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May 30, 2023

Via E-File

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

**Re: Application of Aqua Pennsylvania, Inc. pursuant to Sections 1102, 1329, and 507 of the Public Utility Code for Approval of its Acquisition of the Water System Assets of Shenandoah Borough and MABS
Docket No. A-2022-3034143**

Dear Secretary Chiavetta:

This firm represents Aqua Pennsylvania, Inc. (“Aqua”) in the above-captioned matter. Enclosed for filing, please find the Exception of Aqua Pennsylvania, Inc. to the Recommended Decision of Administrative Law Judge Jeffrey A. Watson.

As evidenced in the enclosed Certificate of Service, copies of the Exception have been served on the presiding Administrative Law Judge and counsel for the parties and intervenors, as well as upon the Office of Special Assistants.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in blue ink that reads "Courtney L. Schultz".

Courtney L. Schultz

Enclosures

cc: All Parties per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania, Inc. for	:	Docket No. A-2022-3034143
Approval of its Acquisition of the Water	:	
System Assets of the Borough of Shenandoah	:	
and the Municipal Authority of the Borough	:	
of Shenandoah Pursuant to Sections 1102,	:	
1329 and 507 of the Public Utility Code	:	

**EXCEPTION OF AQUA PENNSYLVANIA, INC. – APPLICANT
TO RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON**

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Counsel for Aqua Pennsylvania, Inc.

Dated: May 30, 2023

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66 Pa. C.S. § 11021, 10

66 Pa. C.S. § 1304 passim

66 Pa. C.S. § 1329 passim

PUC AUTHORITIES

Implementation of Section 1329 of the Public Utility Code, Final Implementation Order, entered October 27, 2016, at Docket No. M-2016-25431932

Aqua Pennsylvania Wastewater, Inc. – Acquisition of Wastewater System Assets of Cheltenham Township, Docket No. A-2019-3008497, 8, 9

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Aqua Pennsylvania, Inc. (“Aqua” or “Company”), by and through its undersigned counsel, hereby submits the following Exception to the Recommended Decision of Administrative Law Judge Jeffrey A. Watson (“ALJ Watson”), filed with the Public Utility Commission (“Commission”) in the above-captioned proceeding on May 18, 2023.

I. INTRODUCTION

This proceeding concerns the Application filed by Aqua on October 26, 2022, pursuant to Sections 507, 1102 and 1329 of the Public Utility Code (the “Code”), for approval of its acquisition of the water system assets of the Borough of Shenandoah (the “Borough”) and the Municipal Authority of the Borough of Shenandoah (“MABS”, and together with the Borough, “Shenandoah”), and to allow Aqua to begin to provide water service in the Requested Territory. The Application also sought approval of the Asset Purchase Agreement (“APA”) between the Company and Shenandoah, pursuant to Section 507 of the Code, to the extent necessary.

ALJ Watson was assigned to preside over this proceeding. Following a one-day evidentiary hearing, Aqua, the Bureau of Investigation and Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), and Shenandoah submitted for approval a Joint Petition for Settlement on April 11, 2023 (the “Joint Petition”).¹ Thereafter, on April 19, 2023, Intervenor Donna Grawylik filed Objections to the Joint Petition, which ALJ Watson correctly determined were “not supported by any legal authority or record evidence in this proceeding and must be denied.” Recommended Decision, dated May 18, 2023 (“Recommended Decision”), at 84.

¹ OSBA did not join the Joint Petition, but did not oppose it.

By his Recommended Decision, ALJ Watson concluded that the Settlement submitted with the Joint Petition should be approved by the Commission, subject to certain modifications set forth in the Ordering Paragraphs, as in the public interest. *See id.* at 91.

Aqua submits the following Exceptions to the Recommended Decision.

II. EXCEPTION NO. 1 – MODIFICATION OF THE PROPOSED SETTLEMENT TARIFF

Aqua excepts to the conclusion that it may not continue to provide free water service until its next base rate case to the fire companies who are currently charged \$0.00 for service under MABS existing rates. Recommended Decision, at 35-47, 74-75, 86-90, and Ordering Paragraph 7, 9 and 10. Aqua’s provision of free water service post-closing is consistent with the law and the Commission’s precedent.

Subsection 1329(d)(1)(v) of the Code requires that the utility submitting an application under Section 1329(a) of the Code submit with its initial filing a “tariff containing a rate equal to the existing rates of the selling utility at the time of the acquisition.” 66 Pa. C.S. § 1329(d)(1)(v). Further, the “tariff submitted pursuant to subsection (d)(1)(v) shall remain in effect until such time as new rates are approved for the acquiring public utility as the result of a base rate case proceeding before the commission. [. . .]” 66 Pa. C.S. § 1329(d)(4).²

Section 1304 of the Code provides, in relevant part, “[n]o public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable

² In its Final Implementation Order, the Commission clarified that for new entities requesting public utility status pursuant to Section 1102, which are seeking approval of an acquisition, their request for public utility status should include the Section 1329 request as an attachment and that “the entity’s initial tariff filing should contain rates ‘equal to the existing rates of the selling utility at the time of the acquisition’ consistent with Section 1329(d)(1)(v) and Section 1329(e).” *Implementation of Section 1329 of the Public Utility Code*, Final Implementation Order, entered October 27, 2016, at Docket No. M-2016-2543193, p. 28. Aqua is not a new entity, rather it is a long-standing public utility in good standing in this Commonwealth; however, this expression by the Commission further evidences the understanding that Section 1329 requires an entity acquiring another utility to implement the selling utility’s rates at closing.

difference as to rates, either as between localities or as between classes of service.” 66 Pa. C.S. § 1304.

Accordingly, where a situation exists in the existing rates of a selling utility (typically a municipal utility whose rates are not regulated by the Commission) where one class of customers is provided free service, *e.g.*, fire companies, municipal buildings, schools, etc., there is an inherent conflict that arises between the requirement in Section 1329 that the acquiring public utility include the seller’s existing rates in its proposed tariff and to charge those rates until its next base rate case, and the prohibition in Section 1304 against the provision of any “unreasonable prejudice or disadvantage” as between customers.

In connection with the Settlement in this proceeding, Aqua, OCA, I&E and Shenandoah submitted a *pro forma* tariff supplement (the “Settlement Tariff”), which was appended as Exhibit A to the Joint Petition, which set a rate of \$0.00 for the following emergency services providers:³ “Shenandoah Ambulance, Rescue Hook and Ladder Fire Co., Polish American Fire Co., Phoenix Fire Co., Columbia Fire Co., Defender Hose Fire Co., Shenandoah Heights Fire Co., and William Penn Fire Co. No. 1.” Joint Petition, Exhibit A, at 12.9. Notably, this \$0.00 rate was to be charged until the Company’s next base rate case, and reflected the adoption of MABS’ (the seller) existing rate (or in this case non-rate) charged to these customers. *Id.*

Recognizing the inherent conflict noted above between Sections 1304 and 1329 of the Code, the OCA did not join in supporting the Settlement Tariff to the extent it allowed the continuation of free service to the Fire Companies; however, the OCA and Aqua agreed that:

- i. For those fire companies receiving free water service, at closing for the metered fire companies, and as each meter is installed for the unmetered fire companies, Aqua will begin tracking their monthly

³ The majority are fire companies, though there is one ambulance company, thus all are referred to in the context of this issue as “Fire Companies.”

consumption. Aqua will report that usage, by customer, as part of its rate filing in its first base rate proceeding that includes the Shenandoah water system assets.

