

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held May 21, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Alexander Miklos

C-2025-3058173

v.

Aqua Pennsylvania, Inc.

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions of Alexander Miklos (Mr. Miklos or the Complainant), filed on April 2, 2026, to the Initial Decision (I.D.) of Deputy Chief Administrative Law Judge (ALJ) Mark A. Hoyer, which was issued on March 23, 2026,

in the above-captioned proceeding. Reply Exceptions were filed by Aqua Pennsylvania, Inc. (Aqua or the Company) on April 23, 2026.¹

Upon consideration of the Exceptions and Replies thereto, we shall deny the Exceptions of Mr. Miklos, and adopt the Initial Decision, consistent with this Opinion and Order.

I. History of Proceeding

On October 27, 2025, Mr. Miklos filed a Formal Complaint (Complaint) against Aqua. Mr. Miklos checked the box “other” on the Formal Complaint form. Although Mr. Miklos did not include averments specifying the subject matter of his underlying Complaint, he did aver that “Essential Utilities has been operating in bad faith since day one.” Complaint at 2. As relief, Mr. Miklos requested that “Essential” be held accountable and that someone with authority at “Essential” provide oversight and address his Complaint. *Id.*

On November 17, 2025, Aqua filed an Answer and New Matter with a Notice to Plead attached. In its Answer, Aqua admitted that it is the responding utility but denied that it is the proper party in this proceeding. Aqua denied that it provides domestic water service in the Complainant’s name to the service address in Bradley, Illinois, that is listed on the Complaint, and it admitted that the Complainant is served by Aqua Illinois, Inc. (Aqua Illinois). Answer at 1-2. In its New Matter, Aqua averred that Mr. Miklos is not a customer of Aqua, but is, rather, a customer of Aqua Illinois. Aqua stated that the allegations in the Complaint concern the service provided by Aqua Illinois.

¹ On April 2, 2026, the Secretary’s Bureau served Mr. Miklos’ Exceptions on All Parties of Record stating that its review of the filing revealed that no Certificate of Service or other indication that the Parties of Record to the case were served with the Exceptions. Pursuant to 52 Pa. Code § 5.535, Aqua was given until April 23, 2026, to file Reply Exceptions.

Id. at 4. Aqua requested that the Complaint be dismissed or denied in its entirety.

Id. at 5.

On November 17, 2025, Aqua also filed its Preliminary Objection (P.O.) with a Notice to Plead attached. In its Preliminary Objection, Aqua stated that: (1) Aqua does not provide service in the Complainant's name to the property located in Bradley, Illinois; (2) Essential Utilities Inc. (Essential Utilities) does not provide service in the Complainant's name to the property located in Bradley, Illinois, and is not regulated by the Commission; and (3) Aqua Illinois provides service in the Complainant's name to the property located in Bradley, Illinois, but is not regulated by the Commission. The three companies requested that the Commission sustain the Preliminary Objection and dismiss the Complaint with prejudice for lack of jurisdiction. P.O. at 3-5.

On November 29, 2025, Mr. Miklos filed a response to the Preliminary Objection and New Matter, wherein he stated: "...the Attorney for 'Aqua' presented a total of one exhibit. It's a water bill meant to show, I presume, where I live. I do not dispute where I live." Complainant Response to P.O. at 1.

On March 16, 2026, the ALJ issued an Interim Order closing the record. I.D. at 3.

On March 23, 2026, the Commission issued the ALJ's Initial Decision, wherein he sustained Aqua's Preliminary Objection and dismissed the Complaint without a hearing. I.D. at 1, 8, 10.

As noted, *supra*, the Complainant filed Exceptions to the Initial Decision on April 2, 2026,² and Aqua filed Reply Exceptions on April 23, 2026.

II. Discussion

A. Legal Standards

1. Preliminary Objections

Section 5.101 of our Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.101, provides for the filing of preliminary objections, which must include a notice to plead and state the legal and factual grounds supporting the objections. 52 Pa. Code § 5.101(a). Preliminary objections are limited to the following grounds:

- (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.

² On April 20, 2026, Mr. Miklos submitted a letter at the instant docket regarding his experience with Aqua. This letter is an inappropriate filing before the Commission and will not be considered in this matter. Our Regulations do not procedurally permit such a submission at this point in the proceeding. *See* 52 Pa. Code §§ 5.533, 5.535. Parties cannot introduce new evidence at the exceptions stage. *Application of Apollo Gas Co.*, 1994 Pa. PUC Lexis, at *8-14 (Order entered February 10, 1994). Therefore, we must reject and decline to review the extra-record information offered in the letter because it is not contained, and cannot be admitted, in the record at this current procedural stage of the case.

- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a)(emphasis added).

