



December 26, 2018

VIA E-FILING

**Jonathan P. Nase**  
Direct Phone 717-773-4191  
Direct Fax 215-372-2340  
jnase@cozen.com

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

**Re: In re: Application and related filings of Pennsylvania-American Water Company under Sections 507, 1102(a), and 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 507, 1102(a), 1329, for approval of its acquisition of wastewater system assets of Exeter Township, related wastewater service rights, fair market valuation ratemaking treatment, deferral of the post-acquisition improvement costs, and certain contracts with municipal corporations; Docket Nos. A-2018-3004933 et al.**

**PENNSYLVANIA-AMERICAN WATER COMPANY'S ANSWER TO THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S MOTION TO REJECT OR HOLD IN ABEYANCE THE AMENDED APPLICATION**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is Pennsylvania-American Water Company's ("PAWC's") Answer to the Bureau of Investigation and Enforcement's Motion ("Motion") to Reject or Hold in Abeyance the Amended Application. **Please note that PAWC respectfully requests that the Commission issue a decision on the Motion on an expedited basis, in order to avoid any delays in processing the Amended Application.** Copies are being served as shown on the attached Certificate of Service.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

COZEN O'CONNOR

By: Jonathan P. Nase  
Counsel for *Pennsylvania-American Water Company*

JPN  
Enclosure

cc: Per Certificate of Service  
Sean Donnelly, Bureau of Technical Utility Services  
Susan Simms Marsh, Esquire  
Chief Administrative Law Judge Charles E. Rainey, Jr.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the Township of Exeter’s assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in portions of the Township of Exeter, and in portions of Alsace and Lower Alsace Townships, to one bulk service interconnection point with Alsace Township, and to four bulk service interconnection points with St. Lawrence Borough, Berks County, Pennsylvania.

Docket No. A-2018-3004933

---

**PENNSYLVANIA-AMERICAN WATER COMPANY’S  
ANSWER TO THE BUREAU OF INVESTIGATION  
AND ENFORCEMENT’S MOTION TO REJECT OR  
HOLD IN ABEYANCE THE AMENDED APPLICATION**

---

AND NOW COMES Pennsylvania-American Water Company (“PAWC”), pursuant to 52 Pa. Code § 5.103(c), to file this Answer to the Motion to Reject or Hold in Abeyance Acceptance of the Amended Application (“Motion”), filed by the Bureau of Investigation and Enforcement (“I&E”) on December 20, 2018, in the above-referenced matter. PAWC respectfully requests that the Pennsylvania Public Utility Commission (“Commission” or “PUC”) expeditiously deny I&E’s Motion because there is no support for any of the various forms of relief requested in the Motion. In support whereof, PAWC avers as follows:

## **I. PROCEDURAL HISTORY**

The Motion concerns two cases. First, the Motion concerns the above-referenced Application filed by PAWC (the “Section 1329 Application”), in which PAWC requests Commission approval of PAWC’s acquisition (the “Transaction”) of the wastewater system (“System”) of Exeter Township (“Exeter”). Second, the Motion concerns the Application of Exeter for a Certificate of Public Convenience, *Nunc Pro Tunc*, Docket No. A-2018-3006505 (the “Section 1102 Application”), in which Exeter requests a certificate of public convenience for the provision of wastewater service to 29 customers in a portion of Lower Alsace Township. As noted in the Section 1102 Application, after receiving the certificate *nunc pro tunc*, Exeter will convey the System to PAWC so that, after closing on the Transaction, PAWC will provide service to Exeter’s customers in Exeter and Lower Alsace Townships. Section 1102 Application ¶ 23. The Section 1102 Application therefore also requests that, upon closing, the Commission issue a certificate of public convenience allowing Exeter to abandon service in the applied-for territory. Section 1102 Application ¶ 25.

### **A. The Section 1329 Application**

On September 25, 2018, PAWC filed the Section 1329 Application with the Commission.<sup>1</sup> By Secretarial Letter dated October 1, 2018 (“October 1, 2018 Secretarial Letter”), the Commission notified PAWC that the Application was not accepted for filing purposes because it was incomplete, in the opinion of Commission staff. According to the letter, there were “several major deficiencies with the Application including, but not limited to” the following:

- Exeter Township appears to be providing substantial unlawful de facto public utility service beyond its corporate limits in the bordering Townships of Alsace and Lower Alsace, and the Borough of St. Lawrence, and may lack authority to abandon and subsequently transfer these assets and customers to PAWC-WD.