- ii. In the first base rate proceeding that includes the Shenandoah water system assets, Aqua will propose to charge rates for water service to all entities it serves in the Requested Territory.
- iii. Aqua will join the OCA in any efforts, including but not limited to filing a petition for declaratory order with the Commission, to reconcile the regulatory, legal and policy precedent against provision of free service by Commission-regulated utilities and the provisions of Section 1329 of the Code, 66 Pa. C.S. § 1329(d), that address the buyer's adoption of seller's rates at closing.

Joint Petition, at ¶ 17(B)(3); *see also* Recommended Decision, at 24-25. I&E did not oppose the Settlement Tariff.

In the Recommended Decision, ALJ Watson concluded that “the Settlement Tariff included in the Settlement is contrary to law and must therefore be rejected. Since the Settlement Tariff provision is being rejected, I recommend in the ordering paragraphs below, that the parties amend the Settlement Tariff to comply with Sections 1304 and 1329 of the Code, 66 Pa.C.S. §§ 1304, 1329, as set forth above, prior to filing it with the Commission.” Recommended Decision, at 88. Ordering paragraph No. 7 addresses the Settlement Tariff and states:

That within 10 days after closing of the acquisition, Aqua Pennsylvania, Inc. shall file with the Commission at this docket a tariff supplement, which may become effective on at least one day's notice on or after the date of closing of the transaction, consistent with the modifications set forth in this Recommended Decision, in the form filed with the Joint Petition for Settlement as Exhibit A implementing rates for customers served by the water system assets acquired from the Borough of Shenandoah and the Municipal Authority of the Borough of Shenandoah post-closing. The Settlement Tariff attached to the Settlement as Exhibit A, to the extent that it permits or requires Aqua to provide free water service

to the eight enumerated fire companies, be rejected. In addition, the Settlement provision set forth in Section 17.B.3.iii, providing that Aqua will join the OCA in any efforts, including but not limited to filing a petition for declaratory order with the Commission, to reconcile the regulatory, legal and policy precedent against provision of free service by Commission-regulated utilities and the provisions of Section 1329 of the Code, 66 Pa.C.S. § 1329(d), that address the buyer's adoption of seller's rates at closing, also be rejected.

Recommended Decision, at 96-97. As does Ordering Paragraph No. 10,⁴ which states: "That the Settlement Tariff should be amended, consistent with this Recommended Decision and providing for Aqua to provide water service to the eight enumerated fire companies at a rate subject to and consistent with these ordering paragraphs and Sections 1304 and 1329 of the Code." *Id.* at 98.

In support of the decision to reject the Settlement Tariff, ALJ Watson made the following observations related to the free fire service issue:

- "66 Pa.C.S. § 1304, establishes standards that must be followed when a utility is making a rate. Section 1304 must be read in conjunction with other provisions of the Public Utility Code. Necessarily, the rate-making activity referred to in Section 1304 is the making of rates that end up in a scheduled tariff, i.e., the only lawful way to make rates. A charge that deviates from the scheduled tariff is unlawful even if it satisfies the standards set forth in Section 1304. If a charge deviates from the scheduled tariff, that is the basis of its unlawfulness. There is no need to go further and determine whether the unlawful rate meets the standards for a lawful rate; it is a futile exercise." Recommended Decision, at 42.
- "The APA essentially provides for Aqua to continue the MABS practice of providing free water to the enumerated fire companies. Regardless of the desire of the Parties to continue this practice, and despite the failure of Aqua, the Borough or Authority to advance any legal authority to permit this proposal, existing customers would bear the expense of the proposal, if permitted upon approval of the proposed sale. Aqua has provided no legal justification for providing the proposed service, at no charge. There must be a difference in the type and condition of the respective service in order for a rate differential to satisfy the terms of Section 1304. Here, no legal authority has been established to permit the free service." *Id.* at 43-44.

⁴ Ordering Paragraph No. 9 is also implicated to the extent that the Recommended Decision associates the free service issue with the approval of the APA under Section 507 of the Code.

- “OCA correctly argued that free service is not permitted under Section 1304 of the Code and long-standing Commission and appellate precedent, under the circumstances. In addition, as established by evidence presented by OCA, although other Aqua ratepayers are not at risk to subsidize the cost of serving the Fire Companies until new rates are established in a base rate case that includes the MABS system, existing customers and the other acquired customers will not benefit from the Fire Companies contributing revenues through the DSIC during that period. As OCA asserts, if free service is permitted for entities acquired in Section 1329 acquisitions, it would have a cumulative impact on existing customers. Despite the desire by any party to support fire companies and other entities who provide invaluable service to our communities, the means and method to implement the policy must be permitted by applicable law, and not specifically prohibited by established legal authority, as is the case here. Here, it appears there was not an adequate understanding or appreciation of applicable law in drafting an assets purchase agreement designed, in part, to advance the policy to support the enumerated fire companies under the circumstances.” *Id.* at 44.
- “Upon review of the evidentiary record, the Settling Parties have not provided any evidence or legal authority to substantiate the inclusion of this settlement term [Settlement Paragraph 17.B.3.iii.] in this proceeding or to support the Tariff provision regarding free service identified above. Furthermore, the Settlement provision appears to be inconsistent with clearly established precedent regarding the Commission’s ultimate authority to set rates resulting from a base rate case proceeding before the commission.” *Id.* at 45-46.
- “The requirements of 66 Pa.C.S. § 1329(d)(1)(v), 1329(d)(4) are clear and unambiguous. Specifically, 66 Pa.C.S. § 1329(d)(4) requires the tariff submitted pursuant to subsection (d)(1)(v) shall remain in effect until such time as new rates are approved for the acquiring public utility as the result of a base rate case proceeding before the Commission. The Commission clarified in its Final Implementation Order, entered October 27, 2016, at Docket No. M-2016-2543193, pg. 28, ‘[t]hat the entity’s initial tariff filing should contain rates ‘equal to the existing rates of the selling utility at the time of acquisition’ consistent with Section 1329(d)(1)(v) and Section 1329(e).’” *Id.* at 46.
- “It appears that, as a compromise, the Settling Parties agreed to the language set forth in Section 17.B.3.iii, providing that Aqua will join the OCA in any efforts, including but not limited to filing a petition for declaratory order with the Commission, to reconcile the regulatory, legal and policy precedent against provision of free service by Commission-regulated utilities and the provisions of Section 1329 of the Code, 66 Pa.C.S. § 1329(d), that address the buyer’s adoption of seller’s rates at closing. This provision is also not supported by the evidentiary record or and legal authority cited by the Settling Parties. Accordingly, I have no option, other than to reject the Settlement Tariff attached to the Settlement as Exhibit A, to the extent that it permits or requires Aqua to provide free water service to the eight enumerated fire companies. I must also reject the Settlement provision set forth in Section 17.B.3.iii, providing that Aqua will join the OCA in any efforts,

including but not limited to filing a petition for declaratory order with the Commission, to reconcile the regulatory, legal and policy precedent against provision of free service by Commission-regulated utilities and the provisions of Section 1329 of the Code, 66 Pa.C.S. § 1329(d), that address the buyer's adoption of seller's rates at closing." *Id.* at 46.

