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April 8, 2022

Via electronic filing only

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105

**RE: Docket No. A-2021-3026132– Application of Aqua Pennsylvania Water,
Inc. to Acquire the Wastewater System Assets of East Whiteland
Township**

Dear Secretary Chiavetta:

We are counsel to East Whiteland Township in the above-referenced matter and are submitting, with this letter, the Township's Main Brief. A copy of this document is being served upon all parties of record via electronic mail.

Very truly yours,



Matthew S. Olesh

cc: Administrative Law Judge Marta Guhl
Athena DelVillar, Legal Assistant for Office of the Administrative Law Judge
All parties of record

CERTIFICATE OF SERVICE

I, Matthew S. Olesh, Esq., hereby certified that I have served a true and correct copy of the foregoing O c k " D t k h upon the following parties by electronic mail:

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/s/ Matthew S. Olesh

Dated: Cr t k n 8, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Honorable Marta Guhl, Presiding

Application of Aqua Pennsylvania Wastewater, Inc. 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 East Whiteland Township's wastewater system assets situated within the Township of East Whiteland, Chester County, Pennsylvania, to Aqua Pennsylvania Wastewater, Inc., (2) the rights of Aqua Pennsylvania Wastewater, Inc. to begin to offer or furnish wastewater service to the public in East Whiteland Township, Chester County, Pennsylvania; and (3) an order approving the acquisition that includes the ratemaking rate base of the East Whiteland Township wastewater system assets pursuant to Section 1329(c)(2) of the Public Utility Code; (4) approval of contracts, including assignment of contracts, between Aqua and East Whiteland Township, pursuant to Section 507 of the Public Utility Code; and (5) approval of a contract between affiliated interests, pursuant to Section 2102 of the Public Utility Code.

A-2021-3026132

**MAIN BRIEF OF
EAST WHITELAND TOWNSHIP**

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Dated: April 8, 2022

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I. STATEMENT OF THE CASE

Pursuant to the briefing schedule established by the Honorable Marta Guhl and in accordance with Commission Regulations at 52 Pa. Code § 5.501, East Whiteland Township (hereinafter “East Whiteland” or the “Township”) hereby submits this Main Brief in support of the Application of Aqua Pennsylvania Wastewater, Inc. (“Aqua”), filed with the Public Utility Commission (the “Commission”) pursuant to Sections 507, 1102, 1329, and 2102 of the Public Utility Code (the “Application”) that is the subject of this proceeding. The Township respectfully requests that the Commission approve the Application.

A. Procedural History

This proceeding concerns Aqua’s Application, filed with the Commission dated July 23, 2021 for approval to acquire the wastewater system assets of the Township and right of Aqua to provide wastewater service to the public in East Whiteland pursuant to Sections 507, 1102, and 1329 of the Public Utility Code (hereinafter the “Proposed Transaction”). The Commission assigned the Application to Docket No. A-2021-3026132.

The Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance and Notice of Intervention on August 26, 2021. On September 17, 2021, the Office of Consumer Advocate (“OCA”) filed a Protest in this proceeding. The Bureau of Investigation and Enforcement (“I&E”) filed a Notice of Appearance on October 4, 2021. The Township itself filed its Petition to Intervene on February 3, 2022. On February 4, 2022, Richard J. Gage, an Aqua Water customer, filed a Protest in this proceeding.

By Secretarial Letter dated December 20, 2021, the Commission, *inter alia*, conditionally accepted Aqua’s Application. On February 4, 2022, the Commission, by Secretarial Letter, finally accepted Aqua’s applications for filing and assigned Administrative Law Judge Marta Guhl to

preside over the proceeding. An initial telephonic prehearing conference for the Application was held on Tuesday, March 8, 2022. Pursuant to the Prehearing Conference Order issued by Judge Guhl on February 17, 2022, a litigation schedule was set providing, *inter alia*, for evidentiary hearings on March 31 and April 1, 2022.

The following parties prepared and pre-served written testimony on behalf of Aqua and the Township: (1) John Nagel, the Township Manager; (2) William C. Packer, the Regional Controller of Aqua; (3) Mark J. Bubel, Sr., a Project Engineer III at Aqua; (4) Jerome C. Weinert from AUS Consultants (“AUS”), the Utility Valuation Expert (“UVE”) engaged by the Township; and (5) Harold Walker III from Gannett Fleming Valuation and Rate Consultants, LLC (“Gannett Fleming”), the UVE engaged by Aqua.

