**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| **Joint Application of Aqua Pennsylvania, Inc. and the Borough of Phoenixville for approval of 1) the acquisition by Aqua of the water system assets of Phoenixville used in connection with the water service provided by Phoenixville in East Pikeland and Schuylkill Townships, Chester County, and in Upper Providence Township, Montgomery County, PA; 2) the right of Aqua to begin to supply water service to the public in portions of East Pikeland Township, Chester County, and Upper Providence Township, Montgomery County, PA and 3) the abandonment by Phoenixville of public water service in East Pikeland Township, Chester County, and in Upper Providence Township, Montgomery County, and to certain locations in Schuylkill Township, Chester County, PA**  **Request for approval of Section 507 PUMC contracts between Aqua and the Borough of Phoenixville**  **Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in certain portions of Upper Providence Township, Montgomery County, Pennsylvania, and East Pikeland Township, Chester County, Pennsylvania, and request to abandon service territory in certain portions of Upper Providence Township, Montgomery County, Pennsylvania, and East Pikeland Township, Chester County, Pennsylvania**  **Request for approval of Section 507 PUMC contract between PAWC and the Borough of Phoenixville** | **:**  **:**  **:**  **:**  **:**  **:: : : : : : :**  **:**  **:**  **: : : : :**  **: : :**  **: : : : : :**  **: : : : : : :**  **: : :** | **A-2018-2642837**    **A-2018-2642839**  **A-2019-3008980**    **U-2019-3009763** |
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**ORDER**

This Order is issued pursuant to the authority of presiding officers to regulate the course of a proceeding as set forth in the Commission’s regulation at 52 Pa. Code § 5.483.

On January 12, 2018, Aqua Pennsylvania, Inc. (Aqua), the Borough of Phoenixville (Borough) and Pennsylvania American Water Company (PAWC) filed both a Proprietary Version and a Public Version of the Joint Application for Approval of Aqua’s Acquisition of certain water system assets of the Borough and approval of certain contracts.

On February 12, 2018, Aqua filed proof of publication of the Joint Application as directed by a letter from the Secretary of the Commission on January 18, 2018. Also on February 12, 2018, PAWC filed a protest in this case.

On February 16, 2018, the Office of Consumer Advocate (OCA) filed a protest and public statement in this case.

On March 15, 2018, an Initial Hearing Notice was issued setting April 20, 2018, as the date for an initial hearing. The undersigned was designated as the presiding officer in this matter. That hearing was continued and rescheduled for May 4, 2018. The hearing scheduled for May 4, 2018 was rescheduled, and this matter was referred on May 4, 2018 to the Mediation Division of the Office of Administrative Law Judge. Mediation was initiated June 12, 2018.

An initial, in-person Prehearing Conference was scheduled for July 25, 2018. That hearing was rescheduled at the request of the parties for September 7, 2018. That hearing was rescheduled at the request of the parties for November 21, 2018 as they continued settlement discussions. The hearing set for November 21, 2018 was cancelled at the request of the parties as settlement discussions continued, as the parties indicated that a settlement might be filed at the end of December, 2018.

On January 10, 2019, in response to an inquiry from the undersigned, the parties stated by email that they were moving forward with the preparation of a settlement petition and related settlement documents. The parties stated that they did not believe that a prehearing conference or hearing dates would be needed.

On May 8, 2019, Aqua, the Borough and PAWC filed a joint Motion to Consolidate the Joint Application and Aqua’s Section 507 filing, and PAWC’s Application and PAWC’s Section 507 filing. The Motion was unopposed, and on May 16, 2019, an Order was issued consolidating these cases.

On June 7, 2019, the parties filed a Joint Petition for Approval of Settlement of the Consolidated Proceeding. A Form of Aqua Tariff Supplement was included as Appendix 15 to the Joint Petition intending to implement the existing Borough rates post-closing.

On August 22, 2019, the parties, in response to a request from the presiding officer, filed a letter at this docket requesting that the proposed Findings of Fact submitted with the Joint Settlement be considered as a Stipulation of Facts by the parties with the exception of the OCA, which does not oppose that request. Additionally, a Revised Schedule of Rates Tariff Page identifying the Quarterly Customer Charge of $10.00 as a charge to both 5/8 inch meters and 3/4 inch meters to replace the existing Page in Appendix 15 was filed with the Secretary of the Commission. Aqua, the Borough of Phoenixville and PAWC agree with the tariff revision and that the revised Page should replace the existing page. The OCA, which is not a signatory to the Joint Petition but does not oppose it, does not oppose the Page revision.

THEREFORE,

IT IS ORDERED:

1. That the proposed Findings of Fact submitted with the Joint Settlement will be considered as a Stipulation of Facts and are admitted to the record, thus forming the evidentiary basis for the proposed Settlement;

2. That the proposed revision to the existing Page in Appendix 15 filed with the Secretary of the Commission on August 22, 2019, is admitted.

3. That the record in this consolidated proceeding is closed as of the date of the issuance of this Order.

Date: August 26, 2019 /s/

Dennis J. Buckley

Administrative Law Judge

**A-2018-2642837-JOINT APPLICATION OF AQUA PA AND THE BOROUGH OF PHOENIXVILLE FOR APPROVAL OF 1) THE ACQUISITION BY AQUA OF THE WATER SYSTEM ASSETS OF PHOENIXVILLE USED IN CONNECTION WITH THE WATER SERVICE PROVIDED BY PHOENIXVILLE IN EAST PIKELAND AND SCHUYLKILL TOWNSHIPS, CHESTER COUNTY, AND IN UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA; AND 2) THE RIGHT OF AQUA TO BEGIN TO SUPPLY WATER SERVICE TO THE PUBLIC IN PORTIONS OF EAST PIKELAND TOWNSHIP, CHESTER COUNTY, AND UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND 3) THE ABANDONMENT BY PHOENIXVILLE OF PUBLIC WATER SERVICE IN EAST PIKELAND TOWNSHIP, CHESTER COUNTY, AND IN UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, AND TO CERTAIN LOCATIONS IN SCHUYLKILL TOWNSHIP, CHESTER COUNTY, PA. ALSO REQUEST FOR APPROVAL OF SECTION 507 PUMC CONTRACTS BETWEEN AQUA PA AND PHOENIXVILLE BOROUGH.**

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