



January 12, 2022

VIA E-MAIL AND FIRST CLASS MAIL

David P. Zambito

Direct Phone 717-703-5892
Direct Fax 215-989-4216
dzambito@cozen.com

Honorable Steven K. Haas
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
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, 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.

Supplemental Testimony of Pennsylvania-American Water Company

Dear ALJ Haas:

Enclosed please find copies of the Supplemental Testimony and accompanying exhibits submitted on behalf of Pennsylvania-American Water Company ("PAWC") in the above-referenced matter:

Bernard J. Grundusky, Jr., PAWC Statement No. 1-Supp.(2) with PAWC Exhibits BJB-14 through BJB-17.

This testimony pertains to a significant development in this proceeding: PAWC has reached an agreement in principle to enter into new bulk service agreements with Manchester Township, North York Borough, Spring Garden Township, West Manchester Township, York Township and Springettsbury Township. PAWC is filing *pro forma* agreements because the municipalities have not yet executed the agreements, due to municipal approval processes and public meeting requirements. PAWC will file fully-executed agreements prior to Closing on the transaction.


Consequently, PAWC is modifying its request for relief, as described in the Application. Specifically, as discussed in the enclosed testimony, PAWC now asks the Commission to:

1. approve, pursuant to Section 507 of the Pennsylvania Public Utility Code ("Code"), 66 Pa. C.S. § 507, the *pro forma* Water Treatment and Conveyance Agreements between it and Manchester Township, North York Township, Spring Garden Township, West Manchester Township, York Township ("Municipalities Bulk Agreement"), as well as the *pro forma* Articles of Agreement between PAWC and Springettsbury Township. This would be in lieu of the request to (a) approve, pursuant to Section 507, assignment to PAWC of the current bulk service agreements between the City of York and the above municipalities; and (b) modify, pursuant to Section 508, the existing bulk service agreements between the City of York and the above municipalities. Closing on the transaction should be conditioned on PAWC filing a fully-executed agreement, substantially similar to each of the attached *pro forma* agreements.

2. modify the Articles of Agreement between the City of York and the Borough of West York dated as of December 13, 1976 (as assigned by the Borough of West York to The York Water Company), pursuant to Section 508, as described in Appendix L to the Application (regarding adoption of existing City of York charges to The York Water Company).

Copies of the enclosed testimony and exhibits have been served on all active parties as indicated on the enclosed Certificate of Service. Should you have any questions or concerns, please contact me.

Sincerely,



Cozen O'Connor
Counsel for *Pennsylvania-American Water
Company*

DPZ:kmg
Enclosures

cc: Rosemary Chiavetta, Secretary (*Cover Letter and Certificate of Service only*)
Per Certificate of Service

**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, 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- : Docket No. A-2021-3024681, *et*
American Water Company to begin to offer or furnish wastewater : *al.*
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 :

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of January, 2022 served a true copy of the foregoing **Pennsylvania-American Water Company’s Supplemental Testimony Regarding Bulk Agreements** upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

Erin K. Fure, Esq.
Office of Small Business Advocate
555 Walnut St.
Forum Place, First Floor
Harrisburg, PA 17101-1923
efure@pa.gov
Counsel for *Office of Small Business Advocate*

Carrie B. Wright, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, F West
Harrisburg, PA 17120
carwright@pa.gov
Counsel for *Bureau of Investigation and Enforcement*

Christine Maloni Hoover, Esq.
Harrison W. Breitman, Esq.
Erin L. Gannon, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, Fifth Floor
Harrisburg, PA 17101-1923
CHoover@paoca.org
HBreitman@paoca.org
EGannon@paoca.org
Counsel for *Office of Consumer Advocate*

Adeolu A. Bakare, Esq.
McNees, Wallace & Nurick
100 Pine Street
Harrisburg, PA 17101
ABakare@mcneeslaw.com
Counsel for *City of York*

Thomas T. Niesen, Esq.
Thomas, Niesen and Thomas
212 Locust Street, Suite 302
Harrisburg, PA 17101
tniesen@tntlawfirm.com
Counsel for *York City Sewer Authority*

Michael W. Hassell, Esq.
Devin T. Ryan, Esq.
Post & Schell, P.C.
17 North Second St., 12th Floor
Harrisburg, PA 17101-1601
mhassell@postschell.com
dryan@postschell.com
Counsel for *The York Water Company*

Stacey R. MacNeal, Esq.
Barley Snyder
100 East Market Street
York, PA 17401
smacneal@barley.com
Counsel for *York City Sewer Authority*

Thomas Wyatt, Esq.
Matthew S. Olesh, Esq.
Sydney Melillo, Esq.
Obermayer Rebmann Maxwell
& Hippel LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102-2101
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Sydney.Melillo@obermayer.com
Counsel for Manchester Township, West
Manchester Township, York Water
Company, Spring Garden Township and
North York Borough (aka "Municipalities")



David P. Zambito, Esq.
Counsel for *Pennsylvania-American Water Company*