Prior to the scheduled evidentiary hearing, Aqua, East Whiteland, OCA, OSBA, and I&E agreed to a mutual waiver of cross examination and, therefore, requested that Judge Guhl excuse all witnesses from attending the evidentiary hearing. At the hearing on March 31, all pre-served written testimony and exhibits were entered into the record. In addition to the pre-served written testimony, a statement by Mr. Gage was also entered into the record. The evidentiary hearing was adjourned on March 31 and Judge Guhl cancelled the second day of the hearing previously scheduled for April 1, 2022.

B. Overview of the Proposed Transaction

East Whiteland owns and operates the Township’s wastewater collection, conveyance, and treatment system (the “System”), which consists of twelve (12) pump stations, about 329,072 linear feet of gravity and force mains, approximately 1,506 manholes, associated infrastructure appurtenances, and related land and land rights. The System currently provides service to 3,895

residential and commercial customers, and services approximately 7,908 Equivalent Dwelling Units.

With its System, East Whiteland is responsible for the safe collection and transmission of over 1.062 million gallons of wastewater per day that is generated in southeastern Pennsylvania. The Township accepts flows and collects sewer rental fees from the adjoining municipalities of East Goshen Township, Charlestown Township and Malvern Borough. In turn, the Township pays sewer rental fees to neighboring Tredyffrin Township and East Goshen Township, and a company for conveyance and to the Valley Forge Sewer Authority Wastewater Treatment Plant—where the Township has purchased capacity.

Ultimately, the Township’s decision to sell its System resulted from two primary goals: (1) the Township wanted to exit the business of providing sanitary sewer service and instead focus on its core governmental functions while simultaneously ensuring that East Whiteland customers continue to enjoy safe and reliable service at affordable rates; and (2) the up-front proceeds from the sale will enable East Whiteland to reduce its debt and fund various other important projects in the Township that would otherwise require an increase of taxes for its residents.

Aqua proposed to acquire the System. After arms-length negotiations concluded, Aqua and the Township entered into an Asset Purchase Agreement (“APA”) on January 8, 2021 providing for the sale of the assets, properties, and rights of the System for a purchase price of \$54,930,00. Pursuant to the APA, the acquired Township customers will be charged the Township’s existing rates at closing of the Proposed Transaction and shall not be increased until after the third anniversary of closing. Aqua and the Township, *inter alia*, agreed to use the process presented in Sections 1329 of the Public Utility Code to determine the fair market value of the System and the ratemaking rate base after expiration of the three (3) year rate freeze.

II. BURDEN OF PROOF

The Public Utility Code requires Commission approval via issuance of a Certificate of Public Convenience to permit a public utility to acquire property that is used or useful in the public service.¹ Pursuant to the Public Utility Code, the burden of proof rests with the applicant.² The Pennsylvania Supreme Court has explained “burden of proof” means a duty to establish a fact by a preponderance of the evidence, meaning that the party has presented evidence more convincing than the evidence by the opposing party.³ Once a presumption as to a particular fact is established, the burden of proof shifts to the opposing party to rebut the presumption.⁴

III. STATEMENT OF QUESTIONS INVOLVED

Question No. 1

Is the Proposed Transaction necessary or proper for the service, accommodation, convenience or safety of the public?

Suggested Answer to Questions No. 1

Yes. The Proposed Transaction is necessary or proper for the service, accommodation, convenience or safety of the public. As such, East Whiteland respectfully requests that the Commission issue a Certificate of Public Convenience approving Aqua’s acquisition of the System.

Question No. 2

Pursuant to Section 1329 of the Public Utility Code, is the \$54,930,000 negotiated purchase price the appropriate ratemaking rate base of the wastewater system assets of the Township?

¹ See 66 Pa.C.S. § 1102(a)(3).

² See *id.* § 332.

³ *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950); see also *Samuel J. Lansberry, Inc. v. Pa.P.U.C.*, 578 A.2d 600 (Pa. Cmwlth. 1990) (upholding the use of a preponderance of the evidence standard to an application filed with the Commission).

⁴ *In Re Byerly*, 270 A.2d 186 (Pa. 1970).

Suggested Answer to Question No. 2

Yes. The \$54,930,000 negotiated purchase price is the appropriate ratemaking rate base determined pursuant to Section 1329(c)(2) of the Public Utility Code, being the lesser of the purchase price and the average UVE fair market value appraisals.

