

THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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

May 22, 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 ("DELCORA"). By letter dated May 8, 2020, we provided responses to Information Requests of the Bureau of Technical Utility Services, including responses to Information Requests 9, 10 and 11, advising that Aqua would provide amended DELCORA resolutions following DELCORA's next board meeting. This letter supplements those responses as follows:

INFORMATION REQUEST 9:

Checklist Item Nos. 12 and 18.a. – The Application's Exhibit A6 indicates DELCORA serves several customers in Woodlyn Township. However, the Application's Exhibits G and H do not include rates for DELCORA's customers in Woodlyn Township. Please amend the following:

- a. The Application's Exhibit G to include the rates for Woodlyn Township customers; and
- b. The Application's Exhibit H to include a copy of the DELCORA resolution establishing rates for customers in Woodlyn Township.

RESPONSE:

A copy of the amended DELCORA resolution No. 2020-06 is included with this letter.

INFORMATION REQUEST 10:

Checklist Item Nos. 12 and 18.a. – The Application's Exhibit A6 indicates DELCORA serves several customers in Brookhaven Borough. However, the Application's Exhibits G and H do not include rates for DELCORA's customers in Brookhaven Borough. Please amend the following:

- a. The Application's Exhibit G to include the rates for Brookhaven Borough customers; and
- b. The Application's Exhibit H to include a copy of the DELCORA resolution establishing rates for customers in Brookhaven Borough.

RESPONSE:

A copy of the amended DELCORA resolutions No. 2020-08 and 2020-09 are included with this letter.

INFORMATION REQUEST 11:

Checklist Item Nos. 12 and 18.a. – The Application's Exhibit A6 indicates DELCORA serves several customers in Upper Chichester Township. However, the Application's Exhibits G and H do not include rates for DELCORA's customers in Upper Chichester Township. Please amend the following:

- a. The Application's Exhibit G to include the rates for Upper Chichester Township customers; and
- b. The Application's Exhibit H to include a copy of the DELCORA resolution establishing rates for customers in Upper Chichester Township.

RESPONSE:

A copy of the amended DELCORA resolutions No. 2020-06 and 2020-10 are included with this letter.

Additionally, included with this letter, are amended DELCORA resolutions No. 2020-07 and 2020-11. Resolution No. 2020-07 adds Monroe Process and Resolution No. 2020-11 adds Subaru Park (Soccer Stadium).

The Verification of William C. Packer verifying the foregoing is attached hereto.

Please contact me with any questions about the foregoing.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

A handwritten signature in blue ink, appearing to read "T. Niesen", written over a horizontal line.

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.)

DELCORA RESOLUTION NO. 2020-06

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-06

ADOPTED MAY 19, 2020

**ESTABLISHING SEWER SERVICE CHARGES FOR THE YEAR 2020 FOR
CHESTER CITY USERS OF THE DELAWARE COUNTY REGIONAL WATER
QUALITY CONTROL AUTHORITY'S FACILITIES AND SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the sewer service charge to be imposed upon all users of DELCORA's facilities in the City of Chester which includes the Ridley Mills section of Ridley Township and a portion of Upper Chichester Township, at the rate of \$5.75 per thousand gallons of water used. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to Chester users.

Section 2. Minimum billing for 2020 is hereby set at \$107.73 per account. Budgeted revenue for minimum accounts billing is \$334,005. Budgeted revenue based on water usage is \$4,939,877. Total budgeted residential revenue from Chester City users therefore is \$5,273,882.

Section 3. Should any provision hereto for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 4. This Resolution shall become effective immediately upon adoption.

Section 5. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

[SEAL]

ATTEST:


Edward E. Monaghan III, Secretary

BY: 
Stanley R. Kester, Chairman

DELCORA RESOLUTION NO. 2020-08

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-08

ADOPTED MAY 19, 2020

**ESTABLISHING SEWER SERVICE CHARGES FOR THE YEAR 2020 FOR
UPLAND BOROUGH USERS OF THE DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY'S FACILITIES AND SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the sewer service charge to be imposed upon all users of DELCORA's facilities in the Borough of Upland, which includes a portion of Brookhaven Borough, at the rate of \$5.75 per thousand gallons of water used. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to Upland Borough users.