---

<sup>1</sup> PAWC expects that Exeter Township will intervene in this proceeding.

- A substantial portion of the service offered by Exeter Township both within and outside its municipal borders may be dependent on facilities and services located within the Borough of St. Lawrence and to which Exeter Township may not have a legally enforceable right of use.
- The filing does not appear to address the relationship between the Antietam Valley Municipal Authority and Exeter Township regarding ownership of some portions of the collection system that PAWC-WD may seek to acquire and include in rate base through procedures applicable to Section 1329 of the Public Utility Code, 66 Pa. C.S. § 1329.

To clarify the reasons for the rejection, and to ensure an adequate response to the concerns of Commission staff, personnel from PAWC and Exeter met with staff from the Bureau of Technical Utility Services (“TUS”) and Law Bureau on two separate occasions, and engaged in several telephone conversations. While other viable options existed, Exeter was advised, *inter alia*, to file an application for a certificate of public convenience *nunc pro tunc*, with regard to the 29 customers that it serves in Lower Alsace Township.

On December 5, 2018, PAWC filed an Amended Application with the Commission. The Amended Application was reviewed by TUS to determine whether the filing was administratively complete. On December 19, 2018, the Commission issued a Secretarial Letter (“December 19, 2018 Secretarial Letter”) stating that the Amended Application had been conditionally accepted for filing. The Secretarial Letter directs PAWC to:

- provide individualized notice of the proposed acquisition to all potentially affected PAWC wastewater and water division customers;
- ensure that concurrent notice would be given to all current Exeter customers; and
- publish newspaper notice of the Section 1329 Application.

The Secretarial Letter requires PAWC to notify the Commission when PAWC has complied with the above-described notice requirements. Upon receipt of a verification indicating that notice has been given as required by the Secretarial Letter, the Commission will issue a Secretarial Letter finalizing acceptance of the filing. December 19, 2018 Secretarial Letter, p. 1.

## **B. The Section 1102 Application**

On December 10, 2018, Exeter filed the Section 1102 Application. The Section 1102 Application explained that the Exeter Township Municipal Authority (“Authority”) previously provided wastewater service in Exeter and a portion of Lower Alsace Township. In 2014, the Authority was dissolved, and Exeter began providing wastewater service to the former customers of the Authority. Section 1102 Application ¶¶ 4-5.

The Section 1102 Application further noted that, upon reviewing the Section 1329 Application, Commission personnel advised Exeter that, in their opinion, Exeter required a certificate of public convenience for the wastewater service being provided in Lower Alsace Township. Consequently, Commission personnel advised Exeter that the Section 1329 Application would not be accepted for filing unless Exeter applied for a certificate of public convenience *nunc pro tunc*, for the service territory outside its municipal boundaries. Section 1102 Application ¶ 6. Consequently, Exeter filed the Section 1102 Application. Neither Exeter nor PAWC agree with Commission staff that Exeter needs to obtain a certificate of public convenience in order to convey the System to PAWC as part of the Transaction.<sup>2</sup>

Finally, the Section 1102 Application noted that Exeter expected to increase its rates for wastewater service to all its customers prior to closing on the Transaction. On December 10, 2018 (*i.e.*, the same day on which the Section 1102 Application was filed with the Commission), the Township Supervisors adopted that rate increase, effective January 1, 2019. That rate increase

---

<sup>2</sup> Exeter is arguably providing wastewater service to a limited class of customers for geographic efficiency purposes and, accordingly, is not providing Commission-jurisdictional service “to or for the public.” See 66 Pa. C.S. § 102 (regarding definition of “public utility”); see *e.g.*, *Motion of New Albany Borough for a Declaratory Order that its Provision of Water Service to an Isolated Group of Customers does not Constitute the Provision of Public Utility Service Under 66 Pa. C.S. § 102*, 2000 Pa. PUC LEXIS 34; *Lehigh Valley Cooperative Farmers v. City of Allentown*, 54 Pa. P.U.C. 495 (1980); *Joint Application of Seven Fields Development Corporation*, A-220007 and A-210062F2000 (Final Order entered October 1, 1999). Nevertheless, PAWC and Exeter conceded to the position of Commission staff in order to obtain Commission acceptance of the Section 1329 Application for filing.

applies to Exeter's customers in Exeter, as well as to Exeter's customers in Lower Alsace Township.