Question No. 3

Pursuant to Section 507 of the Public Utility Code, are the contracts, including the assignment of contracts between East Whiteland and Aqua reasonable, legal and valid?

Suggested Answer to Questions No. 3

Yes. The contract, including assignment of contracts between East Whiteland and Aqua, is reasonable, legal, and valid pursuant to Section 507 of the Public Utility Code.

IV. SUMMARY OF ARGUMENT

The Public Utility Code requires Commission approval via the issuance of a Certificate of Public Convenience for a public utility to expand its service territory and to acquire a property used or useful in the public service. A Certificate of Public Convenience will issue if the Commission finds or determines that the granting of a certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.⁵ Aqua has satisfied its burden of proof and demonstrated by a preponderance of the evidence that the Proposed Transaction and the initiation of wastewater services to the Township’s customers will promote the service, accommodation, convenience, or safety of the public. Furthermore, Township engaged in a thoughtful and deliberative process that involved consultations with legal, financial, and engineering experts that allowed the Board of Supervisors to conclude that the sale of the System to Aqua was in the best interest of the Township and its customers. Moreover, the \$54,930,000

⁵ See 66 Pa.C.S. § 1103(a).

purchase price reflects the fair market value of the System and should serve as Aqua’s ratemaking rate base pursuant to Section 1329(c)(2) of the Public Utility Code. Finally, the APA – including the assignment of contracts between the Township and Aqua – is reasonable, legal, and valid pursuant to 507 of the Public Utility Code. Thus, the Township respectfully requests that the Commission approve Aqua’s Application to acquire the System.

V. ARGUMENT

A. Sections 1102/1103

1. Introduction

As Aqua is seeking a Certificate of Public Convenience from the Commission to acquire property used or useful in public service, as required under 66 Pa.C.S. § 1102(a)(1) and 1102(a)(3), the burden of proving entitlement to such a certificate is on Aqua. The Commission will issue a Certificate of Public Convenience pursuant to Section 1102 when the Commission finds that the granting of such certificate “is necessary or proper, for the service, accommodation, convenience, or safety of the public.”⁶

Pennsylvania courts have interpreted this provision to require a showing that the proposed transaction will “affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way.”⁷ More specifically, the Pennsylvania Supreme Court explained that the Commission is not required to secure legally binding commitments or to quantify benefits where this may be impractical, burdensome or impossible; rather, the Commission properly applies a preponderance of the evidence standard to make factually-based determinations (including predicted ones informed by expert judgment) concerning certification matters.⁸

⁶ 66 Pa.C.S. § 1103(a).

⁷ See, e.g., *City of York v. Pennsylvania Pub. Util. Comm’n*, 295 A.2d 285, 828 (1972) (quoting 66 Pa.C.S. § 1103).

⁸ *Popowsky v. Pa. P.U.C.*, 937 A.2d 1040, 1055–1056 (Pa. 2007).

Aqua has demonstrated through a preponderance of the evidence that its acquisition of the System and its initiation of wastewater treatment services to the acquired East Whiteland customers will affirmatively promote the service, accommodation, convenience, or safety of the public. More specifically, the Proposed Transaction will promote the public interest—and the Commission’s general goal—to regionalize and consolidate wastewater operations within the Commonwealth. Thus, the Township respectfully requests that the Commission issue a Certificate of Public Convenience to Aqua to acquire the System and begin furnishing wastewater service to the acquired Township customers.

2. Fitness

When considering a transaction such as the one presently at issue before the Commission, the party receiving the assets and service obligations must be technically, legally, and financially fit.⁹ Here, there is no dispute that Aqua has the requisite technical, financial and legal fitness to own and operate the System. In fact, Aqua’s fitness to provide wastewater service is presumed due to its status as a certificated provider of utility service in the Commonwealth.¹⁰

With respect to legal fitness, Aqua must demonstrate that it has obeyed the Code, as well as Commission Regulations and Orders.¹¹ Here, Aqua is a public utility operating under certificates of public convenience granted by the Commission with a good compliance history.¹² Additionally, there are no pending legal proceedings that would suggest that Aqua is not legally fit to provide safe and adequate service.¹³ Aqua thus satisfies the criteria for legal fitness.

⁹ *Joint Application of Peoples Natural Gas Co. LLC, Peoples TWP LLC, and Equitable Gas Co., LLC*, Docket No. A-2013-2353647, 309 P.U.R.4th 213 (2013).

