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August 21, 2019

VIA ELECTRONIC FILING

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

Re: Application Of Pennsylvania-American Water Company Pursuant To Sections 507, 1102, And 1329 Of The Public Utility Code For Approval Of Its Acquisition Of The Wastewater System Assets Of Exeter Township; Docket No. A-2018-3004933

Dear Secretary Chiavetta:

Enclosed for electronic filing is Exeter Township's Reply to the Office of Consumer Advocate's Exceptions in the above-referenced matter. If you have any questions with regard to this filing, please do not hesitate to contact me. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes', written over a horizontal line.

Samuel W. Cortes

SWC:jcc
Enclosure

cc: Per Certificate of Service
Barnett Satinsky, Esq. (via email)

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina **Pennsylvania** South Carolina Texas Washington

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Pennsylvania-American : DOCKET A-2018-3004933
Company Pursuant to Sections 507, :
1102, and 1329 of the Public Utility :
Code for Approval of Its Acquisition of :
the Wastewater System Assets of Exeter :
Township :**

**EXETER TOWNSHIP’S REPLY TO THE OFFICE
OF CONSUMER ADVOCATE’S EXCEPTIONS**

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**EXETER TOWNSHIP’S REPLY TO THE OFFICE
OF CONSUMER ADVOCATE’S EXCEPTIONS**

Exeter Township (“Exeter”), by and through its counsel, pursuant to 52 Pa. Code § 5.535, hereby submits this Reply to the Exceptions of the Office of Consumer Advocate (“OCA”).

I. INTRODUCTION

OCA’s Exceptions pertain to the Recommended Decision issued by Administrative Law Judge Andrew M. Calvelli, which recommended that the Public Utility Commission (“PUC”) approve the sale of Exeter’s wastewater system (“System”) to Pennsylvania-American Water Company (“PAWC”), as modified by the Joint Petition for Approval of Partial Settlement. OCA’s Exception No. 2 suggests that the adequacy and sufficiency of the consumer notice is a contested issue.¹ Although Exeter does not concede that the consumer notice issued in March/April of 2019 was inadequate and/or insufficient, when viewed as a whole with the subsequent notice issued in July of 2019, PAWC and Exeter have satisfied the legally required element of notice.

II. ARGUMENT

Notice is a legally required element for approval of the sale of the System. *McCloskey v. Pa. Pub. Util. Comm’n*, 1624 CD 2017 (Pa. Cmwlth. 2018), *pet. for alloc. denied*, 743 MAL 2018 (April 23, 2019) (“*New Garden*”). As a result, in compliance with the Secretarial Letter dated December 19, 2018 and the Final Supplemental Implementation Order entered on February 28, 2019, individualized customer notices of the proposed acquisition were provided in March of 2019. PAWC also published notice in a newspaper having general circulation in the area of the wastewater system. PAWC subsequently filed a Verification of Compliance with Notice

¹ Exeter’s Reply addresses only OCA’s Exception No. 2. Exeter takes no position with regard to OCA’s Exception No. 1.

Requirements on April 15, 2019, verifying both individualized notice and proof of publication in the Reading Eagle. Subsequently, and as part of settlement discussions, PAWC and Exeter issued additional notice to consumers several months later, in July of 2019. The two notices, taken as a whole, have provided adequate notice to consumers.


III. CONCLUSION

For the reasons stated herein, Exeter Township respectfully requests that the PUC adopt the Recommended Decision issued by Administrative Law Judge Andrew M. Calvelli.

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: August 21, 2019

By: 
Barnett Satinsky, Esquire
Samuel W. Cortes, Esquire
Attorney ID Nos. 15767; 91494
Attorneys for Exeter Township

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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 21st day of August, 2019, served a true copy Exeter Township's Reply to the Office of Consumer Advocate's Exceptions upon the participants listed below via email and First Class U.S. Mail, postage prepaid, unless otherwise specified:

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