

Stevens & Lee

17 N. Second Street, 16th Floor
Harrisburg, PA 17101
(717) 234-1090
www.stevenslee.com

Direct Dial: (717) 724-3445
Email: nicholas.stobbe@stevenslee.com
Direct Fax: (610) 236-4915

December 19, 2025

VIA ELECTRONIC FILING

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

**RE: Fred and Reva Levy v. Pennsylvania-American Water Company
Docket Nos. C-2025-3053847 and C-2025-3053848**

Dear Secretary Homsher:

Enclosed for filing on behalf of Pennsylvania-American Water Company are the Replies to the Exception in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Encl.

cc: Administrative Law Judge Marta Guhl (*via email - Pamela McNeal, pmcneal@pa.gov*)
Office of Special Assistants (*via email - ra-OSA@pa.gov*)
Certificate of Service

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SL1 3882511v1 101575.01018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Fred and Reva Levy,	:	
Complainants	:	
	:	
v.	:	Docket Nos. C-2025-3053847
	:	C-2025-3053848
Pennsylvania-American Water Company,	:	
Respondent	:	

**REPLIES OF PENNSYLVANIA-AMERICAN WATER COMPANY
TO THE EXCEPTION OF FRED AND REVA LEVY**

I. INTRODUCTION

Pennsylvania-American Water Company (“PAWC” or the “Company”) hereby files its Replies to the Exception filed by Fred and Reva Levy (“Complainants”) in the above-captioned proceeding. On December 4, 2025,¹ the Complainants filed an Exception to the well-reasoned November 18, 2025, Initial Decision (“ID”) issued by Administrative Law Judge Marta Guhl (hereinafter, the “ALJ”). The ID dismissed the Complaint with prejudice, correctly holding that all the Complainants failed to participate in the July 22, 2025, Evidentiary Hearing and, therefore, waived the opportunity to do so. (ID, at 8.) The ID further explained that the Complainants had ample notice of the Evidentiary Hearing and were afforded due process and an opportunity to be heard. (ID, at 7.) The ID also correctly explained that the Complainants’ July 25, 2025, request to reschedule the Evidentiary Hearing did not provide any reason – let alone an unavoidable

¹ The Complainants did not serve PAWC with a copy of their Exception. Rather, on December 9, 2025, the Pennsylvania Public Utility Commission (“Commission”) issued a Secretarial Letter enclosing the Complainants’ Exception, noting that no Certificate of Service was included with the December 4, 2025, submission.

reason – as to why they failed to participate in the July 22, 2025, Evidentiary Hearing. (ID, at 9.)

As a threshold matter, the Complainants’ Exception does not comply with the Commission’s regulations. Indeed, the Exception is not numbered and does not identify *any* finding of fact or conclusion of law in the ID to which exception is taken. Indeed, the Exception does not cite any part of the ID at all.² That said, to aid in the Commission’s review of the Exception to the extent it is considered, PAWC has numbered the argument(s) made in the Complainants’ Exception and will respond in Sections II(A), *infra*.

To the extent that the Commission considers the Exception, which it should not, the Complainants’ request for a further Evidentiary Hearing should be rejected. As the ID correctly noted, the Complainants’ bear the burden of proof in this proceeding. (ID, at 9-10.) By failing to participate in the Evidentiary Hearing, for which they had ample notice,³ the Complainants have plainly failed to meet their evidentiary burden. Furthermore, the Complainants have not demonstrated that their failure to participate in the Evidentiary hearing was unavoidable. As the ID correctly explained, the party who failed to appear at the hearing has the burden of explaining why their failure to appear was unavailable. (ID, at 8.) Here, the Complainants have not presented a *single* reason as to why or how their failure to participate in the Evidentiary Hearing was unavoidable.

² Section 5.533(b) of the Pennsylvania Public Utility Commission’s regulations provides that “[e]ach 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. Supporting reasons for the exceptions shall follow each specific exception.” 52 Pa. Code § 5.533(b).

³ See Telephonic Hearing Notice (issued Apr. 3, 2025); Prehearing Order (issued Apr. 4, 2025); Cancelled Cancelled/Rescheduled Telephonic Hearing Notice (issued May 28, 2025). PAWC also served its proposed Hearing Exhibits on the Complainants on July 15, 2025, via first-class mail and email. In the Cover letter to its proposed Hearing Exhibits, PAWC listed the date, time, and dial-in information for the

Rather, they simply demand a “hearing in person where [they] can present prima facie evidence...” (Exception, at 1.)

This plainly inappropriate attempt by the Complainants to get another bite at the apple should be rejected by the Commission and the Complainant’s Exception should be denied for the reasons more fully laid out below.

II. REPLY TO EXCEPTION

A. REPLY TO EXCEPTION NO. 1 – The ID Correctly Dismissed the Complaint with Prejudice Because of the Complainants’ Failure to Prosecute.

