



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

July 13, 2022

**Via Electronic Filing**

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

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
East Dunkard Water Authority  
Docket No. C-2021-3027615  
**Joint Stipulations of Fact**

Dear Secretary Chiavetta:

Enclosed for filing please find the **Joint Stipulations of Fact** with regard to the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephanie M. Wimer', is written over a light blue horizontal line.

Stephanie M. Wimer  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 207522  
(717) 772-8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

SMW/ac  
Enclosures

cc: Hon. Marta Guhl, OALJ-Philadelphia (*via e-mail only*)  
Athena Delvillar, OALJ Legal Assistant (*via e-mail only*)  
Michael L. Swindler, Deputy Chief Prosecutor, I&E (*via e-mail only*)  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                           |
|---|---|---------------------------|
| Pennsylvania Public Utility Commission, | : |                           |
| Bureau of Investigation and Enforcement | : |                           |
| Complainant                             | : |                           |
|   | : |                           |
| v.                                      | : | Docket No. C-2021-3027615 |
|   | : |                           |
| East Dunkard Water Authority            | : |                           |
| Respondent                              | : |                           |

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**JOINT STIPULATION OF FACTS**

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Pursuant to the litigation schedule that was established during the Prehearing Conference held on February 2, 2022, and as modified by presiding Administrative Law Judge (“ALJ”) Marta J. Guhl’s email dated June 8, 2022, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and the East Dunkard Water Authority (“Authority”), by their undersigned attorneys, agree and stipulate to the following facts regarding the above-captioned matter.

**STIPULATION OF FACTS**

1. The Authority was formed on or about December 6, 2010, as a municipal authority for the purpose of constructing or otherwise providing the facilities necessary to furnish water for the incorporating municipality and to such adjoining political subdivisions or areas as desire the service.
2. Dunkard Township is the Authority’s incorporating municipality.
3. No municipalities other than Dunkard Township, the incorporating municipality, joined the Authority.
4. In 2011, the Authority assumed control over the provision of water service to

Dunkard Township and adjacent areas from the East Dunkard Water Association, which operated as a *bona fide* cooperative association.

5. The Authority and the East Dunkard Water Association are separate and distinct entities.

6. The Authority leases 207 miles of water pipeline from the East Dunkard Water Association, and operates an additional twenty-seven (27) miles of its own water pipeline, a water treatment plant, six (6) pump stations, and eight (8) storage tanks.

7. The Authority furnishes water service to customers located in Dunkard Township, Greene Township, and portions of Monongahela, Cumberland, Perry, and Whiteley Townships.

8. Approximately 1,592 residential customers with approximately 60 of those being commercial customers are currently located in Greene, Monongahela, Cumberland, Perry, and Whiteley Townships.

9. The Authority sends monthly invoices to its customers that include the following current rates: a base rate of \$17.50, then a rate of \$1.31 per hundred gallons, plus a \$17.54 debt service charge.

10. Cumberland Township and Greene Township passed resolutions on February 7, 2022, authorizing the Authority to provide water service to customers located in their respective Townships. Prior to February 7, 2022, neither Cumberland Township nor Greene Township had entered into contracts with the Authority concerning the Authority's provision of water service to customers located in their respective Townships, but neither Township objected to the Association or later the Authority providing water service to residents in the

respective Townships. Approximately 169 customers in Cumberland Township and 171 customers in Greene Township currently receive water service provided by the Authority.

11. Perry Township and Whiteley Township passed resolutions on February 8, 2022, authorizing the Authority to provide water service to customers located in their respective Townships. Prior to February 8, 2022, neither Perry Township nor Whiteley Township had entered into contracts with the Authority concerning the Authority's provision of water service to customers located in their respective Townships, but neither Township objected to the Association or later the Authority providing water service to residents in the respective Townships. Approximately 14 customers in Perry Township and 10 customers in Whiteley Township currently receive water service provided by the Authority.

12. Monongahela Township has never passed a resolution or entered into a contract with the Authority related to the Authority's provision of water service to customers located in Monongahela Township. Approximately 269 customers in Monongahela Township currently receive water service provided by the Authority.

13. The Authority has no other relationship with its customers who are located outside of Dunkard Township other than to provide water service for compensation.

14. The Authority has provided water service to customers located outside of Dunkard Township upon request.

15. The Authority has not applied for and does not maintain a Certificate of Public Convenience issued by the Commission.

16. Between June 1, 2019 and February 25, 2021, the Authority received 119 complaints from customers who complained about leaking water facilities, low water

pressure, and brown, yellow, dirty, or discolored water.

17. The Pennsylvania Department of Environmental Protection (“DEP”) issued the Authority a Notice of Violation dated July 9, 2019, finding that the Authority failed to monitor or report sample results for coliform bacteria and free chlorine residual within the distribution system on a weekly basis in May 2019.

18. DEP issued the Authority a Notice of Violation dated December 4, 2020, finding that the Authority failed to monitor or report the required number of turbidity or disinfectant residual measurements.

19. Between August 2021 and March 2022, DEP issued the Authority four Field Orders related to operational concerns and contaminants entering the water. In three (3) of the four (4) field orders, DEP directed the Authority to issue and maintain a Boil Water Advisory until DEP permitted the Authority to lift it. One Boil Water Advisory lasted from March 11, 2022 to May 5, 2022.

20. On March 21, 2022, DEP issued an Administrative Order to the Authority for failing to prepare a comprehensive lead and copper monitoring plan.

As agreed on this 13<sup>th</sup> day of July 2022:



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Stephanie M. Wimer, Esq.  
Senior Prosecutor  
Bureau of Investigation and Enforcement

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Megan L. Patrick, Esq.  
*Counsel for*  
*East Dunkard Water Authority*

1. pressure, and brown, yellow, dirty, or discolored water.
2. The Pennsylvania Department of Environmental Protection (“DEP”) issued the Authority a Notice of Violation dated July 9, 2019, finding that the Authority failed to monitor or report sample results for coliform bacteria and free chlorine residual within the distribution system on a weekly basis in May 2019.
3. DEP issued the Authority a Notice of Violation dated December 4, 2020, finding that the Authority failed to monitor or report the required number of turbidity or disinfectant residual measurements.
4. Between August 2021 and March 2022, DEP issued the Authority four Field Orders related to operational concerns and contaminants entering the water. In three (3) of the four (4) field orders, DEP directed the Authority to issue and maintain a Boil Water Advisory until DEP permitted the Authority to lift it. One Boil Water Advisory lasted from March 11, 2022 to May 5, 2022.
5. On March 21, 2022, DEP issued an Administrative Order to the Authority for failing to prepare a comprehensive lead and copper monitoring plan.

As agreed on this 13<sup>th</sup> day of July 2022:

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Stephanie M. Wimer, Esq.  
Senior Prosecutor  
Bureau of Investigation and Enforcement



Megan L. Patrick, Esq.  
*Counsel for*  
*East Dunkard Water Authority*

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| East Dunkard Water Authority            | : |                           |
| Respondent                              | : |                           |

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Notification by Electronic Mail:**

Megan L. Patrick, Esq.  
Makel & Associates, LLC  
98 E. Maiden Street  
Washington, PA 15301  
[megan@makelandassociates.com](mailto:megan@makelandassociates.com)  
*Counsel for East Dunkard Water Authority*

  
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Stephanie M. Wimer  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 207522  
(717) 772-8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Dated: July 13, 2022