

**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 Upper :  
Pottsgrove Township’s assets, properties and rights :  
related to its wastewater collection and conveyance : Docket No. A-2020-3021460, *et al.*  
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 Upper Pottsgrove Township, :  
Montgomery County and a portion of Douglass :  
Township, Berks County, Pennsylvania

**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 UPPER POTTS GROVE TOWNSHIP AND THE HONORABLE JEFFREY A. WATSON ADMINISTRATIVE LAW JUDGE.

Dated: April 26, 2021

/s/ James J. Rodgers  
James J. Rodgers, Esquire  
PA Attorney Id. No.: 21635  
Marc A. Feller, Esquire  
PA Attorney Id. No.: 19545  
DILWORTH PAXSON LLP  
1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
Tel: 215-575-7143  
jrodgers@dilworthlaw.com  
mfeller@dilworthlaw.com



Commonwealth of Pennsylvania, with a business address of 1409 Farmington Avenue, Pottstown, PA 19464.

2. The Township is a party interested in the above-captioned docket, as it is the owner of the community wastewater system assets for which PAW seeks approval to acquire; and it is a party to the Asset Purchase Agreement (the “APA”) under which PAW seeks approval.

3. The Township supports the Application filed by PAW at this docket.

4. 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 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.

5. The Township seeks intervention in the proceeding for due cause shown for the following reasons:

(a) The Township is the present owner and operator of the wastewater system proposed for sale to PAW which provides wastewater service to the public in the Township and to two customers in Douglass Township, Berks County;

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

(c) The Application of PAW relies on the Township’s offer for sale of the wastewater system.

6. The Township 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.

7. As a seller of the wastewater system, the Township submits that it is an indispensable party to this Application and that its intervention is in the public interest.

8. The Township intends to play an active role in the PUC's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE, Upper Pottsgrove Township respectfully requests that the Commission grant the instant Petition for Intervention in the above-captioned proceeding.

Respectfully submitted,

Dated: April 26, 2021

/s/ James J. Rodgers

James J. Rodgers, Esquire  
PA Attorney Id. No.: 21635  
Marc A. Feller, Esquire  
PA Attorney Id. No.: 19545  
DILWORTH PAXSON LLP  
1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
Tel: 215-575-7143  
jrodgers@dilworthlaw.com  
mfeller@dilworthlaw.com

## VERIFICATION

I, Trace Slinkerd, President of the Upper Pottsgrove Township Board of Commissioners, hereby verify that the statements made in the foregoing petition are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities.



---

Trace Slinkerd  
President  
Upper Pottsgrove Township Board of Commissioners

Dated: April 20, 2021

**CERTIFICATE OF SERVICE**

I 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 §1.54 (relating to service by a party).

DAVID P ZAMBITO ESQUIRE  
JONATHAN NASE ESQUIRE  
COZEN O'CONNOR  
17 NORTH SECOND ST SUITE 1410  
HARRISBURG PA 17101  
**717-703-5892**  
**717-773-4191**  
dzambito@cozen.com  
jnase@cozen.com  
Accepts EService  
*Representing Pennsylvania American Water Company*

ELIZABETH ROSE TRISCARI ESQUIRE  
PENNSYLVANIA AMERICAN WATER COMPANY  
852 WESLEY DRIVE  
MECHANICSBURG PA 17055  
**717-550-1574**  
Elizabeth.Triscari@amwater.com  
Accepts EService

GINA MILLER ESQUIRE  
PA PUC BUREAU OF INVESTIGATION AND ENFORCEMENT  
400 North Street  
HARRISBURG PA 17120  
**717-783-8754**  
ginmiller@pa.gov  
Accepts EService

ERIN FURE  
OFFICE OF SMALL BUSINESS ADVOCATE  
FORUM PLACE  
555 WALNUT STREET 1ST FLOOR  
HARRISBURG PA 17101  
**717-783-2525**  
efure@pa.gov  
Accepts EService

ERIN L GANNON ESQUIRE  
CHRISTINE M HOOVER ESQUIRE  
HARRISON W BREITMAN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
555 WALNUT STREET 5TH FLOOR  
FORUM PLACE  
HARRISBURG PA 17101  
**717-783-5048**

egannon@paoca.org  
choover@paoca.org  
hbreitman@paoca.org  
Accepts EService

Dated: April 26, 2021

/s/ James J. Rodgers

James J. Rodgers, Esquire  
PA Attorney Id. No.: 21635  
Marc A. Feller, Esquire  
PA Attorney Id. No.: 19545  
DILWORTH PAXSON LLP  
1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
Tel: 215-575-7143  
jrodgers@dilworthlaw.com  
mfeller@dilworthlaw.com