¹⁰ *See Re Pennsylvania-American Water Company*, 85 PA PUC 548 (1995).

¹¹ *Re Perry Hassman*, 55 PA PUC 661 (1982).

¹² *See Aqua Statement No. 1*, p. 10; *see also Aqua Statement No. 2*, p. 17

¹³ *Aqua Statement No. 1*, p. 10

To show financial fitness, Aqua must demonstrate that it has sufficient financial resources to provide the proposed service.¹⁴ Aqua is a Class A water utility in the Commonwealth with total net utility plant assets of \$350 million and annual revenues of \$32 million.¹⁵ Further, Aqua – as a subsidiary of Aqua Pennsylvania, Inc. (“Aqua PA”) – has access to Aqua PA’s low-cost long-term debt financing instruments through the Pennsylvania Infrastructure Investment Authority, Aqua PA’s short-term credit facility of \$100 million, and Aqua PA’s equity capital.¹⁶ As such, Aqua satisfies this criterion as well.

Finally, to show technical/managerial fitness, Aqua must have sufficient staff, facilities and operating skills to provide the proposed service.¹⁷ Again, Aqua easily meets this standard. As stated above, Aqua already has a certificate to operate throughout the Commonwealth, and thus has in-depth expertise in operating wastewater collection and conveyance systems.¹⁸ Due to its extensive experience operating in the Commonwealth, Aqua has experience working with the Commission and statutory advocates to acquire and improve wastewater systems.¹⁹ This experience, combined with Aqua’s goal to always ensure that the collection, conveyance, and pumping systems it owns provide continuous safe and reliable service, renders Aqua technically fit to own and operate the System.

Thus, there is no dispute that Aqua has the requisite technical, legal, and financial fitness to own and operate the System and serve the acquired Township customers.

¹⁴ See *Hassman*, 55 PA PUC 661.

¹⁵ Aqua Statement No. 1, p. 10

¹⁶ *Id.*

¹⁷ See *Hassman*, 55 PA PUC 661.

¹⁸ Aqua Statement No. 2, p. 17.

¹⁹ See *id.* (citing Washington Park Wastewater, Docket No. A230550F2000).

3. Substantial Affirmative Public Benefits

Aqua has presented substantial and, more significantly, sufficient evidence in support of the affirmative public benefits of the Proposed Transaction, including but not limited to, the following: (1) that Aqua’s sufficient operational expertise and enhanced ability to raise capital to improve the System in the short and long-term; and (2) that the Proposed Transaction will promote the Commission’s policy of regionalization of wastewater system assets that allows for increased maintenance, upgrades, and expansion of public wastewater facilities.²⁰ Notably, the Commonwealth Court specifically determined that these two “aspirational statements are substantial evidence to support the notion that there is a public benefit for [a proposed transaction]” in *McCloskey v. Pa.P.U.C.*²¹ Thus, any contention that these benefits are “vague and unquantified” or would occur under any sale of the System is irrelevant.²² As required by section 1103 of the Public Utility Code, Aqua has thus satisfied its burden by establishing by a preponderance of the evidence that the Proposed Transaction will promote affirmative public benefits – some of which this Commission has already recognized as substantial evidence in connection with an Application to acquire wastewater assets.

Moreover, as detailed in the testimony of John Nagel, the Township Manager, the Proposed Transaction will provide specific additional benefits for East Whiteland and its customers as well.²³ For example, Mr. Nagel identified the following affirmative benefits of the Proposed Transaction for the Township and its residents generally: (1) the Township can exit the sanitary sewer business and instead focus its resources on other core government functions while ensuring

²⁰ See, e.g., Aqua Statement No. 1, pp. 15–19.

²¹ *McCloskey v. Pa.P.U.C.*, 195 A.3d 1055, 1065 (Pa. Commw. 2018).

²² See OCA Statement No. 2, pp. 12–13.

