



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
August 26, 2022

IN REPLY PLEASE
REFER TO OUR FILE
I-2018-3001161

Re: *Pa. PUC v. North Heidelberg Sewer Company*
Docket No. I-2018-3001161

TO ALL PARTIES:

By this Secretarial Letter, the Commission grants the letter Petition to Withdraw Exceptions (Petition to Withdraw), filed by John Guenther, Jr. on August 10, 2022, in the above-captioned proceeding.¹

The instant proceeding is an investigation initiated by the Commission pursuant to Section 529 of the Public Utility Code, 66 Pa. C.S. § 529, into whether the Commission should order a capable public utility to acquire the wastewater system assets of North Heidelberg Sewer Company (NHSC). Mr. Guenther filed a Petition to Intervene on July 9, 2019. On May 13, 2022, Aqua Pennsylvania Wastewater, Inc. (Aqua), NHSC, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and Metropolitan Edison Company filed a Joint Petition for Approval of Settlement (Joint Petition), which, among other things, provides that Aqua will purchase the wastewater system assets of NHSC. Following a hearing, in the Recommended Decision served on June 24, 2022, Administrative Law Judge Steven K. Haas recommended approval of the Joint Petition, without modification.

Mr. Guenther filed Exceptions to the Recommended Decision on July 27, 2022, after receiving an extension. Mr. Guenther's Exceptions pertain to his main concern in this proceeding: the status of his "46 EDUs," *i.e.*, the status of equivalent dwelling units (EDUs) that were part of a sales agreement between Mr. Guenther and NHSC concerning sewer service for certain properties. *Exc.* at 2. Mr. Guenther explains that he was the owner of a complex, including a country club, ski slope, and undeveloped land, which was sold to the former owner of NHSC, with the exception of thirteen acres that were to be provided with sewer and water under the sales agreement. *Id.* at 3. Mr. Guenther has sought assurance in this proceeding that properties on the thirteen acres would receive sewer service. *Id.* at 6-7. The issues Mr. Guenther has raised in his Exceptions are not addressed in the Joint Petition or in the

¹ As addressed in more detail herein, because Mr. Guenther indicates in his filing that the issues he has raised in his Exceptions have been resolved, we will treat the filing as a Petition to Withdraw pursuant to 52 Pa. Code § 5.539.

Recommended Decision. None of the other Parties filed Exceptions or Replies to Exceptions.

On August 5, 2022, Aqua filed a letter with the Commission advising that Aqua and Mr. Guenther achieved a resolution of the matter and Mr. Guenther would be writing to the Commission confirming the matter has been resolved. On August 10, 2022, Mr. Guenther filed the letter Petition to Withdraw, advising that all of his concerns have been satisfied and arrangements have been finalized with Aqua concerning his “EDUs paid for and reserved.” Petition to Withdraw at 1.

A request to withdraw Exceptions is governed by Section 5.539 of our Regulations, 52 Pa. Code § 5.539, which permits Exceptions to be withdrawn at any time. As previously noted, the Exceptions do not pertain to issues in the Joint Petition or in the Recommended Decision and involve a separate agreement concerning Mr. Guenther and Aqua. Under the circumstances and because both Mr. Guenther and Aqua are satisfied with the resolution of the issues Mr. Guenther raised in his Exceptions, we find that the withdrawal of the Exceptions is appropriate and consistent with the public interest.

Should you have any questions, you may contact the Office of Special Assistants, Kathryn G. Sophy, Director at 717-787-1827.

Very truly yours,

A handwritten signature in cursive script that reads "Rosemary Chiavetta". The signature is written in black ink and is positioned above the printed name and title.

Rosemary Chiavetta
Secretary