



May 19, 2021

**VIA E-FILE**

**David P. Zambito**

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

**Re: 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 Valley Township's assets, properties and rights related to its water treatment and distribution system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in Valley Township, a portion of West Caln and East Fallowfield Townships, Chester County, Pennsylvania; Docket Nos. A-2020-3019859 *et al.***

**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 Valley Township's assets, properties and rights related to its wastewater collection and conveyance 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 Valley Township, and limited portions of East Fallowfield Township, Sadsbury Township, and West Caln Township, Chester County, Pennsylvania; Docket No. A-2020-3020178 *et al.***

### **Motion to Consolidate of Pennsylvania-American Water Company**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the Motion to Consolidate of Pennsylvania-American Water Company ("PAWC") in the above-referenced proceedings. Copies are being served as shown on the attached certificate of service.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "David P. Gamba".

Counsel for *Pennsylvania-American Water Company*

DPZ:kmg

Enclosure

cc: Administrative Law Judge Conrad A. Johnson  
Administrative Law Judge Emily I. DeVoe  
Nick Miskanic  
Per Certificate of Service  
Susan Simms Marsh, Esq.

**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 Valley Township's assets, properties and rights related to its water treatment and distribution system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in Valley Township, a portion of West Caln and East Fallowfield Townships, Chester County, Pennsylvania :  
: Docket No. A-2020-3019859, *et al.*

and

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 Valley Township's assets, properties and rights related to its wastewater collection and conveyance 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 Valley Township, and limited portions of East Fallowfield Township, Sadsbury Township and West Caln Township, Chester County, Pennsylvania :  
: Docket No. A-2020-3020178, *et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 19<sup>th</sup> day of May, 2021 served a true copy of the foregoing **Motion to Consolidate of Pennsylvania-American Water Company** 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 Pandemic, Service is Being Made by E-Mail Only**

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Respectfully submitted,



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**Attorneys for *Pennsylvania-American Water Company***

Date: May 19, 2021

## VERIFICATION

I, Scott D. Fogelsanger, hereby state that the facts set forth above 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 herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 5/19/2021

Scott D. Fogelsanger

**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 Valley Township’s assets, properties and rights :  
related to its water treatment and distribution system to : Docket No. A-2020-3019859, *et*  
Pennsylvania-American Water Company, and (2) the rights of : *al.*  
Pennsylvania-American Water Company to begin to offer or :  
furnish water service to the public in Valley Township, a portion of :  
West Caln and East Fallowfield Townships, Chester County, :  
Pennsylvania. :

and

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 Valley Township’s assets, properties and rights : Docket No. A-2020-3020178, *et*  
related to its wastewater collection and conveyance system to : *seq.*  
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, and limited :  
portions of East Fallowfield Township, Sadsbury Township, and :  
West Caln Township, Chester County, Pennsylvania. :

**NOTICE TO PLEAD**

YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE REGULATIONS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT 52 PA. CODE § 5.61(a), YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION TO CONSOLIDATE WITH THE SECRETARY’S BUREAU OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION AT THE FOLLOWING ADDRESS:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Filing Room (2nd Floor)  
P.O. Box 3265  
Harrisburg, PA 17105-3265

AN ANSWER MAY BE FILED WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE OF THIS MOTION. FOR MORE INFORMATION REGARDING THE FILING OF AN ANSWER, PLEASE CONTACT THE SECRETARY’S BUREAU AT (717) 772-7777. A COPY OF ANY ANSWER SHOULD BE SERVED ON THE UNDERSIGNED COUNSEL.



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Counsel for *Pennsylvania-American Water  
Company*

Date: May 19, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Administrative Law Judge Conrad A. Johnson  
Administrative Law Judge Emily I. DeVoe

---

In re: Application of Pennsylvania-American Water Company :  
under Section 1102(a) of the Pennsylvania Public Utility Code, 66 :  
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furnish water service to the public in Valley Township, a portion of :  
West Caln and East Fallowfield Townships, Chester County, :  
Pennsylvania. :

and

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Pa C.S. § 1102(a), for approval of (1) the transfer, by sale, of :  
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related to its wastewater collection and conveyance system to : *al.*  
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, and limited :  
portions of East Fallowfield Township, Sadsbury Township, and :  
West Caln Township, Chester County, Pennsylvania. :

