

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Municipal Authority of the
Township of Robinson :
:
:
v. :
:
:
Pennsylvania-American Water Company :
:
:
Pennsylvania Municipal Authorities Association, :
Intervenor :

C-20030092

SECRETARIAT BUREAU

2003 JUL 24 PM 2:30

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FOLDER

PREHEARING ORDER

DOCKETED

AUG 13 2003

Parties

The parties to this proceeding are as follows: The Municipal Authority of the Township of Robinson (MATR), Pennsylvania-American Water Company (PAWC) and the Pennsylvania Municipal Authorities Association (PMAA).

The Western Allegheny County Municipal Authority's (WACMA) Petition to Intervene

A ruling will be made on WACMA's petition after MATR files an answer thereto. Until a ruling is made, the parties are to serve documents upon WACMA as though it is a party.

PMAA's Motion to Intervene for the Limited Purpose of Filing an Amicus Brief

Although PMAA filed an amicus brief at the time it filed its motion to intervene, it has agreed that its brief will be ignored and that it will file an amicus brief based on the record in this proceeding. Although PMAA's participation will be limited to the filing of a brief, the other parties will serve all documents upon PMAA.

MATR's Motion for a Declaratory Order

Within its complaint MATR asked for injunctive relief, but at the prehearing conference stated that it is not requesting such relief at this time.

Settlement

The parties are to discuss among themselves whether settlement negotiations are advisable or if they wish to take advantage of the Commission's mediation service.

E-mail Service

The parties are to serve copies of discovery requests and testimony by E-mail. If an exhibit cannot be transmitted by E-mail, facsimile service is acceptable as long as it is not a lengthy document. Service by E-mail is to be followed with a hard copy sent by first class or express mail. The emails for counsel to this proceeding are as follows:

Albert J. Zangrilli, Jr.	MATR	azangrilli@ymlz.com
Thomas P. Gadsden	PAWC	tgadsden@morganlewis.com
Anthony C. DeCusatis	PAWC	adecusatis@morganlewis.com
Susan Simms Marsh	PAWC	smarsh@pawc.com
Michael J. Witherel	PMAA	wk-law@rwvems.org
John A. Vuono	WACMA	jvuono@vuonogray.com

Briefs

Page limitations will be discussed during the hearings. If a party cannot E-mail me its brief successfully, it is to send me, along with its hard copy, its brief on a 3 ½ inch computer diskette in Microsoft Word or ASCII format. The parties should label the outside of the disk clearly, for example, "MATR Main Brief." The file should be named in the same fashion. The parties must serve their Reply Briefs in-hand to me by the due date, but may serve them by first class or next day mail upon the parties.

Discovery

The parties are not to serve me with copies of interrogatories unless attached to an objection or motion to compel. E-mail service of discovery is permissible, but lengthy attachments should be delivered by next day mail delivery for out-of-town recipients.

A party objecting to an interrogatory must try to resolve the matter telephonically with the requesting party. If this fails, the objecting party is to submit its objection to me by facsimile or E-mail. During an informal telephone conference with the parties I will issue an informal ruling followed by an order, only if a party requests one.

Subpoenas

MATR's subpoena for the production of documents is granted. As the parties agreed, WACMA's responses are due on or before August 5, 2003. MATR's subpoena ad testificandum is granted. The parties will determine the time and place for depositions.

Litigation Schedule

The parties agreed to the following litigation schedule (all due dates are in-hand dates, except that the parties may file their Reply Briefs upon each other by first class mail):

MATR Direct Testimony	October 15, 2003
PAWC ¹ Direct Testimony	November 17, 2003
MATR Rebuttal Testimony	December 17, 2003
PAWC Surrebuttal Testimony	January 7, 2004
MATR Rejoinder Testimony	Orally at the hearing
Hearings	January 21, 22 and 23, 2004 in Pittsburgh beginning at 9:00 a.m. each day (All witness will be available on January 21 because January 22 and 23 will be used only if needed)
Main Briefs	March 1, 2004
Reply Briefs	March 15, 2004

ORDER

THEREFORE,

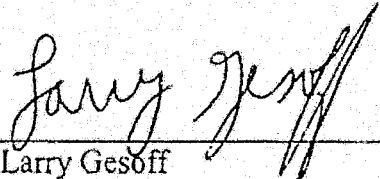
IT IS ORDERED:

1. That the parties adhere to the directives contained in the body of this Order.
2. That the Petition to Intervene for the Limited Purpose of Filing an Amicus Brief of the Pennsylvania Municipal Authorities Association is granted.
3. That the Municipal Authority of the Township of Robinson's subpoena for the production of documents is granted, and that the responses of the Western Allegheny County Municipal Authority are due on or before August 5, 2003.

