



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

IN REPLY PLEASE  
REFER TO OUR FILE

August 25, 2023

Docket Nos. M-2023-3040156, M-2023-3040157  
M-2023-3040158, M-2023-3040159  
Utility Codes 212285, 230073  
210104, 230240

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RE: Joint Services Agreement of Pennsylvania-American Water Company, Pennsylvania-American Water Company – Wastewater Division, Aqua Pennsylvania, Inc., and Aqua Pennsylvania Wastewater, Inc. at Docket Nos. M-2023-3040156, M-2023-3040157, M-2023-3040158, and M-2023-3040159

Dear Attorneys Fure and Stahl:

On April 13, 2023, Pennsylvania-American Water Company (PAWC), Pennsylvania-American Water Company - Wastewater Division (PAWC-WD), Aqua Pennsylvania, Inc. (Aqua), and Aqua Pennsylvania Wastewater, Inc. (APW), (and collectively, the Parties) filed a joint application (Joint Application) with the Pennsylvania Public Utility Commission (Commission) for approval of the above-captioned document (Joint Agreement). The Parties requested that the Commission approve, under Section 1506 of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. § 1506 (Section 1506), the Joint Agreement attached to the Joint Application as Exhibit A.<sup>1</sup>

In supplemental information filed with the Commission, the Parties noted that the Commission did not direct the Parties to file a copy of the Joint Agreement with the Commission pursuant to Section 1506.<sup>2</sup> The Parties also stated that the Commission has the authority to review, reform, and revise contracts under Section 508 of the Code, 66 Pa.C.S. § 508 (Section 508).<sup>3</sup> Finally, the Parties indicated that they would file tariff revisions with the Commission prior to termination of water service or for the refusal of water service under the provisions of the Joint Agreement.<sup>4</sup>

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<sup>1</sup> See, Joint Application at Page 1.

<sup>2</sup> See, each of the Parties' Replies to Data Request M-1.

<sup>3</sup> See, each of the Parties' Replies to Data Request M-2.

<sup>4</sup> See, each of the Parties' Replies to Data Requests M-5 and M-6.

Pursuant to 52 Pa. Code § 1.4(d), if an application does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the document for filing and may return it unfiled. Upon review of the Joint Application and the supplemental information filed with the Commission, the Commission finds that the Joint Application is insufficient as the Parties have not cited by appropriate reference the statutory provisions, regulations, or other authority under which Commission authorization or permission for the Joint Agreement may be, or should be, provided. 52 Pa. Code § 5.12(a)(3). Section 1506 of the Code directs public utilities to file certain documents when required by the Commission. However, as set forth above, the Parties have acknowledged that the Commission has not directed them to file the Joint Agreement pursuant to Section 1506. Further, Section 508 relates to the power of the Commission to modify contracts that the Commission has determined, after reasonable notice and hearing, to have obligations, terms, or conditions that are unjust, unreasonable, inequitable, or otherwise contrary or adverse to the public interest and the general well-being of this Commonwealth. To date, it does not appear that the Commission has determined that the Joint Agreement is unjust, unreasonable, inequitable, or otherwise contrary or adverse to the public interest and the general well-being of this Commonwealth. Therefore, the Commission hereby declines to accept the Joint Application for filing and is returning the Joint Application as unfiled pursuant to Section 1506.

This Secretarial Letter does not provide any permission, approval, or rejection for the Joint Agreement. Rather, the Parties are advised that they may seek Commission permission or approval of any proposed changes which will affect customers receiving service under each of the Parties' tariffs. Specifically, compliance with Section 1501 of the Code will need to be established with respect to all such proposed tariffs or tariff supplements. Also, tariffs or tariff supplements effecting changes in terms and conditions of service must include information required pursuant to Section 53.52(a) of the Commission's regulations, 52 Pa. Code § 53.52(a). The Commission will review, and may approve, modify, or reject, proposed tariffs or tariff supplements filed by the Parties, or otherwise may permit proposed changes to take effect until changed in accordance with the Code.

Our records in this matter will now be closed. If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition to appeal this action of staff with the Commission within 20 days of the date this Secretarial Letter. If you have any questions in this matter, please contact Paul Zander in the Water/Wastewater Section of the Bureau of Technical Utility Services via telephone at (717) 783-1372 or via e-mail at [pzander@pa.gov](mailto:pzander@pa.gov).

Sincerely,



Rosemary Chiavetta  
Secretary

cc: Patrick Cicero, Office of Consumer Advocate, [ra-oca@paoca.org](mailto:ra-oca@paoca.org)  
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