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June 29, 2021

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

**RE: Docket No. A-2021-3024267 – Application of Aqua Pennsylvania  
Wastewater, Inc. to Acquire the Wastewater System Assets of Lower  
Makefield Township**

Dear Secretary Chiavetta:

We serve as counsel to Lower Makefield Township (“Township”) in the above matter and are submitting, with this letter, the Township’s Petition to Intervene in the above-referenced proceeding.

This document is being served on all parties of record. The document was also filed electronically with the Public Utility Commission on this date.

Very truly yours,

Matthew S. Olesh

cc: All parties of record

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**NOTICE TO PLEAD**

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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 LOWER MAKEFIELD TOWNSHIP.

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)  
Matthew S. Olesh, Esquire (PA I.D. 206553)  
Sydney N. Melillo, Esquire (PA I.D. 328031)  
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Dated: June 29, 2021

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania Wastewater, Inc. 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 Lower Makefield Township’s wastewater system assets to Aqua Pennsylvania Wastewater, Inc. and (2) the rights of Aqua Pennsylvania Wastewater, Inc. to begin to offer or furnish wastewater service to the public in Lower Makefield Township, Bucks County, Pennsylvania.

Docket No. A-2021-3024267

**PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, Township of Lower Makefield (“Lower Makefield” or the “Township”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Aqua Pennsylvania Wastewater, Inc. (“Aqua”) for approval of (1) the acquisition of the Township’s assets, properties and rights related to its wastewater collection and conveyance system to Aqua, and (2) the rights of Aqua to begin to offer or furnish wastewater service to the public in the Township.

The Application directly affects the interests of Lower Makefield, which are not adequately represented by any existing party. For the reasons that follow, the Township respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. Lower Makefield is a Township of the Second Class located in Bucks County, Pennsylvania.
2. Lower Makefield’s business address is 1100 Edgewood Road, Yardley, PA 19067.

3. Lower Makefield owns, operates and maintains the Township's wastewater collection and conveyance system (the "System"), which consists of a sanitary wastewater collection and conveyance system made up of approximately 835,770 linear feet of mains, approximately 3,891 manholes, 14 pump stations, associated infrastructure and appurtenances, treatment rights and related land rights. The System also utilizes the conveyance facilities of the following nearby authorities to transport its wastewater for treatment: the Borough of Yardley, the Bucks County Water and Sewer Authority, Middletown Township, and the Township of Falls Authority. The collected sewage flows are treated at the Morrisville Borough Wastewater Treatment Plant and the City of Philadelphia Northeast Water Pollution Control Plant. The System provides service to approximately 11,151 customers in Lower Makefield.

4. Lower Makefield is interested in the above-captioned docket as a party to the agreement under which Aqua seeks approval to acquire the Township's assets, properties and rights related to its System.

5. Lower Makefield supports the Application filed by Aqua at this docket.

6. 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 of the 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.

7. Lower Makefield seeks intervention in the proceeding for due cause shown for the following reasons:

(a) Lower Makefield is a party to the Asset Purchase Agreement (the “APA”) for its System, which serves 11,151 customers in Lower Makefield.

(b) As contemplated in the APA, Lower Makefield will be the recipient of the proceeds of the sale of its System; and

(c) Aqua’s Application relies on Lower Makefield’s consent to the sale of the System.

8. Lower Makefield 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.

9. As a party to the APA and the recipient of the proceeds from the sale of the System, Lower Makefield submits that its intervention is in the public interest.

10. Lower Makefield intends to play an active role in the Commission’s decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE, Lower Makefield respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

Respectfully submitted,

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)

Matthew S. Olesh, Esquire (PA I.D. 206553)

Sydney N. Melillo, Esquire (PA I.D. 328031)  
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Dated: June 29, 2021

**VERIFICATION**

I, Kurt M. Ferguson, the Township Manager for Lower Makefield Township, hereby verify that the statements of fact made in the foregoing petition 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 made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
Kurt M. Ferguson

Dated: June 29, 2021

**CERTIFICATE OF SERVICE**

I, Thomas Wyatt, Esq., 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 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail.

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/s/ Thomas Wyatt  
Thomas Wyatt, Esquire

Dated: June 29, 2021