- The provisions of the Settlement related to tracking consumption [Paragraph 17.B.3.ii] and implementing rates for all entities in the Requested Territory are "rendered moot by the modification of the Settlement, as set forth above." *Id.* at 47.

While it is true that the Settlement Tariff proposed to continue the free fire service to the enumerated Fire Companies, and also that Aqua did not provide any explicit legal support for its position to do so, that does not change the fact that this practice is supported by a fair reading of the Code, *i.e.*, Section 1329(d), and Commission precedent.

First, Section 1329 clearly and unambiguously states that Aqua shall include a tariff "containing a rate equal to the existing rates of the selling utility at the time of the acquisition" and that such rates "shall remain in effect until such time as new rates are approved for the acquiring public utility as the result of a base rate case proceeding before the [C]ommission." 66 Pa. C.S. §§ 1329(d)(1)(v) and (d)(4).

Second, contrary to ALJ Watson's conclusion that "the Settlement provision [continuing free service to the fire companies] appears to be inconsistent with clearly established precedent regarding the Commission's ultimate authority to set rates resulting from a base rate case proceeding before the [C]ommission", the Commission has previously required and approved the exact same continuation of free service proposed here in a prior Section 1329 proceeding. Recommended Decision, at 46. In *Aqua Pennsylvania Wastewater, Inc. – Acquisition of Wastewater System Assets of Cheltenham Township*, Docket No. A-2019-3008491 (the "Cheltenham Acquisition Proceeding"), the Commission's Order, entered on November 5, 2019, in connection with the approval of the requested acquisition, approved the filing of the tariff for

rates to be charged to customers previously served by Cheltenham Township, which tariff was filed on December 20, 2019, and approved by the Commission on December 30, 2019 as compliant with its November 5, 2019 Order. Pursuant to the rates in Aqua Wastewater, Inc.'s ("Aqua Wastewater") Commission-approved tariff, the entities receiving free service from Cheltenham Township prior to the acquisition continued to receive free service after closing.

Specifically, in the *Cheltenham Acquisition Proceeding*, Aqua Wastewater initially filed its application for approval under Section 1329 with a proposed tariff that did not continue the provision of free service. In a March 21, 2019 letter provided to Aqua Wastewater the Commission's Bureau of Technical Utility Services ("TUS") raised a question as to why there was no tariff included with the application that showed continued free service to the entities listed as receiving same from Cheltenham Township. *See Exhibit A*, at 1 (reciting TUS Information Request).⁵ Aqua Wastewater responded by letter dated March 22, 2019 filed with the Commission, in which it explained that it had filed a tariff as Exhibit G to the application, which included the existing rates of Cheltenham Township, but that "Aqua [Wastewater] cannot provide free wastewater service as this would be an apparent violation of Section 1304 of the Public Utility Code." *See Exhibit A*, at 1. In response to this letter, the Commission granted conditional acceptance of Aqua Wastewater's application, but in connection therewith required that Aqua Wastewater "shall amend its Application to include a tariff or *pro forma* tariff supplement adopting rates equal to the rates of the selling entity at the time of the acquisition pursuant to Section 1329 of the Public Utility Code, 66 Pa. C.S. § 1329(d)(1)(v) [. . .]." *See Exhibit B*, at 1.⁶ In compliance with the Commission's direction, on April 30, 2019, Aqua Wastewater filed the *pro forma* tariff

⁵ For ease of reference Aqua has attached a true and correct copy of the publicly available letter response.

⁶ For ease of reference Aqua has attached a true and correct copy of the publicly available conditional acceptance letter dated March 26, 2019.

supplement, which stated:

Effective xx/xx/xxxx and until the Company's next base rate case, the following customers will be charged a monthly charge and consumption charge of \$0.00: Cheltenham Hook & Ladder Fire Company, Elkins Park Fire Company, Glenside Fire Company, Ogontz Fire Company, and La Mott Fire Company.

Exhibit C.⁷ The Commission accepted the Application on May 6, 2019 and Aqua Wastewater subsequently filed a tariff supplement effective December 21, 2019, which continued the free service (as reflected above) as required by the Commission. *See* Exhibit D, at Original Page 8.9.1.⁸

Accordingly, the *Cheltenham Township Acquisition* proceeding is squarely on point with the facts of this case. Here, MABS provides free service to the Fire Companies listed on First Revised Page 12.9 of the Settlement Tariff, and Aqua's continuation of that free service is consistent with Section 1329 and also with the Commission's prior direction that free service continue when it is provided by the selling entity. Thus, adoption of the Settlement Tariff is not contrary to law and ALJ Watson's recommendation to modify the Settlement Tariff and to reject the parties agreement, as reflected in Paragraph 17.B.3 of the Joint Petition, should be rejected. Instead, the Commission should approve the Settlement, as reflected in Paragraph 17.B. of the Joint Petition, as submitted.

Aqua's Exception No. 1 should be granted.

III. CONCLUSION

The Public Utility Commission should grant Aqua's Exception to the Recommended Decision; approve the parties' settlement, as reflected in the Joint Petition, in its entirety without

⁷ For ease of reference Aqua has attached a true and correct copy of the publicly available letter enclosing the *pro forma* tariff.

⁸ For ease of reference Aqua has attached a true and correct copy of the publicly available tariff filed on December 20, 2019.

modification; and approve Aqua's Application filed pursuant to Sections 1102, 1329, and 507 of the Code, and as part of its Order approving the Application:

1. Issue Certificates of Public Convenience under Section 1102 authorizing Aqua to:
(a) acquire, by purchase, the water system assets of Shenandoah; and (b) to begin to furnish and supply water service to the public in the Requested Territory;
2. Authorize Aqua to file the *pro forma* tariff supplement in the form attached to the Joint Petition as Exhibit A;
3. Include a determination that the ratemaking rate base of the Shenandoah system is \$12,000,000 pursuant to Section 1329(c)(2);
4. Approve the APA between Aqua and Shenandoah, pursuant to Section 507 of the Code; and
5. Issue such other approvals, certificates, registrations and relief, if any, under the Code as may be appropriate.