Commission preliminary objection practice is comparable to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Interveners v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994) (*Equitable*); *Montague v. Phila. Elec. Co.*, 66 Pa. P.U.C. 24 (1988). Preliminary objections seeking dismissal of a pleading for legal sufficiency will be granted only in cases where dismissal is clearly warranted by the record and free and clear of doubt. *Interstate Traveller Servs., Inc. v. Pa. Dep't of Env't Res.*, 406 A.2d 1020 (Pa. 1979) (*Interstate*); *Rivera v. Phila. Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991). Any doubt must be resolved in favor of overruling a preliminary objection. *Id.*; *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

For the purpose of disposing of preliminary objections, the Commission may not rely upon the factual assertions of the moving party but must accept as true all well-pleaded, material facts of the non-moving party, as well as every reasonable inference from those facts. *Cnty. of Allegheny v. Commonwealth*, 490 A.2d 402 (Pa. 1985); *Commonwealth of Pa. v. Bell Tel. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). In ruling on a preliminary objection, the Commission must assume the factual allegations included in the Complaint are true and resolve any doubt in favor of the non-moving party by rejecting the preliminary objections. The Commission must view the Complaint in this case in the light most favorable to the Complainant and should dismiss the Complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. *Equitable*; *see also Interstate*.

2. Jurisdiction

Jurisdiction relates solely to the competency of the particular court or administrative body to determine controversies of the general class to which the case then presented for its consideration belongs. *Riedel v. The Human Relations Comm'n of the City of Reading*, 739 A.2d 121 (Pa. 1999). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945) (*City of Pittsburgh*). Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), *alloc. denied*, 637 A.2d 293 (Pa. 1993) (*Hughes*). Subject matter jurisdiction refers to the authority of a court, or other tribunal such as the Commission, to hear and decide a case or the general class to which a given controversy or cause belongs. *Noxon Chemical Products Co. v. Leckie*, 39 F.2d 318 (3d Cir. 1930); *Mid-City Bank & Trust Co. v. Myers*, 23 A.2d 420 (Pa. 1940). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Neither silence nor agreement of the parties will confer jurisdiction where it otherwise would not exist, *Commonwealth v. VanBuskirk*, 449 A.2d 621 (Pa. Super. 1982), nor can jurisdiction be obtained by waiver or estoppel. *Scott v. Bristol Twp. Police Dep't.*, 669 A.2d 457 (Pa. Cmwlth. 1995).

B. Initial Decision

In the Initial Decision, the ALJ made seven (7) Findings of Fact and reached seven (7) Conclusions of Law. I.D. at 3-4, 9. The Findings of Fact and Conclusions of Law are incorporated herein by reference and adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

As stated, *supra*, in the Initial Decision, the ALJ sustained Aqua's Preliminary Objection and dismissed the Complaint for lack of jurisdiction, without a hearing. I.D. at 1, 8, 10. Assuming that the facts pleaded were true and drawing every inference fairly deducible from those facts, the ALJ concluded that the Preliminary Objection must be sustained because the Commission lacks jurisdiction. The ALJ explained that the Complaint concerns utility service provided to Mr. Miklos' address in Bradley, Illinois, and the Commission does not have jurisdiction over utility service in Illinois. *Id.* at 6.

Furthermore, the ALJ determined that reasonable grounds do not exist for investigating Mr. Miklos's Complaint because it concerns utility service provided in Illinois, not Pennsylvania. The ALJ found that it is not in the public interest to require a hearing. Based upon Mr. Miklos' Complaint and his statement in response to Aqua's Preliminary Objection, that he does not dispute where he lives, the ALJ concluded that a hearing is not necessary or in the public interest. The ALJ stated that there is no reason to require the Parties to bear the time and expense of a hearing under these circumstances, as the Commission is not authorized to decide this matter because the fact that the Complaint concerns utility service provided to a service address in Bradley, Illinois, is not in dispute. I.D. at 8.

C. Exceptions and Reply Exceptions

In his Exceptions,³ Mr. Miklos admits that he does not dispute that he lives at his address in Illinois. Exc. at 2. Mr. Miklos avers that the employees with whom he

³ We note that the format of the Exceptions does not strictly comply with Section 5.533(b) of our Regulations, which requires that each exception be numbered and identify the finding of fact and conclusion of law to which exception is taken and cite to the relevant pages of the Initial Decision. 52 Pa. Code § 5.533(b). Nevertheless, recognizing that the Complainant is appearing *pro se*, we will accept the Exceptions as filed, pursuant to Section 1.2(a) of our Regulations, and consider the merits.

has spoken, including Aqua's attorneys and the management and executives of Aqua, as well as Aqua's and Essential Utilities' corporate office and headquarters, are all located in Pennsylvania. Mr. Miklos states that his Complaint is regarding the actions and inactions involving all parties located in Bryn Mawr, Pennsylvania, and not one person in Illinois. *Id.*

In addition, Mr. Miklos avers that his Complaint involves him becoming ill due to drinking contaminated water provided by Aqua and Essential Utilities, which resulted in illness, damages, and a lost job and wages. Mr. Miklos contends that his Complaint is very worthy and necessary. Exc. at 2. Mr. Miklos' Exceptions offer further details of why he believes the water he ingested was contaminated, his alleged resulting illness, and Aqua's lack of compliance with water safety issues. *Id.* at 3.

