



**Elizabeth Rose Triscari**  
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May 22, 2023

**VIA ELECTRONIC FILING**

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

In re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § § 1102(a) and 1329, 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 Butler Area Sewer Authority (“BASA”), (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, the Borough of East Butler, and the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania

**Docket No: A-2022-3037047**

Dear Secretary Chiavetta:

In compliance with the Secretarial Letter issued in the above-referenced proceeding on April 10, 2023 (“Secretarial Letter”), this correspondence is to inform the Pennsylvania Public Utility Commission (“Commission”) that Pennsylvania-American Water Company (“PAWC”) has complied with the Secretarial Letter conditions by completing the following:

On May 9, 2023, PAWC served copies of the Application on the parties referenced in the Secretarial Letter. A Certificate of Service evidencing this is attached to this letter.

In Compliance with the Secretarial Letter and in compliance with the Final Supplemental Implementation Order entered at Docket No. M-2016-2543193 (“FSIO”), PAWC has completed providing such individualized customer notice to

its customers. Furthermore, PAWC has also provided concurrent notice to all current Butler Area Sewer Authority (“BASA”) wastewater customers.

PAWC is also attaching Proof of Publication from The Butler Eagle stating that notice appeared in the Butler Eagle on April 23, 2023 and April 30, 2023.

Enclosed is a Verification signed by Scott Fogelsanger confirming satisfaction of the conditions established in the Secretarial Letter by PAWC.

**PAWC respectfully asks for expedited treatment and that, by May 23, 2023, the Commission accept the Application, as amended, for official filing purposes via Secretarial Letter** and publish notice of the Application no later than the June 10, 2023, edition of the Pennsylvania Bulletin with a July 10, 2023 protest and intervention due date, consistent with the Secretarial Letter. Such expedited treatment is necessary to allow for a full 170 days for consideration of this matter and a final PUC Order entered at the November 9, 2023, PUC Public Meeting. Although the FSIO affords the Bureau of Technical Utility Services a 10-day review period and the option to hold acceptance of the application for one to five additional calendar days to achieve a consideration period of 170 to 180 days, PAWC respectfully asserts this would result in an unnecessary and unreasonable delay contrary to the legislative intent of the statutory 180-day consideration period under Section 1329. Over three months have already passed since the Application was filed. The Application has been reviewed and deemed complete, conditioned only on the actions in the Secretarial Letter, which this letter verifies have been completed.

If you should have any questions, please feel free to contact me.

Sincerely,



Elizabeth Rose Triscari

Enclosures

cc: All Parties on the attached Certificate of Service (*via electronic mail*)  
Paul Diskin (*via electronic mail*)  
Daniel Searforce (*via electronic mail*)  
Sean Donnelly (*via electronic mail*)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a) and 1329, 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 Butler Area Sewer Authority, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, and portions of the Borough of East Butler, and portions of the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania

Docket No. A-2022-3037047

In re: Application of Pennsylvania-American Water Company under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1329, for approval of the use for ratemaking purposes of the lesser of the fair market value or the negotiated purchase price of the assets related to the wastewater collection and treatment system owned by the Butler Area Sewer Authority

Docket No. A-2023

In re: Petition of Pennsylvania-American Water Company, related to is acquisition of the wastewater collection and treatment system owned by the Butler Area Sewer Authority, for approval under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, to (i) collect a distribution system improvement charge, (ii) for book and ratemaking purposes, accrue Allowance for Funds Used During Construction for post-acquisition improvements not recovered through the distribution system improvement charge, (iii) for book and ratemaking purposes, defer depreciation related to post-acquisition improvements not recovered through the distribution system improvement charge, and (iv) include, in its next base rate case, a claim for transaction and closing costs.

