

June 4, 2026

Via Electronic Filing

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

**Re: Docket No. C-2025-3057976
SCH USA, LLC v. Aqua Pennsylvania Wastewater, Inc.
Main Brief of Aqua**

Dear Secretary Homsher:

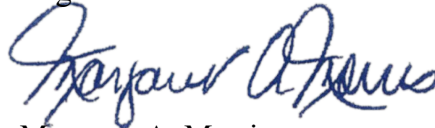
Attached for filing is the Main Brief of Aqua Pennsylvania Wastewater, Inc., in the above-referenced proceedings.

A copy of the Main Brief has been provided to the Complainant's Counsel 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
Enclosure

cc: The Hon. Charece Z. Collins, PA Public Utility Commission [w/encl.]
Heather S. D. Harrison, Aqua Pennsylvania, Inc. [w/encl.]
Whitney E. Snyder, Esquire [w/encls.]

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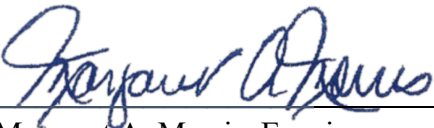
CERTIFICATE OF SERVICE

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

Whitney E. Snyder, Esquire
wesnyder@hmslegal.com

Dated: June 4, 2026



Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SCH USA, LLC

v.

AQUA PENNSYLVANIA WASTEWATER, INC. :

:
:
:
:
:

Docket No. C-2025-3057976

MAIN BRIEF OF
AQUA PENNSYLVANIA WASTEWATER, INC.

Date: June 4, 2026

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I. STATEMENT OF THE CASE

Introduction

The above-captioned proceeding concerns the Formal Complaint filed by SCH USA, LLC (“SCH”, “SCH USA” or “Complainant”) alleging incorrect charges billed by Aqua Pennsylvania Wastewater, Inc. (“Respondent”, “Company” or “Aqua”) for commercial wastewater service in the Complainant’s name under the following accounts:

Account No.	Service Location	Name
0026322581138095	159 Willowbrook Dr.	Willowbrook
0026322581138038	1 Lake Dr.	Lodge
0026322581138096	100 Moseywood Rd.	Water Park/Galleria

The Amended Formal Complaint disputes termination of service for the non-payment of charges billed pursuant to the *2025 Rate Order*.¹ The allocation of the number of Equivalent Dwelling Units (“EDU”) associated with the accounts at issue and used to bill SCH is well-settled by Commission precedent, which the Complainant conveniently ignores. The Commission rejected SCH’s interpretation/arguments in its orders in two separate proceedings: *Consolidated Complaints Order*² and the *2025 Rate Order*. SCH’s continued pursuit of the issues and failure to pay for services rendered constitutes bad faith.

History of the Proceeding

On October 20, 2025, SCH filed the instant Formal Complaint against Aqua concerning unmetered wastewater service to three separate accounts at three separate service locations. On November 10, 2025, Aqua filed its Answer denying the material allegations. On December 15, 2025, SCH filed an Amended Complaint alleging termination notices issued for the three delinquent accounts are based on disputed charges. On January 5, 2026, Aqua filed its Answer to the Amended Complaint denying the material allegations.

¹ See, Docket R-2024-3047822, *et al.*, *Opinion and Order* entered April 10, 2025 (“*2025 Rate Order*”).

² Docket Nos. C-2022-3036893 and C-2022-3037118, *Opinion and Order* entered October 23, 2025 (“*Consolidated Complaint Order*”).

II. SUMMARY OF ARGUMENT

The issues in this case pertain to the Company's billing of SCH and whether Aqua's billing of SCH on a flat EDU-basis is just and reasonable. The issues raised by SCH have been soundly rejected by the Commission in two separate proceedings. Aqua is accurately billing SCH consistent with its Commission-approved tariff. SCH has failed to carry its burden of proof. SCH has wholly failed to show that the rates charged to it under the Company's Commission-approved tariff are unjust or unreasonable or that the EDUs billed to it are inaccurate or unreasonable. The Commission should deny the Formal Complaint consistent with its prior ruling in the *2025 Rate Order* and the *Consolidated Complaints Order*.

III. LEGAL BURDEN

Section 701 of the Code provides that any person may complain, in writing, about any act or thing done or omitted to be done by a public utility in violation, or claimed violation, of any law which the Commission has the jurisdiction to administer, or of any regulation or order of the Commission.³

To establish a sufficient case and satisfy the burden of proof, a complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint.⁴ Such a showing must be by a preponderance of the evidence.⁵ A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party.⁶ Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence.⁷ Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as

³ 66 Pa.C.S. § 701.

⁴ *Patterson v. Bell Telephone Company of Pennsylvania*, 72 Pa. PUC 196 (1990); *Feinstein v. Philadelphia Suburban Water Company*, 50 Pa. PUC 300 (1976).

⁵ *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 134 Pa. Cmwlt. 218; 221-222, 578 A.2d 600; 602 (1990), app. denied, 602 A.2d 863 (1992).

⁶ *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950).

⁷ *Mill v. Pa. Pub. Util. Comm'n*, 67 Pa. Cmwlt. 597, 447 A.2d 1100 (1982); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n*, 154 Pa. Cmwlt. 21, 623 A.2d 6 (1993).

adequate to support a conclusion.⁸ More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.⁹

Under these principles, the Complainant, as the party seeking relief, has the burden of proof. In this case, the Complainant has the burden of proving, by a preponderance of the evidence, that Aqua is responsible or accountable for the problem described in the Complaint, i.e., incorrect charges on the Accounts.¹⁰

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the Complainant shifts to the Company. If the evidence presented by Aqua is of co-equal weight, the Complainant has not satisfied the burden of proof. The Complainant now must provide some additional evidence to rebut the evidence of the Respondent.¹¹

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission.¹²

IV. RECORD EVIDENCE

Complainant's Evidence

The Complainant presented the testimony of James L. Crist. SCH introduced 6 exhibits, all of which were admitted into the record.

⁸ *Bethenergy Mines, Inc. v. Workmen's Compensation Appeal Bd. (Skirpan)*, 531 Pa. 287, 612 A.2d 434 (1992).