In summary, Mr. Miklos requests that the Commission evaluate how Aqua and Essential Utilities handled his concerns in Pennsylvania, not Illinois. Exc. at 4.

In reply, Aqua argues that the Complainant's Exceptions are without merit. Aqua states that the allegations contained in the Complaint and Exceptions do not involve service rendered by a Pennsylvania regulated utility. Rather, Aqua avers that the Complaint addresses service provided by Aqua Illinois or Essential Utilities, which are not regulated utilities doing business in Pennsylvania, even if their mailing addresses are in Bryn Mawr, Pennsylvania. Furthermore, Aqua notes that the Illinois Commerce Commission's website reflects its regulation of Aqua Illinois. Because the Public Utility Code (Code) authorizes the Commission to regulate public utilities doing business in Pennsylvania, and not utility service provided by either Aqua Illinois or Essential Utilities in Illinois, Aqua requests that the Commission adopt the ALJ's Initial Decision and dismiss the Complaint. R. Exc. at 6.

D. Disposition

At the outset, we note that any argument or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consl. Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlt. 1993); *see also, generally, Univ. of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlt. 1984).⁴

This case involves the basic issue of whether this Commission possesses jurisdiction to hear the matter raised by the Complainant. The ALJ granted Aqua's Preliminary Objection and dismissed Mr. Miklos' Complaint without a hearing because the Complaint raises service issues with Aqua Illinois and Essential Utilities, with respect to his service address in Bradley, Illinois.

Upon review, we agree with the ALJ that the Commission lacks the jurisdiction to entertain a complaint regarding utility service provided by Aqua Illinois in Bradley, Illinois, and, therefore, a hearing in this matter is neither necessary nor in the public interest. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission to hear complaints regarding any law which the Commission has jurisdiction to administer, or of any Commission Regulation or Order. To act on a complaint, the Commission must have jurisdiction over the subject matter. *Hughes*. Furthermore, the Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh*.

⁴ *See also Metropolitan Edison Co. v. Pa. PUC*, 22 A.3d 353 (Pa. Cmwlt. 2011), *appeal denied*, 22 A.3d 353 (Pa. 2012) (citing *Wheeling & Lake Erie Railway Company v. Pa. PUC*, 778 A.2d 785, 794 (Pa. Cmwlt. 2001) for the proposition that the Commission is not required to expressly consider all of the arguments set forth by the parties in its Order).

In this matter, it is undisputed that Mr. Miklos' Complaint raises concerns regarding his utility service provided by Aqua Illinois at his service address in Bradley, Illinois. Complaint at 1; Complainant's Response to P.O. at 1; Exc. at 2. The Commission is an agency of the Commonwealth of Pennsylvania and does not have jurisdiction to resolve a dispute in another state. Therefore, this Commission neither regulates Aqua Illinois nor has jurisdiction over the service provided by Aqua Illinois in the state of Illinois. *Cf., McDermott v. Shipley Choice LLC d/b/a Shipley Energy Co.*, Docket No. C-2016-2528354 (Final Order entered October 25, 2016) (Commission does not have jurisdiction over dispute because it is from another state and regarding the home delivery of fuel oil which is not a public utility service); *Nogay v. Columbia Gas of Pa., Inc.*, Docket No. C-00946065 (Order entered December 14, 1994) (Commission does not have jurisdiction over out-of-state utility). Because the Commission does not have jurisdiction over a dispute regarding service provided in Illinois by Aqua Illinois, Aqua's Preliminary Objection should be granted, and the Complaint must be dismissed in this regard. Accordingly, we will deny Mr. Miklos' Exceptions.

IV. Conclusion

Based on our review of this matter and the discussion, *supra*, we shall deny Mr. Miklos' Exceptions, adopt the ALJ's Initial Decision granting Aqua's Preliminary Objection, and dismiss the Complaint, consistent with this Opinion and Order;

THEREFORE,

IT IS ORDERED:

1. That the Exceptions of Alexander Miklos, filed on April 2, 2026, to the Initial Decision of Deputy Chief Administrative Law Judge Mark A. Hoyer, issued on March 23, 2026, at Docket No. C-2025-3058173, are denied, consistent with this Opinion and Order.

2. That the Initial Decision of Deputy Chief Administrative Law Judge Mark A. Hoyer, issued on March 23, 2026, at Docket No. C-2025-3058173, is adopted.

3. That the Preliminary Objection of Aqua Pennsylvania, Inc., Aqua Illinois, Inc., and Essential Utilities, Inc., filed on November 17, 2025, at Docket No. C-2025-3058173, is sustained.

4. That the Formal Complaint filed by Alexander Miklos on October 27, 2025, at Docket No. C-2025-3058173, is dismissed.

5. That this proceeding shall be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: May 21, 2026

ORDER ENTERED: May 21, 2026