

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

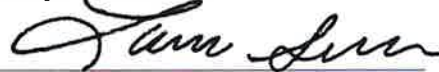
Application of Towamencin Township, pursuant :
66 Pa.C.S. §1102(A) for a Certificate of Public :
Convenience to offer, furnish, render and supply : Docket No. A-2023-3040661
Wastewater service to the public in certain portions :
Of Worcester Township, Lower Salford Township, :
Franconia Township and Lansdale Borough :
All in Montgomery County, Pennsylvania :

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 THE UPPER GWYNEDD TOWNSHIP.

Rudolph Clarke, LLC



Lauren A. Gallagher, Esquire
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Samantha L. Newell
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Attorney for Upper Gwynedd Township
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Date: June 9, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Towamencin Township, pursuant :
66 Pa.C.S. §1102(A) for a Certificate of Public :
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**PETITION TO INTERVENE
OF UPPER GWYNEDD TOWNSHIP**

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, the Township of Upper Gwynedd (the “Township”) files this Petition to Intervene with respect to the Application that was filed with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on May 12, 2023 by Towamencin Township (“Applicant” or “Towamencin”) with respect to its request for both (1) Certificate of Convenience to Offer, Furnish, Render, and Supply Wastewater and (2) Certificate to Abandon Service upon the closing of a proposed sale by Applicant to the Pennsylvania-American Water Company (“PAWC”), in addition to the impending application of PAWC’s Acquisition of the Wastewater System Assets of Towamencin. The current Application and future anticipated applications directly affect the interests of the Township, which are not adequately represented by any existing party.

For the reasons that follow, the Township respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

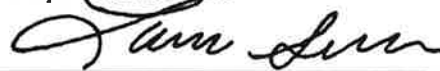
1. Petitioner, Upper Gwynedd Township, is a First-Class Township, situate in Montgomery County Pennsylvania, and having an address of 1 Parkside Place, North Wales, PA 19454.

2. On May 15, 2023, the Secretary acknowledged and docketed this Application.
3. On May 27, 2023, Notice of this Application was published in the May 27, 2023 edition of the Pennsylvania Bulletin.
4. The Secretary set a date to intervene by June 12, 2023.
5. The Township received notice of this appeal via service by Applicant.
6. 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.
7. The Township previously sent all wastewater to the Towamencin Municipal Authority.
8. The Township has recently diverted most of the wastewater flow back to the Upper Gwynedd Wastewater Treatment Plant.
9. Despite diverting a significant amount of wastewater back to the Upper Gwynedd Wastewater Treatment Plan, several residents are still sending wastewater flow directly to Applicant.

10. The Applicant currently provides essential wastewater services to Upper Gwynedd residents at a bulk rate as described in the 2015 Customer Service Agreement (Exhibit A).
11. The Applicant bills the Township directly for these wastewater services, then the Township bills the residents for the service.
12. The bulk rate is negotiated by the Township and Applicant.
13. The bulk rate is paid for through public tax dollars.
14. The Township has an affirmative duty to protect the tax dollars of residents.
15. The Township, and the Township alone, is the only party who can adequately protect the interests of the Township and its taxpayers.
16. The Township maintains a substantial interest in the outcome of these Applications, future applications, and the instant proceeding.
17. At this time, the Township takes no position regarding the application, but wishes to preserve any and all rights of the Township, as provided under the Public Utility Code.

WHEREFORE, Upper Gwynedd Township respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

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VERIFICATION

I, Sandra Brookley Zadell, Township Manager for Upper Gwynedd Township, hereby verify that the information in the foregoing Petition to Intervene is true and correct to the best of my information, knowledge and belief. I understand that the statements are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to the unsworn falsification to authorities.

A handwritten signature in blue ink, appearing to read 'S. Zadell', is written over a horizontal line.

Signature

Dated: June 9, 2023