¹ As noted, PMAA will not be submitting testimony. If WACMA becomes a party its testimony will be due on the due dates set for PAWC's testimony.

4. That the Municipal Authority of the Township of Robinson's subpoena ad testificandum, directed at the Western Allegheny County Municipal Authority, is granted, and that the parties determine between themselves the time and place for the taking of depositions.

Date: July 18, 2003



Larry Gesoff
Administrative Law Judge

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: 215.963.5000
Fax: 215.963.5001
www.morganlewis.com

Morgan Lewis
COUNSELORS AT LAW

Anthony C. DeCusatis
215 963 5034
adecusatis@morganlewis.com

July 21, 2003

DOCUMENT
FOLDER

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2003 JUL 23 PM 9:13
SECRETARY'S BUREAU

VIA FIRST CLASS MAIL

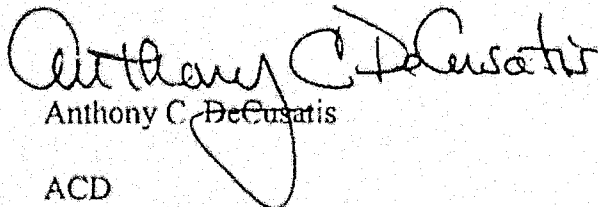
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: **Municipal Authority of the Township of Robinson v. Pennsylvania-American
Water Company – Docket No. C-20030092**

Dear Secretary McNulty:

Enclosed for filing are an original and three copies of a Certificate of Service evidencing service upon the Complainant, Amicus and proposed Intervenor of Pennsylvania-American Water Company's Answers to the Request for Production of Documents (Set I) and Interrogatories (Set I) of the Municipal Authority of the Township of Robinson.

Very truly yours,


Anthony C. DeCusatis

ACD
Enclosure

cc: Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THE MUNICIPAL AUTHORITY OF THE
TOWNSHIP OF ROBINSON

v.

PENNSYLVANIA-AMERICAN
WATER COMPANY

DOCKET NO. C-20030092

SECRETARY'S BUREAU

2003 JUL 23 AM 9:13

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of Pennsylvania-American Water Company's Answers to the Request for Production of Documents (Set I) and Interrogatories (Set I) of the Municipal Authority of the Township of Robinson upon the following person and in the manner set forth below, in accordance with the requirements of 52 Pa. Code § 1.54:

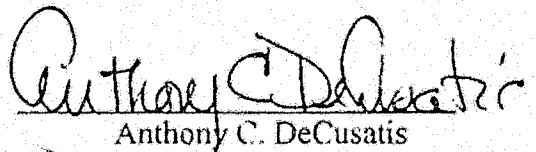
VIA OVERNIGHT EXPRESS DELIVERY

Albert J. Zangrilli, Jr. Esquire
Yukevich, Marchetti, Liekar & Zangrilli, P.C.
11 Stanwix Street
Suite 1024
Pittsburgh, PA 15222-1324

John A. Vuono, Esquire
Vuono & Gray, LLC
2310 Grant Building
Pittsburgh, PA 15219-2383

Michael J. Witherel, Esquire
Pennsylvania Municipal Authorities Association
966 Perry Highway
Pittsburgh, PA 15237

Dated: July 21, 2003


Anthony C. DeCusatis
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P. O. Box 3265, Harrisburg, PA 17105-3265
July 22, 2003

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20030092

(See letter dated 06/05/2003)

DOCKETED

Municipal Authority of the Township of Robinson
v.
Pennsylvania-American Water Company
AUG 06 2003

For the Commission to enter an order prohibiting Pennsylvania-American Water Company from commencing service to Western Allegheny County Municipal Authority pursuant to the Pennsylvania-American Water Company Agreement, or constructing any facilities with respect to such service.

