

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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June 16, 2017

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Re: Application of Aqua Pennsylvania Wastewater, Inc.
Pursuant to Sections 1102 and 1329 of the Public Utility
Code for Approval of its Acquisition of the Wastewater
System Assets of Limerick Township
Docket No. A-2017-2605434

Dear Secretary Chiavetta:

Enclosed for filing is the Joint Petition of the Office of Consumer Advocate and the Bureau of Investigation and Enforcement For Additional Public Meeting in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christine Maloni Hoover".

Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50026
E-Mail: CHoover@paoca.org

Attachment

cc: Honorable Steven Haas
Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr., Commissioner
Robert F. Powelson, Commissioner
David W. Sweet, Commissioner
Cheryl Walker Davis, Director- OSA
Certificate of Service

*235715

CERTIFICATE OF SERVICE

Re: Application of Aqua Pennsylvania :
Wastewater, Inc. pursuant to Sections :
1102 and 1329 of the Public Utility Code : Docket No. A-2017-2605434
for approval of the acquisition by Aqua of :
the wastewater system assets of :
Limerick Township :

I hereby certify that I have this day served a true copy of the following document, Joint Petition of the Office of Consumer Advocate and Bureau of Investigation and Enforcement for Additional Public Meeting, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 16th day of June 2017.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Carrie Wright, Esquire
Phillip Kirchner, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

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Alex Stahl, Esquire
Aqua America
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Bryn Mawr, PA 19010

/s/ Christine Maloni Hoover
Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. #50026
E-Mail: CHoover@paoca.org

Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. #83487
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Counsel for Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: June 9, 2017

235708

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Aqua Pennsylvania :
Wastewater, Inc. Pursuant to Sections 1102 :
and 1329 of the Public Utility Code for : Docket No. A-2017-2605434
Approval of its Acquisition of the :
Wastewater System Assets of Limerick :
Township :

JOINT PETITION OF THE OFFICE OF CONSUMER ADVOCATE AND
BUREAU OF INVESTIGATION AND ENFORCEMENT FOR
ADDITIONAL PUBLIC MEETING

The Office of Consumer Advocate (OCA) and Bureau of Investigation and Enforcement (I&E) hereby submit this Petition pursuant to Section 5.41 of the Public Utility Commission's (PUC or Commission) regulations. 52 Pa. Code § 5.41. The OCA and I&E request that the Commission schedule an additional Public Meeting (special meeting) in November 2017 for the purpose of issuing an Order in the above-captioned proceeding.

This proceeding was initiated by Aqua Pennsylvania, Inc. by Application seeking approval of its acquisition of the wastewater system assets of Limerick Township pursuant to Sections 1102 and 1329 of the Public Utility Code. 66 Pa. C.S. §§ 1102, 1329. The Commission acknowledged receipt of the Application by Secretarial Letter dated May 31, 2017 and served electronically on June 6, 2017. Notice of the filing was published in the Pennsylvania Bulletin on June 10, 2017 and interested parties were provided twenty days, until June 26, 2017, to file protests and petitions to intervene. 47 Pa.B. 3324.

Section 1329(d)(2) provides that: “The commission shall issue a final order on an application submitted under this section within six months of the filing date of an application meeting the requirements of subsection (d)(1).” 66 Pa. C.S. § 1329(d)(2). Until notice that the Application has been accepted and docketed is provided, the OCA and other interested parties do not have the ability to protest or intervene in the case or the right to begin discovery. The OCA submits, therefore, that the six-month period under Section 1329(d)(2) began the date the Secretarial Letter was served, on June 6, 2017. Six months from that date is December 6, 2017. The Commission’s first scheduled Public Meeting for December is on December 7, 2017.¹ The last scheduled Public Meeting for November is four weeks earlier on November 8, 2017.

Due to the six-month time line required by Section 1329, normal time lines are compressed for this proceeding. Completing litigation by November 8 would compress the schedule by an additional four weeks. To avoid this result, the Presiding Officer suggested that the parties agree to (1) waive the six-month statutory deadline to allow the Commission to take final action on the application at the December 7, 2017 Public Meeting or (2) request that the Commission schedule a special Public Meeting.² Counsel for Aqua declined to waive the statutory deadline but did not object to the request for a special meeting.³

For these reasons, the OCA and I&E respectfully request that the Commission schedule a special Public Meeting on November 30, 2017 or move the scheduled December 7, 2017 Public Meeting to December 6, 2017. Either change to the Public Meeting schedule would align the schedule more closely to the statutory six-month period and provide critical time for investigation and review of the Application.

¹ If the date of the Secretarial Letter was used, rather than the date of service (which the OCA does not agree with), the six-month date would be November 30, 2017.

² Email dated June 6, 2017, 11:46 a.m.

³ Email dated June 8, 2017, 1:32 p.m.

WHEREFORE, the Office of Consumer Advocate and Bureau of Investigation and Enforcement respectfully request that Commission: (1) schedule a second Public Meeting in November, on November 30, 2017 or (2) change the date for the first December Public Meeting from December 7, 2017 to December 6, 2017.

Respectfully Submitted,



Erin L. Gannon
Senior Assistant Consumer Advocate
PA Attorney I.D. # 83487
E-Mail: EGannon@paoca.org

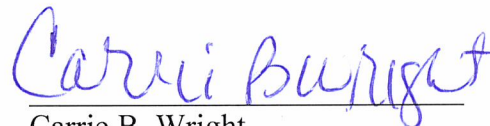
Christine Maloni Hoover
Senior Assistant Consumer Advocate
PA Attorney I.D. #
E-Mail: EGannon@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048

Dated: June 16, 2017

235612



Carrie B. Wright
Prosecutor
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Phillip Kirchner
Prosecutor
PA Attorney I.D. #313870
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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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Harrisburg, PA 17105-3265
Phone: (717) 783-6156

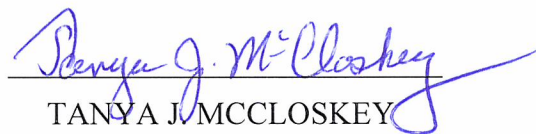
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Aqua Pennsylvania :
Wastewater, Inc. Pursuant to Sections 1102 :
and 1329 of the Public Utility Code for : Docket No. A-2017-2605434
Approval of its Acquisition of the :
Wastewater System Assets of Limerick :
Township :

VERIFICATION

I, TANYA J. MCCLOSKEY, hereby state that the facts set forth in the Joint Petition of the Office of Consumer Advocate and Bureau of Investigation and Enforcement for Additional Public Meeting, are true and correct (or 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).

June 16, 2017
Date

Signed: 
TANYA J. MCCLOSKEY

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

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