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**MOTION TO CONSOLIDATE OF  
PENNSYLVANIA-AMERICAN WATER COMPANY**

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AND NOW COMES Pennsylvania-American Water Company (“PAWC”), by and through its  
counsel, Cozen O’Connor, pursuant to 52 Pa. Code § 5.81, to file this Motion to Consolidate (“Motion”)  
the above-referenced matters. In support thereof, PAWC avers as follows:



## **I. Introduction and Summary**

1. On October 9, 2020, PAWC filed an application pursuant to Sections 507, 1102 and 1329 of the Pennsylvania Public Utility Code (“Code”), 66 Pa. C.S. §§ 507, 1102 and 1329, to acquire the water treatment and distribution system (“Water System”) currently owned by Valley Township (“Valley”). This filing was assigned Docket Number A-2020-3019859. This Application was conditionally accepted by the Commission by Secretarial Letter dated March 19, 2021 and was finally accepted by Secretarial Letter dated May 18, 2021.

2. Also on October 9, 2020, PAWC filed an application pursuant to Sections 507, 1102 and 1329 of the Code, 66 Pa. C.S. §§ 507, 1102 and 1329, to acquire the wastewater collection and conveyance system (“Wastewater System”) currently owned by Valley. This filing was assigned Docket Number A-2020-3020178. This Application was conditionally accepted by the Commission by Secretarial Letter dated March 19, 2021 and was finally accepted by Secretarial Letter dated May 18, 2021.

## **II. Motion to Consolidate**

3. PAWC respectfully requests that Administrative Law Judges Conrad A. Johnson and Emily I. DeVoe (together, the “Administrative Law Judges” or “ALJs”) consolidate the proceedings at the above-referenced docket numbers because the proceedings involve common questions of law and fact.

4. In terms of common questions of fact, both applications concern PAWC’s acquisition of a utility system from Valley. Valley’s Water System and its Wastewater System (together, the “Systems”) serve similar service territories. PAWC expects that the same parties will be involved in both proceedings, and will present the same witnesses in both proceedings. In addition, some of the witnesses’ testimony will be identical because of the common questions of law in these proceedings (*e.g.*, PAWC’s financial fitness to acquire the Systems). See ¶ 5, *infra*.

5. In terms of common questions of law, both cases seek Commission approval of PAWC’s acquisition of utility assets from Valley pursuant to Sections 507, 1102 and 1329 of the Code. As a result, both cases will involve the following questions of law:

a. Whether PAWC is legally, technically and financially fit to own and operate the Systems presently owned by Valley;

b. Whether granting a certificate of public convenience for the proposed acquisition of the Systems is necessary or proper for the service, accommodation, convenience or safety of the public;

c. Whether the proposed acquisition of the Systems will affirmatively promote the public interest in some substantial way; and

d. Whether PAWC should be permitted to assume certain contracts with municipalities in connection with the proposed acquisitions.

6. Considering the common questions of law and fact, consolidating these proceedings would promote administrative efficiency and conserve scarce resources for the Commission and the parties.

7. Failing to consolidate these proceedings would present a risk of inconsistent decisions. It is important to Valley that it sell both Systems to one utility. Similarly, it is important to PAWC that it purchase both Systems. PAWC and Valley only filed separate applications for the Water System and the Wastewater System because the Commission will not accept one application for two different types of utility systems.

8. Before filing this Motion, counsel for PAWC shared a draft of the Motion with counsel for the Office of Consumer Advocate (“OCA”), the Bureau of Investigation and Enforcement (“I&E”), the Office of Small Business Advocate (“OSBA”), and Valley. Those attorneys authorized the undersigned counsel to represent that they have no objection to the Motion, so long as all parties, the ALJs and the Commission recognize that OCA, I&E and the OSBA are not waiving any rights to any positions any party may take in these docketed proceedings, whether consolidated or not.

### III. CONCLUSION

WHEREFORE, for the foregoing reasons, Pennsylvania-American Water Company requests that the Administrative Law Judges consolidate the proceedings at Docket Nos. A-2020-3019859 and A-2020-3020178.

Respectfully submitted,



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Date: May 19, 2021