Respectfully submitted,

By: 

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Centre Square West, 38th Floor
Philadelphia, PA 19102
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Counsel for Aqua Pennsylvania, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania, Inc. for : **Docket No. A-2022-3034143**
Approval of its Acquisition of the Water :
System Assets of the Borough of Shenandoah :
and the Municipal Authority of the Borough :
of Shenandoah Pursuant to Sections 1102, :
1329 and 507 of the Public Utility Code :

CERTIFICATE OF SERVICE

I, Courtney L. Schultz, hereby certify that a true and correct copy of the foregoing Exception of Aqua Pennsylvania, Inc. to the Recommended Decision, in connection with the above-referenced docket was served on the following individuals on this 30th day of May, 2023, as indicated below.

PA PUC – VIA E-FILE

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105
rchiavetta@pa.gov

Jeffrey A. Watson, ALJ (via e-mail)
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SHENANDOAH / MABS

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/s/ Courtney L. Schultz

Courtney L. Schultz, Esq.
Counsel for Aqua Pennsylvania, Inc.

EXHIBIT A



December 20, 2019

VIA FEDERAL EXPRESS

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

Re: Aqua Pennsylvania Wastewater, Inc. – Acquisition of the wastewater system assets of the Cheltenham Township, Docket No. A-2019-3008491 – Tariff Supplement 1

Dear Secretary Chiavetta:

In accordance with the Pennsylvania Public Utility Commission's Order Entered on November 5, 2019 in Docket No. A-2019-3008491, Ordering Paragraph 13; enclosed please find the original copy of Aqua Pennsylvania Wastewater, Inc.'s Tariff Supplement No. 1 to Tariff Sewer-PA P.U.C. No. 2, which establishes the rates of the Cheltenham Township Division. Closing took place on December 19, 2019.

Should you have any questions regarding this filing, please contact me at (610) 520-6359.

Sincerely,

Erin M. Feeney
Manager of Rates & Planning
Aqua Pennsylvania, Inc.

RECEIVED

DEC 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosure

cc: Paul Diskin, Bureau of Technical Utility Services (via Email and U.S. Mail)
Dan Searfoorce, Bureau of Technical Utility Services (via Email and U.S. Mail)
Sean Donnelly, Bureau of Technical Utility Services (via Email and U.S. Mail)
Marie Intrieri, Bureau of Technical Utility Services (via Email and U.S. Mail)

AQUA PENNSYLVANIA WASTEWATER, INC.
(hereinafter referred to as the "Company")

RATES, RULES, AND REGULATIONS

GOVERNING THE COLLECTIONS OF

WASTEWATER

IN PORTIONS OF

ADAMS, BUCKS, CARBON, CHESTER, CLARION, CLEARFIELD, DELAWARE,
LACKAWANNA, LUZERNE, MONROE, MONTGOMERY, PIKE, SCHUYLKILL, VENANGO,
AND WYOMING COUNTIES

IN THE COMMONWEALTH OF PENNSYLVANIA

ISSUED: December 20, 2019

EFFECTIVE: December 21, 2019

By:

Marc Lucca, President
Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, Pennsylvania 19010

NOTICE

THIS TARIFF ESTABLISHES WASTEWATER RATES FOR CUSTOMERS OF
CHELTENHAM TOWNSHIP SITUATED WITHIN THE TOWNSHIP OF
CHELTENHAM AND A PORTION OF JENKINTOWN BOROUGH, MONTGOMERY
COUNTY.

RECEIVED

DEC 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LIST OF CHANGES MADE BY THIS TARIFF

Changes: This tariff makes changes to reflect the acquisition of the wastewater assets of Cheltenham Township, located in Cheltenham Township and a portion of Jenkintown Borough, Montgomery County, Pennsylvania. Closing on the acquisition took place on 12/19/2019, with the effective date of ownership occurring at 12:01AM on 12/20/2019. (See pages 6 and 8.9.1 and 8.9.2)

This tariff is made pursuant to the Commission's Order entered 11/5/2019 at Docket No. A-2019-3008491, which authorizes the issuance of the Certificate of Public Convenience.

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DESCRIPTION OF TERRITORIES SERVED

	<u>Township</u>	<u>County</u>
RATE ZONE 4		
Honeycroft Village Division	Londonderry (portion)	Chester
Lake Harmony Division	Kidder	Carbon
New Daleville Division	Londonderry (portion)	Chester
Peddlers View Division	Solebury (portion)	Bucks
Tobyhanna Township Division	Tobyhanna (portion)	Monroe
Twin Hills Division	West Pikeland (portion)	Chester
RATE ZONE 5		
Avon Grove School District	New London (portion)	Chester
Avon Grove School District	Penn (portion)	Chester
East Bradford Division (Brandywine)	East Bradford (portion)	Chester
Little Washington Division	East Brandywine (portion)	Chester
Plumsock Division*	Willistown (portion)	Chester
The Greens at Penn Oaks Division	Thornbury (portion)	Chester
Newlin Green Division	Newlin	Chester
Sage Hill Division	Thornbury (portion)	Chester
RATE ZONE 6		
CS Sewer Division (Masthope)	Lackawaxen	Pike
RATE ZONE 7		
Limerick Division	Limerick (portion)	Montgomery
RATE ZONE 8		
East Bradford Township Division	East Bradford (portion)	Chester
East Bradford Township Division	Birmingham (portion)	Chester
(C) RATE ZONE 9		
Cheltenham Township Division	Cheltenham	Montgomery
Cheltenham Township Division	Jenkintown Borough (portion)	Montgomery

*All Divisions and Subdivisions above are billed on a per EDU basis, with the exception of the Media Division, Plumsock Division, Treasure Lake Division; and Village of Valley Forge Division.

SCHEDULE OF RATES

RATE ZONE 9 – METERED

The rates under this schedule apply to all customer classes in the territories served subject to Rate Zone 9 rates as noted in the Description of Territories Served section under this tariff unless otherwise specifically identified below.

MONTHLY SERVICE CHARGE

Customer Charge (\$)		Rate Zone 9
Fixed (per EDU)	\$	20.89

MONTHLY CONSUMPTION CHARGE

Consumption Charge (per 1,000 gallons water used)		\$ 3.91
--	--	---------

“EDU” means equivalent dwelling unit. Each residential unit is considered one (1) EDU. Non-residential EDUs are calculated using 219.6 gallons per day/EDU from the actual or projected annual water usage.

Effective 12/21/2019 and until the Company’s next base rate case, the following customers will be charged a monthly customer charge and consumption charge of \$0.00: Cheltenham Hook & Ladder Fire Company, Elkins Park Fire Company, Glenside Fire Company, Ogontz Fire Company, and La Mott Fire Company.

Wastewater customers in Cheltenham Township are required to comply with the City of Philadelphia’s wastewater control regulations adopted by Cheltenham Township and included in Exhibit H to the Application filed at Docket No. A-2019-3008491.