The Complainants’ Exception focuses solely on a request to reschedule the Evidentiary Hearing to be in person sometime in the “spring” to present evidence, witnesses, and to cross-examine PAWC’s witnesses. (Exception, at 1.) The Complainants’ Exception fails to reconcile or justify their prior opportunity to do the same at the regularly scheduled July 22, 2025, Evidentiary Hearing. There, PAWC was prepared to make its case as to why the Complaint should be denied and dismissed. If the Complainants participated in that Evidentiary Hearing, they could have made their case as to why the Complaint should be sustained (which it should not). Similarly, the Complainants could have presented the testimony of witnesses, and cross-examined PAWC’s witness(es). The Complainants give no reason as to why their non-attendance at the July 22, 2025, Evidentiary Hearing was unavoidable. Nor do the Complainants contend that the ID erred with any Finding of Fact or Conclusion of Law. For these reasons alone, the Exception should be denied.

Evidentiary Hearing, as well as an except from the May 28, 2025, Cancelled/Rescheduled Telephonic Hearing Notice noting that failure to take part in the hearing could result in dismissal with prejudice.

As the ID correctly recognized, “[o]nce a hearing is scheduled and the parties are duly notified by the Commission, it is the responsibility of the parties to appear and participated in the proceeding. (ID, at 8 (internal citations omitted).) The ID also explained that “after being notified, a party who fails to appear at a scheduled hearing shall be deemed to have waived the opportunity to participate in the hearing and shall not be permitted to later reopen the matter or be permitted to recall excused witnesses.” (ID, at 8.) *See also* 66 Pa.C.S. § 332(f); 52 Pa. Code § 5.245(a).

PAWC submits that, to give the Complainants a second opportunity to participate in a hearing, the Complainants must demonstrate why their failure to appear at the first Evidentiary Hearing was unavoidable. 66 Pa.C.S. § 332(a); *Herr v. West Penn Power Co.*, Docket No. C-2021-3028202 (Opinion and Order entered Sept. 15, 2022.) There is *no* indication that Complainants’ failure to attend the Evidentiary Hearing on July 22, 2025, was unavoidable. Rather, it seems their primary reasoning for requesting a second Evidentiary Hearing is to conduct the hearing in-person. The time for making such a request was prior to the July 22, 2025, Evidentiary Hearing, not almost 5 months after it took place.

Additionally, even if the Complainants’ did – or do – participate in the Evidentiary Hearing, the claims in the Complaint fail. The Complainants challenge the Company’s water and wastewater rates and allege the Company is “price gauging.” It is not. The Company provides water and wastewater service according to the rates, rules and regulations in its water and wastewater tariffs. The Company’s tariffs were authorized by the Commission in *Pa. Pub. Util. Comm’n, et al., v. Pennsylvania-American Water Co.*, Docket Nos. R-2023-3043190, et al. (Opinion and Order entered

July 22, 2024) (“July Order”) *petition for reconsideration denied* (Opinion and Order entered Sept. 26, 2024). PAWC’s Commission-approved tariff is *prima facie* reasonable, has the full force of law and is binding on the utility and the customer. 66 Pa. C.S. § 316, *Kossman v. Pa. Pub. Util. Comm’n*, 694 A.2d 1147 (Pa. Cmwlth. 1997); *Stiteler v. Bell Tel. Co. of Pa.*, 379 A.2d 339 (Pa. Cmwlth. 1977).

For these reasons, PAWC submits that the Complainants’ Exception should be denied, and the ID should be adopted without modification.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, and those set forth in the well-reasoned Initial Decision, the Exception of Fred and Reva Levy should be denied and the Pennsylvania Public Utility Commission should adopt the November 18, 2025, Initial Decision without modification.

Respectfully submitted,



Nicholas A. Stobbe, (I.D. No. 329583)

Attorney I.D. 329583

Michael A. Gruin (I.D. No. 78625)

Attorney I.D. 78625

17 N. 2nd St., 16th Floor

Harrisburg, PA 17101

Tel. (717) 724-3445

(717) 255-7365

Fax (610) 236-4915

(610) 988-0852

Email: nicholas.stobbe@stevenslee.com

mag@stevenslee.com

Date: December 19, 2025

*Counsel for Pennsylvania American Water
Company*

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v.	:	Docket Nos. C-2025-3053847
	:	C-2025-3053848
	:	
Pennsylvania-American	:	
Water Company,	:	
Respondent	:	


CERTIFICATE OF SERVICE

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

VIA First Class U.S. Mail and Email

Fred and Reva Levy
1320 Winding Way
Tobyhanna, PA 18466
Levyfred30@gmail.com

DATED: December 19, 2025



Nicholas A. Stobbe