



September 26, 2023

VIA E-FILING

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

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), for approval of (1) the transfer, by sale, of substantially all of the assets, properties and rights related to its wastewater collection and treatment system owned by the Butler Area Sewer Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the City of Butler, portions of East Butler, and portions of the Townships of Butler, Center, Connequenessing, Oakland and Summit, in Butler County, Pennsylvania; Docket No. A-2022-3037047

Update to Exceptions of Pennsylvania-American Water Company

Dear Secretary Chiavetta:

On September 21, 2023, Pennsylvania-American Water Company ("PAWC") filed its Exceptions with the Pennsylvania Public Utility Commission in the above-referenced proceeding. On pages 3 and 9 of those Exceptions, PAWC noted that the Commonwealth Court of Pennsylvania's decision in *Cicero v. Pa. Pub. Util. Comm'n*, 910 C.D. 2022 (July 31, 2023) was subject to several pending applications for reargument *en banc*. Today, the Commonwealth Court of Pennsylvania denied the pending applications for reargument *en banc*. As noted in note 3 on page 3, however, the *Cicero* decision could be appealed to the Supreme Court of Pennsylvania.

Copies of this correspondence are being served as shown on the attached certificate of service. Thank you for your attention to this filing. Please contact me if you have any question or concern.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito
Counsel for *Pennsylvania-American Water Company*

DPZ/kmg
Enclosure

cc: Administrative Law Judge Marta Guhl
Per Certificate of Service
ra-OSA@pa.gov
Elizabeth Rose Triscari, Esq.
Erin Fure, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Pennsylvania-American Water :
Company under Sections 1102(a) and 1329 of the :
Pennsylvania Public Utility Code, 66 Pa C.S. §§ 1102(a) :
and 1329, approval of (1) the transfer, by sale, to :
Pennsylvania-American Water Company, of : Docket No. A-2022-3037047 *et al.*
substantially all of the assets, properties and rights :
related to the wastewater collection and treatment :
system owned by the Butler Area Sewer Authority, (2) :
the rights of Pennsylvania-American Water Company to :
begin to offer or furnish wastewater service to the public :
in the City of Butler, and portions of the Borough of East :
Butler, and portions of the Townships of Butler, Center, :
Connoquenessing, Oakland, and Summit, in Butler :
County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of September, 2023 served a true copy of the foregoing **Update to the Exceptions of Pennsylvania-American Water Company** upon the parties, listed below and in the manner described below in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

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Respectfully submitted,



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