Sewer Charge Adjustment

The Company is authorized to allow deductions on sewer bills for water which is used but does not enter the Company’s system. A request for deduction shall be subject to the following regulations:

- A. Deductions apply within the Cheltenham Division and, in particular, to those customers identified on Exhibit G of the Application filed by Aqua Pennsylvania Wastewater, Inc., dated March 13, 2019. The Application of the Company was approved by the Pennsylvania Public Utility Commission in its Order entered on November 5, 2019 at PUC Docket Number A-2019-3008491.
- B. No deduction shall be granted for customers who do not have a metered water supply.

RATE ZONE 9 – CONTINUED

- C. No deduction shall be granted for customers who are delinquent in their payment for service.
- D. One hundred percent of any used water for which a deduction is requested must have been prevented from entering the system.
- E. It is the responsibility of the customer to purchase, install, and maintain the deduct meter at the approved and inspected water outlet on their property. The meter shall measure water not entering the system and shall be eligible for deduction of that used water monthly.
- F. Customers are responsible for the installation and removal of their meters at the approved service locations each year to prevent freezing and damage. Deduct meters shall be inspected by the Company at the time of installation at which time the customer agrees to allow the Company the right to enter upon their property for inspection. Every deduct meter shall be required to be inspected annually by the Company in order for the customer to be eligible for sewer adjustment charges. The inspection fee charged by the Company to the customer is \$100.00.
- G. All deduct meters shall be of a design approved by the Company, shall be registered with the Company prior to use, and shall be used only by the customer whom it is registered and at the service location to which it is assigned in accordance with the Company's records.
- H. Customers are responsible for making their meter accessible to the Company for reading on a monthly basis. The Company shall then credit the customer's total gallons consumed by the gallons recorded from the customer's deduct meter.
- I. The Company shall be authorized to inspect meters for accuracy and calibration at any time the meter readings are suspect and/or not considered representative of usage. The customer shall be responsible for obtaining calibration of the meter if the Company determines it is not accurate.

ORIGIN ID: WAYA (610) 520-6359
ERIN DOMZALSKI
AQUA AMERICA
762 W. LANCASTER AVENUE

SHIP DATE: 20DEC19
ACTWGT: 0.50 LB
CAD: 100061330/NET4160

BRYN MAWR, PA 19010
UNITED STATES US

BILL SENDER

TO **ROSEMARY CHIAVETTA, SECRETARY**
PA PUBLIC UTILITY COMMISSION
400 NORTH STREET
TWO NORTH KEYSTONE
HARRISBURG PA 17120

(610) 520-6359

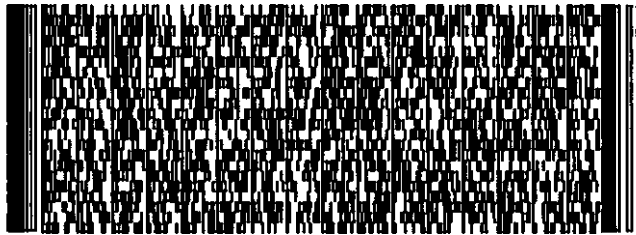
REF: 15-2115-675831

INV:

PO: 15-2115-675831

DEPT:

567.021800.05A2



FedEx
Express

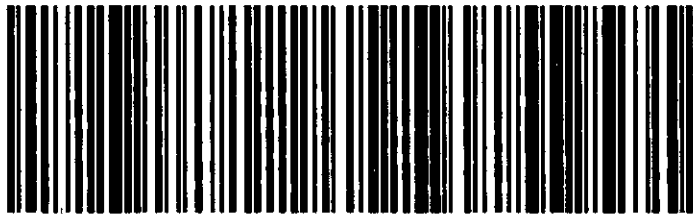


MON - 23 DEC 3:00P
STANDARD OVERNIGHT

TRK#
0201 **7773 0884 9182**

EN MDTA

17120
PA-US MDT



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EXHIBIT B



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

IN REPLY PLEASE
REFER TO OUR FILE

March 26, 2019

A-2019-3008491
Utility Code: 230240

THOMAS T NIESEN ESQUIRE
THOMAS NIESEN & THOMAS LLC
212 LOCUST STREET SUITE 302
HARRISBURG PA 17101

Dear Attorney Niesen:

The Commission writes to inform you that, upon review of the supplemental materials provided in support of your application, it has conditionally accepted for filing the Application of Aqua Pennsylvania Wastewater, Inc. (APW) for approval of the transfer, by sale, of substantially all of Cheltenham Township's assets, properties and rights related to its wastewater system to APW, as docketed to the above number.

It will be necessary for APW to serve copies of the Application upon the following parties, then file proof of such service with this Commission, pursuant to 52 Pa. Code §§ 1.57 and 1.58 on:

1. Each city, borough, town, township, county and related planning office which is included, in whole or in part, in the proposed service area;
2. Each water or wastewater utility, municipal corporation or authority which provides water or wastewater collection, treatment and disposal service to the public and whose service area abuts the service area proposed in the application; and
3. The Office of Consumer Advocate, Office of Small Business Advocate, Office of Attorney General, and the Department of Environmental Protection's appropriate regional office.

APW and Aqua Pennsylvania, Inc., are directed upon receipt of this letter to provide individualized notice of the proposed acquisition to all potentially affected water and wastewater customers, consistent with the Commission's Final Supplemental Implementation Order entered February 28, 2019, at Docket No. M-2016-2543193. APW will inform the Commission when it begins providing such individualized notice. APW is also directed to ensure concurrent notice to all current Cheltenham Township wastewater customers in similar fashion and to concurrently publish the notice once a week for two consecutive weeks in a newspaper having a general circulation in the area involved and file proof of publication with the Commission when that publication has occurred. Upon completion of notice, APW shall file verification at this docket.

Additionally, APW shall amend its Application to include a tariff or *pro forma* tariff supplement adopting rates equal to the rates of the selling entity at the time of the acquisition pursuant to Section 1329 of the Public Utility Code, 66 Pa. C.S. § 1329(d)(1)(v), and provide notice as above to all affected entities and persons, specifically those entities, identified in the Application's response to Standard Data Request 6 in "58a. Exhibit Z", who are currently


receiving free service. Further, all supplemental materials filed separately of the initial Application require verification pursuant to 52 Pa. Code § 1.36.

Upon correction of the proposed rates, the completion of notice, and supplying all supplemental information verifications, APW shall file verification at this docket. Upon receipt of the verification indicating satisfaction of the conditions established herein the Commission will issue a Secretarial Letter finalizing acceptance of the filing.

