



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

THOMAS T. NIESEN
Direct Dial: 717.255.7641
tniesen@tntlawfirm.com

May 6, 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-2019-3015173
Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507
of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets
of the Delaware County Regional Water Quality Control Authority

Dear Secretary Chiavetta:

We are counsel to Aqua Pennsylvania Wastewater, Inc. (“Aqua” or “Company”) in connection with its above referenced Application, filed with the Public Utility Commission on March 3, 2020, pursuant to Sections 1102, 1329 and 507 of the Public Utility Code, for approval of the acquisition of the wastewater system assets of the Delaware County Regional Water Quality Control Authority. The Bureau of Technical Utility Services is reviewing the Application and has asked that we address certain requests for additional information. Several of the requests are addressed hereinafter. Requests not addressed in this letter will be addressed in a later submission.

INFORMATION REQUEST 1:

Checklist Item No. 7 – The Application’s Exhibit S1 – GF Service Agreement and Invoices contains only a copy of a service agreement and does not include copies of any invoices quantifying the total fees paid to Gannet Fleming Valuation and Rate Consultants, LLC (GF) for services rendered. Please quantify the total amount paid to GF.

RESPONSE:

Please see Application Exhibit U3, p. 8, and Application Exhibit X, p. 7.

INFORMATION REQUEST 2:

Checklist Item No. 7 - The Application’s Exhibit S1 – GF Service Agreement and Invoices contains only a copy of the service agreement and does not provide invoices supporting the total amount paid to GF. Please provide a copy of all invoices supporting the total amount paid to GF.

RESPONSE:

A copy of the Gannett Fleming invoices supporting the amount paid to Gannett Fleming are included with this letter.

INFORMATION REQUEST 6:

Checklist Item No. 17.a. – The Application’s Exhibit U2, Appendix A, Page 2 of 11 does not state the number of Minimum Account customers under the Western Retail Class. Please state the number of Minimum Account customers under the Western Retail Class.

RESPONSE:

The number of minimum accounts included within the Western Retail Class are 3,869.

INFORMATION REQUEST 7:

Checklist Item No. 17.a – The Application does not quantify the future number of connections anticipated for the Springhill Farms wastewater system in the next five years. Please identify the number of connections anticipated within the next 5 years for the Springhill Farms wastewater system.

RESPONSE:

DELCORA does not have the number of customer connections anticipated for Springhill Farms for the next five years as Springhill Farms was not previously required to file Chapter 94 reports with the Pennsylvania Department of Environmental Protection (“DEP”). However, DELCORA has provided a best estimate of five additional customer connections in the next five years. More information will become available when DELCORA files the first Chapter 94 Report for the Springhill Farms system in 2021.

INFORMATION REQUEST 16:

Checklist Item No. 18.d. – The Application’s Exhibit H indicates that the DELCORA Western Wholesale customer class is billed \$2.87 per thousand gallons and the DELCORA EDU Wholesale customer class is billed \$2.89 per thousand gallons. The Application’s Exhibit U2, Appendix A, Page 2 appears to indicate APW is proposing a new APW Western Wholesale customer class to include both the DELCORA Western Wholesale and DELCORA EDU Wholesale customer classes. Please provide an amended version of the Application’s Exhibit I11 to include a copy of the notification sent, or which will be sent, to the APW Western Wholesale customer class to describe the filing and the anticipated effect on rates for both the DELCORA EDU Wholesale and DELCORA Western Wholesale subclasses.

RESPONSE:

Application Exhibit U2, Appendix A, Page 2 is not proposing a new combined customer class or rate zone. Resolution 2019-21 is for the Western Wholesale Users. This is the only Resolution that was broken out into 2 Rate Zones because of “customer type”. Currently the

Resolution covers Boeing Corporation, Harrah's Racino, Eddystone Borough, Lower Chichester Township and Southern Delaware County Authority. Boeing Corporation & Harrah's are in Rate Zone 12-C since they are Commercial/Industrial businesses. Eddystone Borough, Lower Chichester Township and Southern Delaware County Authority are in Rate Zone 12-H, Group H-2 since they are larger townships/authorities. Resolution 2019-22 is for EDU Wholesale Users which includes portions of Brookhaven Borough and portions of Nether Providence. This Resolution is covered under Rate Zone 12-H, Group H-3.