DOCUMENT

Hearing Notice

This is to inform you that hearings on the above-captioned case will be held as follows:

Type: Initial and Further Hearings
Date: Wednesday-Friday, January 21, 22, 23, 2004
Time: 9:00 a.m.
Location: 11th floor hearing room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania
Presiding: Administrative Law Judge Larry Gesoff
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

Attention: You may lose the case if you not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Gesoff
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

ORIGINAL

YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH PENNSYLVANIA 15222-1324

Writer's Direct Dial:
(412) 261-6780

TELEPHONE 412/261-6777
FAX 412/261-6789

July 24, 2003

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JUL 24 2003

VIA FEDERAL EXPRESS

DOCKET SECTION
Secretary, Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

**RE: THE MUNICIPAL AUTHORITY OF THE TOWNSHIP OF ROBINSON VS.
PENNSYLVANIA-AMERICAN WATER COMPANY
PUC Docket No. C-20030092**

Gentlemen:

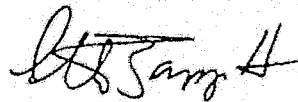
Please find enclosed the **original** and three copies of The Municipal Authority of the Township of Robinson's Answer to Petition of Western Allegheny County Municipal Authority to Intervene and Request for Expedited Action. Please docket and file this Answer.

Copies have been served on the individuals as set forth on the Certificate of Service attached to the Answer.

Thank you very much.

Very truly yours,

DOCUMENT
FOLDER


Albert J. Zangrilli, Jr.

AJZ/ph

Enclosures

cc: The Honorable Larry Gesoff, ALJ (w/encl.)
Thomas P. Gadsden, Esq. and
Anthony C. DeCusatis, Esq. (w/encl.)
Susan Simms Marsh, Esq. (w/encl.)
Michael J. Witherel, Esq. (w/encl.)
John A. Vuono, Esq. (w/encl.)
Bohdan R. Pankiw, Esq. (w/encl.)

100

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

THE MUNICIPAL AUTHORITY OF THE)
TOWNSHIP OF ROBINSON,)

Complainant - Petitioner,)

vs.)

PENNSYLVANIA AMERICAN WATER)
COMPANY,)

Respondent.)

No.: C-20030092

RECEIVED

JUL 24 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

ANSWER TO PETITION OF WESTERN ALLEGHENY COUNTY MUNICIPAL
AUTHORITY TO INTERVENE AND REQUEST FOR EXPEDITED ACTION

AND NOW COMES The Municipal Authority of the Township of Robinson ("MATR")
and by its undersigned attorneys files this Answer to Petition of Western Allegheny County
Municipal Authority to Intervene and Request for Expedited Action ("Petition"), stating as follows:

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FIRST GROUND

(Answer and Affirmative Defenses)

DOCKETED

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1. MATR is without knowledge or information sufficient to form a belief as to the truth
of the allegation set forth in paragraph 1 of the Petition that "WACMA is a municipal corporation
which was formed in Pennsylvania on May 21, 1953, being previously known as 'North Fayette
Township Authority'". The remaining allegation set forth in paragraph 1 is denied as stated. It is

admitted that WACMA is a Pennsylvania municipal authority and is subject to the Pennsylvania Municipality Authorities Act of 1945, as amended.

2. It is admitted that on or about April 15, 2003, MATR filed a Formal Complaint and Petition for Declaratory Order ("Complaint") against the Pennsylvania American Water Company ("PAWC"). The remaining allegations set forth in paragraph 2 refer to a writing which writing speaks for itself. Therefore, no responsive pleading is required.

3. It is admitted that on or about May 16, 2003, PAWC filed an Answer to MATR's Complaint. The remaining allegation refers to a writing which writing speaks for itself. Therefore, no responsive pleading is required.

4. It is admitted that WACMA is a distribution – only authority. MATR is without knowledge or information sufficient to form a belief as to the remaining allegations set forth in paragraph 4, although it is admitted that WACMA serves customers in North Fayette Township.

5. The allegation set forth in paragraph 5 of the Petition is specifically denied both as stated and with respect to its implication. By way of further answer and defense, WACMA presently purchases the bulk of its water from MATR and purchases an infinitesimal amount of water from PAWC for use by WACMA in a separate and distinct part of WACMA's system. WACMA also purchases water from the Moon Township Municipal Authority. The amount purchased from the Moon Township Municipal Authority is a fraction of the water WACMA purchases from MATR but significantly greater than the infinitesimal amount of water WACMA purchases from PAWC.

