



Elizabeth Rose Triscari
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June 15, 2023

VIA ELECTRONIC FILING

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

In re: 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) 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 conveyance system owned by Borough of Brentwood, (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the Borough of Brentwood in Allegheny County, Pennsylvania

Docket No: A-2021-3024058

Dear Secretary Chiavetta:

Enclosed for filing are supplemental Responses of Pennsylvania-American Water Company ("PAWC") to the 66 Pa. C.S. Section 1329 Application Completeness Review of Pennsylvania-American Water Company – Wastewater Division Acquisition of the Borough of Brentwood's Assets at Docket No. A-2021-3024058 Missing Application Information, dated April 18, 2023.

Copies are being served upon the statutory advocates in accordance with the attached Certificate of Service and in accordance with the Commission's *Final Supplemental Implementation Order* entered February 28, 2019 at Docket No. M-2016-2543193.

PAWC respectfully requests that the Secretarial Letter conditionally accepting the Application for filing provide a due date for protests and notices of intervention, which is required on the form of notice approved by the Commission in *Application of Pennsylvania-American Water Company*

Pursuant to Sections 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Water System Assets of the Steelton Borough Authority, Docket No. A-2019-3006880 (Opinion and Order entered Oct. 3, 2019) and found at Application Appendix A-18-d.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,



Elizabeth Rose Triscari

cc: All Parties on the Attached Certificate of Service (*via electronic mail*)
Sean Donnelly (*via electronic mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: 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 Borough of Brentwood’s assets, properties and rights related to its wastewater collection and conveyance 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 Borough of Brentwood, Allegheny County

Docket No. A-2021-3024058

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 Borough of Brentwood’s assets related to its wastewater collection system.

Docket No. A-2023-

Petition of Pennsylvania-American Water Company, related to its acquisition of the Borough of Brentwood wastewater collection system, 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 (a) the Asset Purchase Agreement and First Amendment to the Asset Purchase Agreement Between Pennsylvania-American Water Company and Borough of Brentwood; (b) Streets Run Sewer Joint Management Agreement between Boroughs of Brentwood, Baldwin and Whitehall and the Western Mifflin Sanitary Sewer Authority dated July 19, 2000 and (c) Agreement between Borough of Brentwood and City of Pittsburgh dated October 14, 1936 and (d) Cooperation and Allocation of Responsibilities Agreement between Borough of Brentwood and Pennsylvania-American Water Company dated March 2, 2023

Docket Nos. U-2023-_____, *et al.*

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of June served a true copy of the foregoing Responses regarding the acquisition of the Borough of Brentwoods's wastewater collection and conveyance system upon the parties, listed below and in the manner below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

SENT VIA ELECTRONIC MAIL ON JUNE 15, 2023

Christine Maloni Hoover, Esquire
Mackenzie C. Battle, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Sharon Webb, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101

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

Brian Kalcic
Excel Consulting
225 S. Meramec Avenue, Suite 720
St. Louis, MO 63105

Respectfully submitted,



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**Attorneys for Pennsylvania-American Water
Company**

66 Pa. C.S. Section 1329 Application Completeness Review
Pennsylvania-American Water Company – Wastewater Division Acquisition of
Brentwood Borough Wastewater System Assets at Docket No. A-2021-3024058

2. Checklist Item No. 12 – The Application’s Appendix A-18-b included a copy of Brentwood’s rates, rules, and regulations (the Brentwood Code). Section 167-16 of the Brentwood Code specified that for commercial garbage grinders there shall be added to the user's sewage bill an additional charge of \$100 per quarter year per grinder of one horsepower capacity and a proportionately lower or higher charge per grinder of lesser or greater horsepower capacity. However, PAWC-WD’s pro forma tariff supplement included in the Application’s Appendix A-12 does not include this additional charge. Please amend the Application’s Appendix A-12 to include rates that are equal to Brentwood’s existing rates at the time of acquisition.

Response: PAWC has confirmed that Brentwood does not currently charge any customers for commercial garbage grinders. Brentwood intends to amend Chapter 167 to delete Section 167-16 prior to the closing of the transaction. Attached as **Amended A-18-b** is a pro forma ordinance that will be considered for adoption by Brentwood at either its May 15, 2023 or May 22, 2023 Council meeting. Therefore, this charge will not be an existing rate at the time of the acquisition and an amendment to **Appendix A-12** is not necessary.

