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June 26, 2023

Administrative Law Judge Darlene Heep  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[dheep@pa.gov](mailto:dheep@pa.gov) (via PUC E-Filing and email)

**RE: IN RE: APPLICATION OF TOWAMENCIN TOWNSHIP, PURSUANT TO 66 PA. C.S. § 1102(A), FOR A CERTIFICATE OF PUBLIC CONVENIENCE TO OFFER, FURNISH, RENDER, AND SUPPLY WASTEWATER SERVICE TO THE PUBLIC IN CERTAIN PORTIONS OF WORCESTER TOWNSHIP, LOWER SALFORD TOWNSHIP, FRANCONIA TOWNSHIP AND LANSDALE BOROUGH, ALL IN MONTGOMERY COUNTY, PENNSYLVANIA**

Dear Judge Heep,

I am sorry that I was not able to participate in Thursday's pre-hearing conference because of a pre-scheduled medical test. I understand from my colleague Marc Feller that at the conference, you informed the parties that you did not intend to consider in this proceeding two issues:

1. The portion of Towamencin's Application that contemplates abandonment of the service for which a certificate is now being requested, conditional upon approval of the pending Section 1329 Application filed by Pennsylvania American Water Company (PAWC) to acquire the Towamencin System.
2. The portion of Towamencin's Application that includes proposed rates to be effective January 1, 2024 for service to be provided pursuant to the Application,

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as outlined in the proposed tariff submitted as part of the Towamencin Application.

With regard to the request of conditional approval to abandon service upon closing of the proposed acquisition, we respectfully request your consideration of this portion of Towamencin's Application in this proceeding to avoid unnecessary delay and confusion. If Towamencin were required to await PUC approval of the PAWC Application before filing for permission to abandon, this could unnecessarily delay the closing of the asset transfer (since PAWC could not undertake the service of the now Applied-for Service Area until Towamencin were permitted to abandon that service.) It would be inimical to the interest of all parties, including customers, to delay unnecessarily formal approval of the abandonment of service by Towamencin, when the PUC will have already determined that assumption of that service by PAWC as a result of the acquisition would be in the public interest. It would also increase the burden on the PUC staff to be required to address the abandonment in a separate proceeding.

With regard to the question of consideration of rates, consideration of rates is a standard part of the process for consideration of applications for new service, and that approval of the proposed rates is addressed contemporaneously with a determination of whether the proposed service would be in the public interest. The PUC's regulations require that an application for new service include proposed rates. Section 3.501(a)(4). The Pennsylvania Public Utility Commission regularly approves certificates of public convenience which include an initial tariff outlining proposed rates. See, e.g., *In re Sand Spring Water Co., Inc.*, No. A-210128, 2007 WL 2229620 (Pa. P.U.C. July 31, 2007). Towamencin has complied with this requirement by including the proposed tariff in its Application.

Accordingly, Applicant respectfully requests that you include in your consideration of the Towamencin Application the issue of conditional abandonment of service and the initial tariff to be applied in the event that the certificate to provide service is granted.

Thank you for your consideration.

Very truly yours,

/s/ *James J. Rodgers*

James J. Rodgers

JJR

cc: Ms. Shalea Delvillar (via email)  
Richard Kenaskie, Esquire (via PUC eService and email)  
Sharon Webb, Esquire (via PUC eService and email)

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Patrick Cicero, Esquire (via PUC eService and email)  
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