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November 8, 2021

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA E-MAIL**

**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, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the wastewater collection and treatment system owned by the York City Sewer Authority and operated by the City of York, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of York, Pennsylvania, and to three bulk service interconnection points located in North York Borough, Manchester Township and York Township, York County, Pennsylvania, and (3) the rights of Pennsylvania-American Water Company to begin to offer and furnish Industrial Pretreatment Program to qualifying industrial customers in Manchester Township, Spring Garden Township and West Manchester Township, York County, Pennsylvania; Docket No. A-2021-3024681, et al.**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition to Intervene of the City of York in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served via email. We can provide parties with a hard copy of this document upon request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare'.

Adeolu A. Bakare  
MCNEES WALLACE & NURICK LLC

Attachments

c: Administrative Law Judge Steven K. Haas (via email)  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

### VIA E-MAIL

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Adeolu A. Bakare

Counsel to the City of York

Dated this 8<sup>th</sup> day of November, 2021, at Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water : Docket No. A-2021-3024681, et al.  
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, to Pennsylvania-American :  
Water Company, of substantially all of the assets, :  
properties and rights related to the wastewater collection :  
and treatment system owned by the York City Sewer :  
Authority and operated by the City of York, (2) the rights :  
of Pennsylvania-American Water Company to begin to :  
offer or furnish wastewater service to the public in the :  
City of York, Pennsylvania, and to three bulk service :  
interconnection points located in North York Borough, :  
Manchester Township and York Township, York :  
County, Pennsylvania, and (3) the rights of :  
Pennsylvania-American Water Company to begin to :  
offer and furnish Industrial Pretreatment Program to :  
qualifying industrial customers in Manchester :  
Township, Spring Garden Township and West :  
Manchester Township, York County, Pennsylvania. :

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**PETITION TO INTERVENE OF THE CITY OF YORK**

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TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the provisions of 52 Pa. Code § 5.71, *et seq.*, the City of York ("City") hereby files this Petition to Intervene in the above-captioned proceeding. In support thereof, the City states as follows:

1. Petitioner, the City, is a party interested in the above-captioned docket, as it is the operator of the sewer system assets serving the City and the surrounding townships and a party to the Asset Purchase Agreement through which Pennsylvania-American Water Company ("PAWC") seeks approvals from the Pennsylvania Public Utility Commission ("PUC" or "Commission") to acquire the sewer system.

2. The name and address of Petitioner's attorney is:

Adeolu A. Bakare (Pa. I.D. 208541)  
McNEES WALLACE & NURICK LLC  
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3. On July 1, 2021, PAWC submitted the above-captioned Application with the Pennsylvania Public Utility Commission ("PUC" or "Commission") pursuant to 66 Pa. C.S. §§ 507, 1102(a), and 1329.

4. On August 12, 2021, the Commission issued a letter indicating conditional acceptance of PAWC's Application.

5. On October 29, 2021, the Commission issued a letter informing counsel for PAWC that it has accepted PAWC's Application.

6. The City supports the Application filed by PAWC at this docket.

7. 52 Pa. Code § 5.72(a) provides the eligibility requirements for a party to intervene in a proceeding and indicates, in relevant 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.

8. Consistent with 52 Pa. Code § 5.72(a), the City has a significant interest in this proceeding that is not represented by any other party of record and cannot be represented or protected adequately by other existing parties to this docket. *See* 52 Pa. Code § 5.72(a). The City seeks to intervene in this proceeding for due cause shown as it is the operator of the sewer system assets proposed for sale to PAWC.

9. As the operator of the sewer system and a signatory to the Asset Purchase Agreement, the City submits that it is an indispensable party to this Application and that its intervention is in the public interest.

10. The City intends to play an active role in the Commission's decision-making process regarding this Application. The City's participation in this matter will not unduly prejudice any party.

11. For the reasons set forth above, the Commission should grant the City intervenor status in this proceeding.

**WHEREFORE**, the City of York respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene in the above-captioned proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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*Counsel to the City of York*

Dated: November 8, 2021

