

THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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June 10, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

In re: Docket No. A-2021-3024267

Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of Lower Makefield Township

Dear Secretary Chiavetta:

We are counsel to Aqua Pennsylvania Wastewater, Inc. (“Aqua”, “APW” or “Company”) in connection with its above referenced Application, filed with the Public Utility Commission (“Commission”) on May 14, 2021, pursuant to Sections 1102, 1329 and 507 of the Public Utility Code, for approval of the acquisition of the wastewater system assets of Lower Makefield Township. The Bureau of Technical Utility Services is reviewing the Application and has asked that we address certain requests for additional information. Aqua addressed several of the Bureau’s information requests in a letter filed on June 9, 2021. The remaining requests are addressed below.

INFORMATION REQUEST 1:

Checklist Item No. 4 – The Application’s Exhibit Z, Standard Data Request No. 20.d. requires Aqua Pennsylvania Wastewater, Inc.’s (APW’s) estimated costs for remediation associated with compliance issues. APW’s response to Standard Data Request No. 20.d. references the Application’s Exhibit V, Page 12. The Application’s Exhibit V, Page 12 indicated Lower Makefield Township (LTM) operates under the Corrective Action Plan (CAP) of Bucks County and that APW will continue to comply with the schedule of work set forth in the most recent CAP update dated March 19, 2021. However, the response does not provide APW’s estimated costs to comply with this required remediation. Please amend the Application’s Exhibit Z, Standard Data Request No. 20.d. to quantify APW’s estimated costs for remediation associated with compliance to the CAP.

RESPONSE:

Please see the CAP provided in the Application as Exhibit O3, page 19, which provides an estimate of \$200,000 per year for the next seven years to reduce inflow and infiltration (“I&I”) from the Neshaminy Interceptor Service Area.

INFORMATION REQUEST 5:

Checklist Item No. 15.c – The Application’s Section III identified the permitted capacity of the Municipal Authority of the Borough of Morrisville Wastewater Treatment Plant (MABM WWTP) and the Philadelphia Water Department Northeast Water Pollution Control Plant (PWD NEWPCP). However, the Application’s Section III listed 14 pump stations, each requiring a permit(s) issued by the Pennsylvania Department of Environmental Protection (DEP). Please amend the Application to state the DEP permitted capacity of each pump station.

RESPONSE:

The WQM permits in the Township’s possession do not state permitted capacity for the pump stations. Annual average capacity was determined since there is no permitted capacity. Annual average capacity was determined through a drawdown test of each pump station and then divided by the DEP required peak factor for the respective pump station size. The annual average capacity is stated within the Chapter 94 Reports for the LMT pump stations included with the application as Exhibit E1 (see PDF pages 47 of 221, 87 of 221, and 203 of 221). The Stackhouse Drive pump station is a small ejector station, where the wet well and pumps are being replaced during the summer of 2021. The pump station capacity will be 102 gallons per minute.

INFORMATION REQUEST 11:

Checklist Item No. 22.a - The Application’s Exhibit P2 included Map No. 1 titled “General Plan of Sanitary Sewers with Services Area” revision dated August 17, 2018 (Services Area Plan). The Services Area Plan depicts a black hatched area in Cell M8 not defined in the sewer service area legend with an arrow indicating “Township of Falls Authority” and appears to remove this area from LMT’s service territory. Please provide a copy the DEP- approved Sewage Facilities Planning Module(s) or other DEP-approved documents specifically addressing this area and assigning the responsibility for sewerage to the Township of Falls Authority. Also, if the black hatched area was removed from LMT’s service territory, please amend the Application’s Exhibit A to conform with LMT’s DEP- approved sewage planning area.

RESPONSE:

The black hatched area identifies parcels that are split by the boundary between LMT and Falls Township. The property buildings are located in Falls Township and the Township of Falls Authority provides sewer service to those properties. An updated Exhibit A, Requested Territory Map, is included with this letter to exclude those parcels.