⁹ *Norfolk and Western Ry. v. Pa. Pub. Util. Comm'n*, 489 Pa. 109, 413 A.2d 1037 (1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 194 Pa.Super. 278, 166 A.2d 96 (1960); *Murphy v. Dep't. of Public Welfare, White Haven Center*, 85 Pa. Cmwlth. 23, 480 A.2d 382 (1984).

¹⁰ See, *Feinstein, supra*.

¹¹ *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

¹² *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

SCH Exhibit Number - Description of Exhibit

- SCH-1: Expert Report of James L. Crist
- SCH-2: Aqua PA Tariff Sewer-PA PUC No. 4
- SCH-3: Aqua PA Website regarding EDUs as of 12/12/25
- SCH-4: Aqua PA website Regarding EDUs as of April 1, 2026
- SCH-5: Aqua Termination notices
- SCH-6 Current Aqua bills

Respondent's Evidence

Aqua presented the testimony of Heather Harrison and Erin Feeney. Aqua introduced 9 exhibits, all of which were admitted into evidence.

1. Rate Zone 4 Tariff

Account # 2632258-1138038 (Lodge)

2. Customer Bill Information Screen
3. Statement of Account
4. Payment Arrangement Letter, dated 12/3/25

Account # 2632258-1138095 (Willowbrook)

5. Customer Bill Information Screen
6. Statement of Account

Account # 2632258-1138096 (Water Park and Galleria)

7. Customer Bill Information Screen
8. Statement of Account
9. Payment Arrangement Letter, dated 12/3/25

Judge Collins also took judicial notice of the following Commission Orders:

- *Pennsylvania Public Utility Commission, et al. v. Aqua Pennsylvania, Inc.*, Docket No. R-2024-3047822 (Opinion and Order, entered February 7, 2025) (*2025 Rate Order*).
- *Pennsylvania Public Utility Commission, et al. v. Aqua Pennsylvania, Inc.*, Docket Nos. R-2024-3047822, et al. (Opinion and Order, entered April 10, 2025) (*Petition for Reconsideration-2025 Rate Order*).

- *SCH USA, LLC v. Aqua Pennsylvania Wastewater, Inc.*, Docket Nos. C-2022-3036893 and C-2022-3037118 (Opinion and Order, entered July 10, 2025) (*Consolidated Complaints Order*).
- *SCH USA, LLC v. Aqua Pennsylvania Wastewater, Inc.*, Docket Nos. C-2022-3036893 and C-2022-3037118 (Opinion and Order, entered October 23, 2025) (*Petition for Reconsideration- Consolidated Complaints Order*).

V. COMMISSION PRECEDENT

SCH has raised these arguments in two separate Commission proceedings. SCH participated in Aqua’s 2024 rate proceeding (see *2025 Rate Order*) and filed a Formal Complaint (see *Consolidated Complaints Order*). In both proceedings the Commission soundly rejected the arguments raised in this instant docket.

2025 Rate Order

SCH intervened and participated in the 2024 rate proceeding and filed the following 4 exceptions to the Recommended Decision in the 2024 rate proceeding which were all denied.

1. The ALJ Erred by Finding that Aqua is Billing SCH based on Aqua’s Tariff.
2. The ALJs Erred by Finding that Billing SCH a Flat, EDU-Based Rate is Reasonable.
3. The RD Erred by Finding that Alternative Billing Methods Proposed by SCH are Not Feasible.
4. The ALJ Erred by Finding that Aqua’s Proposed Change to the Definition of EDU in its Wastewater Tariff is Reasonable.

The Commission in its *2025 Rate Order* denied all 4 Exceptions stating:

As discussed supra, SCH USA argues that Aqua’s current and proposed wastewater tariff each result in unjust and unreasonable rates being charged to SCH USA because the Kidder Settlement, which stipulates the number of EDUs associated with the Resort, does not provide an accurate basis for billing. SCH USA asserts that the number of EDUs that the Company is billing to the Resort, and that would be billed to the Resort under the proposed tariff, do not have any relationship to the flows that are coming from the

properties. As such, SCH USA contends that if the Resort is operating at anything less than 100% capacity, which it claims that the flat EDU rates are based on, then SCH USA is being charged for more wastewater usage than the Company is collecting and treating. SCH USA therefore proposes alternative methods of billing SCH USA, as discussed supra.

In other words, SCH USA is not contending the rate design for Aqua's Rate Zone 4 customers, nor the unmetered charge per EDU, either established in the Aqua 2021 Rate Case or Aqua's proposed changes in the instant proceeding, are unjust and unreasonable for all customers. Rather, SCH USA takes issue with the existing EDU-based billing by Aqua, claiming that it is unreasonable as applied to SCH USA's own situation.

At the time of Aqua's acquisition of the wastewater assets of Kidder Township in 2012, the number of EDUs that were transferred to Aqua from Kidder Township for billing purposes were taken from the Kidder Settlement, which was entered into between the Kidder Township and SCH USA's predecessor. The Kidder Settlement was appropriate to utilize for the number of the EDUs associated with the Resort, as Kidder Township had been charging the Resort this exact number of EDUs prior to the Company's ownership of the Kidder Township wastewater system. As is commonplace with any acquisition, the number of EDUs, or billing determinants, associated with a customer remains consistent with what the system's previous owner had been charging. As previously indicated, the Commission approved Aqua's acquisition of the Kidder Township wastewater system in 2012 at Docket No. A-2012-2298067, and the Compliance Tariff that was filed as part of that proceeding explicitly lists out the number of EDUs associated with the Resort.

Moreover, since the Company's acquisition of the Kidder Township wastewater assets, the Commission has reviewed the EDUs billed to SCH USA's accounts as part of Aqua's previous two base rate proceedings in 2018 and 2021, which were included in the revenue requirements as set forth in the respective Commission Orders in both the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. The Commission approved those rates through the Compliance Tariffs filed in the referenced dockets and those rates were determined by the Commission to be just and reasonable.

