



VIA E-FILING & U.S. Mail

August 11, 2017

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

**Re: Aqua Pennsylvania Wastewater, Inc. Prehearing Memorandum
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 Prehearing Memorandum in the above referenced matter. Copies of this Prehearing Memorandum 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 K. Haas, Presiding**

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

**PREHEARING MEMORANDUM OF
AQUA PENNSYLVANIA WASTEWATER, INC.**

Aqua Pennsylvania Wastewater, Inc. (“Aqua” or the “Company”) hereby files this Prehearing Memorandum in the above captioned proceeding regarding the Initial Prehearing Conference scheduled for August 14, 2017.

I. INTRODUCTION

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

The Company received a Notice of Section 529 Acquisition Investigation under Docket No. I-2016-2526085, issued by the Secretary’s Office of the Commission on June 7, 2017 and served on all proximate public utilities providing the same type of service as the small sewer utility.

Administrative Law Judge Steven K. Hass was assigned to preside over the proceeding. An Initial Prehearing Conference was noticed for August 14, 2017.

Judge Haas issued a prehearing conference order on July 31, 2017, directing parties to serve a prehearing memorandum addressing the issues of the case, witnesses, and the litigation schedule on or before noon on August 11, 2017.

II. SERVICE ON AQUA

Aqua will be represented in this proceeding by Alexander R. Stahl, Regulatory Counsel. Aqua agrees to receive electronic service in this proceeding. Service should be provided via electronic service and hard copy as follows:

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

III. LIST OF ISSUES AND AQUA'S POSITION

The central issue to this investigation proceeding is whether the Commission shall order a capable public utility to acquire DSC. Aqua submits that the Commission does promote acquisition of smaller systems by larger viable systems, and that it may serve the public interest by instituting acquisition under Section 529. Aqua, however, respectfully submits that other capable utilities are closer to DSC's service area and could more easily and efficiently incorporate and serve the customers of DSC.

IV. WITNESSES

Aqua does not anticipate calling any witnesses at this time. However, Aqua reserves the right to call witnesses, if necessary, and agrees to notify Judge Haas and the parties immediately should the Company determine any witnesses will be called.

V. LITIGATION SCHEDULE

Aqua will work with the ALJ and the parties to develop a mutually agreeable litigation schedule.

VI. SETTLEMENT

Aqua is willing to participate in settlement discussions in this matter.

Respectfully submitted,

By:  _____

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

Counsel for Aqua Pennsylvania Wastewater, Inc.

Dated: August 11, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation of Delaware Sewer Company :
Pursuant to Section 529 of the Pennsylvania : Docket No. I-2016-2526085
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 E-MAIL AND FIRST CLASS 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
Allison C. Kaster, 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
(*Counsel for Delaware Sewer Company*)

David P. Zambito, Esquire
George A Bibikos, Esquire
Cozen O'Connor
17 N. Second Street, Suite 1410
Harrisburg, PA 17101
(*Counsel for Pennsylvania American Water Company*)



Alexander R. Stahl

Dated: August 11, 2017