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February 6, 2001

VIA HAND DELIVERY

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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PA.P.U.C.
SECRETARY'S BUREAU

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RECEIVED

Re: Application of Pennsylvania-American Water Company (CCA/Water)
Docket No. A-212285F0071

Application of Pennsylvania-American Water Company (CCA/Wastewater)
Docket No. A-230073F0002

Assumption by Pennsylvania-American Water Company
Docket Nos. U-00004550, U-00004551, U-00004552, U-00004553, U-00004554,
U-00004555, U-00004556, U-00004557, U-00004558, U-00004559, U-00004560,
U-00004561, U-00004562

Dear Mr. McNulty:

On behalf on The City of Coatesville Authority ("CCA") please find enclosed an original and three (3) copies of CCA's Answer to the Motion to Strike CCA's Reply Exceptions filed by Mr. Campos in the above-referenced matters. Also enclosed please find a Certificate of Service.

James McNulty, Secretary
February 6, 2001
Page 2

Should you have any questions concerning this filing please contact me at your convenience.

Sincerely,



Michael D. Klein

MDK/jtk
Enclosures

cc: Office of Special Assistants (w/enclosures)
All Parties on Certificate of Service (w/enclosures)
Honorable Louis G. Cocheres (w/enclosures)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :
Company for Approval of (1) The Transfer, By Sale, :
of Substantially All of the Water Works Property :
And Rights of the City of Coatesville Authority :
Water System to Pennsylvania- American Water :
Company, and (2) The Rights of Pennsylvania- :
American Water Company to Begin to Offer or :
Furnish Water Service to the Public in all of the City :
of Coatesville, Parkesburg Borough, and South : Docket No. A-212285F0071
Coatesville Borough, Chester County, Pennsylvania :
and Portions of Sadsbury Township, Caln Township, :
East Fallowfield Township, Valley Township, Atglen :
Borough, West Sadsbury Township, and West Caln :
Township, Chester County, Pennsylvania and :
Quarryville Borough, Bart Township, Colerain :
Township, Eden Township and Sadsbury Township, :
Lancaster County, Pennsylvania; and (3) Certain :
Additional Regulatory Approvals :

Application of Pennsylvania-American Water :
Company for Approval of (1) the Transfer, by :
Sale, of Substantially All of the City of :
Coatesville Authority's Assets, Properties and :
Rights Related to its Wastewater System to :
Pennsylvania-American Water Company; and (2) :
The Right of Pennsylvania-American Water : Docket No. A-230073F0002
Company to Begin to Offer or Furnish :
Wastewater Service to the Public in the City of :
Coatesville and Parkesburg Borough, Chester :
County, Pennsylvania and Portions of Caln :
Township, East Fallowfield Township, Valley :
Township, Sadsbury Township, and West :
Sadsbury Township, Chester County, :
Pennsylvania; and (3) Certain Additional :
Regulatory Approvals :

Assumption by Pennsylvania-American Water : Docket Nos. U-00004550, U-00004551,
Company of Thirteen Agreements between the City : U-00004552, U-00004553,
of Coatesville Authority and Various Municipalities : U-00004554, U-00004555,
: U-00004556, U-00004557,
: U-00004558, U-00004559,
: U-00004560, U-00004561,
: U-00004562

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer of the City of Coatesville Authority to the Motion to Strike its Reply Exceptions filed by Mr. Campos was served upon the participants listed below on February 6, 2001, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54:

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One (1) copy via Federal Express posted on February 6, 2001:

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**Counsel for The City of Coatesville
Authority**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water Company for Approval of (1) The Transfer, By Sale, of Substantially All of the Water Works Property And Rights of the City of Coatesville Authority Water System to Pennsylvania- American Water Company, and (2) The Rights of Pennsylvania-American Water Company to Begin to Offer or Furnish Water Service to the Public in all of the City of Coatesville, Parkesburg Borough, and South Coatesville Borough, Chester County, Pennsylvania and Portions of Sadsbury Township, Caln Township, East Fallowfield Township, Valley Township, Atglen Borough, West Sadsbury Township, and West Caln Township, Chester County, Pennsylvania and Quarryville Borough, Bart Township, Colerain Township, Eden Township and Sadsbury Township, Lancaster County, Pennsylvania; and (3) Certain Additional Regulatory Approvals