INFORMATION REQUEST 13:

Checklist Item No. 24.a – The Application’s Exhibit B included Schedule 12.01(b) titled “Contracts to be Amended prior to Closing”. Schedule 12.01(b) identified an agreement titled, “Agreement dated September 1, 1977 by and among Municipal Authority of the Borough of

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Morrisville, Borough of Yardley, Yardley Borough Sewer Authority, [LMT] and Municipal Sewer Authority of the Township of Lower Makefield, as amended from time to time.” (September 1977 Agreement). Please provide either an executed or a pro forma copy of the September 1977 Agreement, as amended pursuant to Section 12.01(b) of the APA.

RESPONSE:

The Company will be taking assignment of the existing agreement provided in the Application as Exhibit F2, as amended by Exhibits F3, F4, and F5. At the time of signing the APA it was not known when a new agreement would be available. The Company may waive the requirement that this agreement be entered into prior to Closing as permitted by Article 12 of the APA. Any new agreement entered into after Closing will be submitted for the Commission’s review in a separate U-Docket.

The Verification of William C. Packer verifying the foregoing and the information presented in our letter of June 9, 2021, is included with this letter.

Aqua believes that, with this letter and accompanying information, it has complied with the Bureau of Technical Utility Services’ requests for supplemental information and asks that the Public Utility Commission acknowledge that the Application has been perfected.

Please contact me with any questions about the foregoing.

Very truly yours,

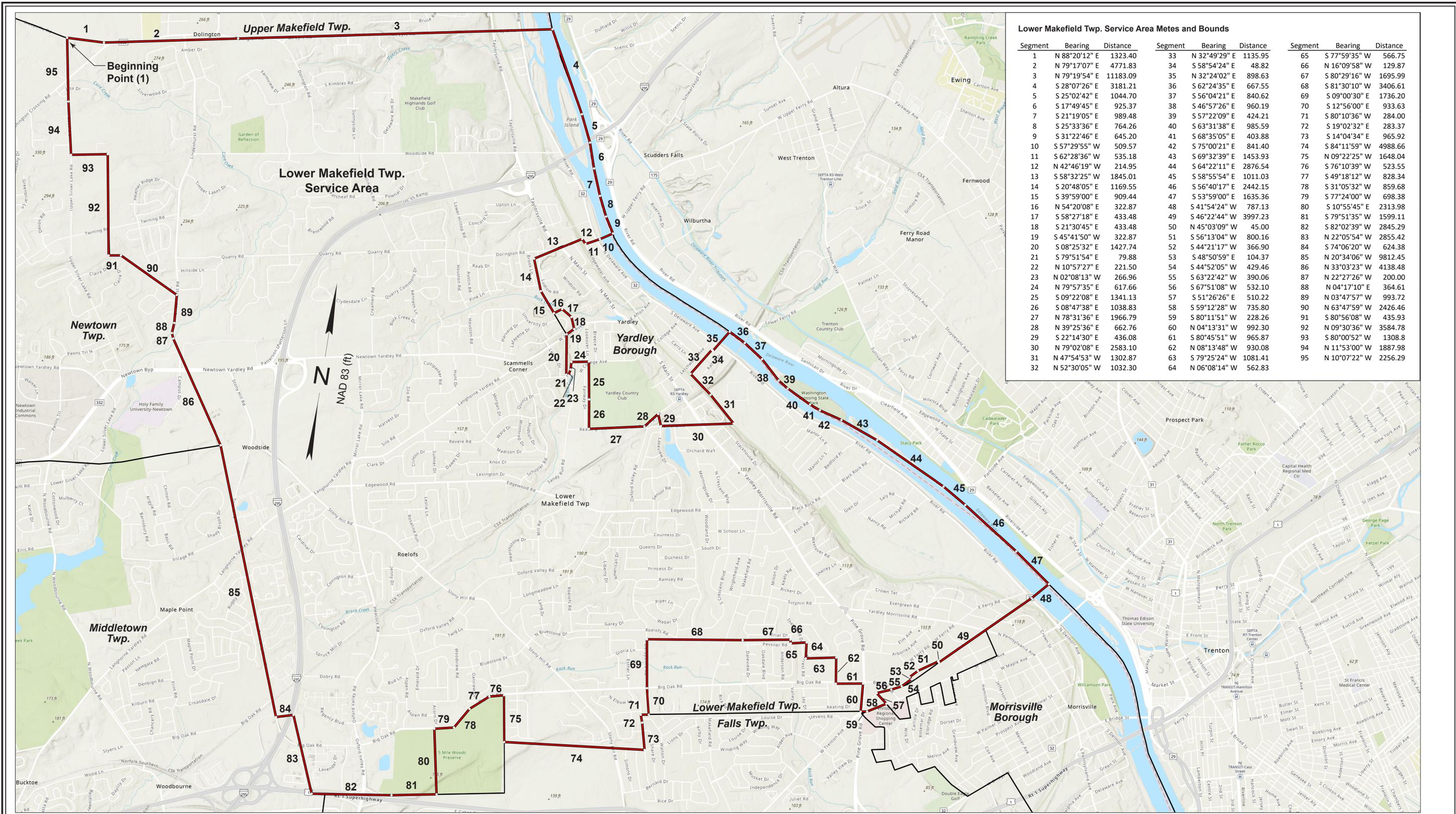
THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

