



June 9, 2021

VIA E-FILING

David P. Zambito

Direct Phone 717-703-5892
Direct Fax 215-989-4216
dzambito@cozen.com

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

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 Upper Pottsgrove 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 Upper Pottsgrove Township, Montgomery County and a portion of Douglass Township, Berks County, Pennsylvania; Docket No. A-2020-3021460 et al.

Joint Stipulation for the Admission of Evidence

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the Joint Stipulation for Admission of Evidence. A copy of this filing is being served in accordance with the attached Certificate of Service.

Thank you for your attention to this filing. Please contact me if you have any question or concern.

Sincerely,

COZEN O'CONNOR

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

DPZ/kmg
Enclosure

cc: Honorable Jeffrey A. Watson
Nicholas Miskanic, Legal Assistant
Per Certificate of Service
Elizabeth Rose Triscari, Esq.

**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 : Docket No. A-2020-3021460, *et*
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 Upper Pottsgrove Township, :
Montgomery County and a portion of Douglass :
Township, Berks County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of June 2021 served a true copy of the foregoing **Joint Stipulation for the Admission of Evidence** on 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

Erin K. Fure, Esq.
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
*Counsel for Office of Small Business
Advocate*
efure@pa.gov

Gina L. Miller, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
*Counsel for Bureau of Investigation
and Enforcement*
ginmiller@pa.gov

Christine Maloni Hoover, Esq.
Erin L. Gannon, Esq.
Harrison W. Breitman, Esq.
Senior Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
Counsel for Office of Consumer Advocate
CHoover@paoca.org
EGannon@paoca.org
HBreitman@paoca.org

Vincent M. Pompo, Esq.
Lamb McErlane, PC
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
*Counsel for Pottstown Borough Authority
and Borough of Pottstown*
vpompo@lambmcerlane.com

Gregg I. Adelman, Esq.
Kaplin Stewart Meloff Reiter & Stein, P.C.
Union Meeting Corporate Center
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422-0765
Counsel for *Shadeland Development Corporation*
GAdelman@KAPLAW.com

James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
Counsel for *Upper Pottsgrove Township*
jrodgers@dilworthlaw.com
mfeller@dilworthlaw.com
epreatehavey@dilworthlaw.com

Respectfully submitted,



David P. Zambito, Esquire (PA ID 80017)
Jonathan P. Nase, Esquire (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892
dzambito@cozen.com
jnase@cozen.com

Attorneys for *Pennsylvania-American Water Company*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Jeffrey A. Watson**

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 : Docket No. A-2020-3021460, *et al.*
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 Upper Pottsgrove Township, :
Montgomery County and a portion of Douglass :
Township, Berks County, Pennsylvania :

JOINT STIPULATION FOR THE ADMISSION OF EVIDENCE

AND NOW COME Pennsylvania-American Water Company (“PAWC”), the Office of Consumer Advocate (“OCA”), the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement (“I&E”), the Office of Small Business Advocate (“OSBA”), Upper Pottsgrove Township (“Upper Pottsgrove”), Shadeland Development Corporation (“Shadeland”), and the Pottstown Borough Authority and the Borough of Pottstown (together, “PBA/BP”), being all the active parties to the above-captioned proceeding (hereinafter, collectively referred to as the “Stipulating Parties”), to file this “Joint Stipulation for the Admission of Evidence” (“Stipulation”). In support of the Stipulation, the Stipulating Parties represent as follows:

I. Background

1. Hearings were scheduled in this matter for June 10 and 11, 2021.
2. There is no dispute in this matter regarding the authenticity of and admission into the evidentiary record of the testimony and exhibits previously served by the Stipulating Parties.
3. The Stipulating Parties have agreed to waive cross-examination of all witnesses.
4. In lieu of a hearing, the Stipulating Parties have agreed to submit this Stipulation.

II. Stipulation of Evidence

5. The Stipulating Parties hereby jointly stipulate to the authenticity of and admission into the evidentiary record in this matter of the filings, statements, and exhibits listed below. All such filings, statements, and exhibits are authenticated by verifications from each supporting witness.

A. PAWC Statements and Exhibits

1. a. PAWC Statement No. 1 – Direct Testimony of Scott D. Fogelsanger, PAWC Statement No. 1, with PAWC Exhibit SDF-1 and PAWC Exhibit SDF-2 (this Exhibit is the Application, as amended, which was previously filed with the Secretary of the Pennsylvania Public Utility Commission).

b. PAWC Statement No. 1-R – Rebuttal Testimony of Scott D. Fogelsanger, PAWC Statement No. 1-R.

