

"Memorandum and Order" electronic service for case "Ferguson, W. v. PUC" (876 CD 2025)

Comments

Comments - NOW, April 14, 2026, upon consideration of William E. Ferguson's (Petitioner) "Application for Leave to File Reply Brief in Excess of Word Count Limit" (Application), wherein Petitioner seeks leave of Court to file a reply brief with an additional 3,000 words beyond the standard word limit, and the Answers filed by the Pennsylvania Public Utility Commission (Respondent) and Aqua Pennsylvania Wastewater, Inc. (Intervenor), the Court notes the following. Pennsylvania Rule of Appellate Procedure 2135 provides, in relevant part, that "[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). Further, although Petitioner cites to the Court's September 19, 2025 Order in Penn Renewables in support of his Application, the Court notes that the petitioner in Penn Renewables sought leave of Court to file a lengthier reply brief because it needed to address four appellate briefs containing a combined word count of approximately 38,000 words. See generally Penn Renewables, 337 C.D. 2025, Dkt. (indicating, also, that Penn Renewables, LLC's application was unopposed). Moreover, it is not readily apparent, upon review, that Respondent or Intervenor introduced new issues that were not directly, or indirectly, raised by Petitioner. See Pa.R.A.P. 2113(a) ("[T]he appellant may file a brief in reply to matters raised by appellee's brief . . . not previously addressed in appellant's brief."); see generally Commonwealth v. Fahy, 737 A.2d 214, 218 n.8 (Pa. 1999) (expounding on the nature of a reply brief). For the foregoing reasons, Petitioner's Application is DENIED. Petitioner shall file four copies of his reply brief, and serve on each other party one copy of the reply brief, on or before April 28, 2026.

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