While SCH USA asserts that occupancy rate should be considered, what it is requesting is different billing than what has been

authorized by the Commission when the Company acquired the system, and more recently in the Aqua 2021 Rate Case. For customers that are not billed based on metered water usage, the EDUs are based on the type of use for the customer. In this case, SCH USA is operating the same type of business that has always been at this location – i.e., a combination of hotels, restaurants, etc. There has been no significant change in the nature of the original wastewater usage at the location, and therefore no change to the assigned EDUs would be warranted. Although we acknowledge there are limited circumstances where the Company bills wastewater customers based upon water meter reads where the water is provided by a private well, this situation is only applicable where the Company acquired these customers, the customers were provided this service in this manner prior to their acquisition, and the Company adopted the existing rate structure and billing method for that system. See Aqua St. 11-R at 6-7.

We further note the challenges to basing the number of EDUs on occupancy rates, as highlighted by Aqua’s witness, Mr. Gregory Herbert:

The resort has a laundry, water park, pool, movie theater, restaurants, bar, and shops. Based on my review of the Split Rock Resort website, some or most of these amenities at the resort are also available to the public and are not exclusive to guests staying at the resort hotels. It is possible that the public consumption is de minimis compared to the consumption produced by its hotel guests, but I am simply pointing out another factor that would make it unreasonable to have charges based solely on occupancy rates where the business provides services to its guests and public, as both contribute to wastewater consumption.

Aqua St. 10-R at 9-10.

There is no disagreement that, when possible, billed charges should be based on actual usage recorded by a meter; however, it is not always possible to bill based on the water usage component, as is the case with the wastewater service provided by Aqua to SCH USA. 43 Although we find merit in Aqua’s commitments, set forth in Paragraph 91 of the Joint Petition, related to flat, unmetered wastewater rates in furtherance of the Company’s commitment to satisfy the Commission’s directives in the Aqua 2021 Rate Case, we cannot find the same for the proposals set forth by SCH USA.

Rather, we find persuasive the testimony of Aqua's witness, Mr. Duerr, explaining the reasonableness of the use of an EDU from a system design and rate perspective:

The Company plans and constructs its facilities to provide for sewer service 365 days a year, 24 hours a day, whether customers use the service or not. Fixed costs for that readiness are incorporated into the sewer rate design. The fact that a customer is present at a service address only a few days a month, or whether a commercial customer is at 100% occupancy rate, is irrelevant to whether the flat sewer charge is reasonable. Aqua has no control over when its customers are present or whether a multi-use facility is operating at full capacity. Yet, Aqua still is required to have its sewer service available for whenever the customer desires to use it, and to be available to accommodate the full capacity of that customer's operations.

Aqua St. 11-R at 4.

Further, an individual customer's rates cannot be considered in a vacuum, and if SCH USA's allocated number of EDUs were reduced, as it is requesting, it would impact other customers' rates in Rate Zone 4. A pro forma revenue adjustment under present and proposed rates would be required to adjust for the reduction of EDUs charged to the Resort. The proposed rates would then need to be recalculated, which would result in an increase in proposed rates for all customers in Rate Zone 4 to make up for the reduction in EDUs allocated to the Resort.

Because the quantity of EDUs established for the Resort are presumptively reasonable, as they were reviewed and approved, along with the other billing determinants included in the revenue requirement, by the Commission to be just and reasonable most recently in the Aqua 2021 Rate Case, any party that challenges such components of the revenue requirement as unreasonable has the burden of proof, as indicated by the ALJs. Absent actual use data for the Resort, the practice of using a surrogate to actual measures (i.e., the EDU) is a reasonable practice. SCH USA offered no evidence to tie actual use to the costs Aqua incurs to provide wastewater service, nor any evidence regarding its actual occupancy rate. SCH USA thus failed to meet its burden of proof.

In response to SCH USA's four proposed alternatives, we agree with the ALJs that SCH USA has failed to meet its burden to prove that any option is actually viable as it pertains to the Resort. As explained by the ALJs, installing meters on the Resort's private wells to measure water consumption for the billing of wastewater service would place a significant obligation on Aqua, the costs of which would ultimately be borne by Aqua wastewater customers. See R.D. at 168. Further complicating this matter is the fact that SCH USA owns the internal collection system for the Resort. We recognize that because the system is not owned and maintained by Aqua, the impact of any extraneous flows from inflow and infiltration would be unknown and can have the potential to impact the volumes conveyed to Aqua's wastewater treatment facility. See, Aqua St. 11-R at 10-11. In our view, SCH USA failed to overcome the issues described by Aqua to illustrate how the installation of water meters on its Resort's private water wells could be a feasible alternative.

Moreover, we find that SCH USA's proposal to measure the wastewater usage of the Resort using ultrasonic flowmeters and electromagnetic flowmeters is unsupported. On the other hand, we find the testimony of Aqua's witness, Mr. Duerr, persuasive, as he describes why each method cannot be applied to the Resort:

The SCH USA referenced metering technologies can be used on pumped flow where the pipe has a consistent velocity and is full. The technologies do not work on non-pressurized flow. Gravity based pipes are not designed for full flow operation. SCH USA's wastewater flow is a gravity flow system where it connects to Aqua's system. SCH USA may have internal partially pumped flow sections which eventually discharge to the gravity system, although Aqua has no information to confirm whether, or to what extent, there are pumped flow sections in SCH USA's wastewater collection system.

Aqua St. 11-R at 7-8.

Mr. Duerr clarified his position regarding the use of electromagnetic meters on non-pressurized pipes:

I discussed in my rebuttal testimony (Aqua Statement No. 11-R), when I referred to electromagnetic meters, I was referring to the meters that are most typically used in full pipe flow application. However, as I also stated in my

rebuttal testimony there are other types of open channel flow measuring devices, which appear to be the meter type that Mr. Carrier is describing when he discusses electromagnetic meters on non-pressurized, partially filled pipes. While there are some manufacturers that provide these types of electromagnetic flow meters, the application of these meters must be specifically engineered for the flow volume. I cannot determine that the existence of such meters will be conclusive of appropriate metering technology use in the case of SCH USA's system. Again, those types of meters are subject to many design and operational parameters that must be specifically engineered to ensure appropriate measurement.

Aqua St. 11-RJ at 2.