2. PAWC Statement No. 2 – Direct Testimony of Michael J. Guntrum, P.E. and PAWC Exhibits MJG-1 through MJG-3.

3. PAWC Statement No. 3 – Direct Testimony of Rod P. Nevirauskas, with PAWC Exhibit RPN-1.

4. PAWC Statement No. 4 – Direct Testimony of Jerome C. Weinert, PE, ASA, CDP, with PAWC Exhibit JCW-1.

B. Upper Pottsgrove Statements and Exhibits

1. a. Upper Pottsgrove Statement No. 1 – Direct Testimony of Trace Slinkerd, with UPT Exhibit TS-1.

b. Upper Pottsgrove Statement No. 1-R – Rebuttal Testimony of Trace Slinkerd.

2. Upper Pottsgrove Statement No. 2.0 – Direct Testimony of Harold Walker, III, with Appendix A.

C. PBA/BP

1. PBA/BP St. No. 1 – Direct Testimony of Justin M. Keller, with Exhibits A through F.

D. Shadeland

1. a. Direct Testimony of Richard Mingey, with Exhibits A through C.

6. This Stipulation is being presented only to move for the admission of evidence in the above-captioned proceeding. Regardless of whether this Stipulation is approved, no adverse inference shall be drawn, nor shall prejudice result to any Stipulating Party in this or any future proceeding as a consequence of this Stipulation, or any of its terms or conditions.

7. Verified Direct Statements and Exhibits of PAWC and Upper Pottsgrove were previously filed with the Commission’s Secretary’s Bureau. “Confidential” materials filed with the Secretary’s Bureau of the Commission by the Stipulating Parties have been so marked and should be placed in non-public folders by the Secretary’s Bureau. One electronic copy of the

remaining statements and exhibits listed in Paragraph 5 above, together with verifications from the supporting witnesses and the Presiding Officer's order granting this Stipulation, will be filed with the Secretary's Bureau for inclusion in the official case record upon approval of this Stipulation. Additionally, the Stipulating Parties shall ensure that electronic copies of statements and exhibits are filed with the Commission's Secretary as required by 52 Pa. Code § 5.412a (regarding "Electronic submission of pre-served testimony").

8. Attached hereto as **Appendix A** is a proposed "Order Granting Joint Stipulation for the Admission of Evidence" for consideration by the Presiding Officer.

III. Request for Relief

WHEREFORE, the Stipulating Parties, by their respective counsel, respectfully request that the Honorable Administrative Law Judge Jeffrey A. Watson admit the foregoing statements and exhibits into the record in this proceeding on the terms and conditions set forth in this Stipulation.

[Signatures appear on next page.]

Respectfully submitted,



David P. Zambito, Esq. (PA ID 80017)
Jonathan P. Nase, Esq. (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892

Elizabeth Rose Triscari, Esq. (PA ID 306921)
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
(717) 550-1574

*Counsel for Pennsylvania-American
Water Company*

Christine Maloni Hoover, Esq. (PA ID 50026)
Erin L. Gannon, Esq. (PA ID 83487)
Harrison W. Breitman, Esq. (PA ID 320580)
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

Counsel for Office of Consumer Advocate

Erin Fure (PA ID 312245)
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

*Counsel for Office of Small Business
Advocate*



James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
(215) 575-7143

Counsel for Upper Pottsgrove Township

Gina Miller, Esq., (PA ID 313863)
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-8754

*Counsel for Bureau of Investigation and
Enforcement*

Vincent Pompo, Esq. (PA ID 37714)
Lamb McErlane
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
(610) 430-8000

*Counsel for Pottstown Borough Authority and
Borough of Pottstown*

Respectfully submitted,

David P. Zambito, Esq. (PA ID 80017)
Jonathan P. Nase, Esq. (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892

Elizabeth Rose Triscari, Esq. (PA ID 306921)
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
(717) 550-1574

*Counsel for Pennsylvania-American
Water Company*

Harrison Breitman

Christine Maloni Hoover, Esq. (PA ID 50026)
Erin L. Gannon, Esq. (PA ID 83487)
Harrison W. Breitman, Esq. (PA ID 320580)
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

Counsel for Office of Consumer Advocate

Erin Fure (PA ID 312245)
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

*Counsel for Office of Small Business
Advocate*

James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
(215) 575-7143

Counsel for Upper Pottsgrove Township

Gina Miller, Esq., (PA ID 313863)
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-8754

*Counsel for Bureau of Investigation and
Enforcement*

Vincent Pompo, Esq. (PA ID 37714)
Lamb McErlane
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
(610) 430-8000

*Counsel for Pottstown Borough Authority and
Borough of Pottstown*

Respectfully submitted,

David P. Zambito, Esq. (PA ID 80017)
Jonathan P. Nase, Esq. (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892

Elizabeth Rose Triscari, Esq. (PA ID 306921)
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
(717) 550-1574

*Counsel for Pennsylvania-American
Water Company*

Christine Maloni Hoover, Esq. (PA ID 50026)
Erin L. Gannon, Esq. (PA ID 83487)
Harrison W. Breitman, Esq. (PA ID 320580)
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