On December 13, 2018, the Commission acknowledged receipt of the Section 1102 Application. The Commission directed Exeter to publish newspaper notice of the filing of the Application, and the Commission would publish notice in the *Pennsylvania Bulletin* – *i.e.*, the standard notice requirements for Section 1102 applications.

On December 20, 2018, counsel for I&E entered her appearance in the case. On December 21, 2018, TUS sent Exeter Data Requests. Answers to those requests are due within ten working days of the service date.

## **II. GENERAL RESPONSE TO I&E MOTION**

The Commission should expeditiously deny the Motion. The Motion is procedurally improper. The Motion was not filed until *after* TUS issued its Secretarial Letter finding the Section 1329 Application complete. As a result, the Motion represents a Petition for Reconsideration from Actions of the Staff, pursuant to 52 Pa. Code § 5.44. I&E has no standing to file a Petition for Reconsideration from Actions of the Staff Action with regard to the Secretarial Letter issued on December 19, 2018.<sup>3</sup> The only issue decided by TUS is whether the filing is administratively complete, and I&E is not aggrieved by TUS's determination that the application is, in fact, administratively complete.<sup>4</sup> Consequently, I&E has no standing to file a Section 5.44 petition challenging the issuance of the December 19, 2018 Secretarial Letter.

---

<sup>3</sup> Additionally, the Motion is procedurally improper because it contains averments not of record, but does not contain a verification as required by 52 Pa. Code § 1.36(a).

<sup>4</sup> There is technically not even a formal proceeding in which I&E counsel can properly enter her notice of appearance. The Section 1329 Application has only been "conditionally accepted" for filing by the Commission. Until such time that PAWC satisfies the required condition (*i.e.*, the filing of a verification regarding satisfaction of individualized customer notice requirements), there is no pending application proceeding in which I&E can even participate. As the prosecutory arm of the Commission, I&E is permitted to participate in pending proceedings – however, in this instance, there currently is no pending proceeding. The Commission should rein in this attempted expansion of authority by I&E.

With regard to the merits, I&E -- as the party seeking affirmative relief from the Commission -- bears the burden of proof. 66 Pa C.S. § 332(a). To the extent that I&E asks the Commission to reject the Section 1329 Application, the Motion should be rejected. TUS, acting pursuant to the authority delegated to it by the Commission, has determined that the Application is administratively complete. That determination is correct. I&E does not identify anything missing from the Amended Application. As a result, I&E fails to establish any basis for finding that TUS's determination is incorrect.

To the extent that I&E asks the Commission to hold the Section 1329 Application in abeyance, there is no substantive distinction between this case and a case in which an entity (a person, partnership or corporation that does not have a certificate of public convenience, 66 Pa. C.S. § 1329(g)) acquires a municipal water or wastewater system pursuant to Section 1329. The Tentative Implementation Order and the Final Implementation Order in *Implementation of Section 1329 of the Public Utility Code*, Docket No. M-2016-2543193, clearly contemplate that the Section 1102 application of an entity can proceed concurrently with – or even be consolidated with – the Section 1329 application seeking Commission approval of the acquisition. Tentative Implementation Order, pp. 11-12; Final Implementation Order, pp. 28-30 (footnote 20 on page 30 specifically states that “[a] Section 1329 filing may be consolidated with the Section 1102 filing at the discretion of the ALJ or the Commission.”).

Finally, to the extent that the Motion asks the Commission to deny the consolidation of the Section 1102 Application with the Section 1329 Application, the Motion is premature; no motion for consolidation has yet been filed, and no motion for consolidation may ever be filed. The Commission should not issue an advisory opinion on whether it would grant such a motion.

