a webpage titled “How We Use Water” and a subheading called “Water in Daily Life” which provides a broad overview of water consumption for indoor and outdoor usage in percentage terms.

The same or similar information can be found in the second link which directs the user to the website of the Philadelphia Water Department, more specifically, to a downloadable document titled “Home Water Use.”

The third and final link directs the user to a 63-page downloadable document from the website of the EPA. The document is dated December 2016 and is prepared by the EPA. The document is titled “Best Practices to Consider When Evaluating Conservation and Efficiency as an Alternative for Water Supply Expansion.” Complainant Ex. 1 cites one specific section of the document which the Complainant uses to support his averment that an efficient consumer uses 110 gallons of water per household per day.

Counsel for CUPA, Ms. Snyder, objected to the admission of the information included in the three links described above as follows:

[CUPA] would object to the presentation of any studies or other opinion testimony on here that violates Rules of Evidence 701 and 702, which only allow for experts to provide opinion testimony.

Lay witness testimony is limited to actual factual knowledge. And here, we have various, I think, EPA studies, as well as, I think, a Philadelphia Water Department study regarding usage.

Tr. 16.

However, the Commission’s regulation on Public Documents provides as follows:

(a) A report, decision, opinion or other document or part thereof, need not be produced or marked for identification, but may be offered in evidence as a public document by specifying

the document or part thereof and where it may be found, if the document is one of the following:

(1) A report or other document on file with the Commission.

(2) *An official report, decision, opinion, published scientific or economic statistical data or similar public document which is issued by a governmental department, agency, committee, commission or similar entity which is shown by the offeror to be reasonably available to the public.*

(b) Upon the request of a party and at the direction of the presiding officer or the Commission, a party who incorporates by reference a pleading shall provide a copy of the pleading to the party requesting one.

(c) *Subsections (a) and (b) supersede 1 Pa. Code §§ 35.165 and 35.166 (relating to public documents; and prepared expert testimony).*

52 Pa. Code § 5.406. (Emphasis added).

Upon careful consideration, I shall overrule CUPA's objection to Complainant Ex. 1. While only expert witnesses may provide opinion testimony¹, the Commission's regulation on evidence allows a party to submit into the record an official report, decision, opinion, published scientific or economic statistical data or similar document as long as said document is issued by a governmental department or agency and is shown by the offeror to be reasonably available to the public. The information contained in the three links mentioned above fulfils all these requirements. *See* Tr. 17-18. Importantly, this information is prepared for the general use and benefit of the public at large. Prohibiting *pro se* complainants from relying on it in legal and administrative proceedings would be unfair and unreasonable. Consequently, Complainant Ex. 1 is admitted into the record in its entirety.

¹ I note that Mr. Ganesan is not offering his opinion on water consumption, only public documents prepared by the EPA and the Philadelphia Water Department.

Burden of Proof

As the proponent of a rule or order, Mr. Ganesan 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 June 12, 2025, explained that Mr. Ganesan's challenge to CUPA's billing method carries a heavy burden of proof. In order for him to prevail on this claim, Mr. Ganesan 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 4-5 (*Citing Shenano Twp. Bd. of Supervisors v. Pa. Pub. Util. Comm'n*, 686 A.2d 910 (Pa. Cmwlth. 1996)).

At the hearing, Mr. Ganesan testified that he had recently purchased the Service Address, and that until September of 2024 he had paid a flat rate of approximately \$75 monthly for wastewater services to CUPA. Tr. 9. According to Mr. Ganesan, following September 2024, CUPA implemented its new Tariff and began charging its customers two different rates: one fixed rate known as the "Wastewater Treatment Charge" of \$39.90 per month and one wastewater usage charge that is based on his clean water usage. Tr. 9-10. During testimony, Mr. Ganesan challenged the need for the two distinct rates. Tr. 10. He also questioned the reasonableness of CUPA's wastewater usage charges because the water that he used outdoors did not go through CUPA's sewage system, nor was it treated in CUPA's facilities. Tr. 11-13.

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) (2023 Rate Case). Tr. 22-24; CUPA Exs. 1, 2, 7. Next, he addressed the difference between the fixed \$39.90 wastewater treatment charge and the wastewater usage charge. Mr. Clark explained that the former is what some utilities call the Customer Charge. Tr. 31-33. He added that as part of 2023 Base Rate Case, CUPA conducted a cost-of-service study in which the Company broke the costs down between fixed costs and more variable or volumetric charges. Other parties to 2023 Base Rate Case also presented cost allocation studies which became part of the settlement negotiations that led to CUPA's Commission-

approved Tariff. Mr. Clark explained that the split between the \$39.90 fixed charge and the volumetric or usage charge was part of the rate design in CUPA's Rate Case and was approved as such. Tr. 32-33.

Furthermore, Mr. Clark testified that the Service Address is located in an area identified in CUPA's Tariff as Utility Inc. of Pennsylvania Division (UIP). Tr. 33-34; CUPA Ex. 7. Pursuant to CUPA's current Tariff, the Company gets the usage volumes from the water utility serving UIP, Aqua Pennsylvania, Inc. Tr. 33; CUPA Ex. 7; Complainant Ex. 1.

Neither in his Formal Complaint, nor during the hearing, did Mr. Ganesan 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. Ganesan was unable to provide a firm positive answer. Tr. 28-29. Instead, he argued that it is unreasonable for him to pay a monthly bill of approximately \$67 for clean water from Aqua, while being charged approximately \$97 per month for wastewater service from CUPA. Tr. 29.

In response, Mr. Clark testified that Aqua and CUPA are two separate and distinct utility companies with different usage rates for their services. Tr. 31.

Upon consideration, I find that the Complainant has failed to prove by a preponderance of the evidence that CUPA's billing method is incorrect, that it does not have a proper billing mechanism, or that its billing fails to comply with its current Tariff. He has failed to make a *prima facie* case against the Complainant's Tariff in this matter. Mr. Ganesan 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 revisit CUPA's

billing rates so as to implement billing on usage reported by CUPA wastewater meters, without the fixed Wastewater Treatment Charge. Without more, these requests, along with Mr. Ganesan's demand that wastewater charges be less than charges for clean water, are essentially personal requests. Without any supporting evidence that CUPA's current Tariff is unreasonable, Mr. Ganesan's Complaint cannot be granted. See *Showers v. Cmty. Utils. of Pa. Inc.*, Docket No. F-2025-3052795 (Order entered Oct. 9, 2025). Therefore, the Complaint must be denied due to 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 to 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); *Showers v. Cmty. Utils. of Pa. Inc.*, Docket No. F-2025-3052795 (Order entered Oct. 9, 2025).