Counsel for Office of Consumer Advocate

Erin Fure (PA ID 312245)
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

*Counsel for Office of Small Business
Advocate*

James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
(215) 575-7143

Counsel for Upper Pottsgrove Township



Gina Miller, Esq., (PA ID 313863)
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-8754

*Counsel for Bureau of Investigation and
Enforcement*

Vincent Pompo, Esq. (PA ID 37714)
Lamb McErlane
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
(610) 430-8000

*Counsel for Pottstown Borough Authority and
Borough of Pottstown*

Respectfully submitted,

David P. Zambito, Esq. (PA ID 80017)
Jonathan P. Nase, Esq. (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892

Elizabeth Rose Triscari, Esq. (PA ID 306921)
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
(717) 550-1574

*Counsel for Pennsylvania-American
Water Company*

Christine Maloni Hoover, Esq. (PA ID 50026)
Erin L. Gannon, Esq. (PA ID 83487)
Harrison W. Breitman, Esq. (PA ID 320580)
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

Counsel for Office of Consumer Advocate

Erin K. Fure

Erin Fure (PA ID 312245)
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

*Counsel for Office of Small Business
Advocate*

James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
(215) 575-7143

Counsel for Upper Pottsgrove Township

Gina Miller, Esq., (PA ID 313863)
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-8754

*Counsel for Bureau of Investigation and
Enforcement*

Vincent Pompo, Esq. (PA ID 37714)
Lamb McErlane
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
(610) 430-8000

*Counsel for Pottstown Borough Authority and
Borough of Pottstown*

Respectfully submitted,

David P. Zambito, Esq. (PA ID 80017)
Jonathan P. Nase, Esq. (PA ID 44003)
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
(717) 703-5892

Elizabeth Rose Triscari, Esq. (PA ID 306921)
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
(717) 550-1574

*Counsel for Pennsylvania-American
Water Company*

Christine Maloni Hoover, Esq. (PA ID 50026)
Erin L. Gannon, Esq. (PA ID 83487)
Harrison W. Breitman, Esq. (PA ID 320580)
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

Counsel for Office of Consumer Advocate

Erin Fure (PA ID 312245)
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

*Counsel for Office of Small Business
Advocate*

James J. Rodgers, Esq. (PA ID 21635)
Marc A. Feller, Esq. (PA ID 19545)
Elizabeth Preate Havey, Esq. (PA ID 80793)
DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
(215) 575-7143


Counsel for Upper Pottsgrove Township

Gina Miller, Esq., (PA ID 313863)
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-8754

*Counsel for Bureau of Investigation and
Enforcement*

Vincent Pompo, Esq. (PA ID 37714)
Lamb McErlane
24 E. Market Street
P.O. Box 565
West Chester, PA 19381
(610) 430-8000

*Counsel for Pottstown Borough Authority and
Borough of Pottstown*



Gregg I. Adelman, Esq. (PA ID 84137)
Robert M. Tucker, Esq. (PA ID 318586)
Kaplin Stewart
Union Meeting Corporate Center
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422-0765
(610) 941-2484

*Counsel for Shadeland Development
Corporation*

APPENDIX A

**FORM OF ORDER GRANTING
JOINT STIPULATION FOR THE ADMISSION OF EVIDENCE**

**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 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 :

Docket No. A-2020-3021460, *et al.*

**ORDER GRANTING JOINT STIPULATION
FOR ADMISSION OF EVIDENCE**

On June 9, 2021, Pennsylvania-American Water Company, the Office of Consumer Advocate, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, the Office of Small Business Advocate, Upper Pottsgrove Township, Shadeland Development Corporation, Pottstown Borough Authority and the Borough of Pottstown (collectively, the “Stipulating Parties”) filed a “Joint Stipulation for the Admission of Evidence” (“Stipulation”) in the above-captioned proceeding. Each of the Stipulating Parties stipulated to the authenticity of the statements and exhibits listed in the Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. Certain filings contain information marked as “Confidential.” The Stipulating Parties requested that such materials be placed in non-public folders by the Secretary’s Bureau. The Stipulation is attached to this Order.

As this request is reasonable, it will be granted.

THEREFORE, IT IS ORDERED:

1. That the Stipulation, filed on June 9, 2021, is APPROVED;
2. The statements and exhibits listed therein are admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation;
3. That one electronic copy of each filing, statement and exhibit listed in the Stipulation, together with accompanying verifications and a copy of this Order, be filed with the Secretary's Bureau of the Commission, unless previously filed; and,
4. That all filings designated as "Confidential" be placed in non-public folders by the Secretary's Bureau of the Commission.

Date: _____

Jeffrey A. Watson
Administrative Law Judge