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May 26, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Docket No. A-2022-3037047 – Application of Pennsylvania-American
Water Company to Acquire the Wastewater System Assets of the Butler
Area Sewer Authority**

Dear Secretary Chiavetta:

We are counsel to the Butler Area Sewer Authority (“BASA”) in the above matter, and are submitting, with this letter, BASA’s Petition to Intervene in the above-referenced proceeding.

This document is being served via electronic mail all parties of record. The document was also filed electronically with the Public Utility Commission on this date.

Very truly yours,

Sydney N. Melillo

CC: All parties of record
Thomas S. Wyatt, Esq. (Thomas.wyatt@obermayer.com)
Matthew S. Olesh, Esq. (matthew.olesh@obermayer.com)

CERTIFICATE OF SERVICE

I, Sydney N. Melillo, Esq., hereby certify that I have served a true and correct copy of the foregoing document upon the following parties by electronic mail:

Elizabeth Triscari, Esq.
Director, Corporate Counsel
Pennsylvania American Water Company
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/s/ Sydney N. Melillo

Dated: May 26, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American Water :
Company under Section 1102(a) and 1329 of the :
Pennsylvania Public Utility Code, 66 Pa C.S. § 1102(a), : Docket No. A-2022-3037047
for approval of (1) the transfer, by sale, of substantially :
all of the assets, properties and rights related to its :
wastewater collection and treatment system owned by :
the Butler Area Sewer Authority, 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, portions of East Butler, and portions of :
the Townships of Butler, Center, Connequenessing, :
Oakland and Summit, in Butler County, Pennsylvania

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.66, YOU MAY ANSWER THE ENCLOSED PETITION TO INTERVENE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PETITION TO INTERVENE MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR BUTLER AREA SEWER AUTHORITY.

/s/ Thomas Wyatt

Thomas Wyatt, Esquire (PA I.D. 89342)
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Counsel for Butler Area Sewer Authority

Dated: May 26, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Company under Section 1102(a) and 1329 of the :
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City of Butler, portions of East Butler, and portions of :
the Townships of Butler, Center, Connequenessing, :
Oakland and Summit, in Butler County, Pennsylvania

PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, Butler Area Sewer Authority (“BASA” or the “Authority”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Pennsylvania-American Water Company (“Pennsylvania-American”) for approval to acquire the wastewater collection and treatment system of BASA. The Application directly affects the interests of BASA, which are not adequately represented by any existing party. For the reasons that follow, BASA respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. BASA is an authority incorporated by the City of Butler and Butler Township under the Municipality Authorities Act to serve both municipalities, connect the collection sewers, and expand the sewage treatment plant.
2. While the City of Butler and the Township of Butler incorporated BASA to serve both municipalities, the Authority also provides wastewater services to Center Township, East

Butler Borough, parts of Connoquenessing Borough, Summit Township, and Oakland Township (the “Service Area”).

3. BASA’s business address is 100 Litman Road, Butler, PA 16001.

4. BASA owns and operates a wastewater collection and treatment system that includes a wastewater treatment plant, collection mains, pumping stations, interceptor sewers, flow equalization tanks, and manholes (the “System”).

5. BASA is interested in the above-captioned docket as a party to the agreement under which Pennsylvania-American seeks approval to acquire the System.

6. BASA supports the Application filed by Pennsylvania-American at this docket.

7. 52 Pa. Code § 5.72 sets forth the eligibility requirements for a party to intervene and provides in part as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected, and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

8. BASA seeks intervention in the proceeding for due cause shown for the following reasons:

(a) BASA is a party to the Asset Purchase Agreement (the “APA”) whereby Pennsylvania-American agreed to purchase BASA’s wastewater collection and treatment system, which provides sanitary wastewater collection and treatment service to approximately 14,792 customers in the Service Area;

(b) Pennsylvania-American’s Application relies on the Authority’s consent to the sale of the wastewater collection and treatment system.

9. BASA has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

10. As a party to the APA, the Authority submits that its intervention is in the public interest.

11. The Authority intends to play an active role in the Commission's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE, the Butler Area Sewer Authority respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

Respectfully submitted,

/s/ Thomas Wyatt
Thomas Wyatt, Esquire (PA I.D. 89342)
Matthew S. Olesh, Esquire (PA I.D. 206553)
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Dated: May 26, 2023

VERIFICATION

I, Duane McKee, the Executive Director of the Butler Area Sewer Authority, hereby verify that the statements of fact made in the foregoing document are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Duane McKee

Dated: May 26, 2023