After final acceptance of the filings, pursuant to 52 Pa. Code §5.14, the Commission will proceed with publishing notice of the Application in the *Pennsylvania Bulletin*. This matter will receive the attention of the Commission and you will be advised of any further necessary procedure.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition for reconsideration from the actions of staff with the Commission within 20 days of the date this letter is served.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

cc: Office of Consumer Advocate
Office of Small Business Advocate
Office of Attorney General
Bureau of Investigation and Enforcement

EXHIBIT C

April 30, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

In re: Docket No. A-2019-3008491

Application of Aqua Pennsylvania Wastewater, Inc. pursuant to Sections 1102, 1329 and 507 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of the Township of Cheltenham

Dear Secretary Chiavetta:

We are counsel for Aqua Pennsylvania Wastewater, Inc. ("Aqua") in the above referenced Application proceeding. Please be advised as follows in connection with your Conditional Acceptance Letter of March 26, 2019:

1. In compliance with the Conditional Acceptance Letter and the Final Supplemental Implementation Order entered February 28, 2019, at Docket No. M-2016-2543193, Aqua advised the Public Utility Commission ("Commission"), on March 28, 2019, that it was beginning to provide individualized notice of the proposed acquisition to its water and wastewater customers during a billing cycle beginning March 28, 2019. The billing cycle has run through completion and Aqua has provided individualized customer notice.
2. Concurrently, individualized notice was provided to Cheltenham Township wastewater customers.
3. On April 25, 2019, Aqua filed proof of publication of the notice of the filing of the Application in *The Times Herald*. Publication occurred on April 12 and 19, 2019.
4. An amended *pro forma* tariff supplement adopting rates equal to the rates of Cheltenham Township, including the existing rates of non-Cheltenham Township owned properties receiving free service, is attached. Please also refer to the letter provided from Cheltenham Township on March 22, 2019 in Aqua's submission of supplemental information on March 22, 2019. Finally, notice was sent to Cheltenham Wastewater customers receiving free service.

April 30, 2019

Page 2

The Verification of William C. Packer, Vice President - Controller, Aqua Pennsylvania Wastewater, Inc., confirming satisfaction of the conditions set forth in the Conditional Acceptance Letter is also attached.

Aqua respectfully requests that the Commission issue its Secretarial Letter finalizing acceptance of the Application, as amended, as soon as possible, and publish notice of the filing of the Application in the *Pennsylvania Bulletin* on May 18, 2019 with June 3, 2019 as the due date for the filing of protests and petitions to intervene.

Please contact me with any questions about the foregoing.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By



Thomas T. Niesen

cc: Certificate of Service (w/encl.)
Alexander R. Stahl, Esquire (via email, w/encl.)
Thomas S. Wyatt, Esquire (via email, w/encl.)

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of April, 2019, served a true and correct copy of the foregoing letter and attached amended *pro forma* supplement and verification of William C. Packer, upon the persons and in the manner set forth below:

VIA FIRST CLASS MAIL, POSTAGE PREPAID

Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Harrisburg, PA 17105-3265

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Office of Small Business Advocate
Suite 202, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Gina Miller, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Post Office Box 3265
Harrisburg, PA 17105-3265



Thomas T. Niesen
PA Attorney ID No. 31379

AMENDED *PRO FORMA* TARIFF SUPPLEMENT

AQUA PENNSYLVANIA WASTEWATER, INC.

RATES AND RULES

GOVERNING THE COLLECTION

OF

WASTE WATER

IN PORTIONS OF

ADAMS, BUCKS, CARBON, CHESTER, CLARION, CLEARFIELD, DELAWARE, LACKAWANNA, LUZERNE, MONROE,
MONTGOMERY, PIKE, SCHUYLKILL, VENANGO AND WYOMING COUNTY

ISSUED: XX/XX/XXXX

EFFECTIVE: XX/XX/XXXX

by

Mr. Marc Lucca
President, Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, Pennsylvania

NOTICE

**THIS TARIFF ESTABLISHES WASTEWATER RATES FOR CUSTOMERS OF
CHELTENHAM TOWNSHIP SITUATED WITHIN THE TOWNSHIP OF CHELTENHAM
AND A PORTION OF JENKINTOWN BOROUGH, MONTGOMERY COUNTY**

Aqua Pennsylvania Wastewater, Inc.

LIST OF CHANGES MADE BY THIS TARIFF

This tariff makes changes to reflect the acquisition of the wastewater assets of Cheltenham Township, located in Cheltenham Township and a portion of Jenkintown Borough, Montgomery County, Pennsylvania. Closing on the acquisition took place on XX/XX/XXXX, with the effective date of ownership occurring at 12:01AM on XX/XX/XXXX.

This tariff is made pursuant to the Commission's Order adopted XX/XX/XXXX at Docket No. A-201X-XXXXXXX, which authorizes the issuance of the Certificate of Public Convenience.

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Description Of Territory Served	3A XXXXXXXX Revised	(C)
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Meter Service-Links at Gettysburg Division	5 Tenth Revised	
Meter Service-East Bradford Division	6 Ninth Revised	
Meter Service-Twin Hills Division	7 Fourth Revised	
Meter Service-Plumsock Division	8 Sixth Revised	
Meter Service-Media Division	9 Fifth Revised	
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Meter Service-Bridlewood Division	10A Sixth Revised	
Unmetered Service – Eagle Rock Division	10B Third Revised	
Unmetered Service – Thornhurst Division	10C Third Revised	
Metered Service – Rivercrest	10D Third Revised	
Metered Service – Little Washington Division	10E Ninth Revised	
Unmetered Service – Laurel Lakes Division	10F Third Revised	
Metered Service – Deerfield Knoll Division	10G Sixth Revised	
Unmetered Service – C S Sewer Division	10H Third Revised	
Metered Service – Peddlers View Division	10I Fifth Revised	
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Unmetered Service – Woodloch Springs Division	10L Second Revised	
Unmetered Service – Stony Creek Division	10M First Revised	
Unmetered Service – New Daleville Division	10N Third Revised	
Metered Service – Village at Valley Forge Division	10O First Revised	
Unmetered Service – Beech Mountain Lakes Division	10P First Revised	
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Unmetered Service – Lake Harmony Division	10R First Revised	
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Metered Service – Cheltenham Township Division	XXX Original	

(C) Indicates Change

THORNHURST TOWNSHIP

<u>TOWNSHIP</u>	<u>COUNTY</u>
Lehigh	Lackawanna

BUNKER HILL SUBDIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
Clinton	Wyoming

RIVERCREST TOWNSHIPS

<u>TOWNSHIP</u>	<u>COUNTY</u>
Tunkahannock	Wyoming
Washington	Wyoming

HONEYCROFT VILLAGE DIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
Londonderry	Chester

TOBYHANNA TOWNSHIP

<u>TOWNSHIP</u>	<u>COUNTY</u>
Tobyhanna (portion)	Monroe

EMLENTON BOROUGH

<u>TOWNSHIP</u>	<u>COUNTY</u>
Emlenton	Venango
Richland (portion)	Venango
Richland (portion)	Venango
Salem (portion)	Venango

AVON GROVE SCHOOL DISTRICT

<u>TOWNSHIP</u>	<u>COUNTY</u>
New London (portion)	Chester
Penn (portion)	Chester

STONY CREEK TOWNSHIP DIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
Worcester (portion)	Montgomery

LIMERICK TOWNSHIP DIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
Limerick (portion)	Montgomery

EAST BRADFORD TOWNSHIP DIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
East Bradford (portion)	Chester
Birmingham (portion)	Chester

CHELTENHAM TOWNSHIP DIVISION

<u>TOWNSHIP</u>	<u>COUNTY</u>
Cheltenham	Montgomery

(C)

BOROUGH

<u>BOROUGH</u>	<u>COUNTY</u>
Jenkintown (portion)	Montgomery

(C) Indicates Change

SCHEDULE OF RATES

Metered Service

<u>Monthly Customer Charge (per EDU)</u> – for all metered customers for which no minimum allowance is given	\$20.89
<u>Monthly Consumption Charge (per each 1,000 gallons water used)</u>	\$3.91

“EDU” means equivalent dwelling unit. Each residential unit is considered one (1) EDU. Non-residential EDUs are calculated using 219.6 gallons per day/EDU from the actual or projected annual water usage.

