



August 20, 2018

**VIA E-FILING**

**Jonathan P. Nase**

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

**Re: In re: Application of SUEZ Water Pennsylvania Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the Township of Mahoning's assets, properties and rights related to its water distribution system to SUEZ Water Pennsylvania Inc., and (2) the rights of SUEZ Water Pennsylvania Inc. to begin to offer or furnish water distribution service to the public in portions of the Townships of Mahoning, Cooper and Valley, Montour County, Pennsylvania; Docket No. A-2018-3003519**

**In re: Application of SUEZ Water Pennsylvania Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of substantially all of the Township of Mahoning's assets, properties and rights related to its wastewater collection and conveyance system to SUEZ Water Pennsylvania Inc., and (2) the rights of SUEZ Water Pennsylvania Inc. to begin to offer or furnish wastewater collection and conveyance service to the public in portions of the Townships; Docket No. A-2018-3003517**

**Stipulation of the Parties Regarding Objections and Preservation of Issues**

Dear Secretary Chiavetta:

Enclosed please find the Stipulation of the Parties Regarding Objections and Preservation of Issues in the above-referenced matters. Copies have been served on the parties as indicated on the attached Certificate of Service.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink that reads "Jonathan P. Nase". The signature is written in a cursive style with a large initial "J".

By: Jonathan P. Nase  
Counsel for *SUEZ Water Pennsylvania Inc.*

JPN:kmg  
Enclosures

cc: Hon. Joel H. Cheskis  
Per Certificate of Service  
John D. Hollenbach, General Manager and Vice President

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of SUEZ Water Pennsylvania Inc. under :  
Section 1102(a) of the Pennsylvania Public Utility Code, 66 :  
Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of :  
substantially all of the Township of Mahoning's assets, :  
properties and rights related to its water distribution system to :  
SUEZ Water Pennsylvania Inc., and (2) the rights of SUEZ :  
Water Pennsylvania Inc. to begin to offer or furnish water :  
distribution service to the public in portions of the Townships :  
of Mahoning, Cooper and Valley, Montour County, :  
Pennsylvania :

Docket No. A-2018-3003519

and

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properties and rights related to its wastewater collection and :  
conveyance system to SUEZ Water Pennsylvania Inc., and :  
(2) the rights of SUEZ Water Pennsylvania Inc. to begin to :  
offer or furnish wastewater collection and conveyance service :  
to the public in portions of the Townships :

Docket No. A-2018-3003517

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Stipulation of the Parties Regarding Objections and Preservation of Issues**, on behalf of SUEZ Water Pennsylvania Inc., upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

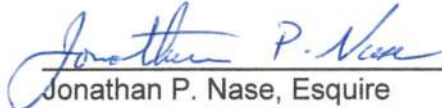
**VIA E-MAIL AND FIRST CLASS MAIL**

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Counsel for *Office of Small Business Advocate*

  
Jonathan P. Nase, Esquire  
Counsel for *SUEZ Water Pennsylvania Inc.*

Date: August 20, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge Joel H. Cheskis

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In re: Application of SUEZ Water Pennsylvania Inc. under :  
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or furnish wastewater collection and conveyance service to :  
the public in portions of the Townships :

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**STIPULATION OF THE PARTIES REGARDING  
OBJECTIONS AND PRESERVATION OF ISSUES**

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SUEZ Water Pennsylvania Inc. (“SWPA”), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), the Pennsylvania Office of Consumer Advocate (“OCA”), and Mahoning Township (“Mahoning”) (collectively, the “Parties”) in the above-captioned matter stipulate as follows:

1. The above-referenced Applications were accepted for filing by the Commission on August 8, 2018.

2. The Parties anticipate the exchange of discovery during these proceedings, including without limitation data or discovery requests from I&E and/or OCA (and any other parties that may become part of the proceedings) for information regarding the appraised fair market value for rate-base ratemaking purposes of the water system and/or the wastewater system and related information.

3. The Parties have competing views regarding the proper scope of Section 1329 proceedings, including the proper scope of discovery and the Commission's scope and standard of review. The OCA and I&E have expressed their positions in briefs filed in the matter of *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 New Garden Township*, Docket No. A-2016-2580061 (the "*Aqua Application Proceeding*") and on appeal before the Commonwealth Court in *McCloskey v. Pa. Pub. Util. Comm'n*, No. 1624 C.D. 2017 ("*Aqua Application Appeal*"). SWPA and Mahoning generally agree with the positions expressed by Pennsylvania-American Water Company in those proceedings.

4. In an effort to streamline the instant proceedings and avoid situations in which the parties are compelled to lodge objections to data or discovery requests and litigate those matters in order to raise, preserve, and resolve any issues, objections, or arguments, and in recognition of the six-month application processing period set by Section 1329, the Parties hereby stipulate that the issues, objections, and arguments raised in the *Aqua Application Proceeding* and *Aqua Application Appeal* shall be treated as though the Parties have raised and preserved any and all such issues, objections, and arguments in these proceedings.

5. Nothing in this stipulation constitutes a waiver of any rights, objections, or issues that the Parties intend to raise and preserve or advance before the Commission or in any further appeal from an order of the Commission.

Accepted and agreed to this 13<sup>th</sup> day of August, 2018.



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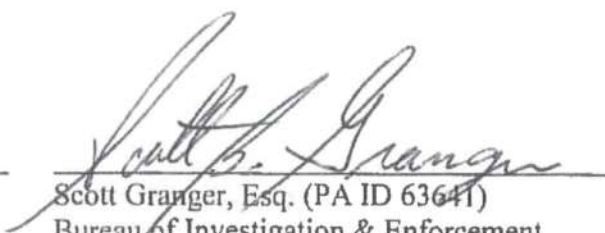
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433 Market Street  
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Counsel for *Mahoning Township*

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