

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE OF DEPOSIT

PROTEST Formal Complaint

AUG 5 - 2021

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint. PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Barry Summers
Street/P.O. Box 232 Aspen Road Apt #
City Yardley State PA Zip 19067
County Bucks

Telephone Number(s) Where We Can Contact You During the Day (required):
(home) (215) 738-9270 (mobile)

E-mail Address (required): BLSummers5@verizon.net

Utility Account Number (from your bill)
DOCKET # A-2021-3024267

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name N/A
Street/P.O. Box
City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Lower Makefield Township Wastewater utility, billed by Bucks County Water and Sewer Authority

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/> ELECTRIC   | <input type="checkbox"/> STORM WATER  |
| <input type="checkbox"/> GAS        | <input checked="" type="checkbox"/> WASTEWATER/SEWER                          |
| <input type="checkbox"/> WATER      | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain). Lower Makefield Township wants to sell its wastewater ~~treatment~~ system to Aqua PA Wastewater. I do not want this sale to go through, as ample documentation shows that such sales do not benefit consumers, costs increase, and quality decreases

**Note:** If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I want the PUC to block, prevent, and not to allow the sale of the wastewater system to Aqua.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

*Attached letter says to address PUC Directly*

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

*see prior note*

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are **not** required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name \_\_\_\_\_ *N/A* \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

I Barry Summers, hereby state that the facts above set forth are true and correct (or 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).

  
\_\_\_\_\_  
(Signature of Complainant)

7/30/2021  
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **How to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**If you are appealing a BCS decision:** follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be efiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.



Lower Makefield Township  
BUCKS COUNTY, PENNSYLVANIA

1100 Edgewood Rd Yardley, PA 19067  
Phone: (267) 274-1100 Email: admin@lmt.org

DATE OF DEPOSIT

AUG 5 - 2021

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

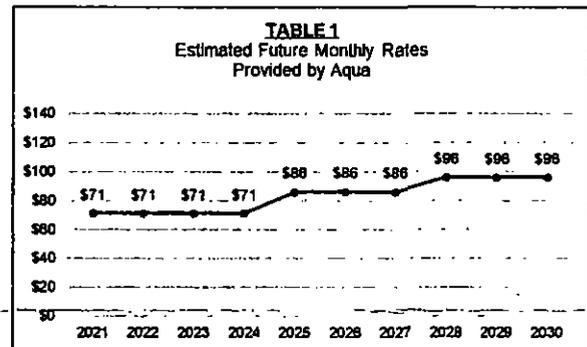
Dear Lower Makefield Township Wastewater Customers:

In August of 2020, Lower Makefield Township's Board of Supervisors (the "Township") voted to approve the sale of the Township's wastewater system to Aqua Pennsylvania Wastewater, Inc. (Aqua) for a purchase price of \$53,000,000.

The Township approved the sale for several reasons. The greater financial resources and the professional expertise of Aqua far surpass the ability of the Township to operate and provide needed long-term investment in a wastewater system, particularly regarding ever increasing environmental and regulatory compliance matters. The massive risk associated with running a wastewater system related to system failure and the cost of funding major capital projects is far too great for the Township to continue to expose itself to as well. Additionally, by paying off debt, avoiding future sewage infrastructure debt, and replenishing deficient funds with the proceeds of the sale, the Township will greatly improve its financial outlook. Even after satisfying these outstanding obligations, the Township will have remaining proceeds to fund other projects as determined by the Township, otherwise, it would have to borrow funds or raise taxes.

Currently, the Township's sewer collection rate for a metered single-family dwelling is \$213.38 a quarter or \$853.52 a year (assuming an annual water consumption of 48,000 gallons per year). Any increases in future rates will be based on the cost to provide service to customers, similar to how the Township rate increases would occur if it kept the system. Because Aqua is regulated by the Pennsylvania Public Utility Commission (PUC), any future proposed changes in rates will require a filing with the PUC and will be subject to extensive governmental review and approval.

Enclosed is the notice that the PUC requires Aqua to send to Township customers containing an estimate of potential future rate increases. Please see the table in the center of the enclosed notice, fourth column, second row, "Estimated Percentage Increase," at 28.17%. This amount is a non-binding estimate of potential future rate increases which assumes a more conservative PUC assumption of apportionment between existing and acquired customers. Actual rates will be set by the PUC and must, under state law, be "just and reasonable," taking gradualism into consideration. As such, future increases may be lower than those set forth in the notice. As part of the agreement of sale, Aqua will adopt the Township's sewer collection rates in effect when the system is acquired and hold those rates for a minimum of two (2) years beginning in 2022, noting however that the rates will move from quarterly to monthly billing. Table 1 to the right shows the estimated future rates that Aqua provided as a part of their bid which illustrates holding the existing rates for longer than two years. While actual PUC-set rates may differ, the table shows the gradual nature of a typical PUC increase in rates.



The two paragraphs above the table in the enclosed notice describe how Aqua applies for rate changes with the PUC; the area below the table in the enclosed notice describes how customers can participate in the acquisition application process. In any event, the Township rate would have been higher had the Township kept the system given future construction and capital requirements and this is without factoring in a catastrophic failure of the system. The Township assessed the risks of keeping the system and the benefits of a sale and determined it was in the best interests of the residents and Township to sell the wastewater system to a larger experienced utility.

