

**REGER RIZZO
DARNALL LLP**
ATTORNEYS AT LAW

Margaret A. Morris
Partner
mmorris@regerlaw.com

Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Main: 215.495.6500
Direct: 215.495.6524

November 17, 2025

Via Electronic Filing

Mathew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2025-3058173
Alexander Miklos v. Aqua Pennsylvania, Inc.
Preliminary Objections of Aqua**

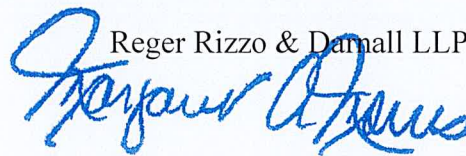
Dear Secretary Homsher:

Attached for filing is the Preliminary Objections of Aqua Pennsylvania, Inc. to the Complaint filed by Alexander Miklos (Complainant) in the above-referenced proceeding.

A copy of the Preliminary Objections has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP


Margaret A. Morris

MAM/co
Enclosures

cc: Heather S.D. Morrison, Aqua Pennsylvania, Inc. [w/encls.]
Alexander Miklos [w/encls.]

**Re: Docket No. C-2025-3056373
Alexander Miklos v. Aqua Pennsylvania, Inc.
Preliminary Objections of Aqua**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

Alexander Miklos
Shondor1122@gmail.com

Dated: November 17, 2025



Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ALEXANDER MIKLOS	:	
	:	
v.	:	Docket No. C-2025-3058173
	:	
AQUA PENNSYLVANIA, INC.	:	

**PRELIMINARY OBJECTION OF AQUA PENNSYLVANIA, INC., AQUA ILLINOIS,
INC. AND ESSENTIAL UTILITIES, INC. TO THE FORMAL COMPLAINT OF
ALEXANDER MIKLOS**

Aqua Pennsylvania, Inc., Aqua Illinois, Inc. and Essential Utilities, Inc.¹ (Collectively, Respondent or Aqua), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.101(a)(1), hereby files its Preliminary Objection to the Formal Complaint of Alexander Miklos (Complainant) filed in the above-captioned proceeding. Pursuant to 52 Pa. Code § 5.62 and 5.101(d) of the Pennsylvania Public Utility Commission’s (Commission) regulations, Aqua also filed its Answer and New Matter to the Formal Complaint on this same date. In support of its preliminary objection, the Respondent states as follows:

I. INTRODUCTION

1. Aqua Pennsylvania, Inc. is a water distribution company certificated by the Pennsylvania Public Utility Commission (PUC) as a public utility permitted to operate within the Commonwealth of Pennsylvania.

2. Aqua Illinois, Inc. is a water distribution company governed by the Illinois Commerce Commission (ICC) as a public utility permitted to operate within the State of Illinois.

¹ The Complaint simply lists “Aqua/Essential Utilities Company” as the utility. Complainant is customer of Aqua Illinois, Inc. Essential Utilities, Inc. is the parent company and does not provide utility service. Neither are regulated by the Commission. Aqua Pennsylvania, Inc. does not provide any service to the Complainant. Attorneys for purpose of this Answer represent all entities but assert that the Commission lacks jurisdiction over Aqua Illinois, Inc. and Essential Utilities, Inc.

3. Essential Utilities, Inc. is a holding company and parent of Aqua Pennsylvania, Inc. and Aqua Illinois, Inc. and does not provide utility service in either Pennsylvania or Illinois.

4. The Complainant filed a Formal Complaint alleging violations related to service in his name to 447 N. Monroe Avenue, Bradley, Illinois (Service Location) under Account No. 002896041-0972208 (Account). Complaint at ¶ 1.

II. STANDARDS FOR PRELIMINARY OBJECTIONS

5. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

6. Commission practice is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

7. The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the motion all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. *County of Allegheny v.*

Commonwealth of Pennsylvania, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa.Cmwlt. 1988).

8. However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlt. 2007).

9. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery or relief is possible. *Department of Auditor General, et al. v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlt. 2003); *P.J.S. v. Pa. State Ethics Commission*, 669 A.2d 1105 (Pa. Cmwlt. 1996).

10. The Commission is authorized to dismiss a complaint if a hearing is not necessary. 52 Pa. Code § 5.21(d).

11. If there exists no factual issue pertinent to the resolution of a case, a hearing is unnecessary.

12. The Commission has recognized that the public interest is prejudiced by the wasteful use of the agency's and the company's time and resources in addressing a complaint. See, e.g., *Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995), see also, e.g., *Charles Nichols III v. Bell Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995).

III. PRELIMINARY OBJECTION OF AQUA PA

13. Aqua Pennsylvania, Inc. does not provide service in the Complainant's name to the property located in Bradley, Illinois.

14. Essential Utilities, Inc. does not provide service in the Complainant's name to the property located in Bardley, Illinois and is not regulated by the Commission.

15. Aqua Illinois, Inc (Aqua IL) provides service in the Complainant's name to the property located in Bradley, Illinois and is not regulated by the Commission.

16. Section 5.101(a)(1) of the Commission's regulations permits a party to file a preliminary objection based on the lack of Commission jurisdiction. 52 Pa. Code § 5.101(a)(1).

17. To act on the Complaint, the Commission must have jurisdiction over the subject matter. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), *alloc. den.*, 637 A.2d 293 (Pa. 1993).

18. The Commission, as a creation of the General Assembly, has only the power and authority granted to it by the General Assembly contained in the Public Utility Code. *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

19. As such, the Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

20. A party to the proceeding may not create jurisdiction where jurisdiction does not exist. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

21. The instant Formal Complaint alleges service issues provided by Aqua IL who is not regulated by the Commission.

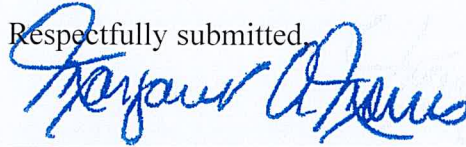
IV. CONCLUSION

The Formal Complaint concerns the service provided by Aqua IL, not Aqua PA. The Commission does not regulate Aqua IL and lacks the jurisdiction to entertain a complaint against Aqua IL.

WHEREFORE, Respondents, Aqua Pennsylvania, Inc., Aqua Illinois, Inc. and Essential Utilities, Inc. respectfully requests that the Commission sustain this Preliminary Objection and dismiss, with prejudice, the Formal Complaint filed by Alexander Miklos for lack of jurisdiction.

Date: November 17, 2025

Respectfully submitted,



Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 tel.
mmorris@regerlaw.com

Counsel for Aqua Pennsylvania, Inc.