|  |  |  |
| --- | --- | --- |
|  | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  400 NORTH STREET, HARRISBURG, PA 17120 | **IN REPLY PLEASE REFER TO OUR FILE** |

October 29, 2021

Docket No.: A-2021-3024681

Utility Code: 230073

SUSAN SIMMS MARSH ESQUIRE

PENNSYLVANIA AMERICAN WATER COMPANY

852 WESLEY DRIVE

MECHANICSBURG PA 17055

[SUSAN.MARSH@AMWATER.COM](mailto:SUSAN.MARSH@AMWATER.COM)

DAVID P ZAMBITO ESQUIRE

JONATHAN P NASE ESQUIRE

COZEN O CONNOR

17 NORTH SECOND STREET SUITE 1410

HARRISBURG PA 17101

[DZAMBITO@COZEN.COM](mailto:dzambito@cozen.com)

[JNASE@COZEN.COM](mailto:jnase@cozen.com)

RE: Pennsylvania-American Water Company - Wastewater Division Section 1329 Application for the Acquisition of the York City Sewer Authority Wastewater System Assets at Docket No. A-2021-3024681

Dear Attorneys Marsh, Zambito and Nase:

The Commission writes to inform you that it has accepted for filing Pennsylvania-American Water Company – Wastewater Division’s (PAWC-WD’s) above-captioned application (Application), including the supplemental materials filed prior to conditional acceptance. Specifically, this letter acknowledges receiving PAWC-WD’s letter filed with the Commission on October 27, 2021, providing verification that individualized notice of the Application was sent to all potentially affected PAWC-WD wastewater and Pennsylvania-American Water Company water customers. The Commission also acknowledges receiving PAWC-WD’s amendment of the Application, that includes Second Amended Appendix A-20-b, filed on October 22, 2021.

Second Amended Appendix A-20-b includes a verified statement indicating that after a reasonable search only the first permit page for Water Quality Management (WQM) Permit Numbers 6769412, 6771414, 6771424, 6773413, 6773407, 6778413, 6778417, 6779406, and 6780404 could be located and printed from the Department of Environmental Protection’s (DEP’s) microfiche and that a copy of the original 1986 WQM Permit No. 6785418 could not be located. However, PAWC-WD provided copies of WQM Permit No. 6785418 (Amendment No. 99-1) and WQM Permit No. 6785418 (Amendment No. 02-1), at Appendix A-20-b. Additionally, Second Amended Appendix A-20-b also included copies of correspondence dated September 10, 2021, between counsel for the City of York and the Office of General Counsel for the DEP which identified possible resolutions to these permit deficiencies.

Pursuant to the Commission’s Final Implementation Order (FIO) entered October 27, 2016, at Docket No. M-2016-2543193, if any of the information requested in the Checklist is unavailable after a reasonable search or simply does not exist, the applicant is expected to include with its application a verified statement to that affect, and the Commission will consider the verified statement in its review of the completeness of the application. FIO at 39. Since PAWC-WD provided a verified statement attesting that it has performed a reasonable search, documentation that appears to support this claim, and an explanation of certain methods that may be available to cure the missing information, the Commission determines that it may now accept the Application. Therefore, this letter finalizes acceptance of the filing for the Commission’s consideration.

The Commission will proceed with publishing notice of the Application in the November 27, 2021, edition of the *Pennsylvania Bulletin* with a protest deadline of December 13, 2021. If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition for reconsideration from the actions of staff with the Commission within 20 days of the date this letter is served.

Sincerely,

**A picture containing letter

Description automatically generated**

Rosemary Chiavetta

Secretary

cc: Christine Maloni Hoover, Office of Consumer Advocate, [CHoover@paoca.org](mailto:CHoover@paoca.org)

Erin L. Gannon, Office of Consumer Advocate, [EGannon@paoca.org](mailto:EGannon@paoca.org)

Santo G. Spataro, Office of Consumer Advocate, [SSpataro@paoca.org](mailto:SSpataro@paoca.org)

Harrison W. Breitman, Office of Consumer Advocate, [HBreitman@paoca.org](mailto:HBreitman@paoca.org)

Teresa Wagner, Office of Small Business Advocate, [tereswagne@pa.gov](mailto:tereswagne@pa.gov)

Erin K. Fure, Office of Small Business Advocate, [efure@pa.gov](mailto:efure@pa.gov)

Richard Kanaskie, PUC Bureau of Investigation and Enforcement, [rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Gina L. Miller, PUC Bureau of Investigation and Enforcement, [ginmiller@pa.gov](mailto:ginmiller@pa.gov)