



March 29, 2021

VIA E-FILING

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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-Wastewater Division under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, for the Acquisition of Royersford Borough's Wastewater System Assets; Docket No. A-2020-3019634, et al.

Pennsylvania-American Water Company's Replies to Exceptions

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission are the Replies to Exceptions of Pennsylvania-American Water Company in the above-referenced matter. Copies of this correspondence are being served on all parties, as indicated on the enclosed Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please direct them to me.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito
Counsel for *Pennsylvania-American Water Company*

Enclosures

cc: Hon. Marta Guhl
Ra-OSA@pa.gov
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water :
Company-Wastewater Division under Section 1329 :
of the Pennsylvania Public Utility Code, 66 Pa. C.S. : Docket No. A-2020-3019634
§ 1329, for the Acquisition of Royersford Borough's :
Wastewater System Assets :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served true copies of **Pennsylvania-American Water Company's Replies to Exceptions**, 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**

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Respectfully submitted,



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Date: March 29, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge
Marta Guhl

Application of Pennsylvania-American Water :
Company-Wastewater Division under Section 1329 :
of the Pennsylvania Public Utility Code, 66 Pa. C.S. : Docket No. A-2020-3019634, *et al.*
§ 1329, for the Acquisition of Royersford :
Borough's Wastewater System Assets :

PENNSYLVANIA-AMERICAN WATER COMPANY'S
REPLIES TO EXCEPTION OF THE
OFFICE OF CONSUMER ADVOCATE

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Counsel for *Pennsylvania-American Water Company*

Dated: March 29, 2021

AND NOW COMES Pennsylvania-American Water Company (“PAWC” or the “Company”), by and through its counsel, pursuant to 52 Pa. Code § 5.535, to submit these Replies to the Exception filed by the Office of Consumer Advocate (“OCA”) on March 26, 2021. That Exception pertains to the Recommended Decision (the “Recommended Decision” or “R.D.”) issued by Administrative Law Judge Marta Guhl (the “ALJ”) on March 16, 2021, in which the ALJ recommended that the Pennsylvania Public Utility Commission (“Commission”) approve PAWC’s application (the “Application”) regarding the purchase of the wastewater system (the “System”) presently owned by Royersford Borough (“Royersford”), as modified by the Joint Petition for Approval of Settlement of All Issues (“Settlement”).

OCA was a signatory to the Settlement, which was joined by all active Parties to this proceeding except for one consumer complainant who elected active party status. In its Exception, OCA makes clear that it is not withdrawing from the Settlement and that it fully supports the ALJ’s recommendation to approve the Application, as modified by the Joint Petition. OCA’s Exception p. 1. Nevertheless, OCA asks the Commission to clarify or refrain from adopting two Findings of Fact in the Recommended Decision. PAWC respectfully submits that the Commission should adopt the Recommended Decision. Further, because PAWC understands OCA’s request to be one of clarification rather than a challenge to the Settlement or a substantive modification of the Recommended Decision, PAWC does not object to the clarification requested by OCA.

I. PAWC’s Replies to Exception: PAWC Does Not Oppose OCA’s Request that the Commission Not Adopt Findings of Fact 71 and 73

In its Exception No. 1, OCA states that the ALJ made certain Findings of Fact based on PAWC’s Statement in Support of the Settlement. R.D. p. 14. OCA does not agree with Findings of Fact Nos. 71 and 73 and asks that the Commission not adopt those findings.

PAWC continues to believe that the preponderance of the evidence supports Findings of Fact Nos. 71 and 73, and that the ALJ properly adopted those Findings of Fact. Nevertheless, in the interest of compromise and in order to expedite the final resolution of this proceeding, PAWC does not object to OCA's Exception No. 1 asking that the Commission clarify or not adopt Findings of Fact Nos. 71 and 73. Even without these Findings of Fact, there is still substantial evidence in the record, as agreed-to by the Parties, to support a Commission determination that the Settlement is in the public interest and PAWC's purchase of the System (the "Transaction") will affirmatively promote the service, accommodation, convenience or safety of the public in some substantial way. *City of York v. Pa. Pub. Util. Comm'n*, 449 Pa. 136, 151, 295 A.2d 825, 828 (1972).

II. Conclusion

WHEREFORE, for all of the reasons set forth above, Pennsylvania-American Water Company respectfully requests that the Commission adopt the Recommended Decision approving the Application as modified by the Settlement. PAWC has no objection to the clarification requested by OCA.

Respectfully submitted,



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