



March 27, 2020

VIA E-FILING

**Jonathan P. Nase**

Direct Phone 717-773-4191

Direct Fax 215-372-2340

[jnase@cozen.com](mailto:jnase@cozen.com)

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

**Re: Application of Pennsylvania-American Water Company 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 Borough of Kane Authority's assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the Borough of Kane, and in a portion of Wetmore Township, McKean County, Pennsylvania; Docket Nos. A-2019-3014248 et al.**

**Joint Stipulation Between Pennsylvania-American Water Company and the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the above-referenced Stipulation. Copies have been served as indicated on the enclosed certificate of service.

Please contact me if you have any questions or concerns.

Sincerely,

COZEN O'CONNOR

By: Jonathan P. Nase  
Counsel for *Pennsylvania-American Water Company*

JPN  
Enclosures

cc: Hon. Joel H. Cheskis  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :  
Company 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 Borough of Kane Authority's assets, properties :  
and rights related to its wastewater collection and : Docket No. A-2019-3014248, *et al.*  
treatment system to Pennsylvania-American Water :  
Company, and (2) the rights of Pennsylvania- :  
American Water Company to begin to offer or furnish :  
wastewater service to the public in the Borough of :  
Kane, and in a portion of Wetmore Township, McKean :  
County, Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Joint Stipulation between Pennsylvania-American Water Company and the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement**, upon the parties, listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**DUE TO THE COVID-19 EMERGENCY, THIS DOCUMENT IS BEING SERVED BY E-MAIL ONLY**

Sharon E. Webb, Esq. (PA ID 73995)  
Daniel G. Asmus, Esq. (PA ID 83789)  
Office of Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
Counsel for *Office of Small Business Advocate*  
swebb@pa.gov  
dasmus@pa.gov

Christine Maloni Hoover, Esq. (PA ID 50026)  
Erin L. Gannon, Esq. (PA ID 83487)  
Harrison W. Breitman, Esq. (PA ID 320580)  
Santo G. Spataro, Esq. (PA ID 327494)  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
Counsel for *Office of Consumer Advocate*  
CHoover@paoca.org  
EGannon@paoca.org  
SSpataro@paoca.org  
HBreitman@paoca.org

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue, Suite 720  
St. Louis, MO 63105  
excel.consulting@sbcglobal.net

Ralph C. Smith  
Larkin & Associates, PLLC  
15728 Farmington Road  
Livonia, MI 48514  
OCAKane@paoca.org

Carrie B. Wright, Esq. (PA ID 208185)  
Erika L. McLain, Esq. (PA ID 320526)  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Counsel for *Bureau of Investigation & Enforcement*  
carwright@pa.gov  
ermclain@pa.gov

Carl R. Shultz, Esq. (PA ID 70328)  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
Counsel for *Kane Borough Authority*  
cshultz@eckertseamans.com

Elizabeth Rose Triscari, Esq.  
852 Wesley Drive  
Mechanicsburg, PA 17055  
Counsel for *Pennsylvania-American Water  
Company*  
elizabeth.triscari@amwater.com

Respectfully submitted,



Jonathan P. Nase, Esquire (PA ID 44003)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
(717) 703-5892  
jnase@cozen.com

Counsel for *Pennsylvania-American Water Company*

Date: March 27, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

**DEPUTY CHIEF ADMINISTRATIVE LAW  
JUDGE JOEL H. CHESKIS**

---

In re: Application of Pennsylvania-American Water Company 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 Borough of Kane Authority’s assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the Borough of Kane, and in a portion of Wetmore Township, McKean County, Pennsylvania. :

Docket No. A-2019-3014248,  
*et al.*

---

**JOINT STIPULATION BETWEEN  
PENNSYLVANIA-AMERICAN WATER COMPANY  
AND THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

---

Pennsylvania-American Water Company (“PAWC”) and the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) (collectively, the “Parties”) being two of the parties to the above-referenced litigation, hereby join in this “Joint Stipulation between Pennsylvania-American Water Company and the Bureau of Investigation and Enforcement (“Joint Stipulation”). The Parties mutually stipulate and agree as follows:

## **I. Procedural Background**

1. On December 2, 2019, PAWC filed the instant application asking the Pennsylvania Public Utility Commission (“Commission”) to approve PAWC’s purchase of the wastewater system (the “System”) presently owned by the Borough of Kane Authority (the “Authority”) pursuant to 66 Pa. C.S. §§ 1102 and 1329 (the “Section 1329 Application Proceeding”).

2. On December 6, 2019, PAWC filed an Amendment to the Application (the application, as amended, is referred to herein as the “Application”).

3. On December 11, 2019, the Commission notified PAWC that the Application had been conditionally accepted for filing.

4. By Secretarial Letter dated February 6, 2020, the Commission notified PAWC that it had finally accepted the Application for filing.

5. On February 10, 2020, Carrie B. Wright and Erika L. McLain entered their appearance on behalf of the Bureau of Investigation and Enforcement (“I&E”).

6. A Prehearing Conference was held in this matter on March 11, 2020.

7. At the Prehearing Conference, Deputy Chief Administrative Law Judge Joel H. Cheskis (the “ALJ”) approved the procedural schedule recommended by the parties to the proceeding. According to that schedule, Non-Company Direct Testimony is due to be filed on March 27, 2020.

### **Cost of Service Studies**

8. In PAWC’s first base rate case that includes the Kane System, PAWC will submit a cost of service study that removes all costs and revenues associated with the operation of the Kane System.

9. In PAWC's first base rate case that includes the Kane System, PAWC will also provide a separate cost of service study for the Kane System.

#### **Direct Testimony**

10. I&E will not submit direct testimony in this proceeding and shall not submit any subsequent testimony in response to issues raised by other parties to this proceeding that I&E could have raised in direct testimony.

#### **Cooperation on Settlement with Other Parties**

11. In the event that a full or partial settlement is reached with other parties to this proceeding, PAWC and I&E will coordinate in good faith to incorporate the commitments of this stipulation into such settlement.

12. In the event that a full or partial settlement is not reached with other parties to this proceeding, PAWC and I&E shall jointly file this stipulation with the Commission at this docket in advance of evidentiary hearings.

#### **Disclosure of Stipulation to Other Parties**

13. PAWC or I&E may disclose this stipulation to the ALJ and other parties to this proceeding at any time.

[Signatures appear on next page.]

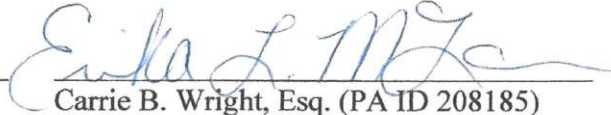
Accepted and agreed to this 24<sup>th</sup> day of March, 2020.



David P. Zambito, Esq. (PA ID 80017)  
Jonathan P. Nase, Esq. (PA ID 44003)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101

Elizabeth Rose Triscari, Esquire (PA ID  
306921)  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Counsel for Pennsylvania-American Water  
Company



Carrie B. Wright, Esq. (PA ID 208185)  
Erika L. McLain, Esq. (PA ID 320526)  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West

P.O. Box 3265  
Harrisburg, PA 17105-3265

Counsel for *Bureau of Investigation &  
Enforcement*