Effective XX/XX/XXXX and until the Company’s next base rate case, the following customers will be charged a monthly customer charge and consumption charge of \$0.00: Cheltenham Hook & Ladder Fire Company, Elkins Park Fire Company, Glenside Fire Company, Ogontz Fire Company, and La Mott Fire Company.

Sewer Charge Adjustment


The Company is authorized to allow deductions on sewer bills for water which is used but does not enter the Company’s system. A request for deduction shall be subject to the following regulations:

- A. Deductions apply within the Cheltenham Division and, in particular, to those customers identified on Exhibit G of the Application filed by Aqua Pennsylvania Wastewater, Inc., dated March 13, 2019. The Application of the Company was approved by the Pennsylvania Public Utility Commission in its Order entered on XXX, XX, XXXX at PUC Docket Number A-2019-XXXXXXXX.
- B. No deduction shall be granted for customers who do not have a metered water supply.
- C. No deduction shall be granted for customers who are delinquent in their payment for service.
- D. One hundred percent of any used water for which a deduction is requested must have been prevented from entering the system.
- E. It is the responsibility of the customer to purchase, install, and maintain the deduct meter at the approved and inspected water outlet on their property. The meter shall measure water not entering the system and shall be eligible for deduction of that used water monthly.
- F. Customers are responsible for the installation and removal of their meters at the approved service locations each year to prevent freezing and damage. Deduct meters shall be inspected by the Company at the time of installation at which time the customer agrees to allow the Company the right to enter upon their property for inspection. Every deduct meter shall be required to be inspected annually by the Company in order for the customer to be eligible for sewer adjustment charges. The inspection fee charged by the Company to the customer is \$100.00.
- G. All deduct meters shall be of a design approved by the Company, shall be registered with the Company prior to use, and shall be used only by the customer whom it is registered and at the service location to which it is assigned in accordance with the Company’s records.
- H. Customers are responsible for making their meter accessible to the Company for reading on a monthly basis. The Company shall then credit the customer’s total gallons consumed by the gallons recorded from the customer’s deduct meter.
- I. The Company shall be authorized to inspect meters for accuracy and calibration at any time the meter readings are suspect and/or not considered representative of usage. The customer shall be responsible for obtaining calibration of the meter if the Company determines it is not accurate.

VERIFICATION OF WILLIAM C. PACKER

VERIFICATION

I, William C. Packer, Vice President – Controller of Aqua Pennsylvania Wastewater, Inc., hereby state that Aqua Pennsylvania Wastewater, Inc. has satisfied the conditions set forth in the Secretarial Letter dated March 26, 2019, for Aqua Pennsylvania Wastewater, Inc.’s Application for approval of the acquisition of the Cheltenham Township wastewater system assets at Docket No. A-2019-3008491. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

A handwritten signature in blue ink that reads "William C. Packer". The signature is written in a cursive style with a horizontal line underneath it.

William C. Packer
Vice President – Controller
Aqua Pennsylvania Wastewater, Inc.

Dated: April 30, 2019



PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Print this page for your records.



eFiling Confirmation	
Docket Number:	A-2019-3008491
Description:	Application of Aqua Pennsylvania Wastewater, Inc. - Cheltenham Township
Transmission Date:	4/30/2019 3:55:12 PM
Filed On:	4/30/2019 3:55:12 PM
eFiling Confirmation Number:	1801160

Uploaded File List

File Name	Document Class	Document Type
AquaWW Letter Confirming Compliance with Conditional Acceptance Sec Letter.pdf	Communication	Letter

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No paper submission is necessary for filings under 250 pages.

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EXHIBIT D



December 20, 2019

VIA FEDERAL EXPRESS

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

Re: Aqua Pennsylvania Wastewater, Inc. – Acquisition of the wastewater system assets of the Cheltenham Township, Docket No. A-2019-3008491 – Tariff Supplement 1

Dear Secretary Chiavetta:

In accordance with the Pennsylvania Public Utility Commission's Order Entered on November 5, 2019 in Docket No. A-2019-3008491, Ordering Paragraph 13; enclosed please find the original copy of Aqua Pennsylvania Wastewater, Inc.'s Tariff Supplement No. 1 to Tariff Sewer-PA P.U.C. No. 2, which establishes the rates of the Cheltenham Township Division. Closing took place on December 19, 2019.

Should you have any questions regarding this filing, please contact me at (610) 520-6359.

Sincerely,

Erin M. Feeney
Manager of Rates & Planning
Aqua Pennsylvania, Inc.

RECEIVED

DEC 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosure

cc: Paul Diskin, Bureau of Technical Utility Services (via Email and U.S. Mail)
Dan Searfoorce, Bureau of Technical Utility Services (via Email and U.S. Mail)
Sean Donnelly, Bureau of Technical Utility Services (via Email and U.S. Mail)
Marie Intrieri, Bureau of Technical Utility Services (via Email and U.S. Mail)

AQUA PENNSYLVANIA WASTEWATER, INC.
(hereinafter referred to as the "Company")

RATES, RULES, AND REGULATIONS

GOVERNING THE COLLECTIONS OF

WASTEWATER

IN PORTIONS OF

ADAMS, BUCKS, CARBON, CHESTER, CLARION, CLEARFIELD, DELAWARE,
LACKAWANNA, LUZERNE, MONROE, MONTGOMERY, PIKE, SCHUYLKILL, VENANGO,
AND WYOMING COUNTIES

IN THE COMMONWEALTH OF PENNSYLVANIA

ISSUED: December 20, 2019

EFFECTIVE: December 21, 2019

By:

Marc Lucca, President
Aqua Pennsylvania, Inc.
762 Lancaster Avenue
Bryn Mawr, Pennsylvania 19010

NOTICE

THIS TARIFF ESTABLISHES WASTEWATER RATES FOR CUSTOMERS OF
CHELTENHAM TOWNSHIP SITUATED WITHIN THE TOWNSHIP OF
CHELTENHAM AND A PORTION OF JENKINTOWN BOROUGH, MONTGOMERY
COUNTY.

