

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania Wastewater, Inc. Under Sections 1102, 1329 and 507 of the Pennsylvania Public Utility Code for Approval of the Acquisition of East Norriton Township's Wastewater System Assets

A-2019-3009052

ORDER OF COURT

AND NOW, this _____ day of _____, 2019, upon consideration of the foregoing Petition to Intervene of East Norriton Township, it is hereby **ORDERED**, **ADJUDGED** and **DECREED** that said Petition is **GRANTED**.

BY THE COURT:

_____, **J.**

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NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.66, YOU MAY ANSWER THE ENCLOSED PETITION TO INTERVENE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PETITION TO INTERVENE MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR EAST NORRITON TOWNSHIP.

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)
Matthew S. Olesh, Esquire (PA I.D. 206553)
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Thomas.Wyatt@obermayer.com
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Dated: December 9, 2019

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Aqua Pennsylvania Wastewater, Inc. Under Sections 1102, 1329 and 507 of the Pennsylvania Public Utility Code for Approval of the Acquisition of East Norriton Township's Wastewater System Assets

A-2019-3009052

PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, East Norriton Township (“East Norriton”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Applicant”) for approval to acquire the wastewater system assets of East Norriton. The Application directly affects the interests of East Norriton, which are not adequately represented by any existing party. For the reasons that follow, East Norriton respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. Petitioner, East Norriton, is a duly organized and validly existing Township of the Second Class located in Montgomery County, Pennsylvania, with a business address of 2501 Stanbridge Street, East Norriton, PA 19401-1616.
2. East Norriton is interested in the above-captioned docket as a party to the agreement under which Aqua seeks approval to acquire the wastewater system assets of East Norriton.
3. East Norriton supports the Application filed by Aqua at this docket.
4. 52 Pa. Code § 5.72 sets forth the eligibility requirements for a party to intervene and provides in part as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth;

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding;

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

5. East Norriton seeks intervention in the proceeding for due cause shown for the following reasons:

(a) East Norriton is a party to the agreement of sale (the "Sale Agreement") of its wastewater system assets, which provide wastewater service to approximately 5,000 customers within portions of East Norriton, to Aqua;

(b) As contemplated in the Sale Agreement, East Norriton will be the ultimate recipient of the proceeds of the sale; and

(c) Aqua's Application relies on East Norriton's consent to the sale of the wastewater system.

6. East Norriton has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

7. As a party to the Sale Agreement and ultimate recipient of the proceeds from the sale of the wastewater system, East Norriton submits that its intervention is in the public interest.

8. East Norriton intends to play an active role in the PUC's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE East Norriton Township respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

Respectfully submitted,

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)

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Thomas.Wyatt@obermayer.com

Matthew.Olesh@obermayer.com

Dated: December 9, 2019

VERIFICATION

I, Kevin McDevitt, Chairman of the East Norriton Township Board of Supervisors, hereby verify that the statements of fact made in the foregoing petition 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 made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 12/6/2019


Kevin McDevitt

CERTIFICATE OF SERVICE

I, Matthew Olesh, Esq., hereby certify that I have served a true and correct copy of the foregoing Petition to Intervene upon the parties list below in accordance with the requirements of 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail and first class mail.

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Dated: December 9, 2019

/s/ Matthew Olesh

Matthew Olesh, Esquire