6. The allegation set forth in paragraph 6 of the Petition that "WACMA's existing contract with MATR expires on October 20, 2003" is admitted. The allegation that WACMA has engaged in "good faith negotiations with MATR" is specifically denied. By way of further answer

and defense, MATR asserts that WACMA's negotiations with MATR have been in bad faith. Without limiting the multitude of bad faith actions taken by WACMA, WACMA executed the illegal Water Sales Agreement with PAWC dated March 28, 2003 ("PAWC Agreement") without informing MATR that it was negotiating with PAWC and while a counter-offer that had been made by MATR to WACMA was still pending.

7. The allegation set forth in paragraph 7 of the Petition is denied as stated. It is admitted that WACMA has entered into a purported agreement with PAWC referred to herein as the "PAWC Agreement". The PAWC Agreement is a writing that speaks for itself. Therefore, no responsive pleading is required with respect to its contents. By way of further answer and defense, the PAWC Agreement is illegal and the Pennsylvania Public Utility Commission cannot permit PAWC to provide water to WACMA pursuant to that Agreement.

8. The allegation set forth in paragraph 8 of the Petition is specifically denied. By way of further answer and defense, the allegation constitutes a complete misrepresentation to the Commission by WACMA. MATR has been and at all times in the future will be ready, willing and able to provide water to WACMA, subject to the contingencies that effect all water systems, even after the expiration of its present contract with WACMA. By way of further answer, MATR believes that the Moon Township Municipal Authority will also continue to provide water to WACMA, within the range of its previous and current sales volumes.

9. It is admitted that WACMA is seeking "to intervene in this proceeding in support of PAWC's position". However, by way of further answer and defense, WACMA's Petition must be denied because, inter alia, the position WACMA seeks to support is more than adequately represented by PAWC whose Tariff provision and/or the application thereof is at issue. By its own admission just quoted, WACMA states that it is seeking intervention "in support of PAWC's

position". Intervention by PAWC is not necessary or appropriate with respect to the administration of the statute under which the proceeding is brought. WACMA can advance no argument in support of PAWC's position that will not or cannot be advanced by PAWC nor does WACMA have any independent interest that it can advance with respect to the public interest, all as is more fully discussed by way of answer to paragraph 11 of the Petition.

10. The allegation set forth in paragraph 10 of the Petition pleads a legal conclusion and/or refers to a written document to which no responsive pleading is required.

11. The allegations set forth in paragraph 11 are answered as follows:

11.1 The allegation set forth in subparagraph 11.1 pleads a legal conclusion to which no responsive pleading is required because it pleads the ultimate determination to be made by the Commission. To the extent a responsive pleading is required, the allegation is specifically denied.

11.2 The allegation set forth in subparagraph 11.2 is specifically denied. This case concerns the legality of a special Tariff provision of PAWC's; namely, Rider DRS. PAWC has a substantial interest in defending the application of Rider DRS generally and with respect to the case at issue. MATR asserts that PAWC will, in fact, more than adequately defend Rider DRS and its use in the case at issue. By way of further answer and defense, WACMA has not pled any facts or other specifics to support its bald-faced assertion that its interest "may not be adequately represented by existing participants" nor can it so plead because no such facts or specifics exist.

11.3 The allegation set forth in subparagraph 11.3 is denied as stated. WACMA pleads subparagraph 11.3 to state or imply that being "directly affected and bound by the action of the Commission" in this case is, standing alone, criteria sufficient for the Commission to grant the relief sought in its Petition. Such an assertion is contrary to law. For intervention as a party to be

granted, the petitioner must meet the criteria of 52 Pa. Code §5.72. That section of the Code provides as follows:

“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.”

(Emphasis supplied)

“Right” is a defined term in 52 Pa. Code §5.72. It means only “a right conferred by statute of the United States or of the Commonwealth” §5.72 (1). WACMA has not plead or otherwise identified the statute of the United States or of the Commonwealth upon which it allegedly bases its Petition. Therefore, it would be improper for the Commission to grant WACMA’s Petition on this ground. To do so would be to read into WACMA’s Petition a non-existent provision; in effect, re-writing WACMA’s Petition on its behalf. More importantly, it would prevent MATR from rebutting, by way of answer or other response, the inapplicability alleged statute as a purported ground for intervention.

