

**IN THE  
COMMONWEALTH COURT OF PENNSYLVANIA**

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

**PETITIONER WILLIAM FERGUSON’S  
APPLICATION FOR LEAVE TO FILE REPLY BRIEF  
IN EXCESS OF WORD COUNT LIMIT**

Pursuant to Pennsylvania Rules of Appellate Procedure 123(a) and 2135(a)(1), Petitioner William Ferguson respectfully submits this Application for Leave to File Reply Brief in Excess of Word Count Limit. In support thereof, Petitioner avers the following:

1. Petitioner’s principal brief was filed on November 10, 2025. Respondent Pennsylvania Public Utility Commission (“Commission”) and Intervenor Aqua Pennsylvania Wastewater, Inc. (“Aqua”) filed their responsive briefs on January 29, 2026. The substantive part of the Commission’s responsive brief totaled 56 pages and that of Aqua 42 pages.
2. Petitioner’s Reply Brief is due on Friday, February 13, 2026.
3. Because of the number and length of the arguments made in the nearly one hundred pages of the Commission’s and Aqua’s briefs,

Petitioner requests leave to file his Reply Brief in excess of the word count limit provided in Pa. R.A.P. 2135(a)(1) by 3,000 words. Petitioner needs an additional number of words to respond adequately to the Commission's and especially to Aqua's several arguments, including a baseless *ad hominem* attack by Aqua that Petitioner's principal brief had "smeared" Aqua and the Commission (Aqua Br. at 26)

4. The number of additional words requested is consistent with, for instance, the Court's order dated September 19, 2025, in *Penn Renewables, LLC v. Pa. Pub. Util. Comm'n*, No. 337 CD 2025, granting Petitioner Penn Renewables' application for leave to file its reply brief with 3,000 additional words. In that instance, petitioner's counsel was required to respond to four opposing briefs, rather than the two here, but that difference is offset here by (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).

5. On February 9, 2026, Petitioner's counsel by email contacted counsel for the Commission and counsel for Aqua and informed them of Petitioner's intention to file this application and sought their expeditious

response indicating either their non-opposition to the application or their intention to oppose it. Receiving no reply from either counsel on February 9 and with a deadline for filing of February 13, Petitioner's counsel made a second request by email today, February 10. Without explanation or elaboration, both the Commission's counsel and Aqua's counsel replied that they oppose Petitioner's application.

6. This is Petitioner's first application for the relief requested.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that this Court issue an Order granting Petitioner's Application for Leave to File Reply Brief in Excess of Word Count Limit, allowing him to file his reply brief with 3,000 additional words. A proposed form of Order is attached.

Respectfully submitted,

/s/ James H. Cawley

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Date: February 10, 2026

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**ORDER**

NOW, February \_\_\_\_, upon consideration of Petitioner William Ferguson’s February 9, 2026, “Application for Leave to File Reply Brief in Excess of Word Count Limit” (Application), in which Petitioner requests an additional 3,000 words to reply to the two responsive briefs filed in this matter, the Application is GRANTED. Petitioner is granted an additional 3,000 words for his reply brief, for a total of 10,000 words.

\_\_\_\_\_  
, Judge

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**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.

/s/ James H. Cawley

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Date: February 10, 2026

*Attorney for William Ferguson*

## PROOF OF SERVICE

I hereby certify that I have this day served the foregoing document upon the persons named and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121.

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/s/ James H. Cawley

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James H. Cawley

Date: February 10, 2026