

**KOZLOFF STOUDT**

Professional Corporation

By: Joan E. London, Esquire

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

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Exeter Township	: Docket No. A-2018-3006505
For Certificate of Public Convenience to	:
Offer, Furnish, Render, and Supply	:
Wastewater Service to the Public in	:
Certain Portions of Lower Alsace	:
Township, Berks County, Pennsylvania	:

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application and Related Filings of	: Docket No. A-2018-3004933
Pennsylvania American- Water Company	:
Under Sections 507, 1102(A), and 1329 of	:
the Pennsylvania Public Utility Code, 66	:
Pa.C.S.A. §§ 507, 1102(A), and 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 No. A-2018-3004933,	:
Et Al.	:

**PREHEARING CONFERENCE MEMORANDUM OF INTERVENOR,  
BOROUGH OF ST. LAWRENCE, BERKS COUNTY**

Intervenor, Borough of St. Lawrence, Berks County, submits this Prehearing Conference Memorandum in accordance with the Prehearing Conference and provides the following required information, subject to amendment up to the time of hearing:

**A. WITNESSES EXPECTED TO BE CALLED AT EVIDENTIARY HEARING AND SUBJECT MATTER OF WITNESS TESTIMONY**

1. Robert J. May, P.E., President, Borough Council of St. Lawrence, who will testify to:

a) The construction of the Borough of St. Lawrence sanitary sewage collection system, and connection of the collection system to the Exeter Township wastewater treatment plant, and connection by nearly all properties in the Borough of St. Lawrence to the collection system;

b) The agreements between the Borough of St. Lawrence and its former Municipal Authority, and Exeter Township and its former Municipal Authority, relating to the discharge of sanitary sewage from the Borough collection system to the Exeter Township wastewater treatment plant;

c) Payments made by the Borough of St. Lawrence for purchase of its capacity in the plant, and capital contributions for plant expansions under the above-referenced agreements;

d) Billing by Exeter Township to the Borough of St. Lawrence under the agreements,

e) Payment disputes with Exeter Township stemming from disputes over accuracy of measurement flows from the collection system into the Exeter wastewater treatment plant;

f) Maintenance and improvement of the collection system by the Borough of St. Lawrence, including measures taken to reduce inflow and infiltration, and costs incurred by the Borough;

g) Debt incurred by the Borough of St. Lawrence for collection system and wastewater treatment plant improvements and debt service payments continuing to the present; and,

h) Debt incurred by the Borough of St. Lawrence for the sludge dryer, and expectation of septage credit based upon revenues from the sludge dryer for the life of the sludge dryer, proportionate to the contribution to its costs of installation (the sludge dryer was obtained by Exeter Township through a grant, which will not, according to answers to Interrogatories in discovery, be repaid in the event that the plant is sold, resulting in a windfall to both Exeter Township and any buyer).

h) Connection Fees, sewer charges, and rates paid by residents of the Borough of St. Lawrence for sewer service (as reflected in bulk customer agreements);

i) Current St. Lawrence Borough collection system capacity, and,

j) Concerns of Borough officials and residents regarding rate increases, terms and conditions of sewage service, and damage to the Borough of St. Lawrence collection system in the event of the plant sale, or the extension of service to other municipalities.

2. Kevin Conrad, Field Services Manager, SSM Group

a) Mechanics of Borough sanitary sewage collection system, including locations of lines, manholes, meter pits, and point of connection to the Exeter Township wastewater treatment plant.

b) Televising of lines, conditions found, and repairs to Borough of St. Lawrence collection system;

c) Program of maintenance of Borough of St. Lawrence collection system

3. Any and all witnesses (as on cross examination) named in the Pre-Hearing Memoranda, as follows:

a) Exeter Township

b) Pennsylvania-American Water Company

c) Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement

d) Office of Consumer Advocate

Any of these witnesses may testify to any topic contained in the Pre-Hearing Memoranda of the above-referenced parties and Intervenors.

**B. EXHIBITS EXPECTED TO BE OFFERED INTO EVIDENCE AT EVIDENTIARY HEARING**

1. Agreements Between the Borough of St. Lawrence and Exeter Township (and former Municipal Authorities)
  - a) The original agreement (between the municipalities and the authorities), dated February 1, 1967
  - b) First Supplemental Agreement dated April 1, 1978
  - c) Second Supplemental Agreement dated August 15, 1982
  - d) Third Supplemental Agreement dated January 20, 1992
  - e) Agreement dated May 8, 2003 between the Township and the Borough, and their respective Municipal Authorities.
2. Maps of St. Lawrence Borough collection system.
3. Photographs and videotape of St. Lawrence Borough collection system prior to, and subsequent to repairs.
4. Scope of work of repairs to collection system since 2010.
5. Invoices for maintenance and repair work.
6. Documentation of debt incurred by the Borough of St. Lawrence for both collection system repairs and Exeter Township wastewater treatment plant improvements since 1967.
7. Documentation of debt service payments since 1993 by the Borough of St. Lawrence, including debt related to capital improvements to the wastewater treatment plant and the installation of the sludge dryer.
8. Documentation of sewer rates and charges paid by rate payers in the Borough of St. Lawrence based upon the bulk customer agreement, as well as septage credit to the Borough.
9. Petition to Intervene in action docketed by the Commission to C-2019-3007920, captioned, Pennsylvania Public Utility Commission ,

Bureau of Investigation and Enforcement vs. Exeter Township (also known as the "Complaint Proceeding."

10. Any and all exhibits designated in the Pre-Hearing Memoranda, by any party to or Intervenor in this case, including but not limited to the following::

- a) Exeter Township
- b) Pennsylvania-American Water Company
- c) Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement
- d) Office of Consumer Advocate

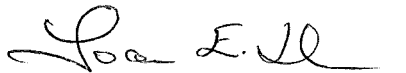
**C. PROPOSED DISCOVERY TIMETABLE**

The Borough of St. Lawrence will be able to complete any and all discovery, including written discovery and depositions, within ninety (90) days from the date of the Pre-Hearing Conference.

**D. PROPOSED LITIGATION SCHEDULE**

The Borough of St. Lawrence requests that any case-dispositive motions be submitted no later than thirty (30) days of the close of discovery. The Borough will take no more than a half day for any witness testimony.

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Corporations; Docket No. A-2018-3004933, :  
Et Al. :

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CERTIFICATE OF SERVICE

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I, Joan E. London, Esquire, certify that I have, on this date, served a true and correct copy of the following document, the Prehearing Conference Memorandum 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

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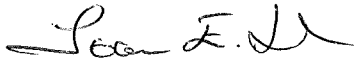
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Berks County Services Center  
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Reading, PA 19601  
[csadler@countyofberks.com](mailto:csadler@countyofberks.com)

Lower Alsace Township  
Attention: Board of Supervisors  
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Reading, PA 19606  
[manager@latownship.org](mailto:manager@latownship.org)

Berks County Planning Commission  
Berks County Services Center  
633 Court Street, 14<sup>th</sup> Floor  
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Joan E. London, Esquire

Dated: May 13, 2019