Mr. Duerr continued by countering the testimony of SCH USA's witness, Mr. Ronald Carrier, regarding the suggested use of a U-bend in order to facilitate wastewater flow measure by ultrasonic meters on the Resort's gravity system:

The U-bend in a pipe is not typically used for raw (i.e., untreated) wastewater flow measuring. This is because the U-bend in the pipe will cause solids in the raw wastewater to settle in the bottom of the pipe that will build up and then not allow for accurate reading of flow. Moreover, this will cause the pipe to backup causing other issues within the system. In my experience, the type of U-bend that Mr. Carrier is describing for use in wastewater flow measure is for treated effluent, where solids have already been removed and there is not anything in the treated effluent that could build up in the U-bend.

Aqua St. 11-RJ at 3.

Moreover, concerning the contentions of Mr. Carrier, regarding the feasibility of this metering technology, Aqua submitted the following:

Aqua PA – Hearing Exhibit No. 1 provides SCH USA's response to Aqua PA to SCH-USA-II-001. Therein, when asked to identify any application of these metering technologies that Mr. Carrier was aware of, Mr. Carrier stated that "I am not familiar

with any specific application of this concept.” When asked if he had personally witnessed, developed or operated such an application, Mr. Carrier indicated he had not. And when asked if he had designed or constructed such an application, Mr. Carrier indicated he had not. It is clear that while SCH USA’s witness has no familiarity with the alternatives he has advanced and, therefore, has provided no credible basis upon which the Commission could determine these alternatives are feasible or reasonable to implement for the SCH USA system at Split Rock Resort.

Aqua M.B. at 32.

Accordingly, we agree with the ALJs’ conclusion, supported by the testimony of Aqua’s witness, Mr. Duerr, that these technologies are not feasible options for the type of system at the Resort. SCH USA’s proposal falls short because it disregards the makeup of the Resort’s specific wastewater system and whether its proposal could be reasonably implemented.

Next, we stress that SCH USA’s final two proposed alternatives of either adjusting SCH USA’s EDUs used for billing purposes to better reflect actual usage and occupancy or assigning some other proxy that more accurately reflects actual usage and occupancy would result in rates that violate the Code.

In this regard, Section 1303 of the Code states, in pertinent part, as follows: “No public utility shall, directly or indirectly by any device or in anywise, demand or receive from any ... corporation ... a greater or less rate for any service rendered or to be rendered by such public utility than that specified in the tariffs ...” 66 Pa.C.S. § 1303. Furthermore, no public utility shall, as to rates, make or grant an unreasonable preference or advantage to any corporation ... or subject any corporation ... to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates either as between localities or as between classes of service. See 66 Pa.C.S. § 1304.

Effectively, SCH USA seeks a special rate from Aqua that is not provided for in the Company’s wastewater tariff. As such, either of the proposed alternatives advanced by SCH USA would require Aqua to deviate from its tariff and bill SCH USA in a manner different from other flat rate commercial customers in Rate Zone 4, resulting in discriminatory rates in violation of the Code. Ultimately, we agree with the ALJs that none of the four

alternatives proposed by SCH USA are feasible or can reasonably be implemented.

Lastly, SCH USA takes issue with Aqua's proposed change to the definition of EDU in its wastewater tariff. On review, we find that SCH USA's argument, that the language change is Aqua's attempt to provide a basis for continuing to unreasonably bill SCH USA based on the Kidder Settlement, is unfounded. Although Aqua adopted the EDU calculation within the Kidder Settlement to begin service to SCH USA, SCH USA's argument ignores the fact that this EDU calculation was ultimately approved by the Commission in both the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. Additionally, we note that Aqua's proposed tariff language provides customers with more information and allows customers to challenge its billing EDUs if the nature of its property has changed since its initial assignment of EDUs. We find that Aqua's modification to the EDU definition is reasonable as it provides customers with a process to seek recalculation of its EDUs from the Company, a process not offered previously. As such, we shall approve Aqua's revised definition of an EDU.

2025 Rate Order at pp. 159-167.

Petition for Reconsideration-2024 Rate Order

SCH filed a Petition for Reconsideration in the 2024 rate case and raised the following 4 issues:

1. Aqua Did Not Assume SCH USA's EDUs from the 2010 Settlement.
2. Aqua's Prior Rate Cases Did Not Specifically Address SCH's EDUs.
3. Current Billing Practices for SCH Violate Aqua's Tariff by failing to calculate the EDUs based upon the estimated average daily wastewater flow for the type of business, as calculated by the Pennsylvania Department of Environmental Protection ("PA DEP") regulation at 25 Pa. Code § 73.17, divided by the typical estimated average daily wastewater flow from a current single-family unit.
4. Reasonable and Feasible Alternatives Would Allow SCH to be Billed Based On Actual Usage.

The Commission denied the Petition for Reconsideration stating the following:

Upon review, we find that the Petition of SCH USA does not raise any new or novel arguments, or considerations that were not addressed by the Commission in the February 2025 Order.

Regarding its first argument, that the February 2025 Order improperly relied on outdated and baseless EDU calculations from the Kidder Settlement which has expired, SCH USA previously raised the same arguments which were addressed and rejected in the Recommended Decision and the February 2025 Order.

For example, SCH USA proffers substantially similar language in its Petition which it previously asserted in its briefs. Compare SCH USA Petition at 3-5, with SCH USA M.B. at 6-8, and SCH USA R.B. at 2-4. In their Recommended Decision, the ALJs expressly acknowledged and summarized the same arguments raised by SCH USA in its briefs, see R.D. at 155-56, and determined that SCH USA failed to meet its burden of proof that the Commission should order Aqua to alter its flat EDU-based billing method applicable to SCH USA and apply a different billing method. R.D. at 166. Regarding the arguments pertaining to the applicability of the Kidder Settlement to Aqua, the ALJs found the following:

We do not find the question as to the applicability of the Kidder Settlement relevant here, because the Commission approved the flat, EDU-based rate applicable to SCH USA in the 2018 Base Rate Case and in the 2021 Base Rate Case. Thus, Aqua is billing SCH USA not based on the Kidder Settlement but is billing SCH [USA] based on its Commission-approved tariff.

R.D. at 166-67.

In response to the ALJs' determination, SCH USA filed Exceptions reiterating its prior arguments. See SCH USA Exc. at 3-4. Our February 2025 Order directly addressed these arguments. There, we explained that the EDUs proposed to be included in Aqua's tariff were the result of several prior proceedings beginning with the Commission's approval of Aqua's acquisition of the Kidder Township wastewater system in the Kidder Township Order. We further emphasized that the Compliance Tariff for the Kidder Township acquisition explicitly listed the number of EDUs associated with the Resort. February 2025 Order at 160.