### **III. ANSWERS TO SPECIFIC PARAGRAPHS OF I&E MOTION**

1. Denied. PAWC's Application is a written document that speaks for itself.
2. Denied. The October 1, 2018 Secretarial Letter is a written document that speaks for itself.
3. Admitted. In particular, the Amended Application addressed the concerns expressed in the October 1, 2018 Secretarial Letter concerning Exeter's alleged provision of service in Saint Lawrence Borough and Alsace Township.
4. Denied. The Commission has delegated authority to determine the administrative completeness of an application to TUS. After reviewing the Amended Application and accompanying appendices, TUS issued a Secretarial Letter finding the Amended Application administratively complete. I&E's Motion was filed a day after TUS issued this Secretarial Letter.
5. Denied. The cover letter to PAWC's Amended Application is a written document that speaks for itself. Exeter's Application and its accompanying certificate of service are also written documents that speak for themselves. By way of further answer, TUS and the Secretary's Bureau has accepted the Section 1102 Application for filing and TUS has issued data requests to Exeter that address many of the items described by I&E. I&E has entered its appearance in the Section 1102 Application proceedings, and has the ability to address any alleged deficiencies in the Section 1102 Application. It is denied that PAWC has filed a motion to consolidate the Section 1329 Application and the Section 1102 Application. As a result, any alleged deficiencies in the Section 1102 Application fail to provide a reason to delay processing the Section 1329 Application.
6. Denied. The Commission has delegated authority to TUS to determine the administrative completeness of Section 1329 applications. TUS has determined that PAWC's Amended Application is administratively complete. I&E is not aggrieved by that determination and has no legal right -- in its capacity as the prosecutory arm of the Commission -- to participate



in an administrative determination of the completeness of the Amended Application. Accordingly, I&E lacks standing to file a Petition for Reconsideration from Actions of the Staff, pursuant to 52 Pa. Code § 5.44. I&E will have a full and fair opportunity to participate as a party to the proceeding after the Amended Application is officially accepted for filing.

It is further denied that the Commission must issue a certificate of public convenience to Exeter in order to approve the Transaction. The Commission has the statutory authority to approve PAWC's requested service territory in Lower Alsace regardless of any prior conduct of Exeter, so long as the approval is in the public interest. Because the Section 1329 Application will cure the alleged *de facto* public utility service by Exeter, consideration and approval of the Section 1329 Application is in the public interest. By way of further answer, PAWC incorporates its response to Paragraph 7, *infra*.

7. This paragraph states a legal argument to which no response is required. By way of further answer, rejecting the Section 1329 Application would be inappropriate because an application can be rejected for filing purposes only if it is administratively incomplete.<sup>5</sup> TUS has already determined – correctly – that the Amended Application is administratively complete and, accordingly, conditionally accepted it for filing. Any alleged deficiency in the Section 1102 Application does not make the Section 1329 Application incomplete.

To the extent this paragraph contends that the Section 1329 Application should be held in abeyance pending the disposition of the Section 1102 Application, I&E's Motion should be

---

<sup>5</sup> Commission staff arguably made a substantive determination -- as opposed to an administrative completeness determination -- in insisting that Exeter file a Section 1102 application *nunc pro tunc* prior to the Commission's acceptance of PAWC's Section 1329 Application for filing. While PAWC elected not to challenge the substantive determination of Commission staff, PAWC notes that the Section 1329 Application will provide a cure to the alleged *de facto* public utility service by Exeter – a cure that, in and of itself, could be considered an affirmative public benefit. I&E now attempts to piggyback upon this substantive determination by Commission staff in arguing that the cure of the *de facto* public utility service should be further delayed, *i.e.* arguing that that the Section 1102 Application must be resolved first. The Commission, as a matter of policy, should encourage regionalization and consolidation of water and wastewater systems by removing unnecessary and burdensome bureaucratic hurdles in the Section 1329 process. The I&E Motion should, accordingly, be summarily denied.

rejected. The Section 1102 Application is an application for a certificate of public convenience by a municipality so that it can sell its wastewater system to a public utility pursuant to Section 1329. There is no substantive difference between the Section 1102 Application and a case in which an entity files an application for a certificate of public convenience so that it can purchase a municipal water or wastewater system pursuant to Section 1329. The Commission has previously addressed the procedure to be used in the latter situation. *Implementation of Section 1329 of the Public Utility Code*, Docket No. M-2016-2543193 (Tentative Implementation Order entered July 21, 2016; Final Implementation Order entered October 27, 2016).

In the Tentative Implementation Order, pp. 11-12, the Commission stated:

Importantly, the entity or its affiliate must file the Section 1329 application as an attachment to a Section 1102 application seeking public utility status. Acquisition applications filed by entities that have not yet filed a Section 1102 application for public utility status will be considered incomplete and will not be accepted until a complete Section 1102 application has been received and accepted. If a Section 1102 application is required, we strongly encourage that it be filed in advance of the Section 1329 application to the extent possible, and consolidated consideration will be given to the extent possible.

