

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-American Water
Company – Wastewater Division Under Section
1329 of the Pennsylvania Public Utility Code for
Approval of the Acquisition of Royersford
Borough’s Wastewater System Assets

A-2020-3019634

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.66, YOU MAY ANSWER THE ENCLOSED PETITION TO INTERVENE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PETITION TO INTERVENE MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR THE BOROUGH OF ROYERSFORD.

/s/ Thomas Wyatt

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Dated: November 12, 2020

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PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, the Borough of Royersford (“Royersford”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Pennsylvania-American Water Company—Wastewater Division (“PA-American”) for approval to acquire Royersford’s wastewater collection and treatment system. The Application directly affects the interests of Royersford, which are not adequately represented by any existing party. For the reasons that follow, Royersford respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. Royersford is a borough located in Montgomery County, Pennsylvania.
2. Royersford’s business address is 300 Main Street, Royersford, PA 19468.
3. Royersford owns and operates a wastewater collection and treatment system (the “System”) that includes a wastewater treatment plant, collection mains, pumping stations, generators and related appurtenances. The System provides sanitary wastewater treatment service to approximately 1,580 customers in Royersford, 16 customers in Upper Providence, and, pursuant to a service agreement, to a small portion of Limerick Township.

4. Royersford is directly interested in the above-captioned docket as a party to the agreement under which PA-American seeks approval to acquire Royersford's wastewater system assets. Royersford may be bound by the Commission's decision to approve PA-American's acquisition of the system.

5. Royersford supports the Application filed by PA-American at this docket.

6. 52 Pa. Code § 5.72 sets forth the eligibility requirements for a party to intervene and provides in part as follows:

(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:

(1) A right conferred by statute of the United States or of the Commonwealth;

(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;

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

7. Royersford seeks intervention in the proceeding for due cause shown for the following reasons:

(a) Royersford is a party to the Asset Purchase Agreement (the "APA") of its wastewater collection and treatment system, which provides sanitary wastewater collection and treatment service to approximately 1,580 customers in Royersford,

16 customers in Upper Providence, and, pursuant to a service agreement, to a small portion of Limerick Township.

(b) As contemplated in the APA, Royersford will be the recipient of the proceeds of the sale; and

(c) PA-American's Application relies on Royersford's agreement to sell the wastewater collection and treatment system.

8. Royersford has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

9. As a party to the APA and ultimate recipient of the proceeds from the sale of the wastewater system, Royersford submits that its intervention is in the public interest.

10. Royersford intends to play an active role in the Commission's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE Royersford respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

Respectfully submitted,

/s/ Thomas Wyatt

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Dated: November 12, 2020

VERIFICATION

I, Michael Leonard, the Borough Manager for the Borough of Royersford, hereby verify that the statements of fact made in the foregoing petition are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: November 13, 2020


Michael Leonard

CERTIFICATE OF SERVICE

I, Thomas Wyatt, Esq., hereby certify that I have served a true and correct copy of the foregoing Petition to Intervene upon the parties listed below in accordance with the requirements of 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail.

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Thomas Wyatt, Esquire

Dated: November 12, 2020