Thereafter, we explained:

[T]he Commission has reviewed the EDUs billed to SCH USA's accounts as part of Aqua's previous two base rate proceedings in 2018 and 2021, which were included in the revenue requirements as set forth in the respective Commission Orders in both

the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. The Commission approved those rates through the Compliance Tariffs filed in the referenced dockets and those rates were determined by the Commission to be just and reasonable. February 2025 Order at 160.

It is evident that the argument of SCH USA pertaining to the alleged reliance on the Kidder Settlement has been rejected on two occasions: first, as recommended by the ALJs in the Recommended Decision, and second by the Commission in the February 2025 Order. We decline to exercise our discretion to entertain the same argument a third time here. More importantly, we find no reason to depart from our rationale that the EDUs which form the basis of the revenue requirement for the rate zone applicable to SCH USA have been included in Aqua's tariff as a result of a number of prior proceedings. Beginning with the Kidder Township Order in 2012 and the Compliance Tariff filed in response to that Order, and later by two subsequent Aqua rate case proceedings in 2018 and 2021, the number of EDUs applicable to the accounts of SCH USA have been well established.

In the second argument, alleging that Aqua's prior rate cases did not specifically address SCH USA's EDUs, SCH USA again asserts the same arguments which were addressed in the Recommended Decision and the February 2025 Order. See, e.g., SCH USA R.B. at 4; R.D. at 166-67; SCH USA Exc. at 3-4; and February 2025 Order at 160.

We disagree with the contention of SCH USA that the Commission, in the February 2025 Order, overlooked the fact that neither the Aqua 2018 Rate Case nor the Aqua 2021 Rate Case specifically approved an allocation of costs or number of EDUs applicable to SCH USA. Rather, we explained that the EDUs applicable to SCH USA were approved as part of the Kidder Township Order proceeding. Additionally, we clarified that it is commonplace with any acquisition for the number of EDUs, or billing determinants, associated with a customer to remain consistent with what the system's previous owner had been charging. We reasoned that the Commission approved Aqua's acquisition of the Kidder Township wastewater system and found that the Kidder Township Order – Compliance Tariff explicitly listed the number of EDUs associated with the Resort. February 2025 Order at 160.

Moreover, we determined that in Aqua's prior two base rate proceedings the EDUs billed to SCH USA's accounts were included in the revenue requirements set forth in the respective

Orders in both the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. As discussed above, we found those rates to be just and reasonable and approved them pursuant to the Compliance Tariffs filed in those respective dockets. February 2025 Order at 160.

It should be noted that SCH did not appeal the *Commission's 2024 Rate Case Order* to Commonwealth Court. Aqua's Compliance Tarif was approved by the Commission and reflected the authorized rate increase for its wastewater Divisions.

Consolidated Complaints Order

SCH raised 3 Exceptions to the Initial Decision of the Honorable John Coogan that were dismissed by the PUC.

Exception #1. ALJ failed to acknowledge that the Commission's decisions in the *Aqua 2018 Rate Case* and the *Aqua 2021 Rate Case* did not expressly approve the allocation of costs or EDUs specific to SCH USA, maintaining that SCH USA's assigned number of EDUs improperly relies on outdated and baseless EDU calculations from the Kidder Settlement, which do not comport with the calculation method outlined in the Company's tariff.

PUC Ruling:

We agree with ALJ Coogan's conclusion that SCH USA previously raised the same arguments which were addressed and rejected by the Commission in the Aqua 2024 Rate Case and in the Aqua 2024 Reconsideration Order. There, we explained that the EDUs proposed to be included in Aqua's tariff were the result of several prior proceedings beginning with the Commission's approval of Aqua's acquisition of the Kidder Township wastewater system in the Kidder Township Order. Additionally, we clarified that it is commonplace with any acquisition for the number of EDUs, or billing determinants, associated with a customer to remain consistent with what the system's previous owner had been charging. We reasoned that the Commission approved Aqua's acquisition of the Kidder Township wastewater system and found that the Compliance Tariff for the Kidder Township acquisition explicitly listed the number of EDUs associated with the Resort. Aqua 2024 Rate Case at 160.

Thereafter, we explained:

[T]he Commission has reviewed the EDUs billed to SCH USA's accounts as part of Aqua's previous

two base rate proceedings in 2018 and 2021, which were included in the revenue requirements as set forth in the respective Commission Orders in both the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. The Commission approved those rates through the Compliance Tariffs filed in the referenced dockets and those rates were determined by the Commission to be just and reasonable.

Aqua 2024 Rate Case at 160.

Moreover, in our Order on Reconsideration, we explained:

It is evident that the argument of SCH USA pertaining to the alleged reliance on the Kidder Settlement has been rejected on two occasions: first, as recommended by the ALJs in the Recommended Decision, and second by the Commission in the [Aqua 2024 Rate Case] Order. We decline to exercise our discretion to entertain the same argument a third time here. More importantly, we find no reason to depart from our rationale that the EDUs which form the basis of the revenue requirement for the rate zone applicable to SCH USA have been included in Aqua's tariff as a result of a number of prior proceedings. Beginning with the Kidder Township Order in 2012 and the Compliance Tariff filed in response to that Order, and later by two subsequent Aqua rate case proceedings in 2018 and 2021, the number of EDUs applicable to the accounts of SCH USA have been well established.

Aqua 2024 Reconsideration Order at 54.

Therefore, we disagree with the contention of SCH USA that ALJ Coogan overlooked the fact that neither the Commission's decision in the Aqua 2018 Rate Case nor its decision in the Aqua 2021 Rate Case specifically approved an allocation of costs or a number of EDUs applicable to SCH USA. Such argument fails to acknowledge that the rate applicable to SCH USA has long been established. As reasoned above, it is clear, pursuant to the Kidder Township Order, the Kidder Township Order – Compliance Tariff, the Aqua 2018 Rate Case, the Aqua 2021 Rate Case, and the Aqua 2024 Rate Case that the number of EDUs applicable to the accounts of SCH USA has been confirmed for some time. Thus, SCH USA's repeated reliance on the Kidder Settlement for support

that its rate is somehow inconsistent with the terms of the Company's tariff is not persuasive.

