

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

Application Docket Number: A- 2021 - 3024267

Protestant Information

Provide your name, mailing address, county, and telephone numbers.

Name Peter A. Lachance

Street/P.O. Box 484 Stony Hill Rd Apt # _____

City Yardley State PA Zip 19067

County Bucks

Telephone Number(s) Where We Can Contact You During the Day:

() N/A (home) (267) 716-1400 (mobile)

E-mail Address (optional): Peter@LMTconstable.com

52 Pa. Code Section 5.52 (a)(1)(2)(3)(c) sets forth the content that must be included in the Protest.

(a)(1) What is your alleged right or interest in filing this Protest?

see attached.

(a)(2) State your grounds for filing this Protest.

see attached.

(a)(3) Set forth facts that you – as the Protestant – have standing to file a Protest. (This means that you must state facts showing that you are affected by this Application).

See attached,

(c) You must file your Protest by the deadline stated in the publication of the Application; file your Protest timely with the Secretary of the Commission; serve (mail by first class) a copy of your Protest (at the time you file it) to the Applicant or Counsel for the Applicant.

Legal Representation (52 Pa. Code Section 1.21)

If you are filing a protest to an Application as an individual, you are not required to have a lawyer. You may represent yourself during the proceedings. However, all others are required to be represented by a lawyer during the proceedings.

If you are represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and email address, if known.

Lawyer's Name _____

Street/P.O. Box _____

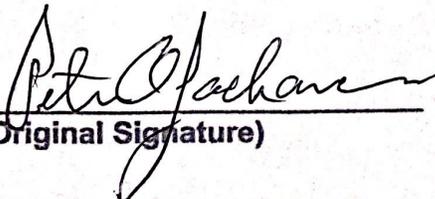
City _____ State _____ Zip _____

Area Code/Phone Number _____

Email Address (if known) _____

Verification: (52 Pa. Code Section 1.36(b))

I swear that the facts I am presenting in this Protest are true and correct to the best of my knowledge, information, and belief. I understand that the statements I am making in this Protest are made subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities).



(Original Signature)

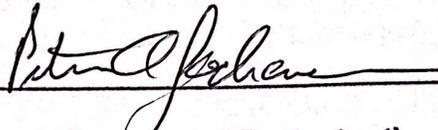
27 August 2021
(Date)

Certificate of Service: (52 Pa. Code Section 1.58)

I certify that I have this day served a true copy of my Protest on the following: (list names and addresses of those served by first class mail)

Ar. Stahl, Counsel, via eService

Date: This day 27th of August, 2021



(Original Signature of Protestant)

HOW TO FILE

To file your Protest with the PUC, mail the completed form (along with any attachments) to the addresses listed below:

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

We recommend using overnight delivery service to ensure timely filing.

You may also eFile your Protest by going to the Commission's website at www.puc.pa.gov and visiting our eFiling page. You must open an eFiling account (free of charge) and follow instructions.

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

Keep a copy of this filing for your records.

Peter A. Lachance

SUBJECT: Protest to an Application (Additional space required to respond.)

Re: Docket A-2021-3024267; Application of Aqua Pennsylvania Wastewater, Inc., for approval of its Acquisition of the Wastewater System Assets of Lower Makefield Twp.

This document refers to, and is part of, the attached Protest to an Application.

==

In re 52 Pa. Code Section 5.52 (a)(1)(2)(3)(c), my responses are contained below.

(a)(1) What is your alleged right or interest in filing this Protest?

In section (a)(3) below I present my argument for having personal standing in this matter.

My protest goes beyond my personal objections related to my own property. Especially considered in light of the fact that this is the single largest transaction that Lower Makefield Township will make in the next several decades – perhaps even in the next century – I believe that this proposed sale is not in the public's interest, nor does it produce substantive public benefit when compared to alternative actions which were not seriously considered.

The shoddy and questionable methods that the Township Manager used (in conjunction with the Board Chairman) to ram this sale through should be evidence enough to point to a lack of public interest and public benefit, because of an obvious failure to maintain the public's trust.

As an expert in the privatization (in all its forms) of water and sewer assets, I volunteered to comment on draft bid solicitation documents, but I was always cordially ignored. When I turned up at the Supervisor meetings leading up to and on the day of the bid award vote, I spoke during the public comment period but twice I was forced to stop speaking because the Chairman of the Board of Supervisors didn't want truths to be made public, lest he not accomplish his goal of selling our sewers to Aqua.

