



Sydney N. Melillo, Esquire
Direct Dial: 215.665.3286
sydney.melillo@obermayer.com

Obermayer Rebmann Maxwell & Hippel LLP
Centre Square West
1500 Market Street | Suite 3400
Philadelphia, PA 19102-2101
P: 215.665.3000
F: 215.665.3165

October 2, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Docket No. A-2021-3024058– Application of Pennsylvania-American
Water Company to Acquire the Wastewater System Assets of the
Borough of Brentwood**

Dear Secretary Chiavetta:

We are counsel to the Borough of Brentwood (the “Borough”) in the above-referenced matter, and are submitting, with this letter, the Borough’s Petition to Intervene.

This document is being served via electronic mail on all parties of record. This document was also filed electronically with the Public Utility Commission on this date.

Thank you.

Very truly yours,

Sydney N. Melillo

CC: All parties of record
Thomas Wyatt, Esq.
Matthew S. Olesh, Esq.

CERTIFICATE OF SERVICE

I, Sydney N. Melillo, Esq., hereby certify that I have served a true and correct copy of the foregoing document upon the following parties via electronic mail:

The Honorable The Honorable Katrina
Dunderdale, Administrative Law Judge
Nicholas Miskanic, Legal Assistant
Pennsylvania Public Utility Commission
kdunderdal@pa.gov
nmiskanic@pa.gov

Elizabeth Triscari, Esq.
Erin K. Fure, Esq.
Director, Corporate Counsel
Pennsylvania American Water Company
Elizabeth.Triscari@amwater.com
Erin.Fure@amwater.com

David P. Zambito, Esq.
Jonathan P. Nase, Esq.
Cozen O'Connor
dzambito@cozen.com
jnase@cozen.com

Sharon Webb, Esq.
Office of Small Business Advocate
swebb@pa.gov

Christine Maloni Hoover, Esq.
Aron J. Beatty, Esq.
MacKenzie C. Battle, Esq.
Office of Consumer Advocate
CHoover@paoca.org
ABeatty@paoca.org
MBattle@paoca.org

Carrie B. Wright, Esq.
Bureau of Investigation and Enforcement
carwright@pa.gov

/s/ Sydney N. Melillo

Dated: October 2, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American Water : Docket No. A-2021-3024058
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 the 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, :
Pennsylvania :

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 BOROUGH OF BRENTWOOD.

/s/ Thomas Wyatt
Thomas Wyatt, Esquire (PA I.D. 89342)
Matthew S. Olesh, Esquire (PA I.D. 206553)
Sydney N. Melillo, Esquire (PA I.D. 328031)
Obermayer Rebmann Maxwell & Hippel, LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Sydney.Melillo@obermayer.com
Counsel for the Borough of Brentwood

Dated: October 2, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania-American Water : Docket No. A-2021-3024058
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 the 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, :
Pennsylvania

PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, Borough of Brentwood (“Brentwood” or the “Borough”), by and through its attorneys, Obermayer Rebmann Maxwell & Hippel LLP, hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Pennsylvania-American Water Company (“Pennsylvania-American”) for approval to acquire the wastewater collection and conveyance system. The Application directly affects the interests of Brentwood, which are not adequately represented by any existing party. For the reasons that follow, the Borough respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. Brentwood is a borough located in Allegheny County, Pennsylvania, with a business address of 3735 Brownsville Road, Brentwood, PA 15227.
2. The Borough owns and operates a wastewater collection and conveyance, which consists of approximately 200,000 linear feet of gravity collection mains, approximately 1,050 manholes, associated infrastructure and appurtenances, and numerous related land rights.
3. The Borough discharges its sewage flow through a series of intermunicipal trunk lines that flow through downgradient communities, where the flow is ultimately treated by the

Allegheny County Sanitary Authority (“ALCOSAN”) sewage treatment facility in Pittsburgh, PA. The System’s pipe network is split into two sewer sheds located Point of Connection MH-89 (Saw Mill Run) and Point of Connection MH-42 (Streets Run), which are both part of the ALCOSAN service area. The Borough’s System currently services approximately 3,980 public, commercial, and residential customers.

4. Brentwood is interested in the above-captioned docket as a party to the Asset Purchase Agreement (the “APA”) under which Pennsylvania-American seeks approval to acquire the Borough’s System.

5. The Borough supports the Application filed by Aqua at this docket.

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. Brentwood seeks intervention in the proceeding for due cause shown for the following reasons:

- a) Brentwood is a party to the Asset Purchase Asset (“APA”) dated December 22, 2020 that sets forth the terms and conditions for the sale of the System;
- b) As contemplated in the APA, the Borough will be the recipient of the proceeds of the sale of its System; and

c) Pennsylvania-American's Application relies on the Borough's consent to the sale of its System.

8. Thus, Brentwood has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

9. Additionally, as a party to the APA and the recipient of the proceeds from the sale of the System, Brentwood submits that its intervention is in the public interest.

10. The Borough intends to play an active role in the Commission's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE, the Borough of Brentwood respectfully requests that the Commission grant the instant Petition to Intervene in this proceeding.

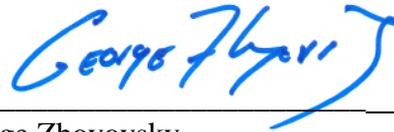
Respectfully submitted,

/s/ Thomas Wyatt
Thomas Wyatt, Esquire (PA I.D. 89342)
Matthew S. Olesh, Esquire (PA I.D. 206553)
Sydney N. Melillo, Esquire (PA I.D. 328031)
Obermayer Rebmann Maxwell & Hippel, LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Thomas.Wyatt@obermayer.com
Matthew.Olesh@obermayer.com
Sydney.Melillo@obermayer.com
Counsel for the Borough of Brentwood

Dated: October 2, 2023

VERIFICATION

I, George Zboyovsky, the Manager of the Borough of Brentwood, hereby verify that the statements of fact made in the foregoing document are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



George Zboyovsky

Dated: Qevqdt '4, 2023