Supplemental Response: (6/15/2023)

Please find Ordinance 2023-1312 which was ordained and enacted by Borough Council of the Borough of Brentwood on May 15, 2023, attached as **Second Amended Appendix A-18-b**.

**Application of Pennsylvania-American Water Company for Acquisition of
the Wastewater Assets of the Borough of Brentwood**

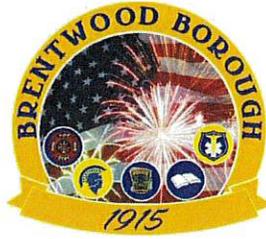
66 Pa. C.S. § 1329

**Application Filing Checklist – Water/Wastewater
Docket No. A-2021-3024058**

18. Rates.
- b. Provide a copy of the seller's current rules and regulations for service.

AMENDED RESPONSE:

- b. Please find attached at **Second Amended Appendix A-18-b** Ordinance 2023-1312 which was ordained and enacted by Borough Council of the Borough of Brentwood on May 15, 2023.



THE BOROUGH OF BRENTWOOD

MUNICIPAL BUILDING – 3735 BROWNSVILLE ROAD
PITTSBURGH, PA 15227
Office 412-884-1500 FAX 412-884-1911
www.brentwoodboro.com

ORDINANCE NO. 2023-1312

“SEWER FEE AMENDMENT RE: COMMERCIAL GRINDERS”

AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, AMENDING, IN LIMITED PART, CHAPTER 167 OF THE BRENTWOOD BOROUGH CODE TO ELIMINATE THE ASSESSMENT OF A FEE FOR GARBAGE GRINDERS

WHEREAS, the Borough of Brentwood presently owns sanitary sewer conveyance infrastructure; and

WHEREAS, in order to ensure that this system can be adequately maintained, the Borough assesses a fee on each 1,000 gallons of water usage and deposits such proceeds into a dedicated enterprises fund; and

WHEREAS, the Borough has entered into an agreement with the Pennsylvania American Water Company to transfer its sanitary sewer system assets, and an application associated with such transaction has been filed with the Pennsylvania Public Utilities Commission; and

WHEREAS, although the Borough does not currently levy such a charge, Chapter 167 of the Brentwood Borough Code (“Sewers”) authorizes the Borough to assess an additional fee on the bills of those customers who have installed commercial garbage grinders; and

WHEREAS, as the Pennsylvania American Water Company does not plan to assess a separate garbage grinder charge, the Borough seeks to remove this fee from Chapter 167 of the Brentwood Borough Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Brentwood, in meeting assembled, and it is hereby ordained and enacted by and with the authority of the same, as follows: **PART I**

Chapter 167 of the Brentwood Borough Code is hereby amended, in limited part, to repeal in its entirety Section 167-16, which pertains to the levy of an additional charge on sanitary sewer customers who maintain commercial garbage grinders.

PART II

All ordinances or parts of ordinances in conflict with the terms of this Ordinance are repealed and rescinded to the extent that such conflict exists.

PART III

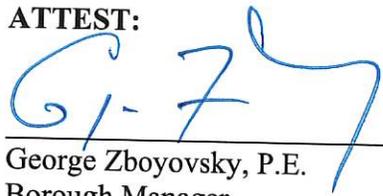
If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

PART IV

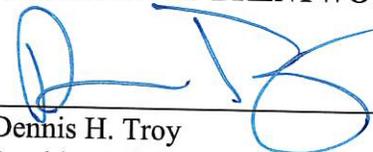
This Ordinance shall become effective immediately upon enactment by Borough Council.

ORDAINED AND ENACTED THIS 15th DAY OF MAY, 2023 BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRENTWOOD.

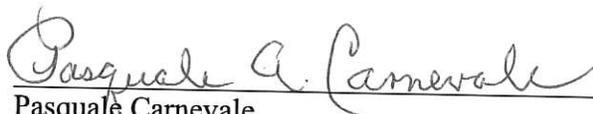
ATTEST:


George Zboyovsky, P.E.
Borough Manager

BOROUGH OF BRENTWOOD


Dennis H. Troy
President of Council

EXAMINED AND APPROVED BY ME THIS 9th DAY OF June 2023


Pasquale Carnevale