INFORMATION REQUEST 17:

Checklist Item No. 20.b. – The Application's Exhibits M1 through M5 and Exhibits N1 through N3 do not contain a copy of all National Pollution Discharge Elimination System (NPDES), Water Quality Management (WQM), and Water Quality Management General (WQG) Permits listed in the Application's Exhibit B-1, Schedule 4.14. Please provide a copy of the following NPDES, WQM, and WQG permits listed in the Application's Exhibit B-1, Schedule 4.14:

- a. WQM Permit #2316401
- b. WQG-02 Permit #WQG02231419
- c. WQG-02 Permit #WQG02231810 T-1
- d. WQG-02 Permit #WQG02231310
- e. WQM Permit #2312401
- f. NPDES Permit #PA0020575
- g. WQM Permit #2318401
- h. WQM Permit #2374402
- i. WQG-02 Permit #WQG02231510
- j. WQG-02 Permit #WQG02230908
- k. WQM Permit #2309410
- l. WQM Permit #2374403
- m. WQM Permit #2372406
- n. WQM Permit #2304406
- o. WQM Permit #2303403
- p. WQM Permit #2372408
- q. WQM Permit #2390404
- r. WQM Permit #2392403
- s. WQM Permit #2393401
- t. WQM Permit #2399040
- u. WQM Permit #2305406
- v. WQM Permit #2307402
- w. WQM Permit #2307402-A1
- x. WQM Permit #2308402
- y. WQM Permit #2309406
- z. WQM Permit #WQM1505419
- aa. WQM Permit #WQM2316401

bb. WQM Permit #2316406

RESPONSE:

The requested permits are included with this letter. Please note the following clarifications: (1) Item d. was a typo on Application Exhibit B1, Schedule 4.14, which should have read “WQM Permit #WQG02231301” and was included in the Application as Exhibit M1; (2) Items e. and f. relate to the Rose Valley Treatment Plant that was decommissioned and replaced with a pump station in September 2018 and are therefore no longer necessary; (3) Item t. is misstated as “WQM Permit #2399040” in the data request and should be “WQM Permit #2399404”; and (4) Item aa. is a duplicate of item a., and, therefore, will be removed.

INFORMATION REQUEST 21:

Checklist Item No. 22.a – The Application’s Exhibits A4 and A6 indicate DELCORA serves customers in Upper Providence Township, Woodlyn Township, Brookhaven Borough, and Upper Chichester Township. Please demonstrate compliance with the Act 537 Plans for these municipalities.

RESPONSE:

Upper Providence Township, Brookhaven Borough, and Upper Chichester Township all adopt the DELCORA Western 537 Plan. Please see Application Exhibit P2, DELCORA Western Service Area Act 537 Plan - Chester Ridley Creek Update Appendix D for resolutions adopting the DELCORA 537 Plan. Woodlyn is not a Township, but a census designated area. The area of Woodlyn is part of Ridley Township. Ridley Township adopts the DELCORA Eastern Service Area Act 537 Plan. Please see Application Exhibit P1, DELCORA 2002 Eastern Plan of Study.

INFORMATION REQUEST 22:

Checklist Item No. 22.b – The Application’s Exhibits A4 and A6 indicate DELCORA serves customers in Upper Providence Township, Woodlyn Township, Brookhaven Borough, and Upper Chichester Township. Please provide copies of the DEP-approved Act 537 Plans that include these municipalities.

RESPONSE:

Please see the response to Information Request 21, above.

