

The Initial Filing Of The Complaint – A False Start

The Filing And Its Rejection

This is a story of the frustration of dealing with a government agency. It started when I first filed my complaints on 6/6/2023. They were filed as “Formal Complaints” which requires the Public Utility Commission (PUC) to initiate a formal legal process to adjudicate the issue raised by the complaint. Two days after filing I received the following rejection by the PUC:

“On June 6, 2023, the Pennsylvania Public Utility Commission received an e-filed complaint from William Ferguson regarding a general rate increase for Aqua Pennsylvania Wastewater. This e-mail is to inform you that your e-filing was rejected for the following reason:

It was filed [sic] as the wrong document type

It should be filed as a a [sic] formal rate complaint

It should be filed on a rate complaint form.

Please complete the formal rate complaint form attached to this email [sic] and refile”.

The differences between a “Formal Complaint” and a “Formal Rate Complaint” are a few minor differences in the transmittal sheets for the complaint. I do not recommend it, but you can compare the two here:

“Formal Complaint” – [LINK](#)

“Formal Rate Complaint” – [LINK](#)

The Re-Filing

It was easy enough to fill out the “Formal Rate Complaint” form. I refiled on the same day I received the rejection. Then, about three hours later I received four rapid fire emails:

#1 – “A(n) Complaint Against Rate Case has been served in this proceeding.”

#2 – “A(n) Secretarial Letter has been served in this proceeding.”

#3 – “Your eFiling that was filed on Tue Jun 06 08:00:00 EDT 2023 has been rejected due to the following reason. Wrong Document Type Selected : Your complaint is a rate complaint. “

#4 – “Your eFiling has been successfully filed on Thu Jun 08 11:47:38 EDT 2023.”

#1 and #2 indicate that the PUC took action on the complaint. Item #3 seems a bit strange. It is a shorter version of the rejection sent several hours earlier. Not sure why that needed a second email. Item #4 is a routine confirmation of the filing.

The PUC's Refiling "OOPS"

On 6/22/2023 (two weeks later) I received the following notification from the PUC Secretary that the filing should **NOT** have been a “Formal Rate Complaint”:

“...when the Complainant filed his formal rate complaint on June 8, 2023, there was no current rate case pending before the Commission and the formal “rate” complaint used solely during rate case proceedings should not have been processed or served upon Aqua Pennsylvania.”

Long story short: my original filing was correct and the PUC erred in rejecting it. The PUC then erred a second time in accepting the second filing as “Formal Rate Complaint”,

In a not very happy mood I sent the Secretary of the PUC a copy of the original rejection asking what is going on and what should I do. Very promptly I received an apology and was advised to let Aqua file its reply and then decide what to do. One option was to withdraw the “Formal Rate Complaint” and refile as a “Formal Complaint”.

On 7/5/2023 Aqua filed this reply: [LINK](#) Aqua basically wanted the complaint dismissed. Aqua listed 14 things wrong with the complaint. Most of them related to using the wrong filing form. Aqua indicated they would be at a disadvantage if this were a “Formal Rate Complaint”.

One good thing came out of Aqua’s reply: Aqua included the full complaint as an attachment. That makes the complaint a publicly available document.

On 7/10/2023 I filed the following request to withdraw the complaint with the right to later refile it: [LINK](#)

On a side note, just before submitting the request to withdraw the complaint I called the PUC’s legal division to make sure I understood my options. The person I talked to seemed

very knowledgeable. He noted the trivial differences in the two forms and said the PUC had the option of simply treating the "Formal Rate Complaint" as a "Formal Complaint". For whatever reasons, they did not. In retrospect, it has turned out for the better since the consumption volume and trucking issues were filed as separate complaints.