



March 27, 2020

VIA E-FILING

Jonathan P. Nase

Direct Phone 717-773-4191

Direct Fax 215-372-2340

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 Office of Small Business Advocate

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 Office of Small Business Advocate**, 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, 1st 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, 5th 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, 2nd 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., 8th 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
OFFICE OF SMALL BUSINESS ADVOCATE**

Pennsylvania-American Water Company ("PAWC") and the Office of Small Business Advocate ("OSBA") (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 Office of Small Business Advocate" ("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 December 27, 2019, Sharon E. Webb, Esq. entered her appearance in this matter on behalf of the OSBA. The OSBA also filed a Notice of Intervention and Public Statement. On January 31, 2020, Daniel G. Asmus, Esq., entered his appearance in this matter on behalf of the OSBA.

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. OSBA 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 OSBA 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 OSBA 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 OSBA 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 OSBA may disclose this stipulation to the ALJ and other parties to this proceeding at any time.

Accepted and agreed to this 26th 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



Sharon E. Webb, Esq. (PA ID 73995)
Daniel G. Asmus, Esq. (PA ID 83789)
Office of Small Business Advocate
Forum Place
555 Walnut Street, First Floor
Harrisburg, PA 17101

Counsel for *Office of Small Business Advocate*