Docket No. A-212285F0071

Application of Pennsylvania-American Water Company for Approval of (1) the Transfer, by Sale, of Substantially All of the City of Coatesville Authority's Assets, Properties and Rights Related to its Wastewater System to Pennsylvania-American Water Company; and (2) The Right of Pennsylvania-American Water Company to Begin to Offer or Furnish Wastewater Service to the Public in the City of Coatesville and Parkesburg Borough, Chester County, Pennsylvania and Portions of Caln Township, East Fallowfield Township, Valley Township, Sadsbury Township, and West Sadsbury Township, Chester County, Pennsylvania; and (3) Certain Additional Regulatory Approvals

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Docket No. A-230073F0002

DOCKETED
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Assumption by Pennsylvania-American Water Company of Thirteen Agreements between the City of Coatesville Authority and Various Municipalities

Docket Nos. U-00004550, U-00004551,
U-00004552, U-00004553,
U-00004554, U-00004555,
U-00004556, U-00004557,
U-00004558, U-00004559,
U-00004560, U-00004561,
U-00004562

**THE CITY OF COATESVILLE AUTHORITY's ANSWER
TO MR. CAMPOS' MOTION TO STRIKE
ITS REPLY EXCEPTION**

AND NOW COMES, the City of Coatesville Authority ("CCA"), pursuant to 52 Pa. Code § 5.103(c), to file this Answer to the Motion to Strike CCA's Reply Exception, which was filed by Ernest E. Campos, Sr. ("Mr. Campos"):

Answer

Essentially, Mr. Campos' position is that the Commission should strike CCA's Reply Exception because (A) it is based on matters outside of the record and (B) it contains unjustified personal attacks.¹ Both of these contentions are incorrect.

No Use of "Extra-Record" Facts: CCA's Reply Exception contains citations to the relevant portions of the record. CCA's Reply Exception refers to Mr. Campos' Statement No. 1.0,² the Transcript,³ and Mr. Campos' Main Brief.⁴ Contrary to Mr. Campos' bare allegations, these references support the facts discussed in CCA's Reply Exception.

Examination of the Weight of Mr. Campos' Testimony: The Commission, not the administrative law judge, is the ultimate finder of fact and arbiter of witness credibility.⁵ All the evidence of record must be considered and weighed, taking into account,

¹ In his Motion to Strike, Mr. Campos seeks to cloud these fundamental issues with numerous self-serving statements, unsupported explanations and red herring arguments. Since such items do not relate to the fundamental issues raised by Mr. Campos' Motion to Strike, CCA will not respond to such items.

² See CCA's Reply Exception, p. 2, fn. 5 and 7, citing, Mr. Campos' Statement 1.0, pp. 1-3 and 4-5 .

³ See CCA's Reply Exception, p. 2, fn. 8, citing, Tr. 511-512.

⁴ See CCA's Reply Exception, p. 2, fn. 6, citing, Mr. Campos' Main Brief, Conclusion at ¶ 5.

⁵ 66 Pa. C.S. §§ 335(a), 703(e).

among other things, the credibility of the witnesses.⁶ In evaluating the credibility of witnesses, their apparent candor, intelligence, personal intent, and bias (or lack thereof) are to be considered in determining what weight shall be given to their testimony.⁷

Mr. Campos has been a persistent critic of this proposed sale. He has fully exercised his opportunities to be heard. With each opportunity, he has voiced numerous objections to the sale.⁸ However, as explained in CCA's Reply Brief⁹ and Reply Exception,¹⁰ Mr. Campos' credibility is strained. Thus, the weight to be given Mr. Campos' testimony is not a new issue for this Commission's consideration.

CCA's Reply Exception is not a "personal attack" on Mr. Campos. In his Exception, Mr. Campos contends that this proposed sale is not in the public interest. To diminish the weight that should be afforded to Mr. Campos' testimony, CCA's Reply Exception simply compares Mr. Campos' stated intent and interests to the proposed benefits of the sale. This comparison is appropriate to expose the contradictions inherent in Mr. Campos' testimony.

[Signature Appears on Next Page]

⁶ 66 Pa.C.S. §§ 315(b), 315(c) and 332(a).

⁷ See, e.g., Danovitz v. Portnoy, 399 Pa. 599, 161 A.2d 146 (1960).

⁸ See, e.g., Mr. Campos' Protest, Main Brief, Reply Brief and Exception.

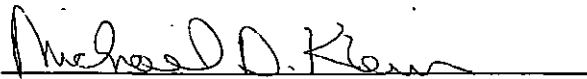
⁹ CCA's Reply Brief, p. 14.

¹⁰ CCA's Reply Exception, pp. 1-3.

Conclusion

CCA respectfully requests that this Honorable Commission dismiss Mr. Campos' Motion to Strike CCA's Reply Exception.

Respectfully Submitted,



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