Section 2. Minimum billing for 2020 is hereby set at \$107.73 per account. Budgeted revenue for minimum accounts billing is \$51,848. Budgeted revenue based on water usage is \$766,826. Total budgeted residential revenue from Upland Borough users therefore is \$818,674.

Section 3. Should any provision hereto for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 4. This Resolution shall become effective immediately upon adoption.

Section 5. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

[SEAL]

BY: Stanley R. Kester
Stanley R. Kester, Chairman

ATTEST:

Edward E. Monaghan III
Edward E. Monaghan III, Secretary

DELCORA RESOLUTION NO. 2020-09

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-09

ADOPTED MAY 19, 2020

**ESTABLISHING SEWER SERVICE CHARGES FOR THE YEAR 2020 FOR
PARKSIDE BOROUGH USERS OF THE DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY'S FACILITIES AND SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the sewer service charge to be imposed upon all users of DELCORA's facilities in the Borough of Parkside, which includes a portion of Brookhaven Borough, at the rate of \$5.75 per thousand gallons of water used. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to Parkside Borough users.

Section 2. Minimum billing for 2020 is hereby set at \$107.73 per account. Budgeted revenue for minimum accounts billing is \$16,280. Budgeted revenue based on water usage is \$240,781. Total budgeted residential revenue from Parkside Borough users therefore is \$257,061.

Section 3. Should any provision hereto for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

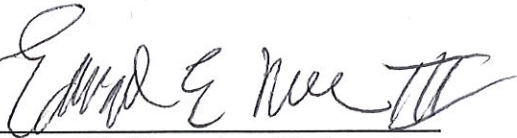
Section 4. This Resolution shall become effective immediately upon adoption.

Section 5. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

[SEAL]

ATTEST:


Edward E. Monaghan III, Secretary

BY: 
Stanley R. Kester, Chairman

DELCORA RESOLUTION NO. 2020-10

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-10

ADOPTED MAY 19, 2020

**ESTABLISHING SEWER SERVICE CHARGES FOR THE YEAR 2020 FOR
TRAINER BOROUGH USERS OF THE DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY'S FACILITIES AND SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the sewer service charge to be imposed upon all users of DELCORA's facilities in the Borough of Trainer, which includes a portion of Upper Chichester Township, at the rate of \$5.75 per thousand gallons of water used. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to Trainer Borough users.

Section 2. Minimum billing for 2020 is hereby set at \$107.73 per account. Budgeted revenue for all accounts is \$227,476.

Section 3. Should any provision hereto for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 4. This Resolution shall become effective immediately upon adoption.

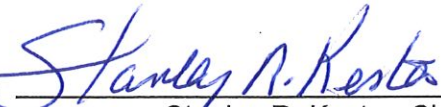
Section 5. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

[SEAL]

ATTEST:


Edward E. Monaghan III, Secretary

BY: 
Stanley R. Kester, Chairman

DELCORA RESOLUTION NO. 2020-07

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-07

ADOPTED MAY 19, 2020

**ESTABLISHING THE SEWER SERVICE CHARGE FOR THE YEAR 2020 FOR
WHOLESALE INDUSTRIAL USERS OF THE DELAWARE COUNTY
REGIONAL WATER QUALITY CONTROL AUTHORITY'S FACILITIES AND
SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the service charge to be imposed upon all users of DELCORA's facilities in the Wholesale Industrial Class at the rate of \$3.18 per thousand gallons. The surcharge rate is set at \$.32/lb. of Biochemical Oxygen Demand (BOD) and \$.285/lb. for Suspended Solids (SS), where BOD or SS strength exceeds 300 mg/L on a daily basis. Wastestreams with SS strengths exceeding 300 mg/L and generated from biological, chemical, or physical processes shall be evaluated and billed independently of other wastestreams. Wastestreams generated from processes to remove river water sediment or sediment from other natural bodies of water and with SS strengths exceeding 300 mg/L shall be evaluated and billed independently of other wastestreams. Total budgeted revenue for the class is \$9,161,739. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to said Wholesale Industrial Class Users. Wholesale Industrial Class Users include: Braskem, Marcus Hook Energy, Kimberly-Clark, Dynegy, Energy Transfer Partners (Formally Sunoco), and Monroe Process.

