

KOZLOFF STOUDT

Professional Corporation

By: Joan E. London, Esquire

Attorney I.D. #67934

2640 Westview Drive

Wyomissing, PA 19610

(610) 670-2552

**SOLICITORS FOR INTERVENOR,
BOROUGH OF ST. LAWRENCE**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American Water	: Docket No.
Company Under Section 1102(a) of the Pennsylvania	: A-2018-3004933
Public Utility Code, 66 Pa.C.S.A. § 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 St. Lawrence Borough, Berks County,	:
Pennsylvania	:

**PETITION TO INTERVENE OF THE BOROUGH OF ST. LAWRENCE,
BERKS COUNTY, PENNSYLVANIA**

AND NOW COMES the Borough of St. Lawrence, Berks County, Pennsylvania ("Borough"), through its undersigned Solicitors, Joan E. London, Esquire and Kozloff Stoudt, Professional Corporation, and files the Petition to Intervene in the above-captioned proceedings before the Pennsylvania Public Utility Commission ("PUC"), pursuant to 52 Pa. Code §§ 5.71-5.76, and, in support thereof, avers as follows:

1. The Borough is a municipal corporation organized and existing under the Pennsylvania Borough Code 8 Pa.C.S.A. §§ 101-3501, with registered offices located at 3540 St. Lawrence Avenue, Reading, Berks County, Pennsylvania 19606.

2. Exeter Township, Berks County, Pennsylvania ("Township"), is a municipal corporation organized and existing under the Pennsylvania Second Class Township Code, 53 P.S. §§ 65101-68701, 4975 DeMoss Road, Reading, Berks County, Pennsylvania 19606.

3. Pennsylvania-American Water Company ("PAWC") is a regulated public utility organized and existing under the laws of the Commonwealth of Pennsylvania, with an address of 800 West Hershey Park Drive, Hershey, PA 17033.

4. PAWC is engaged in the business of collecting, treating, storing, supplying, distributing, and selling water to the public, and collecting, treating, transporting and disposing of wastewater for the public. By its statements, PAWC furnishes water and wastewater service in a service territory encompassing in excess of four hundred (400) communities in the Commonwealth of Pennsylvania.

5. Since 1967, the Township (along with its former Municipal Authority, which has been disbanded) and the Borough (along with its former Municipal Authority, which has been disbanded) have been parties to Sewer Agreement, with the last amended agreement dated May 8, 2003.

6. The former Township Municipal Authority constructed the wastewater treatment plant with a capacity, per its NPDES Permit, of 7.1 million gallons per day (MGD), of which the Borough is allocated 462,000 gallons per day of capacity, and the

Township is allocated 6,638,000 gallons per day of capacity. There are provisions in the Agreement for sharing of plant construction and operating costs and capital contribution.

7. The Township operates the sewer system and the sewage treatment plant. The Borough operates and maintains a sewage collection system.

8. All sewage from the Borough sewage collection system is discharged into the Township system, for treatment and disposal at the Township plant.

9. The Township meters the volume of sewage discharged from the Borough collection system into the Township system and, ultimately, the Township sewage treatment plant.

10. The Borough has an interest which is directly affected by the Township Application for Approval of Transfer of the wastewater collection and treatment system to PAWC under Section 1102(a) of the Public Utility Code, 66 Pa.C.S.A. §1102(a), and to the Application to serve residents of Lower Alsace and Alsace Townships, utilizing four (4) bulk service interconnection points with the Borough as follows:

a) The addition of new customers in Lower Alsace Township and Alsace Township, per the Application, will create additional flows through the Borough collection system into the Township sewage treatment plant;

b) Additional flows through the Borough collection system will be difficult to allocate between Borough properties and properties in Lower Alsace Township and Alsace Township for purposes of measurement, billing,

determination of violations of sewer use regulations, and determination of sources of infiltration and inflow; and,

c) The Borough has incurred expenses and debt for the construction, maintenance, and improvement of its collection system, which collection system will likely be directly impacted by the addition of customers in Lower Alsace Township and Alsace Township in the event that the PUC grants the Application allowing sewage flows through the Borough's interconnection points; and,

d) The Borough has incurred expenses for wastewater treatment plant costs, including but not limited to plant construction and expansion under agreements with the Township, and currently makes debt service payments as a result, and the grant of the Application for Transfer to PAWC may impact Borough and Borough resident costs, rates, and other terms and conditions of service.