Docket No. P-2023

In re: Filing by Pennsylvania-American Water Company under Section 507 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 507, of (i) the Asset Purchase Agreement By and Among Butler Area Sewer Authority and Pennsylvania-American Water Company, and (ii) three agreements with municipal corporations to be assumed by Pennsylvania-American Water Company upon closing of its acquisition of substantially all of the assets related to the wastewater collection and treatment system owned by the Butler Area Sewer Authority

Docket Nos. U-2023-\_\_\_\_\_, *et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 22<sup>nd</sup> of May 2023 served a true copy of the foregoing letter upon the parties, listed below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA ELECTRONIC MAIL ON MAY 22, 2023**

Erin L. Gannon, Esquire  
Mackenzie C. Battle, Esquire  
Harrison W. Breitman, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923

Nakea Hurdle, Esquire  
Steven Gray, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101

Erica McLain, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, F West  
Harrisburg, PA 17120

Kevin C. Higgins  
Energy Strategies  
111 East Broadway, Suite 1200  
Salt Lake City, Utah 84111

Respectfully submitted,



Elizabeth Rose Triscari, Esquire (PA ID #306921)  
Erin K. Fure, Esquire (PA ID #312245)  
Pennsylvania-American Water Company  
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David P. Zambito, Esquire (PA ID #80017)  
Jonathan P. Nase, Esquire (PA ID #44003)  
Cozen O'Connor  
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(717) 703-5892  
dzambito@cozen.com  
jnase@cozen.com

**Attorneys for  
Pennsylvania-American Water Company**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a) and 1329, 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 Butler Area Sewer Authority, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, and portions of the Borough of East Butler, and portions of the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania

Docket No. A-2022-3037047

In re: Application of Pennsylvania-American Water Company under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § 1329, for approval of the use for ratemaking purposes of the lesser of the fair market value or the negotiated purchase price of the assets related to the wastewater collection and treatment system owned by the Butler Area Sewer Authority

Docket No. A-2023

In re: Petition of Pennsylvania-American Water Company, related to is acquisition of the wastewater collection and treatment system owned by the Butler Area Sewer Authority, for approval under Section 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, to (i) collect a distribution system improvement charge, (ii) for book and ratemaking purposes, accrue Allowance for Funds Used During Construction for post-acquisition improvements not recovered through the distribution system improvement charge, (iii) for book and ratemaking purposes, defer depreciation related to post-acquisition improvements not recovered through the distribution system improvement charge, and (iv) include, in its next base rate case, a claim for transaction and closing costs.

Docket No. P-2023

In re: Filing by Pennsylvania-American Water Company under Section 507 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 507, of (i) the Asset Purchase Agreement By and Among Butler Area Sewer Authority and Pennsylvania-American Water Company, and (ii) three agreements with municipal corporations to be assumed by Pennsylvania-American Water Company upon closing of its acquisition of substantially all of the assets related to the wastewater collection and treatment system owned by the Butler Area Sewer Authority

Docket Nos. U-2023-\_\_\_\_\_, *et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the above-referenced Application upon the persons and in the manner indicated below, which service satisfies the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**SERVED VIA OVERNIGHT MAIL ON MAY 9, 2023**

Butler Township Board of Commissioners  
290 South Duffy Road  
Butler, PA 16001

East Butler Borough Planning Commission  
1105 Randolph Avenue  
East Butler, PA 16029

Butler Township Planning Commission  
290 South Duffy Road  
Butler, PA 16001

East Butler Borough Commissioners  
1105 Randolph Avenue  
East Butler, PA 16029

Center Township Planning Commission  
150 Hendricks Road  
Butler, PA 16001-8472

Township of Connoquenessing  
Board of Supervisors  
102 Township Drive  
Renfrew, PA 16053

Center Township Board of Supervisors  
150 Hendricks Road  
Butler, PA 16001-8472

Township of Connoquenessing  
Planning Commission  
102 Township Drive  
Renfrew, PA 16053

City of Butler Board of Commissioners  
Butler City Building  
140 West North Street  
Butler, PA 16001-5298

