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January 4th, 2026

Via Electronic Filing and First-Class Mail

DATE OF DEPOSIT

JAN 12 2026

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Re: *Michael Sinclair v. Aqua Pennsylvania Wastewater, Inc.*
Docket No. C-2025-3059259
Reply to New Matter of Aqua Pennsylvania Wastewater, Inc.

Dear Secretary Homsher:

Enclosed for filing in the above-referenced matter is my Reply to New Matter of Aqua Pennsylvania Wastewater, Inc.

I am serving a copy of this filing on counsel for Aqua Pennsylvania Wastewater, Inc., as indicated in the attached Certificate of Service.

Please contact me if you have any questions regarding this filing.

Respectfully submitted,


Michael Sinclair

Enclosure

cc: Margaret A. Morris, Esquire (via email)

Reger Rizzo Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
MICHAEL SINCLAIR**

DATE OF DEPOSIT

v.

JAN 12 2026

AQUA PENNSYLVANIA WASTEWATER, INC.

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Docket No. C-2025-3059259

REPLY TO NEW MATTER OF AQUA PENNSYLVANIA WASTEWATER, INC.

Complainant, Michael Sinclair, hereby files this Reply to the New Matter of Aqua Pennsylvania Wastewater, Inc. ("Aqua" or "Respondent") and states as follows:

I. INTRODUCTION

1. Complainant is a homeowner residing at 12 Inverness Circle, Royersford, Pennsylvania, in Aqua's Limerick Division service territory.
2. Complainant installed a lawn sprinkler system in 2025 (with receipts providable upon request) and, after reviewing Aqua's publicly available "Deduct Meter Program" and online enrollment portal, requested to participate in Aqua's deduct meter program for wastewater billing credits.
3. Aqua denied Complainant's request and now asserts, in its New Matter, that Complainant categorically does not qualify for the Sewer Charge Adjustment / Deduct Meter Program.
4. Complainant denies Aqua's New Matter to the extent it claims that Aqua has acted reasonably and fully in accordance with its obligations where Aqua's own public-facing materials did not clearly disclose any November 2016 grandfather cutoff date or similar year-specific deadline for Limerick customers seeking to install a deduct meter.

II. SPECIFIC REPLIES TO NEW MATTER

Each paragraph number below corresponds to the numbered New Matter paragraphs in Aqua's filing.

12.

Aqua's allegation (par. 12) that its actions "are consistent with Aqua's Commission-approved Tariff for Rate Zone 1 for the Limerick Township Division" is **denied** to the extent it implies that Aqua's public communications to customers are also reasonable and complete.

By way of further response, Complainant avers:

- The Aqua “Deduct Meter Program” web page describes a program that invites eligible Aqua customers who have purchased and installed a deduct meter to submit readings for credits, without clearly stating on the page that new Limerick Division customers are barred from installing a deduct meter after a specific year.
- The related “deduct.aquawater.com” eligibility portal speaks in terms of “program eligibility zones” as dictated by the PUC, again without clearly warning a reasonable customer in the Limerick Division that only those who had already applied for or were using the credit as of November 16, 2016, could ever participate in the program.

Complainant relied in good faith on Aqua’s current websites, which reasonably appear to invite participation by Aqua customers with deduct meters, not solely by a closed group grandfathered almost a decade earlier.

13.

Aqua’s allegation (par. 13) that “The Complainant does not qualify for the Deduct Meter Program” is **denied**.

By way of further response, Complainant avers:

- Complainant meets all practical criteria that Aqua itself lists on its Deduct Meter Program page: Complainant is an Aqua wastewater customer with a metered water supply, is not delinquent in bills, is willing to purchase, install, and maintain an approved deduct meter, and is willing to pay the administrative fee.
- Aqua’s websites do not state that Limerick Division customers who install a new sprinkler system and deduct meter after 2016 are permanently barred from the program; instead, they describe current program rules, enrollment steps, deadlines for seasonal readings (April–October), and automatic reenrollment, which reasonably leads a customer to believe the program is open and ongoing.

To the extent Aqua now relies on tariff language that was not reasonably disclosed in its customer-facing materials, Complainant maintains that rigid application of a 2016 grandfather cutoff is unjust and unreasonable under Complainant’s circumstances and contrary to the reasonable expectations Aqua itself created.

14.

Aqua’s allegation (par. 14) that “The subject of the dispute lends itself to resolution through mediation” is **admitted in part and denied in part**.

Complainant agrees that mediation may be helpful if Aqua is willing to consider practical accommodations, including but not limited to:

- Allowing Complainant to participate in a deduct meter program on terms comparable to similarly situated customers in Limerick, East Norriton, and Lower Makefield who previously installed meters.
- Exploring reasonable tariff interpretations or adjustments that avoid discriminating against current customers who reasonably relied on Aqua's present-day web content when making landscaping and irrigation decisions.

However, Complainant denies that mediation alone is necessarily sufficient if Aqua maintains that the tariff must be applied in a way that permanently excludes Complainant despite Aqua's own public materials suggesting an ongoing, open program.

15.

Aqua's allegation (par. 15) that "The Commission's policy is to promote settlement" is **admitted** as a general statement of Commission policy.

By way of further response, Complainant states that:

- Complainant is willing to participate in a Commission-facilitated settlement or mediation conference and is open to reasonable compromise, including phased participation, partial credits, or other remedies that reflect the investment made in the sprinkler system and the reliance on Aqua's published program materials.
- Any settlement, however, should recognize that Aqua's own program descriptions omit any reference to a 2016 grandfather date and instead portray the Deduct Meter Program as an active, ongoing option for eligible customers who purchase, install, and maintain Company-approved deduct meters.

16.

Aqua's request (par. 16) that "this matter be referred to the Office of Administrative Law Judges Mediation Unit" is **admitted in part** insofar as Complainant has no objection to referral for mediation, but Complainant **denies** any implication that mediation is the only appropriate disposition.

Complainant respectfully requests that:

- If mediation does not resolve the case, the matter proceed to a full hearing before an Administrative Law Judge so that the record can be developed on Aqua's public representations, Complainant's reliance, and whether application of the

grandfather limitation is reasonable and non-discriminatory under 66 Pa.C.S. § 1301 and related provisions.

- The Commission consider whether Aqua's current Deduct Meter Program communications adequately inform Limerick customers of the alleged 2016 cutoff and, if not, whether additional relief or notice requirements are warranted to prevent similar confusion for other customers.

III. PRAYER FOR RELIEF

WHEREFORE, Complainant, Michael Sinclair, respectfully requests that the Pennsylvania Public Utility Commission:

1. Reject Aqua's assertion that Complainant categorically does not qualify for the Deduct Meter Program; or, in the alternative, find that strict application of the 2016 grandfather cutoff is unjust and unreasonable as applied to Complainant in light of Aqua's present-day public communications.
2. Direct Aqua to allow Complainant to install and use a Company-approved deduct meter for lawn irrigation and to receive appropriate Sewer Charge Adjustments for water that does not enter the sanitary sewer system, prospectively and/or retroactively as the Commission deems just and reasonable.
3. In the alternative, grant such other equitable or legal relief as the Commission finds appropriate, including but not limited to clarification or modification of Aqua's tariff or customer notice practices, to ensure that customers in Complainant's position are treated fairly.

Respectfully submitted,

Michael Sinclair
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Date: January 4th, 2026

Michael J. Sinclair
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JAN 15 2026

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Pennsylvania P. U. C.
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17105-326565



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