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SOLICITORS FOR INTERVENOR,
BOROUGH OF ST. LAWRENCE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|-------------------------|---|--------------------|
| PENNSYLVANIA PUBLIC | : | No. C-2019-3007920 |
| UTILITY COMMISSION, | : | |
| BUREAU OF INVESTIGATION | : | |
| AND ENFORCEMENT, | : | |
| | : | |
| Complainant | : | |
| | : | |
| vs. | : | |
| | : | |
| EXETER TOWNSHIP, | : | |
| | : | |
| Respondent | : | |

PETITION TO INTERVENE OF THE BOROUGH OF ST. LAWRENCE,
BERKS COUNTY, PENNSYLVANIA

AND NOW COMES the Borough of St. Lawrence, Berks County, Pennsylvania (“Borough”), through its undersigned Solicitors, Joan E. London, Esquire and Kozloff Stoutd, Professional Corporation, and files the Petition to Intervene in the above-captioned proceedings before the Pennsylvania Public Utility Commission (“PUC”), pursuant to 52 Pa. Code §§ 5.71-5.76, and, in support thereof, avers as follows:

1. The Borough is a municipal corporation organized and existing under the Pennsylvania Borough Code 8 Pa.C.S.A. §§ 101-3501, with registered offices located at 3540 St. Lawrence Avenue, Reading, Berks County, Pennsylvania 19606.

2. Exeter Township, Berks County, Pennsylvania ("Township"), is a municipal corporation organized and existing under the Pennsylvania Second Class Township Code, 53 P.S. §§ 65101-68701, 4975 DeMoss Road, Reading, Berks County, Pennsylvania 19606.

3. Pennsylvania-American Water Company ("PAWC"), which has filed a Petition to Intervene, is a regulated public utility organized and existing under the laws of the Commonwealth of Pennsylvania, with an address of 800 West Hershey Park Drive, Hershey, PA 17033.

4. PAWC is engaged in the business of collecting, treating, storing, supplying, distributing, and selling water to the public, and collecting, treating, transporting and disposing of wastewater for the public. By its statements, PAWC furnishes water and wastewater service in a service territory encompassing in excess of four hundred (400) communities in the Commonwealth of Pennsylvania.

5. Since 1967, the Township (along with its former Municipal Authority, which has been disbanded) and the Borough (along with its former Municipal Authority, which has been disbanded) have been parties to Sewer Agreement, with the last amended agreement dated May 8, 2003.

6. The former Township Municipal Authority constructed the wastewater treatment plant with a capacity, per its NPDES Permit, of 7.1 million gallons per day

(MGD), of which the Borough is allocated 462,000 gallons per day of capacity, and the Township is allocated 6,638,000 gallons per day of capacity. There are provisions in the Agreement for sharing of plant construction and operating costs and capital contribution.

7. The Township operates the sewer system and the sewage treatment plant. The Borough operates and maintains a sewage collection system.

8. All sewage from the Borough sewage collection system is discharged into the Township system, for treatment and disposal at the Township plant.

9. The Township meters the volume of sewage discharged from the Borough collection system into the Township system and, ultimately, the Township sewage treatment plant.

10. The Borough has an interest which is directly affected by the Township Application for Approval of Transfer of the wastewater collection and treatment system to PAWC under Section 1102(a) of the Public Utility Code, 66 Pa.C.S.A. §1102(a), and to the Application to serve residents of Lower Alsace and Alsace Townships, utilizing four (4) bulk service interconnection points with the Borough as follows:

a) The addition of new customers in Lower Alsace Township and Alsace Township, per the Application, will create additional flows through the Borough collection system into the Township sewage treatment plant;

b) Additional flows through the Borough collection system will be difficult to allocate between Borough properties and properties in Lower Alsace Township and Alsace Township for purposes of measurement, billing,

determination of violations of sewer use regulations, and determination of sources of infiltration and inflow; and,

c) The Borough has incurred expenses and debt for the construction, maintenance, and improvement of its collection system, which collection system will likely be directly impacted by the addition of customers in Lower Alsace Township and Alsace Township in the event that the PUC grants the Application allowing sewage flows through the Borough's interconnection points; and,

d) The Borough has incurred expenses for wastewater treatment plant costs, including but not limited to plant construction and expansion under agreements with the Township, and currently makes debt service payments as a result, and the grant of the Application for Transfer to PAWC may impact Borough and Borough resident costs, rates, and other terms and conditions of service.

11. The Borough seeks intervention under 52 Pa.Code § 5.72(2), due to its direct interest in the outcome of the proceedings, as the Complaint seeks enforcement and penalties against Exeter Township due to extraterritorial service, which includes the Borough.

12. Additionally, as a municipality, the residents of which are users of the sewer system and pay for rates and costs of sewer usage, the Borough has an interest of such nature that its participation may be in the public interest as stated in 52 Pa.Code § 5.72(3).

13. The interest of the Borough is different from that of other parties to this proceeding, and cannot be adequately represented by other parties.

14. The Borough is an intervenor in related proceedings, docketed to No. A-2018-3006503 and No. A-2018-3004933. No prejudice or delay will result from this intervention.

WHEREFORE, for the reasons set forth above, the Borough of St. Lawrence respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene.

Respectfully submitted,

KOZLOFF STOUTT
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Dated: April 12, 2019

KOZLOFF STOUDT
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BOROUGH OF ST. LAWRENCE**

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PENNSYLVANIA PUBLIC : No. C-2019-3007920
UTILITY COMMISSION, :
BUREAU OF INVESTIGATION :
AND ENFORCEMENT, :
:
Complainant :
:
vs. :
:
EXETER TOWNSHIP, :
:

CERTIFICATE OF SERVICE

I, Joan E. London, Esquire, certify that I have, on this date, served a true and correct copy of the following document, the Petition to Intervene of the Borough of St. Lawrence, Berks County, Pennsylvania, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA FIRST CLASS AND ELECTRONIC MAIL

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Lower Alsace Township
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Berks County Planning Commission
Berks County Services Center
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Professional Corporation



Joan E. London, Esquire

Dated: April 12, 2019

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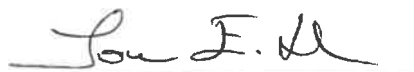
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