INFORMATION REQUEST 23:

Checklist Item No. 22.b – Please provide a copy of the report titled, Act 537: Sewage Facilities Plan, Municipal & Authority Inflow and Infiltration Study, Summary Report (March 2000, revised July 2000), incorporated in the 2002 “Delaware County Act 537 Plan Update – Eastern

Plan of Study” by reference on Page 3-19 of the Application’s Exhibit P1 – Eastern Service Area Act 537 Plan.

RESPONSE:

A copy of the Act 537: Sewage Facilities Plan, Municipal & Authority Inflow and Infiltration Study, Summary Report (March 2000, revised July 2000) is included with this letter.

INFORMATION REQUEST 24:

Checklist Item No. 22.b – Please provide a copy of the DELCORA Long -Term CSO Control Plan, City of Chester Combined Sewer System, April 1999, incorporated in the 2002 “Delaware County Act 537 Plan Update – Eastern Plan of Study” by reference on Page 5-11 of the Application’s Exhibit P1 – Eastern Service Area Act 537 Plan.

RESPONSE:

A copy of the DELCORA Long -Term CSO Control Plan, City of Chester Combined Sewer System, April 1999, is included with this letter.

INFORMATION REQUEST 25:

Checklist Item No. 22.e – The Application provides web links to the Chester and Delaware County Comprehensive Plans but does not indicate whether it complies with the comprehensive plans of all affected municipalities and counties. Please provide a statement verifying the Application complies with the comprehensive plans of all the affected municipalities and counties.

RESPONSE:

The Company is not requesting service territory beyond the existing plant footprint. Please see Application Paragraph 51.

INFORMATION REQUEST 26:

Checklist Item No. 24.b. – The Asset Purchase Agreement (APA), provided as the Application’s Exhibit B1, does not include copies of Exhibits B, C, and D identified on page one of the APA. Please provide copies of these missing exhibits.

RESPONSE:

Please see Exhibits B, C, and D of Application Exhibit B1 included with this letter.

INFORMATION REQUEST 29:

Checklist Item No. 25 – The Application’s Exhibit F22 does not include a copy of the agreement between the Borough of Rutledge, Central Delaware County Authority and DELCORA dated May 1, 1973. Instead, a copy of two Standard Right-to-Know Law Form

requests to the Central Delaware County Authority and Rutledge Borough, both dated February 27, 2020, were provided. Please provide a copy of the subject agreement.

RESPONSE:

A copy of the agreement between the Borough of Rutledge, Central Delaware County Authority and DELCORA dated May 1, 1973, is included with this letter.

INFORMATION REQUEST 30:

Checklist Item No. 25 – The Application does not include a copy of an agreement between DELCORA and Tincum Township in the Application's Exhibit F series as averred to in the Application's Exhibit W3, Page 6. Please provide copies of all agreements between DELCORA and Tincum Township to be assumed by the buyer as part of the acquisition.

RESPONSE:

A copy of the agreement between DELCORA and Tincum Township dated September 18, 2017 is included with this letter.

Please contact me with any questions about the foregoing.

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.)
Thomas S. Wyatt, Esquire (via email, w/encl.)

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of May, 2020, served a true and correct copy of the foregoing Letter and Additional Information, upon the persons and in the manner set forth below:

VIA ELECTRONIC MAIL

Sean Donnelly, P.E., Supervisor
Water/Wastewater Section
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
sdonnelly@pa.gov

Christine Maloni Hoover
Erin L. Gannon
Senior Assistant Consumer Advocates
Harrison G. Breitman
Santo G. Spataro
Assistant Consumer Advocates
choover@paoca.org
egannon@paoca.org
hbreitman@paoca.org
sspataro@paoca.org

Erin L. Fure
Daniel A. Asmus
Assistant Small Business Advocates
Office of Small Business Advocate
efure@pa.gov
dasmus@pa.gov

Gina L. Miller, Prosecutor
Erika L. McLain, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
ginmiller@pa.gov
ermclain@pa.gov


Thomas T. Niesen
PA Attorney ID No. 31379