(a)(2) State your grounds for filing this Protest.

Not only did the Township Manager and the Chairman of the Board of Supervisors commit legally questionable acts, but two other supervisors (making 3, including the chairman, out of a total of 5) voted "yay" to sell our sewers to Aqua, without having the benefit of complete information.

The entire analysis and bidding process from conception to finish was secretive, obfuscatory and devious, instead of transparent, cooperative, and honest. Even our township Sewer

Peter A. Lachance

Authority was largely left out of the loop during this entire process; both the Authority and the majority of our Supervisors were not permitted to review the bid solicitation documents while they were being created, despite certain members of each entity insisting on it. Supervisors were finally able to view the bid solicitation documents many months after they were released to bidders, only a few days prior to voting on the bid award! Supervisors were also not privy to every page of the detailed bid responses; and what was provided to them was also not made available until a few days prior to their vote.

Additionally, the Township's consultant for this project, PFM, had a clear conflict-of-interest, which I objected to at the Supervisor meeting where PFM's contract was approved. PFM structured their agreement so that they would only get paid (and handsomely) upon consummation *of a sale*, meaning that they never had any interest in seeking bids to operate and maintain the system under contract (not sell), or to lease the system instead of selling it. And yet the majority of the Board of Supervisors voted to award PFM that contract. *The Township Manager and the Chairman never intended to consider any option but to sell.* To add insult to injury, the Supervisors awarded the bid to Aqua, over an apparently higher bidder.

Importantly, the bid solicitation documents were faulty in a critical way: I was told by two supervisors that there was language toward the front of the bid solicitation (and to my knowledge, to this day that document has not been made public) that clearly stated that the Township's intention was to *sell* the sewer assets, leaving no doubt in the minds of bidders that other public-private partnership options would be defeated, regardless of their positive contribution to the public's interest and benefit.

As an expert witness in a lawsuit brought against the Township by Jeffrey Hall-Gale, Esq., (Commonwealth Court of PA, Bucks County, docket 2020-02966) I did my best, and failed, to get the court to stop this sale process so that our township residents and Supervisors could *transparently* reconsider whether this sale would be in the public interest and offer substantive public benefit, after which relevant next steps could be taken, such as 1) not selling, 2) bidding for an operations and maintenance contractor, 3) working more cooperatively with the Bucks County Water and Sewer Authority to see if we could hammer out a beneficial intergovernmental agreement whereby the Authority would either operate and maintain our sewers, or purchase our sewers, 4) rebidding to sell the system but also invite long-term lease bids.

This sale should be roundly denied by the PUC. Clearly, a properly-managed analysis and bid process, would draw more bidders, create more competition, and allow for a mix of options. This is the only way that Lower Makefield Township ratepayers and taxpayers will be truly benefit, and their interests served.

Peter A. Lachance

(a)(3) Set forth facts that you – as the Protestant – have standing to file a Protest (This means that you must state facts showing that you are affected by this Application.

Whereas I am not presently a sewer ratepayer in Lower Makefield Twp. because my property has a septic system, I am a homeowner and thus a taxpayer to that Township. As a taxpayer, I will be affected by the windfall that will result from this proposed asset sale, of the amount remaining after the debt associated with our sewer assets is satisfied. Such windfall which may be used in part for sewer rate stabilization, which I believe would amount to a cross-subsidy; taxpayer funds used for the benefit of ratepayers.

Furthermore, and perhaps more important than the above, it is highly likely that I will be forced to become an unwilling Aqua ratepayer in the future. For years there has been pressure by certain members of our township's Board of Supervisors, to force me and my immediate neighbors to connect to the sewer system, at great personal cost. Once Aqua owns our township sewer assets, they will have monetary incentive to force me to connect, most likely at my expense, and I will not have the recourse of an elected government body to protect me from that event. Not to mention that I will have to pay far more for annual sewer charges than I historically and presently incur to maintain my septic system.

(c) File Protest by the Deadline

I discussed the foregoing by telephone on July 15, 2021 with Harrison Breitman of the Office of the Consumer Advocate (PA OCA), followed by an email I sent him. FYI, he said he would put my email in an announcement list so that I would receive all future related announcements; I have since received none. Hopefully this protest is not late; if so, I ask that the foregoing be considered. I learned of this protest process independently of the PA OCA.

==

Respectfully submitted on the 27th of August, 2021.

Peter A. Lachance