cc: Certificate of Service (w/encl.)
Alexander R. Stahl, Esquire (via email, w/encl.)
Thomas S. Wyatt, Esquire (via email, w/encl.)

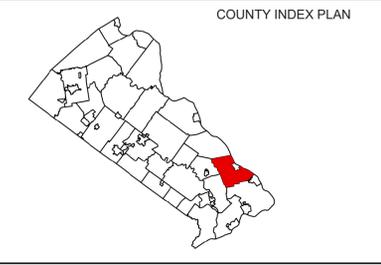
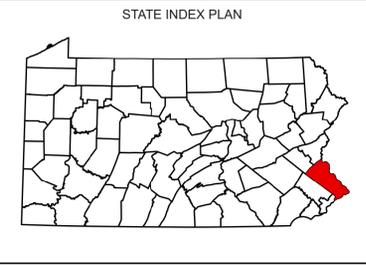
**UPDATED EXHIBIT A,
REQUESTED TERRITORY MAP**



Lower Makefield Twp. Service Area Metes and Bounds

Segment	Bearing	Distance	Segment	Bearing	Distance	Segment	Bearing	Distance
1	N 88°20'12" E	1323.40	33	N 32°49'29" E	1135.95	65	S 77°59'35" W	566.75
2	N 79°17'07" E	4771.83	34	S 58°54'24" E	48.82	66	N 16°09'58" W	129.87
3	N 79°19'54" E	11183.09	35	N 32°24'02" E	898.63	67	S 80°29'16" W	1695.99
4	S 28°07'26" E	3181.21	36	S 62°24'35" E	667.55	68	S 81°30'10" W	3406.61
5	S 25°02'42" E	1044.70	37	S 56°04'21" E	840.62	69	S 09°00'30" E	1736.20
6	S 17°49'45" E	925.37	38	S 46°57'26" E	960.19	70	S 12°56'00" E	933.63
7	S 21°19'05" E	989.48	39	S 57°22'09" E	424.21	71	S 80°10'36" W	284.00
8	S 25°33'36" E	764.26	40	S 63°31'38" E	985.59	72	S 19°02'32" E	283.37
9	S 31°22'46" E	645.20	41	S 68°35'05" E	403.88	73	S 14°04'34" E	965.92
10	S 57°29'55" W	509.57	42	S 75°00'21" E	841.40	74	S 84°11'59" W	4988.66
11	S 62°28'36" W	535.18	43	S 69°32'39" E	1453.93	75	N 09°22'25" W	1648.04
12	N 42°46'19" W	214.95	44	S 64°22'11" E	2876.54	76	S 76°10'39" W	523.55
13	S 58°32'25" W	1845.01	45	S 58°55'54" E	1011.03	77	S 49°18'12" W	828.34
14	S 20°48'05" E	1169.55	46	S 56°40'17" E	2442.15	78	S 31°05'32" W	859.68
15	S 39°59'00" E	909.44	47	S 53°59'00" E	1635.36	79	S 77°24'00" W	698.38
16	N 54°20'08" E	322.87	48	S 41°54'24" W	787.13	80	S 10°55'45" E	2313.98
17	S 58°27'18" E	433.48	49	S 46°22'44" W	3997.23	81	S 79°51'35" W	1599.11
18	S 21°30'45" E	433.48	50	N 45°03'09" W	45.00	82	S 82°02'39" W	2845.29
19	S 45°41'50" W	322.87	51	S 56°13'04" W	800.16	83	N 22°05'54" W	2855.42
20	S 08°25'32" E	1427.74	52	S 44°21'17" W	366.90	84	S 74°06'20" W	624.38
21	S 79°51'54" E	79.88	53	S 48°50'59" E	104.37	85	N 20°34'06" W	9812.45
22	N 10°57'27" E	221.50	54	S 44°52'05" W	429.46	86	N 33°03'23" W	4138.48
23	N 02°08'13" W	266.96	55	S 63°22'42" W	390.06	87	N 22°27'26" W	200.00
24	N 79°57'35" E	617.66	56	S 67°51'08" W	532.10	88	N 04°17'10" E	364.61
25	S 09°22'08" E	1341.13	57	S 51°26'26" E	510.22	89	N 03°47'57" W	993.72
26	S 08°47'38" E	1038.83	58	S 59°12'28" W	735.80	90	N 63°47'59" W	2426.46
27	N 78°31'36" E	1966.79	59	S 80°11'51" W	228.26	91	S 80°56'08" W	435.93
28	N 39°25'36" E	662.76	60	N 04°13'31" W	992.30	92	N 09°30'36" W	3584.78
29	S 22°14'30" E	436.08	61	S 80°45'51" W	965.87	93	S 80°00'52" W	1308.8
30	N 79°02'08" E	2583.10	62	N 08°13'48" W	930.08	94	N 11°53'00" W	1887.98
31	N 47°54'53" W	1302.87	63	S 79°25'24" W	1081.41	95	N 10°07'22" W	2256.29
32	N 52°30'05" W	1032.30	64	N 06°08'14" W	562.83			

