



**Susan Simms Marsh**  
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February 8, 2021

**VIA ELECTRONIC FILING**

Ms. Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Application and related filings of Pennsylvania-American Water Company under Sections 507, 1102(a), and 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 507, 1102(a), 1329, for approval of its acquisition of the wastewater collection and conveyance system of Valley Township, related wastewater service rights, fair market valuation ratemaking treatment, deferral of the post-acquisition improvement costs, and certain contracts with municipal corporations**

**Docket No. A-2020-3020178 – Deficiencies of December 23, 2020**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the Responses of Pennsylvania-American Water Company to the 66 Pa. C.S. Section 1329 Application Completeness Review of Pennsylvania-American Water Company – Wastewater Division Acquisition of Valley Township Wastewater Collection and Conveyance System at Docket No. A-2020-3020178 Missing Application, dated December 23, 2020. Pennsylvania-American Water Company requested an extension to respond to the deficiencies. By Secretarial Letter dated January 11, 2021, the Company's time to respond was extended to February 8, 2021.

Pennsylvania-American Water Company is requesting conditional acceptance of the Application conditioned upon Valley Townships receipt from the Department of Environmental Protection the permit for the Country Ridge Pump Station that was applied for on February 5, 2021.



Copies are being served upon the advocates in accordance with the attached Certificate of Service and in accordance with the Commission's *Final Supplemental Implementation Order* entered February 28, 2019 at Docket No. M-2016-2543193.

Sincerely,

A handwritten signature in blue ink that reads "Susan Simms Marsh". The signature is written in a cursive, flowing style.

Susan Simms Marsh

cc: Sean Donnelly (*via electronic mail*)  
All Parties on the Attached Certificate of Service (*via electronic mail*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 Township's assets, properties and rights : Docket No. A-2020-302178, *et al.*.  
related to its wastewater treatment, transportation and collection :  
system facilities 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 :  
Valley Township, Chester County, Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the above-referenced responses upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**Service in the matter denoted below as follows on February 8, 2021**

Christine M Hoover, Esquire  
Erin Gannon, Esquire  
Santo Spataro, Esquire  
Harrison Breitman, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
*(via electronic mail)*

Erika L. McLain, Esquire  
John M. Coogan, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor, F West  
Harrisburg, PA 17120  
*(via electronic mail)*

Erin Fure, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
Forum Place, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
*(via electronic mail)*

Thomas Wyatt, Esquire  
Michael A. Thom, Esquire  
Obermayer, Rebmann, Maxwell & Hippel  
LLP  
1500 Market Square Suite 3400  
Philadelphia, PA 19102  
*(via electronic mail)*

Respectfully Submitted,



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David P. Zambito, Esquire (PA ID 80017)  
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**Attorneys for**  
***Pennsylvania-American Water Company***

**66 Pa. C.S. Section 1329 Application Completeness Review**  
**Pennsylvania-American Water Company – Wastewater Division Acquisition of**  
**Valley Township Wastewater System Assets at Docket No. A-2020-3020178**

**Missing Application Information – Second Review (Set 2)**

21. Checklist Item No. 12 – Number 2 of the Application Completeness Review requested a revised pro forma tariff supplement containing a rate equal to the existing rates of the seller at the time of acquisition or other supporting documentation evidencing that Valley Township (Valley) will change the rates charged to the customers identified in Standard Data Request No. 6 to match proposed tariff rates prior to closing. In response, PAWC-WD averred that Valley Township will adopt an ordinance prior to PAWC ownership that will establish that the Westwood Fire Company will no longer receive free wastewater service. However, no supporting documentation was provided. Please amend the Application’s Appendix A-12 to include a proposed tariff containing a rate equal to the existing rates of seller at the time of acquisition for all customers.

**Response:** No tariff change is necessary due to Valley Township’s commitment to adopt an ordinance with PAWC’s rates for fire service at a future Valley Township meeting prior to closing.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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22. Checklist Item No. 16.a – Number 9 of the Application Completeness Review requested a revised requested service territory map that is consistent with the applicable Act 537 Official Sewage Facilities Plan (Act 537 Plan) for each affected municipality. PAWC-WD’s response referred to a map attached in the beginning of Amended Appendix A-22-a. However, a revised service territory map was not provided in the Amended Appendix A-22-b and Amending Appendix A-22-b does not amend Appendix A-16-a. Please amend the Application’s Appendix A-16-a to include a revised requested service territory map that is consistent with the applicable Act 537 Official Sewage Facilities Plan (Act 537 Plan) for each affected municipality.

**Response:** Please see **Second Amended Appendix A-22-b** for an updated Act 537 Plan which is a Regional Act 537 Plan which inclusive of the affected municipalities.

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23. Checklist Item No. 20.b – Number 12.a of the Application Completeness Review requested PAWC-WD provide copies of any DEP Water Quality Management (WQM) permits and permit amendments for the Country Ridge Pump Station. PAWC-WD’s response indicated that Valley could not locate the first amendment to the Country Ridge Pump Station WQM permit. Please provide a copy of the original DEP WQM permit for the Country Ridge Pump Station and explain why a copy of the amended permit cannot be obtained from DEP and filed with the Commission.