In the Final Implementation Order, pp. 29-30, the Commission stated:

... while we still encourage that the Section 1102 application be filed in advance of the Section 1329 application to the extent possible, the Section 1102 application will not be restricted to the expedited time period for applications claiming Section 1329 treatment. Section 1102 applications, which require the development of a record regarding the technical, financial and managerial fitness of the entity and a review of an initial tariff, must meet the legal standards under Section 1102 first, before consideration can be given to whether it meets the requirements under Section 1329.<sup>2020</sup> A Section 1329 filing may be consolidated with the Section 1102 filing at the discretion of the ALJ or the Commission.

Thus, there is no support for I&E's assertion that the Section 1102 Application must be resolved prior to the Section 1329 Application being considered. The two proceedings can clearly proceed simultaneously.

8. It is admitted that, in granting a stay, the Commission follows the decision in *Pa. Pub. Util. Comm'n v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983). Accordingly, a stay will be granted if:

- The maker of the motion makes a strong showing that he is likely to prevail on the merits;
- The maker of the motion has shown that without the requested relief, he will suffer irreparable injury;
- The issuance of a stay will not substantially harm other interested parties in the proceedings; and
- The issuance of a stay will not adversely affect the public interest.

I&E must satisfy all four prongs of this test in order for the stay to be granted. Since I&E cannot satisfy all four prongs, its request for a stay should not be granted.

a. Denied. TUS has already issued a Secretarial Letter finding the Amended Application administratively complete. Additionally, as discussed above, the Commission has already held that a Section 1102 Application and a related Section 1329 Application can proceed concurrently rather than *seriatim*. Consequently, it is unlikely that I&E will prevail on the merits.

b. For the reasons discussed above, it is denied that “concerns” relating to the Section 1102 Application require the Commission to delay processing the Section 1329 Application. I&E has the ability to address its “concerns” about Exeter’s application in the Section 1102 Application proceeding. It will not be irreparably harmed if the Section 1329 Application proceeds through the normal litigation process. Indeed, resolution of I&E’s purported concerns through the development of an evidentiary record is preferable to the Commission’s resolution of the concerns through mere averments made in preliminary pleadings.<sup>6</sup>

---

<sup>6</sup> The appropriateness of initial rates for the Lower Alsace customers in both the Section 1329 Application and the Section 1102 Application should be based upon conclusions of law supported by findings of fact in those proceedings (whether consolidated or not); not upon a summary conclusion of law by I&E in its Motion that Exeter lacks authority to set rates for its customers. The Commission should not decide initial rates for Lower Alsace customers at this time. The only decision currently pending before the Commission is whether to allow the Section 1329 Application to move forward to hearing – which the Commission should allow by denying I&E’s Motion. The parties, in accordance with

c. Denied. PAWC and Exeter will be harmed if a stay is granted, because they have an interest in closing on the Transaction as expeditiously as possible. PAWC has made business decisions based on the Transaction and Exeter has made taxing and budgeting decisions based on the Transaction. Therefore, they will be irreparably harmed if the Section 1329 Application is further delayed and not resolved within the six-month statutory deadline for the Commission to issue a decision.

9. Issuing a stay will adversely impact the public interest because the Legislature has determined that the Commission must issue a decision on a Section 1329 application within six months of the date the application is accepted for filing. This deadline is mandatory and not merely directory. This deadline reflects a Legislative determination that the public interest favors an expeditious resolution of Section 1329 proceedings. The Commission is a creature of the Legislature with only the authority explicitly or implicitly granted to it by the General Assembly. *Susquehanna Regional Airport Auth. v. Pa. Pub. Util. Comm'n*, 911 A.2d 612 (Pa. Cmwlth. 2006). Where, as here, a statute clearly defines the public interest, the Commission must follow that statute. The public interest is promoted by the fair, timely, and efficient implementation of Section 1329 by the Commission. Allowing I&E, and other public advocates, to prevent Section 1329 applications from even advancing to hearing -- during which all parties will have an opportunity to present evidence and arguments -- is clearly contrary to the public interest.

10. This paragraph states legal arguments to which no response is necessary. By way of further answer, I&E's legal arguments are premature. No motion for consolidation has been filed and, while PAWC and Exeter have expressed an intent to file such a motion because of the inter-related facts and issues of the two proceedings, one may not be filed.

---

fundamental principles of due process, would then have a full and fair opportunity to submit testimony and exhibits in support of their respective positions.

