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January 15, 2020

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

In re: Docket No. A-2019-3009052  
Application of Aqua Pennsylvania Wastewater, Inc. – East Norriton Township

Dear Secretary Chiavetta:

We are counsel to Aqua Pennsylvania Wastewater, Inc. in the above matter and are submitting, via electronic filing with this letter, the Company's Answer to the Petition to Intervene of The Laborers District Council of the Metropolitan Area of Philadelphia and Vicinity. Copies of the Answer are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

cc: Certificate of Service (w/encl.)  
Alexander R. Stahl, Esquire (via email, w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**The Honorable Angela T. Jones, Presiding**

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**Application of Aqua Pennsylvania Wastewater, Inc., : Docket No. A-2019-3009052**  
**pursuant to Sections 1102, 1329 and 507 of the Public Utility :  
Code for Approval of its Acquisition of the Wastewater :  
System Assets of East Norriton Township :**

**ANSWER OF AQUA PENNSYLVANIA WASTEWATER, INC. TO THE PETITION  
TO INTERVENE OF THE LABORERS DISTRICT COUNCIL OF THE  
METROPOLITAN AREA OF PHILADELPHIA AND VICINITY**

AND NOW, comes Aqua Pennsylvania Wastewater, Inc. (“Aqua”), by its attorneys, and, pursuant to 52 Pa. Code § 5.66, answers the Petition to Intervene of The Laborers District Council of the Metropolitan Area of Philadelphia and Vicinity (“Laborers Council”). Aqua does not object to the intervention of Laborers Council but notes the following, including conditions for participation, if the Petition is granted:

**BACKGROUND**

1. This proceeding concerns the Application of Aqua, filed with the Public Utility Commission (“Commission”) on July 30, 2019 for approval of its acquisition of the wastewater system assets of East Norriton Township pursuant to Sections 1102 and 1329 of the Public Utility Code (“Code”). The Application also includes a request for approval of contracts, including assignment of contracts, pursuant to Section 507 of the Code.

2. The Commission accepted the Application for filing on November 26, 2019 and referred the matter to the Office Administrative Law Judge for disposition. Administrative Law Judge Angela T. Jones was assigned to preside over the proceeding.

3. The Commission published Notice of the filing of the Application in the *Pennsylvania Bulletin* on December 21, 2019.

4. On January 10, 2020, Laborers Council filed a Petition to Intervene in the proceeding.

#### **LATE FILED INTERVENTION**

5. The Commission's Notice, as published in the *Pennsylvania Bulletin*, explained that formal protests and petitions to intervene *must* be filed in accordance with 52 Pa. Code (relating to public utilities) *on or before January 6, 2020*.

6. Laborers Council did not file its Petition until January 10, 2020, four days after the expiration of the protest/intervention period. Laborers Council offers no explanation for why it failed to file its Petition in a timely manner.

#### **CONDITIONS FOR PARTICIPATION OF LABORERS COUNCIL**

7. If Laborers Council is allowed to intervene, it must accept the schedule and the record as it currently exists. Laborers Council, in that regard, acknowledges, in Paragraph 10 of its Petition to Intervene, that it accepts the record as it currently exists.

8. The time for service of direct testimony by participants other than Applicant has passed as has the time for service of rebuttal testimony. Laborers Council, consequently, must not be permitted to serve or present direct or rebuttal testimony. Any other testimony that it presents should only be permitted if it is directly responsive to the prior round of testimony.

9. To assure that its intervention is not disruptive, the intervention of Laborers Council should be limited to labor issues to the extent those issues are relevant and material to this Application proceeding.

WHEREFORE Aqua Pennsylvania Wastewater, Inc. does not object, as aforesaid, including conditions for participation, to the Petition of The Laborers District Council of the Metropolitan Area of Philadelphia and Vicinity to Intervene in this Application proceeding.

Respectfully submitted,

**AQUA PENNSYLVANIA WASTEWATER, INC.**

By  \_\_\_\_\_

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*Counsel for Aqua Pennsylvania Wastewater, Inc.*

Date: January 15, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**The Honorable Angela T. Jones, Presiding**

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pursuant to Sections 1102, 1329 and 507 of the Public Utility :  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 15<sup>th</sup> day of January, 2020, served a true and correct copy of the foregoing Answer of Aqua Pennsylvania Wastewater, Inc. to the Petition to Intervene of The Laborers District Council of the Metropolitan Area of Philadelphia and Vicinity, upon the persons and in the manner set forth below:

**VIA ELECTRONIC MAIL AND FIRST CLASS MAIL, POSTAGE PREPAID**

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