Sincerely,  
Lower Makefield Township

Webpage: [www.lmt.org](http://www.lmt.org)  
Email: [admin@lmt.org](mailto:admin@lmt.org)



## NOTICE OF PROPOSED ACQUISITION AND RATE BASE ADDITION

Docket No. A-2021-3024267

Dear Customer:

On June 25, 2021, the Pennsylvania Public Utility Commission (PUC) conditionally accepted for filing the application of Aqua Pennsylvania Wastewater, Inc. (Aqua) for approval to acquire the Lower Makefield Township (Lower Makefield) wastewater system assets. Lower Makefield serves approximately 11,000 customers in Bucks County, Pennsylvania. Aqua's application also requests that the PUC authorize an addition of up to \$53 million to Aqua's rate base pursuant to 66 Pa. C.S. § 1329. A utility's rate base is the value of property used by the utility to provide service to its customers and is one of several components used to establish a utility's customer rates.

This acquisition will not immediately, but may in the future, affect water and/or wastewater bills of Aqua customers, including the new Lower Makefield Township wastewater customers. Aqua is not requesting a rate increase as part of the acquisition. Your rates will not change as a result of this transaction until the conclusion of an Aqua rate case where Aqua includes the Lower Makefield system and requests and receives PUC approval to increase its rates. At that time, based on a preliminary analysis of the potential rate impacts, Aqua estimates that the rates of the average customer could increase. The amount of the increase will be dependent on how the PUC chooses to apportion the increase among Aqua's acquired and existing customers. The table below presents a non-binding, estimated incremental rate effect of the proposed rate base addition on Lower Makefield's wastewater customers:

### Lower Makefield Customers

Rate Class	Average Usage	Estimated Monthly Increase	Estimated Percentage Increase
Residential	4,690 gal/month	\$20.94	28.17%
Commercial	4,690 gal/month	\$30.32	28.17%

The amounts stated above could change and will depend on how the PUC chooses to apportion any increase among the types of service, rate zones, and classes of customers.

### PUC ROLE

The state agency which approves acquisitions and rates for regulated public utilities is the PUC. The PUC will review and investigate the proposed acquisition and requested \$53 million in additional rate base. After examining the evidence, the PUC may approve, modify or deny the acquisition and may approve or modify the \$53 million addition to rate base. The PUC will issue a decision on the application on or around February 3, 2022.



**ACTIONS YOU CAN TAKE**

You can support or challenge Aqua's request by:

- 1) Sending a letter to the PUC. You can tell the PUC why you support or object to Aqua's acquisition of Lower Makefield's wastewater system in your letter. This information can be helpful when the PUC investigates the application. Send your letter to the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, PA 17105-3265.
- 2) Attending or presenting testimony at a PUC Public Input Hearing. You can attend or be a witness at a PUC public input hearing. The PUC holds public input hearings if it opens an investigation into Aqua's transaction and there is enough interest in the case. At these hearings, you can present your views in person to the PUC judge and to company representatives. Testimony under oath becomes part of the application case record. The PUC holds these hearings in the service area of the company. For more information, call the PUC at 1.800.692.7380.
- 3) Filing a protest or a petition to intervene. If you want to be a party to the case, you must file a protest or a petition to intervene. You then have an opportunity to take part in all the hearings about the proposed acquisition. You can receive copies of all materials distributed by the other parties. Protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 7, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Aqua's counsel at Thomas, Niesen & Thomas, LLC, Attn: Thomas T. Niesen, 212 Locust Street, Suite 302, Harrisburg, PA 17101.

The documents filed as part of this application are available for inspection and copying at the Office of the Secretary of the PUC between 8 a.m. and 4:30 p.m., Monday through Friday, on the PUC's website at [www.puc.pa.gov](http://www.puc.pa.gov) and at Aqua's offices at 762 West Lancaster Avenue, Bryn Mawr, PA 19010. The PUC docket number is A-2021-3024267.

Room N201

1- 717  
- 772  
- 7777  
Sec'y

12-7

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3 p.m. Mon  
4 p.m. Mon  
1 p.m. Tues  
4 p.m. Tues  
3 p.m. Wed  
3 p.m. Thu

# RECEIVED

AUG 9 2021

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**P**

US POSTAGE AND FEES PAID  
PRIORITY MAIL  
Aug 05 2021  
Mailed from ZIP 19067  
PM Legal Flat Rate Env

10565440  
Commercial Plus Pricing



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Part # 158297-435 PERM2 EXP 04/22  
STAMPS  
ENCL

## PRIORITY MAIL 2-DAY

LORRI SUMMERS  
232 ASPEN RD  
YARLEY PA 19087

C000

0006

Shipped using PostalMate  
Pkg:33202

SHIP TO:  
PENNSYLVANIA  
SECRETARY  
400 NORTH STREET  
COMM KEYST BLDG, 2ND FLOOR, ROOM N201  
HARRISBURG PA 17120

USPS TRACKING #



9405 5111 0803 6880 1210 98

VISIT US AT USPS.COM