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*Attorneys and Counsellors at Law*

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December 31, 2018

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

In re: Dockets Nos. C-2018-2644592, P-2018-3006216, I-2018-3006498  
Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Winola Water Company

Dear Secretary Chiavetta:

We are counsel for Aqua Pennsylvania, Inc. in the above matter and are submitting, with this letter via electronic filing, the Company's Petition to Intervene. Copies of the Petition to Intervene are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

cc: Certificate of Service (w/encl.)  
Alexander R. Stahl, Esq. (via email, w/encl.)

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Deputy Chief Administrative Law Judge  
Joel H. Cheskis, Presiding**

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<b>Pennsylvania Public Utility Commission</b>	<b>:</b>	<b>Docket No. C-2018-2644592</b>
<b>Bureau of Investigation and</b>	<b>:</b>	<b>Docket No. P-2018-3006216</b>
<b>Enforcement,</b>	<b>:</b>	<b>Docket No. I-2018-3006498</b>
<b>Complainant</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>Winola Water Company,</b>	<b>:</b>	
<b>Respondent</b>	<b>:</b>	

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**PETITION TO INTERVENE OF AQUA PENNSYLVANIA, INC.**

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Pursuant to 52 Pa. Code § 5.71, *et seq.*, Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) files this Petition to Intervene in the above captioned proceeding. In support thereof, Aqua states as follows:

1. The name and address of Petitioner are:

Aqua Pennsylvania, Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010

2. The name, business address, and contact information for Petitioner’s counsel in

this matter are:

Thomas T. Niesen, Esquire  
THOMAS, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101  
Tel: 717.255.7641  
Fax: 717.236.8278  
tniesen@tntlawfirm.com

3. Aqua is a regulated public utility company, duly organized and existing under the laws of the Commonwealth of Pennsylvania. Aqua furnishes service to over 430,000 customer accounts in Pennsylvania (representing a population of approximately 1.4 million people). Aqua's existing service territory covers various Counties throughout Pennsylvania, including parts of Wyoming County.

4. As presented in an Ex Parte Emergency Order, dated November 29, 2018, at Docket No. P-2018-3006216 and Docket No. C-2018-2644592, Winola Water Company ("WWC") is a regulated public utility company providing water service to approximately 10 year-round customers and approximately 25 seasonal customers around Lake Winola in Overfield Township, Wyoming County, Pennsylvania.

5. Addressing a Petition filed by the Bureau of Investigation and Enforcement and to protect the health, safety and welfare of customers of WWC customers, the Public Utility Commission ("Commission"), in the Ex Parte Emergency Order, instituted a Section 529 investigation, at Docket No. I-2018-3006498, into whether it should order a capable public utility to acquire WWC and directed Pennsylvania American Water Company ("PAW") to act as Receiver for WWC beginning December 10, 2018.

6. The Ex Parte Emergency Order was ratified and approved by Ratification Order entered December 6, 2018.

7. Aqua files this Petition consistent with Commission regulations at 52 Pa. Code § 5.71, *et seq.*

8. The Commission's regulation at 52 Pa. Code § 5.72 governs an entity's eligibility to intervene in a proceeding, and provides, in part, that:

- (a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or

appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

...

- (2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

52 Pa. Code § 5.72(a)(2).

9. Section 529(h) of the Public Utility Code, 66 Pa. C.S. § 529(h), provides for notice of a Section 529 proceeding to be served upon all proximate public utilities providing the same type of service as the small utility being investigated.

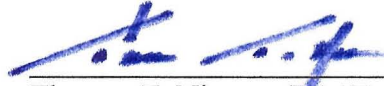
10. As yet, Aqua has not received a Section 529(h) notice of investigation as a potential proximate utility. It, however, has been placed on the formal service list for the investigation.

11. As a potential proximate utility, Aqua has an interest in the subject matter of this proceeding. Aqua's interest cannot be adequately represented by any other existing or potential party.

12. Aqua submits there are other proximate water utility providers that are in a better position to provide service to the WWC customers. The Commission has directed PAW to serve as Receiver as WWC.

WHEREFORE, Aqua Pennsylvania, Inc. respectfully requests that Deputy Chief Administrative Law Judge Joel H. Cheskis and the Public Utility Commission grant this Petition to Intervene.

Respectfully submitted,



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*Counsel for Aqua Pennsylvania, Inc.*

DATED: December 31, 2018

**Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**Deputy Chief Administrative Law Judge  
Joel H. Cheskis, Presiding**

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<b>Pennsylvania Public Utility Commission</b>	<b>:</b>	<b>Docket No. C-2018-2644592</b>
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	<b>Complainant</b>	<b>:</b>
		<b>:</b>
<b>v.</b>		<b>:</b>
		<b>:</b>
<b>Winola Water Company,</b>		<b>:</b>
	<b>Respondent</b>	<b>:</b>

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 31<sup>st</sup> day of December, 2018, served a true and correct copy of the foregoing Petition to Intervene of Aqua Pennsylvania, Inc., upon the persons and in the manner listed below:

**VIA ELECTRONIC MAIL AND/OR FIRST CLASS MAIL, POSTAGE PREPAID**

The Honorable Joel H. Cheskis  
Deputy Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
Po Box 3265  
Harrisburg, PA 17105-3265  
jcheskis@pa.gov

Bradley R Gorter, Prosecutor  
Michael L Swindler, Deputy Chief Prosecutor  
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Winola Water Company  
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Overfield Township  
775 Lower Mill City Rd  
Dalton, PA 18414

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Northeast Regional Office  
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300 North Second Street  
Suite 202  
Harrisburg, PA 17101

Suez Water Pennsylvania Inc  
4211 East Park Circle  
Harrisburg, PA 17111



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