



VIA E-FILING & U.S. Mail

June 30, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Aqua Pennsylvania Wastewater, Inc. Petition to Intervene
Investigation of Delaware Sewer Company Pursuant to Section 529 of
the Pennsylvania Public Utility Code
Docket No. I-2016-2526085**

Dear Secretary Chiavetta:

Enclosed please find Aqua Pennsylvania Wastewater, Inc.'s Petition to Intervene in the above referenced matter. Copies of this Petition to Intervene have been served in accordance with the enclosed Certificate of Service.

If you have any questions regarding this filing please contact me at 610-645-1130.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Stahl".

Alexander R. Stahl
Regulatory Counsel

cc: Certificate of Service

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Steven Haas, Presiding**

In Re: Investigation of Delaware Sewer :
Company Pursuant to Section 529 of the : Docket No. I-2016-2526085
Pennsylvania Public Utility Code :

**PETITION TO INTERVENE OF AQUA PENNSYLVANIA WASTEWATER, INC. TO
THE NOTICE OF SECTION 529 ACQUISITION INVESTIGATION**

Pursuant to 52 Pa. Code § 5.71 et seq., Aqua Pennsylvania Wastewater, Inc. (“APW” or the “Company”), hereby files this Petition to Intervene in the above captioned proceeding regarding the Delaware Sewer Company (“DSC”) Notice of Section 529 Acquisition Investigation. In support of this Petition, the Company states as follows:

1. The name and address of the Petitioner are:

Aqua Pennsylvania Wastewater, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

2. The name, business address, and contact information for Petitioner’s counsel in this matter is:

Alexander R. Stahl
Aqua Services, Inc.
Regulatory Counsel
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
Tel: 610-645-1130
Email: astahl@aquaamerica.com

3. APW is a Class A wastewater utility, duly organized and existing under the laws of the Commonwealth of Pennsylvania, operating under Pennsylvania Public Utility Commission (“PUC” or the “Commission”) granted certificates of public convenience. APW provides service to approximately 20,000 customers in various counties throughout the Commonwealth, including Pike County.

4. DSC is a Commission regulated public utility serving approximately 39 customers located within Delaware Township, Pike County, Pennsylvania.

5. This proceeding was instituted through the Commission’s Opinion and Order entered January 28, 2016, in Docket No. P-2014-2404341, ordering paragraph No. 4, stating that the Commission open an investigation into whether the Commission shall order a capable public utility to acquire DSC pursuant to Section 529 of the Public Utility Code, 66 Pa. C.S. § 529.

6. The Company received a Notice of Section 529 Acquisition Investigation issued by the Secretary’s Office of the Commission on June 7, 2017, served on all proximate public utilities providing the same type of service as the small sewer utility.

7. The Company files this Petition consistent with Commission regulations at 52 Pa. Code § 5.74.

8. The Commission’s regulation at 52 Pa. Code § 5.72 governs an entity’s eligibility to intervene in a proceeding, and provides, in part, that:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

...

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

52 Pa. Code § 5.72(a)(2).


9. The Company has been identified as a proximate public utility, and a final determination by the Commission concerning the ownership of DSC could affect the Company.

10. APW has an interest in the subject matter of this proceeding and any Commission Order, and cannot be adequately represented by other existing parties.

11. The Company submits there are other proximate wastewater utility providers that are in a better position to provide service to the DSC customers.

12. For these reasons, the Company may be directly affected and no other party can adequately represent the Company in this proceeding, and, therefore, the Company's Petition to Intervene should be granted.

WHEREFORE, Aqua Pennsylvania Wastewater, Inc. respectfully requests that the Presiding Officer grant this Petition to Intervene.




Alexander R. Stahl
Attorney ID No. 317012
Aqua Services, Inc.
Regulatory Counsel
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
Phone: 610-645-1130
Email: astahl@aquaamerica.com

Counsel for Aqua Pennsylvania Wastewater, Inc.

Dated: June 30, 2017

VERIFICATION

I, Marc A. Lucca, President of Aqua Pennsylvania, Inc., hereby state that the facts set forth in the foregoing petition are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Marc A. Lucca
President
Aqua Pennsylvania, Inc.

Dated: June 30, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Investigation of Delaware Sewer :
Company Pursuant to Section 529 of the : Docket No. I-2016-2526085
Pennsylvania Public Utility Code :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals and in the manner listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA U.S. MAIL


The Honorable Steven K. Haas
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Scott B. Granger, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Christine M. Hoover, Esquire
Erin L. Gannon, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Thomas T. Niesen, Esquire
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

Susan Simms Marsh, Esquire
Pennsylvania American Water Company
800 West Hershey Park Drive
Hershey, PA 17033



Alexander R. Stahl

Dated: June 30, 2017