Exception #2. ALJ erred by finding that billing SCH a flat, EDU-based rate is reasonable, arguing that its property is “a large commercial resort” and that “[b]illing on a per EDU basis assumes full occupancy of the Resort,” but “the Resort is rarely if ever at 100% occupancy.”

PUC Ruling:

Regarding SCH USA's claims as to its occupancy rate, SCH USA reiterates arguments that have previously been addressed and resolved by the Commission in the Aqua 2024 Rate Case and the Aqua 2024 Reconsideration Order. There, we explained that SCH USA was requesting different billing than what had been authorized by the Commission when the Company acquired the system, and in the Aqua 2021 Rate Case. However, the record indicated that SCH USA had been operating the same type of business that had always been at this location – i.e., a combination of hotels, restaurants, etc. Reasoning that there had been no significant change in the nature of the original wastewater usage at the location, we concluded that no change to the number of assigned EDUs was warranted. Aqua 2024 Rate Case at 160-61.

In the Aqua 2024 Rate Case, we further reasoned that, absent actual use data for the Resort, the practice of using a surrogate to actual measures (i.e., the EDU) is a reasonable practice. There, we found that SCH USA offered no evidence to tie actual use to the costs Aqua incurs to provide wastewater service, nor any evidence regarding its actual occupancy rate. Aqua 2024 Rate Case at 163.

*Although Commission-approved tariffs are prima facie reasonable, it is possible for a complainant to challenge an existing tariff provision, albeit with a very heavy burden to demonstrate the approved tariff provision is unreasonable. See *Kossman v. Pa. PUC*, 694 A.2d 1147, 1151 (Pa. Cmwlth. 1997); *Shenango Twp. Bd. of Supervisors v. Pa. PUC*, 686 A.2d 910, 914 (Pa. Cmwlth. 1996); *Brockway Glass Co. v. Pa. PUC*, 437 A.2d 1067 (Pa. Cmwlth. 1981); *Zucker v. Pa. PUC*, 401 A.2d 1377 (Pa. Cmwlth. 1979). See also *Sean Petty v. Community Utilities of Pennsylvania, Inc.*, Docket No. C-2024-3052590 (Opinion and Order entered June 6, 2025) at 10. In this instance, for the reasons discussed above, we find that SCH USA has failed to meet its high burden of proof that circumstances have changed so drastically that the*

tariffs and associated charges in dispute are unjust and unreasonable.

Accordingly, regarding SCH USA's requested adjustment to its prior bills associated with the three accounts in dispute, based on its occupancy levels, we find no basis that would support a retroactive adjustment from the time the Complainant purchased the property on October 29, 2020. Each bill issued to the Complainant was issued in accordance with the Company's Commission-approved tariff and SCH USA was billed under Rate Zone 4 pursuant to the Company's tariff

Exception #3. ALJ overlooked substantial evidence of reasonable and feasible alternatives for billing based on actual usage.

PUC Ruling:

Lastly, SCH USA asserts that ALJ Coogan overlooked substantial evidence showing there are feasible and cost-effective methods that would allow SCH USA to be billed for actual usage. In support of its contention, SCH USA argues that Aqua is already using water meters to measure water consumption from private wells along with wastewater meters to measure actual wastewater usage in other parts of its system. Additionally, SCH USA contends that its actual water consumption could be metered and that Aqua could use water consumption as a proxy for wastewater usage for billing purposes. Exc. at 7-8.

However, SCH USA previously raised the same arguments that have been addressed and resolved by the Commission in the Aqua 2024 Rate Case and Aqua 2024 Reconsideration Order. In ruling on these arguments, we found that SCH USA failed to meet its burden of proof that any option is actually viable as it pertains to the Resort.

Aqua 2024 Rate Case at 163.

We examined each of the alternatives offered by SCH USA and explained why SCH USA failed to satisfy its burden. Id. at 163-67. In summary, we determined that SCH USA's evidence fell short because it disregarded the makeup of the Resort's specific system and whether the proposals could be reasonably implemented. For example, we explained that SCH USA's proposal to measure the wastewater usage for the Resort using ultrasonic flowmeters and electromagnetic flowmeters is unsupported. Id. at 163-64. Moreover, we determined that SCH USA's proposed alternatives

of either adjusting the EDUs of SCH USA used for billing purposes to better reflect actual usage and occupancy or assigning some other proxy that more accurately reflects actual usage and occupancy effectively seek a special rate from Aqua, in violation of the Code. Id. at 166-67 (citing 66 Pa.C.S. §§ 1303 and 1304). In the Aqua 2024 Reconsideration Order, we declined to exercise our discretion to reconsider our Order in the Aqua 2024 Rate Case, finding no new or novel arguments or any considerations overlooked by the Commission.

Aqua 2024 Reconsideration Order at 58.

Petition for Reconsideration- Consolidated Complaints Order

In its Petition for Reconsideration, SCH raised three arguments:

Issue #1: Commission overlooked that Aqua’s current billing practice as applied to SCH violates Aqua’s tariff by failing to calculate the EDUs consistent with its Tariff and 25 Pa. Code § 73.17.

PUC Ruling:

Aqua’s tariff carves out an exception for those existing customers acquired by the Company, such as SCH USA. This means Section 73.13 did not have to be considered for SCH USA’s EDU calculation.

Furthermore, after Aqua’s acquisition of the system, the Commission approved SCH USA’s billing determinants through the Compliance Tariffs filed in the Aqua 2018 Rate Case, the Aqua 2021 Rate Case, and the Aqua 2024 Rate Case, and those rates were determined by the Commission to be just and reasonable. Accordingly, we disagree with the contention of SCH USA that Aqua is not billing SCH USA in accordance with Aqua’s tariff and find that the first argument of SCH USA fails to assert any new or novel arguments or considerations which we overlooked and, thus, does not satisfy the Duick standard for reconsideration.

Issue #2: Aqua did not assume SCH’s EDUs from the Kidder Settlement.