Note
Bearings, distances, area obtained from Lower Makefield Township municipal boundary, and parcel shapes, obtained from <http://www.pasda.psu.edu/> and Bucks County Data Portal from <https://dataportal-bucksgis.opendata.arcgis.com/>. The resultant bearings, distances and area do not result from a physical survey on the ground and are approximate and not intended to represent a legal description of property.



SERVICE AREA TERRITORY

Lower Makefield Twp. Service Area
488,102,935 square ft.
11,205.3 Acres
17,508 square miles

(1) Beginning Point: PASPC Coordinates: North: 351,370.38'; East: 2,759,743.58'; being the northwesterly point of Lower Makefield Township, said point being the intersection of Lower Makefield Township, Upper Makefield Township, and Newtown Township, and proceeding according to the listed bearings and distances noted in the listed metes & bounds.

Legend

Requested Territory

REV.	DATE	DESCRIPTION
6.		
5.		
4.		
3.		
2.		
1.	6/9/21	Excluded parcels served by Falls Township (black hatched area on General Plan of Sewers, LMT, 8/31/18)

SCALE IN FEET
0 750 1,500 3,000

Proposed Service Territory
Lower Makefield Twp., Bucks County, Pennsylvania

DATE: 4/6/21 SCALE: 1" = 1,500 feet EXHIBIT: **A**



VERIFICATION OF WILLIAM C. PACKER

VERIFICATION

I, William C. Packer, Vice President, Regulatory Accounting & Regional Controller of Aqua Pennsylvania, Inc., hereby state that the facts set forth in the letters of Counsel of Aqua Pennsylvania Wastewater, Inc., dated June 9 and 10, 2021, addressing information requests of the Bureau of Technical Utility Services in the matter at PaPUC Docket No. A-2021-3024267, 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).

William C. Packer

William C. Packer
Vice President, Regulatory
Accounting & Regional Controller
Aqua Pennsylvania, Inc.

Dated: June 10, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of June, 2021, served a true and correct copy of the foregoing Letter and Additional Information, upon the persons and in the manner set forth below:

VIA ELECTRONIC MAIL

Sean Donnelly, P.E., Supervisor
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Thomas T. Niesen
PA Attorney ID No. 31379