The “interest” required to grant intervention likewise is a defined term. It means either: (1) “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,” §5.72(2) or an “interest of such nature that participation of the petitioner may be in the public interest” §5.72(3).

WACMA meets neither of these two definitions of “interest.” As to the type of interest defined in §5.72(2), the Code specifically requires that the interest be such that it is “not adequately represented by existing participants”. In this case, the interest involved is the right of PAWC to employ Rider DRS. This interest will be more than adequately represented by PAWC, as

has already been demonstrated by PAWC's defense thus far in these proceedings. In fact, the identity of the other party to the proposed contract utilizing Rider DRS is immaterial. It could be any other municipality or entity. PAWC's defense is the defense of its own Tariff Rider. WACMA can add nothing to that defense as a party. Any participation of WACMA desired by either PAWC or MATR will be the same as desired of any other witness and can be obtained by means subpoenaed or WACMA's voluntary testimony.

As to the type of interest defined in §5.72(3), WACMA has not pled any fact or theory to bring it within the scope of that section. Nor can it. Section 5.72(3) requires an allegation that the interest is "of such nature that participation of the petitioner may be in the public interest". Until WACMA identifies by way of Petition or Amended Petition the specific "public interest" separate and apart from the interest that PAWC has in defending Rider DRS, MATR cannot address it and the Commission cannot grant WACMA's Petition based on an unidentified ground.

11.4 The allegation set forth in subparagraph 11.4 is specifically denied. By way of further answer and defense, MATR incorporates its discussion of WACMA's lack of pleading any specificity with respect to the nature of the "public interest" it intends to advance if its Petition is granted, all as set forth in paragraph 11.3 hereof.

11.5 The allegation set forth in subparagraph 11.5 is specifically denied. By way of further answer and defense, WACMA's assertion that merely by subpoenaing an entity to produce documents or even testify somehow converts the subpoenaed entity into a party to the proceedings is specious and contrary to law and practice. The mere fact that WACMA has been subpoenaed requiring it to produce documents does not convert it thereby into a party who should

be permitted to intervene. By WACMA's logic, any entity or person to whom a subpoena has been directed would, ipso facto, be converted to the position of qualifying for the right to intervene.

11.6 The allegation set forth in paragraph 11.6 of the Petition is specifically denied. By way of further answer and defense, merely because WACMA may be in possession of evidence that may be relevant at the hearing does not and should not convert it to a party to the proceedings. WACMA's evidence can be presented by either MATR or PAWC as either part of their respective cases in chief or by way of cross-examination.

11.7 The allegation set forth in subparagraph 11.7 is admitted. In fact, this allegation supports MATR's position as set forth in this Answer; namely, that WACMA has nothing further to add to the evidence that will be presented by the present parties to this litigation. Therefore, WACMA's Petition can be denied on its own admission alone.

11.8 It is admitted that "this proceeding is in its initial stages" but it is specifically denied that the existence or non-existence of "prejudice" is relevant to the Commission's adjudication of WACMA's Petition. In fact, it is not. Nowhere in 52 Pa. Code §5.72 is the existence or absence of "prejudice" set forth as a factor or criteria for the Commission to consider in adjudicating petitions for intervention. Therefore, this allegation must be disregarded by the Commission.

11.9 The allegation set forth in subparagraph 11.9 is specifically denied. By way of further answer and defense and as set forth above, even if WACMA will be "adversely affected", this criterion, standing alone, is not a sufficient ground on which to grant intervention. It must be coupled with an interest "which is not adequately represented by an existing participant" 52 Pa.Code§5.72 (2). As set forth above, the interest of defending the application of Rider DRS to the case at issue will be more than adequately represented by PAWC

12. The allegations set forth in paragraph 12 of the Petition pleads speculation and therefore no responsive pleading is required. By way of further answer and defense, WACMA's presence at the hearings will be at the request of either or both of the parties. The addition of another party will only tend to protract the proceedings unnecessarily.