PUC Ruling:

We direct SCH USA to our July 2025 Order where we addressed a similar argument made by SCH USA. There we explained that it is

commonplace with any acquisition for the number of EDUs, or billing determinants, associated with a customer to remain consistent with what the system's previous owner had been charging. July 2025 Order at 19. We reasoned that the Commission approved Aqua's acquisition of the Kidder Township wastewater system and found that the Compliance Tariff for the Kidder Township acquisition explicitly listed the number of EDUs associated with the Resort. Id. at 20 (citing Aqua 2024 Rate Case at 160). The Commission approved SCH USA's EDUs in the Kidder Township Order, the Kidder Township Order – Compliance Tariff, the Aqua 2018 Rate Case, the Aqua 2021 Rate Case, and the Aqua 2024 Rate Case. July 2025 Order at 20. SCH USA's argument fails to acknowledge that the rate applicable to SCH USA has long been established and approved by the Commission. SCH USA's contention that Aqua bills SCH USA based upon the Kidder Settlement has no merit and has been rejected by the Commission in the Aqua 2024 Rate Case and Aqua 2024 Reconsideration Order. Accordingly, we decline to exercise our discretion to reconsider this argument again.

Issue #3: the Commission did not specifically address SCH USA's EDUs in Aqua's prior rate cases and therefore, the Commission did not expressly approve an allocation of costs or EDUs to SCH USA.

PUC Ruling:

Again, this argument has been addressed by the Commission in the Aqua 2024 Rate Case and the Aqua 2024 Reconsideration Order. Specifically, in the Aqua 2024 [Rate} Reconsideration Order, we stated:

We disagree with the contention of SCH USA that the Commission, in the February 2025 Order, overlooked the fact that neither the Aqua 2018 Rate Case nor the Aqua 2021 Rate Case specifically approved an allocation of costs or number of EDUs applicable to SCH USA. Rather, we explained that the EDUs applicable to SCH USA were approved as part of the Kidder Township Order proceeding. Additionally, we clarified that it is commonplace with any acquisition for the number of EDUs, or billing determinants, associated with a customer to remain consistent with what the system's previous owner had been charging. We reasoned that the Commission approved Aqua's acquisition of the Kidder Township wastewater system and found that

the Kidder Township Order – Compliance Tariff explicitly listed the number of EDUs associated with the Resort.

Moreover, we determined that in Aqua’s prior two base rate proceedings the EDUs billed to SCH USA’s accounts were included in the revenue requirements set forth in the respective Orders in both the Aqua 2018 Rate Case and the Aqua 2021 Rate Case. As discussed above, we found those rates to be just and reasonable and approved them pursuant to the Compliance Tariffs filed in those respective dockets.

Furthermore, we specifically noted that the approval of the billing determinants in the prior rate cases were based upon the EDUs applicable to SCH USA. In particular, we emphasized that the quantity of EDUs established for the Resort were presumptively reasonable as they were reviewed and approved, along with other billing determinants included in the revenue requirement, which the Commission found to be just and reasonable, most recently in the Aqua 2021 Rate Case.

Aqua 2024 Reconsideration Order at 55-56 (citing Aqua 2024 Rate Case at 160-63).

As we have already addressed and resolved the same argument SCH USA raises in the instant matter, we decline to grant reconsideration.

VI. ARGUMENT

SCH states their objective of their Amended Complaint as: (1) determine Aqua’s EDU based billing is unjust and unreasonable and unreasonably discriminatory under PA utility law; (2) Aqua improperly calculated and applied EDUs, contrary to its tariff and 25 PA Code 73.17; (3) require Aqua to bill EDUs calculated consistent with 52 Pa Code 73.17 going forward and retroactively; and (4) refund and bill corrections for amounts charged in excess of reasonable wastewater usage by applying 52 Pa Code 73.17.

It is important to recognize that SCH does not dispute that it is being billed by Aqua pursuant to Aqua’s Commission-approved tariff. Aqua is bound by the rates and terms of

service provided for in its tariff and is not permitted to deviate from its tariff in billing SCH for wastewater service. Any assertion by SCH that its current rates are unjust and unreasonable must be rejected because Aqua's current and prior tariffs only authorized it to bill SCH on an EDU basis.

The record evidence reflects that the Complainant is simply rearguing its position that has been clearly and definitively rejected by the Commission on more than one occasion. The record provides no evidence to sustain the Complaint. The issues raised by SCH in this proceeding have already been reviewed and ruled on by the Commission in the 2025 Rate Order and the Consolidated Complaints Order proceeding as described above and testified to by Aqua Witness Feeney (TR. 93). SCH has no basis to withhold any payment. The total amount of the 3 account's outstanding balance is \$904,645.43 (TR. 93; Aqua Exhibits 3, 6 & 8). By law, a public utility is entitled to receive payment for the service it provides. *Scaccia v. West Penn Power Co.*, 55 Pa. P.U.C. 637 (1982). Otherwise, customers' unpaid bills are included in the utility's uncollectible expense and ultimately paid by the remaining ratepayers. *Cf., Bolt v. Duquesne Light Co.*, 66 Pa. P.U.C. 463 (1988); *Thomas P. O'Toole v. The Bell Telephone Co. of Pennsylvania*, Docket Number C-923964 (Final Order entered August 20, 1992).

As a regulated public utility, the Company's rates and terms of service are reviewed and approved by the Commission. Aqua's rates and terms of service are set forth in the Company's Commission approved tariff which is amended from time to time at the conclusion of a base rate proceeding filed with the Commission. Customers are billed based on their service conditions. While the Complainant asserts its opinions and suggestions on how the Company should bill them for service, these statements involve suggestions related to rate design and billing determinants that are considered in base rate proceedings and cannot be considered or changed in individual customer complaint proceedings because it would impact the rates charged to other customers and the Company's overall approved rate design.

SCH's claims about the existing rates it pays fails because Aqua must bill SCH pursuant to its Commission-approved tariff. It is well accepted that a tariff is a set of operating rules imposed by the Commission that each public utility must follow in order to provide service

to its customers. *PPL Elec. Utils. Corp. v. PUC*, 912 A.2d 386 (Pa. Cmwlth. 2006). Each public utility must file a copy of its tariff with the Commission setting forth its rates, services, rules, regulations and practices so that the public may inspect its contents. 66 Pa. C.S. § 1302; 52 Pa. Code § 53.25; *Phila. Suburban Water Co. v. Pa. PUC*, 808 A.2d 1044 (Pa. Cmwlth. 2002). Public utility tariffs must be applied consistent with their language. Public utility tariffs have the force and effect of law and are binding on the public utility and its customers. *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281 (Pa. Cmwlth. 1995). The Commission has no authority to allow a public utility to deviate from its tariff even where the Commission concludes it is in the public interest. *Phila. Suburban Water Co. v. Pa. PUC*, 808 A.2d 1044 (Pa. Cmwlth. 2002).