RECEIVED

DEC 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LIST OF CHANGES MADE BY THIS TARIFF

Changes: This tariff makes changes to reflect the acquisition of the wastewater assets of Cheltenham Township, located in Cheltenham Township and a portion of Jenkintown Borough, Montgomery County, Pennsylvania. Closing on the acquisition took place on 12/19/2019, with the effective date of ownership occurring at 12:01AM on 12/20/2019. (See pages 6 and 8.9.1 and 8.9.2)

This tariff is made pursuant to the Commission's Order entered 11/5/2019 at Docket No. A-2019-3008491, which authorizes the issuance of the Certificate of Public Convenience.

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DESCRIPTION OF TERRITORIES SERVED

	<u>Township</u>	<u>County</u>
RATE ZONE 4		
Honeycroft Village Division	Londonderry (portion)	Chester
Lake Harmony Division	Kidder	Carbon
New Daleville Division	Londonderry (portion)	Chester
Peddlers View Division	Solebury (portion)	Bucks
Tobyhanna Township Division	Tobyhanna (portion)	Monroe
Twin Hills Division	West Pikeland (portion)	Chester
RATE ZONE 5		
Avon Grove School District	New London (portion)	Chester
Avon Grove School District	Penn (portion)	Chester
East Bradford Division (Brandywine)	East Bradford (portion)	Chester
Little Washington Division	East Brandywine (portion)	Chester
Plumsock Division*	Willistown (portion)	Chester
The Greens at Penn Oaks Division	Thornbury (portion)	Chester
Newlin Green Division	Newlin	Chester
Sage Hill Division	Thornbury (portion)	Chester
RATE ZONE 6		
CS Sewer Division (Masthope)	Lackawaxen	Pike
RATE ZONE 7		
Limerick Division	Limerick (portion)	Montgomery
RATE ZONE 8		
East Bradford Township Division	East Bradford (portion)	Chester
East Bradford Township Division	Birmingham (portion)	Chester
(C) RATE ZONE 9		
Cheltenham Township Division	Cheltenham	Montgomery
Cheltenham Township Division	Jenkintown Borough (portion)	Montgomery

*All Divisions and Subdivisions above are billed on a per EDU basis, with the exception of the Media Division, Plumsock Division, Treasure Lake Division; and Village of Valley Forge Division.

SCHEDULE OF RATES

RATE ZONE 9 – METERED

The rates under this schedule apply to all customer classes in the territories served subject to Rate Zone 9 rates as noted in the Description of Territories Served section under this tariff unless otherwise specifically identified below.

MONTHLY SERVICE CHARGE

Customer Charge (\$)	Rate Zone 9
Fixed (per EDU)	\$ 20.89

MONTHLY CONSUMPTION CHARGE

Consumption Charge (per 1,000 gallons water used)	\$ 3.91
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“EDU” means equivalent dwelling unit. Each residential unit is considered one (1) EDU. Non-residential EDUs are calculated using 219.6 gallons per day/EDU from the actual or projected annual water usage.

Effective 12/21/2019 and until the Company’s next base rate case, the following customers will be charged a monthly customer charge and consumption charge of \$0.00: Cheltenham Hook & Ladder Fire Company, Elkins Park Fire Company, Glenside Fire Company, Ogontz Fire Company, and La Mott Fire Company.

Wastewater customers in Cheltenham Township are required to comply with the City of Philadelphia’s wastewater control regulations adopted by Cheltenham Township and included in Exhibit H to the Application filed at Docket No. A-2019-3008491.

Sewer Charge Adjustment

The Company is authorized to allow deductions on sewer bills for water which is used but does not enter the Company’s system. A request for deduction shall be subject to the following regulations:

- A. Deductions apply within the Cheltenham Division and, in particular, to those customers identified on Exhibit G of the Application filed by Aqua Pennsylvania Wastewater, Inc., dated March 13, 2019. The Application of the Company was approved by the Pennsylvania Public Utility Commission in its Order entered on November 5, 2019 at PUC Docket Number A-2019-3008491.
- B. No deduction shall be granted for customers who do not have a metered water supply.

RATE ZONE 9 – CONTINUED

- C. No deduction shall be granted for customers who are delinquent in their payment for service.
- D. One hundred percent of any used water for which a deduction is requested must have been prevented from entering the system.
- E. It is the responsibility of the customer to purchase, install, and maintain the deduct meter at the approved and inspected water outlet on their property. The meter shall measure water not entering the system and shall be eligible for deduction of that used water monthly.
- F. Customers are responsible for the installation and removal of their meters at the approved service locations each year to prevent freezing and damage. Deduct meters shall be inspected by the Company at the time of installation at which time the customer agrees to allow the Company the right to enter upon their property for inspection. Every deduct meter shall be required to be inspected annually by the Company in order for the customer to be eligible for sewer adjustment charges. The inspection fee charged by the Company to the customer is \$100.00.
- G. All deduct meters shall be of a design approved by the Company, shall be registered with the Company prior to use, and shall be used only by the customer whom it is registered and at the service location to which it is assigned in accordance with the Company's records.
- H. Customers are responsible for making their meter accessible to the Company for reading on a monthly basis. The Company shall then credit the customer's total gallons consumed by the gallons recorded from the customer's deduct meter.
- I. The Company shall be authorized to inspect meters for accuracy and calibration at any time the meter readings are suspect and/or not considered representative of usage. The customer shall be responsible for obtaining calibration of the meter if the Company determines it is not accurate.

ORIGIN ID: WAYA (610) 520-6359
ERIN DOMZALSKI
AQUA AMERICA
762 W. LANCASTER AVENUE

SHIP DATE: 20DEC19
ACTWGT: 0.50 LB
CAD: 100061330/NET4160

BRYN MAWR, PA 19010
UNITED STATES US

BILL SENDER

TO **ROSEMARY CHIAVETTA, SECRETARY**
PA PUBLIC UTILITY COMMISSION
400 NORTH STREET
TWO NORTH KEYSTONE
HARRISBURG PA 17120

(610) 520-6359

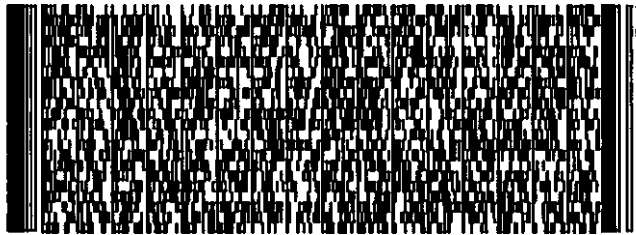
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PO: 15-2115-675831

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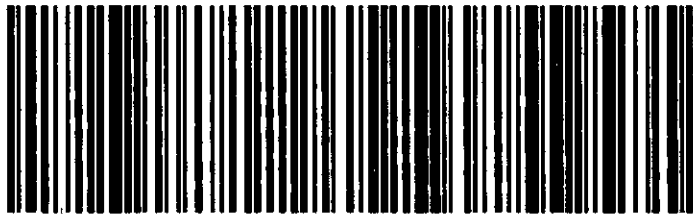


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