13. The allegation set forth in paragraph 13 of the Petition sets forth a request for relief as opposed to an allegation of fact. With respect to the requested relief; namely, that the Petition be granted promptly and prior to the prehearing conference set for July 18, 2003, MATR responds that the relief sought should be denied.

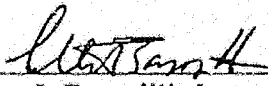
SECOND GROUND

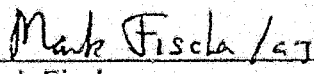
1. The Commission's Rules of Administrative Practice and Procedure ("Rules") require that all "petitions ... containing an averment of fact not appearing of record in the action ... shall be personally verified by a party thereto or by an authorized officer of the party...." Rule 1.36(a)

2. WACMA's Petition is not verified as required by the Rules.

WHEREFORE, The Municipal Authority of the Township of Robinson respectfully requests that the Petition of Western Allegheny County Municipal Authority to Intervene and Request for Expedited Action be denied. A proposed Order to that effect is attached.

YUKEVICH, MARCHETTI, LIEKAR
& ZANGRILLI, P.C.

By: 
Albert J. Zangrilli, Jr.
Pa. I.D. No. 15929

By: 
Mark Fischer
Pa. I.D. No. 69425

11 Stanwix Street, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6777

Attorneys for The Municipal
Authority of the Township of Robinson

VERIFICATION

I verify that I am Executive Director of the Municipal Authority of the Township of Robinson, that I am authorized to make and execute this Verification on behalf of said Authority and that the facts set forth in the foregoing ANSWER TO PETITION OF WESTERN ALLEGHENY COUNTY MUNICIPAL AUTHORITY TO INTERVENE AND REQUEST FOR EXPEDITED ACTION are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Dated: July 24, 2003

Anthony T. Dery

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached ANSWER TO PETITION OF WESTERN ALLEGHENY COUNTY MUNICIPAL AUTHORITY TO INTERVENE AND REQUEST FOR EXPEDITED ACTION has been served on the following by e-mail and first class mail, postage prepaid, except as otherwise noted:

HONORABLE LARRY GESOFF
(lgesoff@state.pa.us)
Administrative Law Judge
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

THOMAS P. GADSDEN, ESQ.
(tgadsden@morganlewis.com)
ANTHONY C. DECUSATIS, ESQ.
(adecusatis@morganlewis.com)
Morgan Lewis
1701 Market Street
Philadelphia, PA 19103-2921

Attorneys for Pennsylvania American Water Company

SUSAN SIMMS MARSH, ESQ.
(smarsh@pawc.com)
Pennsylvania-American Water Company
800 West Hershey Park Drive
Hershey, PA 17033

(rights reserved)

MICHAEL J. WITHEREL, ESQ.
(wk-law@rwvemms.org)
Witherel & Kovacil
966 Perry Highway
Pittsburgh, PA 15237-2107

Attorneys for Pennsylvania Municipal Authorities Association, Amicus Curiae

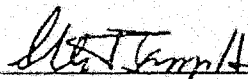
JOHN A. VUONO, ESQ.
(jvuono@vuonogray.com)
Vuono & Gray, LLC
2310 Grant Building
Pittsburgh, PA 15219-2383

Attorneys for Western Allegheny County Municipal Authority, Proposed Intervenor

BOHDAN R. PANKIW, ESQ.
Chief Counsel
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

(via first class mail only)

DATE: July 24, 2003



ALBERT J. ZANGRILLI, JR.

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

THE MUNICIPAL AUTHORITY OF THE)
TOWNSHIP OF ROBINSON,)

Complainant - Petitioner,)

vs.)

PENNSYLVANIA AMERICAN WATER)
COMPANY,)

Respondent.)

No.: C-20030092

**ORDER DENYING PETITION OF WESTERN ALLEGHENY COUNTY MUNICIPAL
AUTHORITY TO INTERVENE AND REQUEST FOR EXPEDITED ACTION**

AND NOW, this _____ day of _____, 2003, upon the consideration of the
Petition of Western Allegheny County Municipal Authority to Intervene and Request for Expedited
Action ("Petition") and the Answer thereto filed by Complainant-Petitioner, it is hereby ORDERED
that the Petition be and hereby is denied.

ADMINISTRATIVE LAW JUDGE