VII. PROPOSED FINDINGS OF FACT

1. Aqua bills the Lodge Account for 53 EDUs. TR. 61, 80.
2. The outstanding balance for the Lodge Account, as of March 30, 2026, is \$61,758.98. TR. 61; Aqua Exhibit 3.
3. The parties entered into a payment arrangement for the Lodge Account on December 3, 2025. TR. 62; Aqua Exhibit 4.
4. The payment arrangement for the Lodge Account defaulted due to non-payment. TR 62.
5. Aqua bills the Willowbrook Account 128 EDUs. TR. 63, 80.
6. The outstanding balance for the Willowbrook Account, as of March 20, 2026, is \$670,981.37. TR. 63; Aqua Exhibit 6.
6. Aqua monthly bills the Waterpark and Galleria Account 145 EDUs. TR. 65, 80.
7. The outstanding balance for the Waterpark and Galleria Account, as of March 20, 2026, is \$171,905.09. TR. 66; Aqua Exhibit 8.
8. The parties entered into a payment arrangement for Waterpark and Galleria Account the on December 3, 2025. TR. 68; Aqua Exhibit 9.
9. The payment arrangement for Waterpark and Galleria Account defaulted due to non-payment. TR. 68.
10. The total outstanding balance for the 3 accounts is \$904,645.43. TR. 93
11. SCH appealed the *Consolidated Complaints Order*. TR. 92.
12. The *Consolidated Complaints Order* was not stayed. TR. 93.

13. There is no legal basis for SCH to withhold payment on the 3 accounts. TR. 93.
14. The Commission rejected the arguments presented by SCH in the *Consolidated Complaints Order* and the *2025 Rate Order*. TR. 98.
15. SCH did not appeal the *2025 Rate Order*.
16. Willowbrook is hotel. TR. 48-49.

VIII. PROPOSED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of this proceeding. 66 Pa.C.S. §§ 102, 107, 1501.

2. As the party seeking affirmative relief from the Commission, the Complainant bears the burden of proof in this proceeding. 66 Pa.C.S. § 332(a).

3. To satisfy the burden of proof, the complainant must demonstrate that the utility violated the Public Utility Code or a regulation or order of the Commission. 66 Pa.C.S. § 701. This must be shown by a preponderance of the evidence. *Patterson v. Bell Telephone Company of Pennsylvania*, 72 PA PUC 196 (1990).

4. Preponderance of the evidence means that the party with the burden of proof has presented evidence that is more convincing, by even the smallest amount, than that presented by the other party. *Samuel J. Lansberry, Inc. v. Pa. P.U.C.*, 578 A.2d 600, 602, alloc. den., 602 A.2d 863 (1992).

5. Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence, sometimes called the burden of persuasion, to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied the burden of proof. The Complainant now has to provide some additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 501 Pa. 433, 461 A.2d 1234 (1983).

6. While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

7. Assertions, personal opinions or perceptions do not constitute evidence. *Pennsylvania Bureau of Corrections v. City of Pittsburgh*, 532 A.2d 12 (Pa. 1987).

8. A public utility is required to provide adequate, efficient, safe, and reasonable service. 66 Pa.C.S. §§ 102 and 1501.

9. The Complainant has failed to carry his burden of proof establishing that Aqua violated the Public Utility Code, or a Commission regulation or order of the Commission or its Commission-Approved Tariff. 66 Pa.C.S. § 701, 332.

10. It is well accepted that a tariff is a set of operating rules imposed by the Commission that each public utility must follow in order to provide service to its customers. *PPL Elec. Utils. Corp. v. Pa. PUC*, 912 A.2d 386 (Pa. Cmwlth. 2006).

11. Each public utility must file a copy of its tariff with the Commission setting forth its rates, services, rules, regulations and practices so that the public may inspect its contents. 66 Pa. C.S. § 1302; 52 Pa. Code § 53.25; *Phila. Suburban Water Co. v. Pa. PUC*, 808 A.2d 1044 (Pa. Cmwlth. 2002).

12. Public utility tariffs must be applied consistent with their language. Public utility tariffs have the force and effect of law and are binding on the public utility and its customers. *Pa. Elec. Co. v. Pa. PUC*, 663 A.2d 281 (Pa. Cmwlth. 1995).

13. The Commission has no authority to allow a public utility to deviate from its tariff even where the Commission concludes it is in the public interest. *Phila. Suburban Water Co. v. Pa. PUC*, 808 A.2d 1044 (Pa. Cmwlth. 2002).

14. SCH failed to provide substantial and legally credible evidence in support of its contentions regarding Aqua's rates and service.

15. SCH failed to demonstrate with substantial evidence that Aqua violated the Public Utility Code, the Commission's regulations or orders, or the Company's Commission- approved tariff.

16. Aqua did not provide unreasonable or inadequate service in violation of 66 Pa.C.S. § 1501.

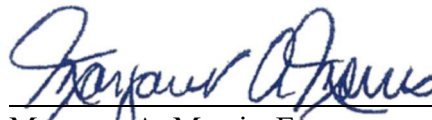
IX. CONCLUSION

The Complainant has failed to establish by a preponderance of the evidence that the Respondent violated the Code, Commission regulation or order. Specifically, the

Complainant has not met its burden of proof that the accounts were not properly billed and that an adjustment for prior bills is warranted. The arguments raised in this proceeding were clearly rejected by the Commission. SCH has offered nothing new to support their position. Accordingly, the Commission should dismiss, with prejudice, the Formal Complaint of SCH.

WHEREFORE, for the foregoing reasons, Aqua Pennsylvania Wastewater, Inc. respectfully requests that this Honorable Court dismiss with prejudice the Formal Complaint of SCH USA, Inc. at Docket No. C-2025-3057976 in its entirety.

Respectfully submitted,



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