11. The Borough seeks intervention under 52 Pa.Code § 5.72(2), due to its direct interest in the outcome of the proceedings.

12. Additionally, as a municipality, the residents of which are users of the sewer system and pay for rates and costs of sewer usage, the Borough has an interest of such nature that its participation may be in the public interest as stated in 52 Pa.Code § 5.72(3).

13. The interest of the Borough is different from that of other parties to this proceeding, and cannot be adequately represented by other parties.

14. The Borough will be bound by the determination of the PUC, and affected thereby, as stated above, if the PUC approves the transfer to PAWC, and/or allows service by the Township in Lower Alsace Township and Alace Township, with new connections into the Township wastewater treatment plant and additional flows through the Borough collection system.

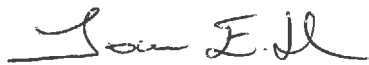
15. The Borough, furthermore, has a direct interest in the outcome of the Asset Purchase Agreement between the Township and PAWC of May 29, 2018, and has a direct interest in the outcome of the Section 1329 Application of PAWC, filed as amended on December 5, 2018, and currently the subject of proceedings before the PUC on a Motion to Reject or Hold in Abeyance.

16. This Petition to Intervene is timely filed pursuant to 52 Pa. Code § 5.74.

WHEREFORE, for the reasons set forth above, the Borough of St. Lawrence respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene.

Respectfully submitted,

KOZLOFF STOUDT
Professional Corporation



Joan E. London, Esquire
PA Supreme Court ID #67934)
2640 Westview Drive
Wyomissing, PA 19610
(610) 670-2552
jlondon@kozloffstoudt.com

Dated: January 4, 2019

KOZLOFF STOUTT

Professional Corporation

By: **Joan E. London, Esquire**

Attorney I.D. #67934

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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 St. Lawrence Borough, Berks County,	:
Pennsylvania	:

VERIFICATION

I, Allison Leinbach, hereby certify that I am the Manager for the Borough of St. Lawrence, and that the facts set forth in the within Petition for Intervention are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

BOROUGH OF ST. LAWRENCE


 Allison Leinbach, Manager

Dated: January 4, 2019

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Professional Corporation
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Exeter, and in portions of Alsace and Lower Alsace :
Townships, to one bulk service interconnection :
point with St. Lawrence Borough, Berks County, :
Pennsylvania :

CERTIFICATE OF SERVICE

I, Joan E. London, Esquire, certify that I have, on this date, served a true and correct copy of the following document, the Petition to Intervene of the Borough of St. Lawrence, Berks County, Pennsylvania, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA FIRST CLASS AND ELECTRONIC MAIL

Samuel W. Cortes, Esquire
Barnett Satinsky, Esquire
Fox Rothschild, LLP
Eagleview Corporate Center
747 Constitution Drive, Suite 100
Exton, PA 19341-0673
scortes@foxrothschild.com
bsatinsky@foxrothschild.com

Tanya J. McCloskey, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
tmccloskey@paoca.org

David Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Connor
17 North Second Street
Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

John Evans, Esquire
Office of Small Business Advocate
PA Dept. of Community & Econ. Dev.
Commerce Building, Suite 202
300 North Second Street
Harrisburg, PA 17101-1303
jorevan@pa.gov

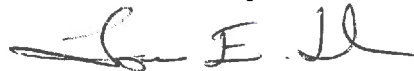
Erika L. McLain, Esquire
PA Public Utility Commission
Bureau of Inv. & Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
ermclain@pa.gov

Christine Sadler, Esquire
Berks County Solicitor's Office
Berks County Services Center
633 Court Street, 13th Floor
Reading, PA 19601
csadler@countyofberks.com

Lower Alsace Township
Attention: Board of Supervisors
1200 Carsonia Avenue
Reading, PA 19606
manager@latownship.org

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601
Planning@countyofberks.com

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Joan E. London, Esquire

Dated: January 4, 2019