PAWC was recently involved in a situation in which the Commission granted an application for a certificate of public convenience, *nunc pro tunc*, knowing that the applicant would shortly thereafter file an application to abandon that same certificate because PAWC would serve the territory going forward. The application *nunc pro tunc* was approved to facilitate the orderly transition to water service rendered by PAWC – without consolidating the related proceedings. *Application of The Meadows at Watsonstown, LLC (Meadows LLC) for approval, nunc pro tunc, of 1) the transfer, by sale, of the water system assets and rights of DDB Watsonstown, L.P. to Meadows LLC; and 2) the rights of Meadows LLC to begin to offer, render, furnish and supply water service to the public in a portion of Delaware Township, Northumberland County, Pennsylvania, known as Spring Lake Crest; and 3) the adoption of the existing water tariff, Docket No. A-2015-2491413 (Order entered March 10, 2016); and Petition of Pennsylvania-American Water Company for a Declaratory Order Confirming the Company’s Authority to Offer or Furnish Water Service to the Spring Lake Crest Residential Subdivision in Delaware Township, Northumberland County, Pennsylvania, Docket No. P-2015-2504402 (Order entered October 22, 2015).*

These cases demonstrate that Exeter’s Section 1102 Application does not need to be consolidated with PAWC’s Section 1329 Application. Due to the uncertainty as to whether the parties will even request consolidation, the Commission should not issue an advisory opinion on whether it would grant a motion to consolidate.

11. This paragraph states legal arguments to which no response is necessary. By way of further answer, I&E’s legal arguments are premature. I&E contends that the Commission should not be required to decide the Section 1102 Application within the six-month deadline set forth in Section 1329 for a Section 1329 application. At this time, no motion for consolidation of

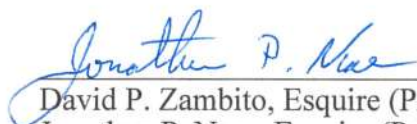
the Section 1102 Application and the Section 1329 Application is before the Commission. The Commission should not issue an advisory opinion on whether it would grant such a motion.

12. PAWC admits that the Section 1102 Application proceeding must be resolved before closing on the Transaction. However, this does not require the Commission to grant I&E's request for an indefinite delay in the Section 1329 Application proceeding.

#### IV. CONCLUSION

For the foregoing reasons, the Commission should, on an expedited basis, deny I&E's Motion to Reject or Hold in Abeyance Pennsylvania-American Water Company's Amended Application. To the contrary, the Commission should permit the Amended Application to progress along a normal litigation path, resulting in a Commission final order on its merits.

Respectfully submitted,



David P. Zambito, Esquire (PA ID 80017)  
Jonathan P. Nase, Esquire (PA ID 44003)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
(717) 703-5892  
dzambito@cozen.com  
jnase@cozen.com

Susan Simms Marsh, Esquire (PA ID 44689)  
Pennsylvania-American Water Company  
800 West Hershey Park Drive  
Hershey, PA 17033  
(717) 531-3208  
Susan.Marsh@amwater.com

Attorneys for *Pennsylvania-American Water Company*

Dated: December 26, 2018

## VERIFICATION

I, Bernard J. Grundusky, hereby state that the facts set forth above 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).

Date: December 26, 2018



\_\_\_\_\_  
Bernard J. Grundusky  
Senior Director, Business Development  
Pennsylvania American Water Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water :  
Company under Section 1102(a) of the Pennsylvania :  
Public Utility Code, 66 Pa C.S. § 1102(a), for :  
approval of (1) the transfer, by sale, of substantially :  
all of the Township of Exeter's assets, properties and :  
rights related to its wastewater collection and :  
treatment system to Pennsylvania-American Water :  
Company, and (2) the rights of Pennsylvania- :  
American Water Company to begin to offer or furnish :  
wastewater service to the public in portions of the :  
Township of Exeter, and in portions of Alsace and :  
Lower Alsace Townships, to one bulk service :  
interconnection point with Alsace Township, and to :  
four bulk service interconnection points with St. :  
Lawrence Borough, Berks County, Pennsylvania. :

Docket No. A-2018-3004933 *et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Pennsylvania-American Water Company's Answer to the Bureau of Investigation and Enforcement's Motion to Reject or Hold in Abeyance the Amended Application** regarding its acquisition of the wastewater assets of Exeter Township, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL**

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17120

Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

Office of Small Business Advocate  
Department of Community and  
Economic Development  
Commerce Building, Suite 202  
300 North Second Street  
Harrisburg, PA 17101-1303

  
Jonathan P. Nase, Esquire

Counsel for *Pennsylvania-American Water Company*

Date: December 26, 2018