²³ See generally Aqua Statement No. 3 pp. 10–12; Aqua Statement No. 3-R.

safe, reliable, and professional service at affordable rates for its residents; (2) the Township's customers will benefit from the expertise and experience of a regulated public utility like Aqua; and (3) the proceeds from the sale will enable East Whiteland to reduce its debt and fund various other important projects in the Township that would otherwise require an increase of taxes for its residents.²⁴

The Township readily admits that it currently provides adequate service to its residents; however, this safe and reliable service to its customers monopolizes a significant amount of time and attention of the Township's already lean staff. For example, the team dedicated to sewer service in East Whiteland is comprised of the Director of Public Works and three full-time employees.²⁵ More significantly, the Director of Public Works currently dedicates approximately fifty percent (50%) of his time operating and managing the System – leaving only half of his time to tend to his various other responsibilities as Director of Public Works such as maintenance of East Whiteland's roads, parks, and traffic.²⁶ Thus, if the Proposed Transaction is approved, the Director and the full-time employees could focus their time and efforts on other core functions in the Public Works Department while simultaneously ensuring East Whiteland customers continue to enjoy safe and reliable service under Aqua's ownership.²⁷

4. Conclusion

Thus, Aqua has demonstrated by a preponderance of the evidence that it is legally, financially, and technically fit to acquire the System. Additionally, Aqua and the Township have demonstrated that the Proposed Transaction will affirmatively promote the service,

²⁴ See Aqua Statement No. 3-R, p. 3.

²⁵ *Id.* at pp. 3–4.

²⁶ *Id.*

²⁷ See *id.* at p. 4.

accommodation, convenience, of safety of the public in numerous ways. As such, the Township supports Aqua's position that the Commission should issue a *Certificate of Public Convenience* in connection to the Proposed Transaction.

B. Section 1329

1. Introduction

Aqua and East Whiteland agreed to use the process set forth in Section 1329 of the Public Utility Code, 66 Pa.C.S. § 1329, to determine the fair market value of the System and the ratemaking rate base.²⁸ As such, upon Commission approval of the Proposed Transaction, the ratemaking rate base for the System will be the lesser of the fair market value for the System, as defined by Section 1329(g), and the negotiated purchase price of the System.²⁹ For this Proposed Transaction, the negotiated purchase price will serve as the ratemaking rate base as it is lesser than the fair market value appraisal of the System.

2. Legal Principles

Section 1329 of the Public Utility Code addresses the valuation of wastewater system assets owned by a municipal corporation or authority that are acquired by investor-owned wastewater utilities or entities.³⁰ More specifically, Section 1329 provides a voluntary process to establish the ratemaking rate base based on the fair market valuation of an acquired wastewater system at the time of acquisition, rather than requiring the ratemaking base to be tied to the original cost of construction of the wastewater system.³¹ This voluntary valuation process helps mitigate the risk

²⁸ See Aqua Application, ¶ 53.

²⁹ See 66 Pa.C.S. § 1329(c)(2).

³⁰ See generally *id.* § 1329.

³¹ See *id.*

that a utility will not be able to fully recover investments made when water or wastewater assets are acquired from a municipal corporation or authority.

Pursuant to Section 1329(a)(2), two independent UVEs – one engaged by the buyer and one engaged by the seller – shall perform two separate, distinct appraisals of the wastewater system being acquired for the purpose of establish the system’s fair market value. The UVEs engaged for appraisals of a water or wastewater system must be selected from a list of qualified UVEs maintained by the Commission.³² Each UVE will conduct an independent fair market value appraisal using the Uniform Standards of Professional Appraisal Practice using three different approaches: cost, market, and income.³³ For ratemaking purposes, the valuation must be the lesser of the fair market value (*i.e.*, the average of the two independently conducted UVE appraisals) or the negotiated purchase price.³⁴

3. Aqua’s Application

As set forth in paragraph 53 of Aqua’s Application, Aqua and the Township agreed to use the section 1329 process to determine the fair market value of the Township’s assets and the ratemaking rate base. After arms-length negotiations, the Township and Aqua agreed to a purchase price of \$54,930,000 for the System.

Aqua engaged Harold Walker III of Gannett Fleming as its UVE, who arrived at a fair market appraisal of \$55,668,000 for the System.³⁵ The Township engaged Jerome C. Weinert from AUS, who reached \$57,781,458 as the fair market appraisal for the System.³⁶ Thus, the average of the AUS appraisal and the Gannett Fleming appraisal is \$56,724,729.³⁷ Thus, pursuant

³² See *id.* § 1329(g).

³³ *Id.* § 1329(a)(3).

³⁴ *Id.* § 1329(c)(2).

³⁵ See Aqua Application, ¶ 56.

