

COMMONWEALTH OF PENNSYLVANIA



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November 9, 2023

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

Re: Joint Petition of Pennsylvania-American Water Company And The  
Department of Environmental Protection Requesting An Ex Parte  
Emergency Order In Regard To Receivership of East Dunkard  
Water Authority; Docket No. P-2023-3043950

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceedings.

Copies have been served to the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 209323  
MElAtieh@paoca.org

Enclosures:

cc: Patricia Wiedt, Deputy Chief Counsel, Law Bureau (**email only:** pwiedt@pa.gov)  
Paul Diskin, Director, Bureau of Technical Utility Services (**email only:** pdiskin@pa.gov)  
Certificate of Service  
4872-7000-9487

CERTIFICATE OF SERVICE

Joint Petition of Pennsylvania-American :  
Water Company And The Department of :  
Environmental Protection Requesting An Ex : Docket No. P-2023-3043950  
Parte Emergency Order In Regard To :  
Receivership of East Dunkard Water :  
Authority :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 9th day of November 2023.

**SERVICE BY E-MAIL ONLY**

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/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
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Counsel for:  
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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Dated: November 9, 2023  
4890-0979-3679

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Pennsylvania- :  
American Water Company And The :  
Department of Environmental : Docket No. P-2023-3043950  
Protection Requesting An Ex Parte :  
Emergency Order In Regard To :  
Receivership of East Dunkard Water :  
Authority :

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NOTICE OF INTERVENTION  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code §§ 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

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Respectfully Submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
PA Attorney I.D. # 209323

DATED: November 9, 2023

PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, as enacted July 9, 1976, and as codified in the Pennsylvania Statutes at 71 P.S. §§ 309-1 – 309-8, authorizes the Consumer Advocate to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to intervene, and to participate in proceedings before the Commission involving the Joint Petition of Pennsylvania-American Water Company (PAWC) and the Pennsylvania Department of Environmental Protection (DEP) seeking an emergency order authorizing PAWC to serve as the receiver for the East Dunkard Water Authority and its property, assets, and facilities, subject to the conditions set forth in the emergency order (Joint Petition).

On October 30, 2023, PAWC and DEP filed their Joint Petition with the Commission. On November 1, 2023, Chairman Stephen M. DeFrank issued an Ex Parte Emergency Order (Emergency Order), which authorized PAWC to serve as the receiver for the East Dunkard Water Authority and its property, assets, and facilities (System), subject to the conditions set forth in the Emergency Order and in Appendix A to the Emergency Order, and effective upon the issuance of a valid Court Order appointing PAWC to serve as the receiver of the System. On November 9, 2023, the Commission adopted the Motion of Stephen M. DeFrank, which ratified and modified the Emergency Order.

The objective of the Consumer Advocate in intervening in this case is to protect the interests of consumers in PAWC's service territory and the consumers of PAWC's service in its capacity as receiver of the East Dunkard Water Authority. The Consumer Advocate seeks to ensure that PAWC's service in its capacity of receiver complies with the applicable requirements of the

Pennsylvania Constitution, Public Utility Code, Commission's regulations and orders, and case law.