**Response:** Please see **Second Amended Appendix A-20-b** which includes the is a copy of the permit application submitted by Valley Township to DEP on February 5, 2021.

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24. Checklist Item No. 22.a – Number 14 of the Application Completeness Review requested evidence the extent of the boundaries of the requested service territory depicted in Exhibit A16-a are compliant with the Act 537 Plans for Valley, Sadsbury, East Fallowfield and West Caln Townships. PAWC-WD’s response refers to the Application’s Amended Appendix A-22-b and a letter from Valley that was to be enclosed. Amended Appendix A-22-b does not provide evidence that the extent of the boundaries of the requested service territory are compliant with the Act 537 Plan for each affected municipality and the referenced letter from Valley was not included with PAWC-WD’s response. Please amend Amended Appendix A-22-a to provide evidence the extent of the boundaries of the requested service territory are compliant with the Act 537 Plan for each affected municipality.

**Response:** Please see **Second Amended Appendix A-22-b**.



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25. Checklist Item No. 22.b. – Number 13 of the Application Completeness Review requested PAWC-WD provide evidence that the Valley Act 537 Plan has been approved by the DEP. PAWC-WD’s response included the first page of a DEP approval letter dated May 3, 2010, for the Valley Township Act 537 Official Sewage Facilities Plan. Please amend the Application’s Appendix A-22-b to provide a complete copy of the subject DEP approval letter.

**Response:** Please see **Second Amended Appendix A-22-b**.

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26. Checklist Item No. 22.b – Number 15 of the Application Completeness Review indicated that Appendix A-22-b did not include a copy of the DEP-approved Act 537 Plan for each affected municipality, including East Fallowfield, Sadsbury and West Caln Townships and requested PAWC-WD amend Appendix A-22-b to provide either a copy of the Act 537 Plan for each affected municipality or a detailed reference as to where this information may be found on file at a Commission-docketed proceeding. PAWC-WD’s response averred that the Valley Township Act 537 Plan provided is a regional plan which encompasses multiple townships and boroughs and was adopted by DEP and adopted by Valley Township. PAWC-WD further indicated the adoption letters and a map which denoted which municipalities are included, can be seen at the beginning at Amended Appendix A-22-b. However, Amended Appendix A-22-b did not include the referenced adoption letters or map. Please revise Amended Appendix A-22-b to include a copy of the DEP-approved Act 537 Plan for each affected municipality, a detailed reference as to where this information may be found on file at a Commission-docketed proceeding, or the referenced regional Act 537 Plan along with evidence of DEP approval and adoption of the plan by the affected municipalities.

**Response:** Please see attached **Second Amended Appendix A-22-b**.

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27. Checklist Item No. 22.e. – Number 18 of the Application Completeness Review requested PAWC-WD provide evidence the filing is consistent with the affected municipality and county comprehensive plans. PAWC-WD indicated two additional consistency letters from West Caln and Chester County were provided in the Amended Appendix A-22-e and that it was determined that Valley does not have wastewater service territory in East Fallowfield Township. However, the Amended Appendix A-22-e did not contain letters evidencing consistency from West Caln and Chester County, but rather duplicative information provided in response to Checklist Item No. A-18-b. Please provide copies of the letters that were to be included in the amended response to Appendix A-22-e.

**Response:** Please see **Second Amended Appendix A-22-e**.

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28. Checklist Item No. 25 – Number 19 of the Application Completeness Review indicated that the Sewage Conveyance Agreement included in Appendix A-25-a is not executed and requested PAWC-WD amend Appendix A-25-a to include an executed copy of the Sewage Conveyance Agreement. PAWC-WD’s response reference the Application’s Amended Appendix A-25. Amended Appendix A-25 indicated that the Sewage Conveyance Agreement is attached as Appendix A-25-a. Neither Appendix A-25-a nor the Application’s Amended Appendix A-25-a contain an executed copy of the Sewage Conveyance Agreement. Please revise Amended Appendix A-25-a to include an executed copy of the Sewage Conveyance Agreement.

**Response:** Please see **Second Amended Appendix A-25-a**.

**66 Pa. C.S. Section 1329 Application Completeness Review**  
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29. Checklist Item No. 25 – Number 20 of the Application Completeness Review indicated that Appendix A-24-a, Schedule 4.13 - Assigned Contracts identifies eleven agreements to be assigned to PAWC-WD and requested PAWC-WD amend Appendix A-25-a to provide copies of all municipal and affiliate contracts to be assumed by PAWC-WD as part of the acquisition and list the annual dollar value of other contracts. PAWC-WD's response referenced the Application's Amended Appendix A-25. Amended Appendix A-25 indicated that ten municipal and affiliate contracts to be assumed by PAWC-WD as part of the acquisition are attached as Appendix A-25-a. Neither Appendix A-25-a nor the Application's Amended Appendix A-25-a include copies of these ten municipal and affiliate contracts to be assumed by PAWC-WD. Please revise Amended Appendix A-25-a to include copies of the municipal and affiliate contracts to be assumed by PAWC-WD as part of the acquisition identified in Amended Appendix A-25.

**Response:** Please see **Second Amended Appendix A-25-a**.