³⁶ See *id.*

³⁷ See *id.*

to section 1329(c)(2), the ratemaking rate base for the acquired Township customers – should the Commission approve the Proposed Transaction – will be the \$54,930,000 purchase price, being the lesser of the negotiated purchase price and the average of the UVE appraisals.

The Fair Market Value Appraisal Reports of Gannett Fleming and AUS were attached as Exhibit Q and Exhibit R, respectively, to Aqua’s Application. Additionally, Gannett Fleming and AUS both provided concise tables summarizing their analyses and calculations of the System in their respective testimony.³⁸ Both AUS and Gannett Fleming provided Verified Statements that their Appraisals determined fair market value in compliance with Uniform Standards of Professional Appraisals Practice (“USPAP”), employing the cost, market and income approaches.³⁹ The summaries of each are as follows:

Gannett Fleming⁴⁰

<u>Valuation Approach</u>	<u>Indicated Value</u>	<u>Weight</u>	<u>Weighted Value</u>
Cost Approach	\$59,118,924	33.33%	\$19,704,337
Market Approach	\$46,741,589	33.34%	\$15,583,646
Income Approach	\$61,147,544	33.33%	\$20,380,476
		100%	\$55,668,459
Conclusion			\$55,668,000

AUS Consultants⁴¹

<u>Valuation Approach</u>	<u>Indicated Value</u>	<u>Weight</u>	<u>Weighted Value</u>
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³⁸ See Aqua Statement No. 4, p. 13 (providing the summary of Gannett Fleming); *see also* Aqua Statement No 5, p.3 (providing the summary of AUS’ analyses and calculation).

³⁹ See Aqua’s Application, Exhibit T1 and Exhibit T2.

⁴⁰ See Aqua Statement No. 4, p. 13.

⁴¹ See Aqua Statement No 5, p. 3.

Cost Approach	\$59,847,171	50%	\$29,923,586
Income Approach	\$55,600,045	40%	\$22,240,018
Market Approach	\$56,178,539	10%	\$5,617,854
		100%	\$57,781,458
Conclusion			\$57,781,458

As such, East Whiteland respectfully requests that the Commission’s Order approving Aqua’s acquisition of the System include a determination, pursuant to section 1329(c)(2), that the ratemaking rate base is \$54,930,000—being the lesser of the negotiated purchase price and the average of the UVE appraisals.

4. Challenges to UVE appraisals

East Whiteland endorses, adopts and incorporates by reference the section of Aqua’s main brief relating to the challenges to UVE appraisals.

5. Conclusion

The ratemaking rate base determined pursuant to Section 1329(c)(2) is \$54,930,000. Any criticisms of the UVE appraisals set forth by the parties in this proceeding should be rejected and given no weight for the reasons set forth in Aqua’s Main Brief.

C. Recommended Conditions

East Whiteland endorses, adopts and incorporates by reference the section of Aqua’s Main Brief relating to conditions for approval.

D. Section 507 Approvals

East Whiteland endorses, adopts and incorporates by reference the section of Aqua’s Main Brief relating to section 507 approvals.

E. Section 2102 Approval

East Whiteland endorses, adopts and incorporates by reference the section of Aqua's Main Brief relating to its requested section 2102 approvals of affiliated interests.

F. Other Approvals, Certificates, Registrations and Relief, If Any, Under the Code

East Whiteland endorses, adopts and incorporates by reference the section of Aqua's Main Brief relating to other approvals, certificates, registrations and relief under the Code.

VI. CONCLUSION OF REQUESTED RELIEF

For all the reasons set forth herein, as well as the reasons set forth in Aqua's Main Brief, the Township respectfully requests that the Commission approve of the Application and grant Aqua's requested relief.

Respectfully submitted,

/s/ Matthew S. Olesh

Thomas Wyatt, Esquire (PA I.D. 89342)
Matthew S. Olesh, Esquire (PA I.D. 206553)
Sydney N. Melillo, Esquire (PA I.D. 328031)

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Counsel for East Whiteland Township

Dated: April 8, 2022

Appendix A – Proposed Findings of Fact

East Whiteland endorses, adopts and incorporates by reference the proposed findings of fact submitted by Aqua.

Appendix B – Proposed Conclusions of Law

East Whiteland endorses, adopts and incorporates by reference the proposed conclusions of law submitted by Aqua.

Appendix C – Proposed Ordering Paragraphs

East Whiteland endorses, adopts and incorporates by reference the proposed ordering paragraphs submitted by Aqua.