



August 27, 2021

VIA E-FILE

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, 2nd Floor North
Harrisburg, PA 17120

Re: In 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 Valley Township's assets, properties and rights related to its water treatment and distribution system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in Valley Township, a portion of West Caln and East Fallowfield Townships, Chester County, Pennsylvania; Docket Nos. A-2020-3019859 *et al.*

In 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 Valley 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 Valley Township, and limited portions of East Fallowfield Township, Sadsbury Township, and West Caln Township, Chester County, Pennsylvania; Docket No. A-2020-3020178 *et al.*

Replacement Pages for the Joint Stipulation of Proposed Findings of Fact, Proposed Conclusions of Law and Proposed Ordering Paragraphs

Dear Secretary Chiavetta:

On August 3, 2021, all of the active parties to this proceeding filed a Joint Stipulation of Proposed Findings of Fact, Proposed Conclusions of Law and Proposed Ordering Paragraphs ("Stipulation"). The Proposed Findings of Fact included citations to the transcript, but the parties were unable to cite specific pages in the transcript because the transcripts had not yet been received. The cover letter to the Stipulation stated that specific page references would be provided upon receipt of the transcript.

At 4:02 p.m. on August 25, 2021, PAWC was electronically served with the Interim Order Admitting into the Record the Parties' Joint Petition for Approval of Unanimous Settlement of All Issues and Their Statements in Support of the Joint Petition and Closing the Record. At 5:52 p.m. on August 25, 2021, PAWC received a copy of the transcripts in this case from the court reporter.

Enclosed for filing with the Commission are replacement pages for the Stipulation, Appendix A (Proposed Findings of Fact) pp. 14-15. The only changes that have been made replace blanks with specific page references to the transcript.

PAWC has consulted with counsel for all parties to this case, and is authorized to represent that all the parties concur in requesting that Administrative Law Judges Johnson and DeVoe reopen the record for the purpose of admitting the enclosed replacement pages into the record.

A copy of the enclosed filing is being served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

COZEN O'CONNOR



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

DPZ:kmg

Enclosure

cc: Administrative Law Judge Conrad A. Johnson
Administrative Law Judge Emily I. DeVoe
Nick Miskanic
Paul Zander
Clinton McKinley
Per Certificate of Service
Susan Simms Marsh, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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 Valley Township’s assets, :
properties and rights related to its water treatment : Docket No. A-2020-3019859, *et*
and distribution system to Pennsylvania-American : *al.*
Water Company, and (2) the rights of :
Pennsylvania-American Water Company to begin :
to offer or furnish water service to the public in :
Valley Township, a portion of West Caln and East :
Fallowfield Townships, Chester County, :
Pennsylvania :

and

In 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 Valley Township’s assets, :
properties and rights related to its wastewater : Docket No. A-2020-3020178, *et*
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 Valley Township, and limited :
portions of East Fallowfield Township, Sadsbury :
Township and West Caln Township, Chester :
County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of August, 2021 served a true copy of the foregoing ***Replacement Pages for the Joint Stipulation of Proposed Findings of Fact, Proposed Conclusions of Law, and Proposed Ordering Paragraphs*** upon 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

Erika McLain, 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*
ermclain@pa.gov

Christine Maloni Hoover, Esq.
Erin Gannon, Esq.
Harrison Breitman, Esq.
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

Thomas Wyatt, Esq. (PA I.D. 89342)
Matthew S. Olesh, Esq. (PA I.D. 206553)
Sydney N. Melillo, Esq. (PA I.D. 328031)
Obermayer Rebmann Maxwell & Hippel,
LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Counsel for *Valley Township*
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Sydney.Melillo@obermayer.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
**Counsel for *Pennsylvania-American Water
Company***

lines are copper. The engineer's assessment does not indicate that the Water System has any lead service lines.

55. PAWC has a Commission-approved plan for addressing lead service lines. *Petition of Pennsylvania-American Water Company for Approval of Tariff Changes and Accounting and Rate Treatment Related to Replacement of Lead Customer-owned Service Pipes*, Docket No. P-2017-2606100 (Final Order entered October 3, 2019). This plan is reflected in PAWC's tariff, *see, e.g.*, Tariff Pa. P.U.C. No. 5, Rule 4.9.1 ("Replacement of Lead Service Pipes"), which will apply to Valley's customers after closing on the Transaction. Tr. 104. Since no customer-owned lead service lines are known to exist in the Water System, the cost of implementing this plan in Valley after closing is expected to be minimal. Tr. 98-99.

56. After closing on the Transaction, PAWC will incorporate the Water System's customer-owned service lines into PAWC's inventory process, and will incorporate customer-owned lead service lines (if any) into PAWC's lead service line replacement plan. PAWC St. No. 2W-S and 2WW-S p. 2.

57. PAWC's Commission-approved tariff includes rules prohibiting cross-connections. *See, e.g.*, Tariff Pa. P.U.C. No. 5, Rule 22 ("Prohibition of Cross-Connection"). These rules will apply to Valley's customers after closing on the Transaction. Tr. 117. PAWC already has the personnel and systems in place to implement these provisions in Valley. Tr. 116-117.

58. The number of commercial and industrial customers in the Water System with testable backflow prevention devices is not known to Valley. No backflow prevention devices were tested in calendar year 2020. Valley St. No. 1W-S and 1WW-S p. 3.

59. PAWC's Commission-approved tariff includes rules requiring that residential customers have a check valve, and that commercial and industrial customers have an approved

backflow prevention device. *See, e.g.*, Tariff Pa. P.U.C. No. 5, Rule 4.6 (“Check Valve, Backflow Prevention Device and Service Pipe Strainers”). These rules will apply to Valley’s customers after closing on the Transaction. Tr. 117. PAWC already has the personnel and systems in place to implement these provisions in Valley. Tr. 116-117.

60. PAWC has a plan in place for the inspection and testing of fire hydrants in the Water System after closing on the Transaction. After acquiring a system, PAWC develops a calibrated hydraulic model for the system, including hydrants. Additionally, PAWC regularly inspects and exercises valves and hydrants. PAWC plans to integrate the Water System into PAWC’s standard practices after closing. PAWC St. No. 2W-S and 2WW-S, p.7; Tr. 112-113, 116-118. PAWC already has the personnel and systems in place to perform these tasks. Tr. 117-118.