

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

William Ferguson, :  
Petitioner :  
 :  
v. : No. 876 CD 2025  
 :  
Pennsylvania Public Utility Commission, :  
Respondent :

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**AQUA PENNSYLVANIA WASTEWATER, INC.’S ANSWER  
TO PETITIONER’S APPLICATION FOR LEAVE TO FILE  
REPLY BRIEF IN EXCESS OF WORD COUNT LIMIT**

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AND NOW, pursuant to 123(b) and 2135(a)(1) of the Pennsylvania Rules of Appellate Procedure (“Pa.R.A.P.”), comes Intervenor Aqua Pennsylvania Wastewater, Inc., (“Aqua PA WW” or the “Company”), by and through its attorneys, filing this Answer to Petitioner William Ferguson’s Application for Leave to File Reply Brief in Excess of Word Count Limit (“Application”). In his opposed application, the Petitioner has failed to show unique circumstances that might warrant a deviation from the Rules of Appellate Procedure. The Petitioner’s Application should, therefore, be denied.

In support of thereof Aqua PA WW avers as follows:

1. Admitted.

2. It is admitted that at the time the Petitioner's Application was filed, his Reply Brief was due on Friday, February 13, 2026. However, Aqua PA WW notes that pursuant to the Court's Order entered on February 10, 2026, the due date for the Petitioner's reply brief has been stayed.

3. The Petitioner's characterizations of Aqua PA WW's brief and arguments supporting his request for relief are denied as stated. Pursuant to Pa.R.A.P. 2135(a)(1), "a principal brief shall not exceed 14,000 words and a reply brief shall not exceed 7,000 words . . ." Pa.R.A.P. 2135(a)(1). The briefs submitted by Aqua WW PA and the Commission were within the limits set forth in the Pennsylvania Rules of Appellate Procedure. Further, to the extent the Petitioner asserts that he needs the additional words to respond to "Aqua's several arguments" he has failed to articulate any reason why the Intervenor's brief, which was within the limits set forth in the Pennsylvania Rules of Appellate Procedure, requires an additional 3,000 words to do so. In addition, Aqua PA WW denies that its brief includes an *ad hominem* attack upon Petitioner; Aqua PA WW's brief appropriately characterizes arguments made by Petitioner regarding the truthfulness and veracity Aqua PA WW and its witnesses. *See, e.g.*, Pet. Br. at 1-2, 25 (baselessly accusing Aqua PA of misconduct), 29 (baselessly accusing Aqua PA WW of not providing candid or truthful filings and testimony).

4. Admitted in part and denied in part. It is admitted that in *Penn Renewables, LLC v. Pa. Pub. Util. Comm'n*, 337 CD 2025 (Order dated September 19, 2025), the Court granted a request for a Petitioner's request to extend its reply brief word limit by 3,000 words. It is also admitted that in this case the petitioner's counsel had to reply to four briefs rather than two. This distinction alone demonstrates the Petitioner's requested relief is not warranted. The Petitioner's arguments that the difference is offset by the " a) the need for Petitioner to elucidate its replies to Aqua's barrage of categorical accusations and denials, and (b) the importance of this case to the integrity of public utility ratemaking in Pennsylvania (as described in the Introduction to Petitioner's principal brief at 1-3)" (Application, ¶4) are denied. As discussed in paragraph 4, the circumstances discussed by the Petitioner, that it must respond to the arguments made in a party's brief, are hardly unique. Nor is the fact that the present case touches on ratemaking a unique circumstance. Nor is the fact that the Petitioner must reply to two briefs in a proceeding involving judicial review of governmental determinations, where the respondent is a specific governmental unit and a party below participates in the appeal as an intervenor. Further, the application in *Penn Renewables* was, critically, unopposed. The present Application is not. Here, the Respondent and Intervenor's Briefs complied with Pa.R.A.P. 2135(a)(1), and both were substantially shorter than

required by this rule. The Petitioner should be required to comply with the same requirements applicable to his reply brief, and his Application should be denied.

5. Denied as stated. It is admitted that Aqua PA WW's counsel indicated that Aqua PA WW opposed Petitioner's request on February 10. It is denied that Aqua PA WW was required to explain or elaborate the basis for its opposition, which would ultimately be set forth in an answer to the request for relief.

6. Admitted.

WHEREFORE, Intervenor Aqua Pennsylvania Wastewater, Inc., respectfully requests this Court deny the Petitioner's Application for Leave to File Reply Brief in Excess of Word Count Limit.



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Date: February 27, 2026

*Aqua Pennsylvania Wastewater, Inc.*

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.



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*Aqua Pennsylvania Wastewater, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to Pa. R.A.P. 121, I, Garrett P. Lent, hereby certify that I caused to be served the foregoing document upon the following counsel/party of record as follows:

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Date: February 27, 2026



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**Garrett P. Lent**