Section 2. Should any provision hereof for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

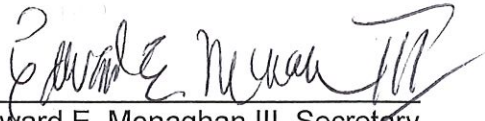
Section 3. This Resolution shall become effective immediately upon adoption.

Section 4. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

[SEAL]

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

ATTEST:


Edward E. Monaghan III, Secretary

BY: 
Stanley R. Kester, Chairman

DELCORA RESOLUTION NO. 2020-11

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

RESOLUTION NO. 2020-11

ADOPTED MAY 19, 2020

**ESTABLISHING THE SEWER SERVICE CHARGE FOR THE YEAR 2020 FOR
WESTERN WHOLESALE USERS OF THE DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY'S FACILITIES AND SYSTEM**

WHEREAS, conveyance systems frequently do not abide by municipal boundaries and, as a municipal authority, DELCORA is fully empowered to tie new customers into the system and charge an existing and logical rate zone or category;

WHEREAS, over the years, residential and commercial development has occurred near DELCORA's existing service territory;

WHEREAS, when development occurs near our service territory and it is sensible from an engineering and operational perspective, DELCORA ties the development and customers into the system and an existing rate zone or category;

WHEREAS, as a part of the PUC application process, DELCORA was asked to specifically delineate each municipality where we have customers like those that are described above; and

WHEREAS, the total number of customers captured in the updated resolutions is approximately 30 and these customers have been charged the specified rate for years.

BE IT RESOLVED by the Delaware County Regional Water Quality Control Authority ("DELCORA") as follows:

Section 1. DELCORA hereby fixes the service charge to be imposed upon all users of DELCORA's facilities in the Western Wholesale Class at the rate of \$2.87 per thousand gallons. Total budgeted revenue for the class is \$3,455,911. Said rate shall be applicable during calendar year 2020 for computing and billing service charges to said Western Wholesale Class Users. Western Wholesale Class Users include: Boeing Corporation, Eddystone Borough, Harrah's Racino, Subaru Park (Soccer Stadium), Lower Chichester Township, and the Southern Delaware County Authority.

Section 2. Should any provision hereof for any reason be held illegal or invalid, no other provision of this Resolution shall be affected, and this Resolution shall then be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 3. This Resolution shall become effective immediately upon adoption.

Section 4. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY**

[SEAL]

ATTEST:


Edward E. Monaghan III, Secretary

BY: 
Stanley R. Kester, Chairman

VERIFICATION

I, William C. Packer, Vice President - Controller of Aqua Pennsylvania, Inc., hereby state that the facts set forth in the foregoing letter of Counsel of Aqua Pennsylvania Wastewater, Inc., dated May 22, 2020, addressing information requests of the Bureau of Technical Utility Services in the matter at PaPUC Docket No. A-2019-3015173, 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 herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

William C. Packer

William C. Packer
Vice President – Controller
Aqua Pennsylvania, Inc.

Dated: May 22, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd 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

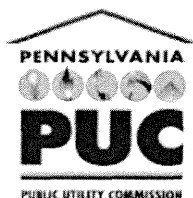
Christine Maloni Hoover
Erin L. Gannon
Senior Assistant Consumer Advocates
Harrison G. Breitman
Santo G. Spataro
Assistant Consumer Advocates
choover@paoca.org
egannon@paoca.org
hbreitman@paoca.org
sspataro@paoca.org

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



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eFiling Confirmation	
Docket Number:	A-2019-3015173
Description:	Application of Aqua Pennsylvania Wastewater, Inc. - DELCORA
Transmission Date:	5/22/2020 3:56:35 PM
Filed On:	5/22/2020 3:56:35 PM
eFiling Confirmation Number:	1882109

Uploaded File List

File Name	Document Class	Document Type
AquaWW - Responses to TUS Information Requests - May 22, 2020.pdf	Communication	Reply to Data Request

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