Oakland Township  
Board of Supervisors  
565 Chicora Road  
Butler, PA 16001

City of Butler Planning/Zoning Commission  
Butler City Building  
140 West North Street  
Butler, PA 16001-5298

Oakland Township  
Planning Commission  
565 Chicora Road  
Butler, PA 16001

Pennsylvania Department of Environmental  
Protection – Northwest Region  
230 Chestnut Street  
Meadville, PA 16335

Summit Township Planning Commission  
Summit Township Municipal Building  
502 Bonniebrook Road  
Butler, PA 16002

Pennsylvania Department of Environmental  
Protection  
Rachel Carson Office Building  
400 Market Street  
Harrisburg, PA 17101

Summit Township Board of Supervisors  
Summit Township Municipal Building  
502 Bonniebrook Road  
Butler, PA 16002

Respectfully submitted,



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Elizabeth Rose Triscari, Esquire (PA ID #306921)  
Erin K. Fure, Esquire (PA ID #312245)  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
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David P. Zambito, Esquire (PA ID #80017)  
Jonathan P. Nase, Esquire (PA ID #44003)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
(717) 703-5892  
dzambito@cozen.com  
jnase@cozen.com

**Attorneys for  
Pennsylvania-American Water Company**

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Jamie DeVore Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

\_\_\_\_\_ April 23 \_\_\_\_\_ and the  
\_\_\_\_\_ 30th \_\_\_\_\_ Day of \_\_\_\_\_ April \_\_\_\_\_ A.D. 2023

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Jamie DeVore  
Butler Eagle

Sworn to and subscribed before me this 30th  
Day of April 2023

Carolyn E. Ortiz  
Notary Public

My Commission Expires:  
Commonwealth of Pennsylvania - Notary Seal  
CAROLYN ELAINE ORTIZ - Notary Public  
Butler County  
My Commission Expires March 25, 2027  
Commission Number 1348650

### Copy of Notice or Publication

**LEGAL NOTICE PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE TO BE PUBLISHED**  
In the Matter of the 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, of substantially all of Butler Area Sewer Authority's assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, the Borough of East Butler, and the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania - Docket No. A-2022-3037047, et al.  
Formal protests and petitions to intervene must be filed in accordance with Title 52 of the Pennsylvania Code, on or before July 10, 2023. All filings must be made with the Secretary of the Pennsylvania Public Utility Commission at the mailing address of 400 North Street, 2nd Floor, Harrisburg, PA 17120, OR on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov), with a copy served on the Applicant. The documents filed in support of the Application are available for inspection and copying at the Office of the Secretary between the hours of 8:00 A.M. and 4:30 P.M. Monday through Friday, on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov), and at the Applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.  
Applicants' business address:  
Applicant:  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Statement of Advertising Costs  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
Attn: Jana Hurst

TO BUTLER EAGLE, Dr.	
For publishing the notice or publication attached Hereto on the above stated dates	\$ 348.00
Probating same	\$ 3.00
Total	\$ 351.00

The EAGLE PRINTING COMPANY  
receipt of the affiant's

**Publisher's Receipt for Advertising Costs**  
publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge publication costs and certifies that the same have been duly paid.  
EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

By \_\_\_\_\_

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


In re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa C.S. § § 1102(a) and 1329, 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 Butler Area Sewer Authority, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, and portions of the Borough of East Butler, and portions of the Townships of Butler, Center, Connoquenessing, Oakland, and Summit, in Butler County, Pennsylvania

Docket No. A-2022-3037047

**VERIFICATION**

I, Scott D. Fogelsanger, Senior Manager – Business Development, Pennsylvania-American Water Company, here state that Pennsylvania-American Water Company has satisfied the conditions established in the Secretarial Letter dated April 10, 2023 for the above-referenced Application. I understand the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Dated: 5-22-23

  
\_\_\_\_\_  
Scott D. Fogelsanger, Senior Manager  
Business Development  
Pennsylvania-American Water Company