



Schnee Legal Services, LLC  
74 E Main Street #648  
Lititz, PA 17543  
(717) 400-5955  
chadwick@schneelegal.com  
<http://www.schneelegal.com>

November 28, 2023

VIA E-File

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

RE: Pennsylvania Public Utility Commission v. Pennsylvania-American Water  
Company  
Docket No. R-2023-3043189 (water)

Petition to Intervene and Answer of Exeter Township

Dear Secretary Chiavetta,

Please find the attached Petition to Intervene and Answer of Exeter Township in the above-referenced matter.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Schnee", is written over a light blue horizontal line.

J. Chadwick Schnee, Esq.  
Solicitor, Exeter Township

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
:  
v. : Docket No. R-2023-3043189  
:  
Pennsylvania-American Water Company :

---

**PETITION TO INTERVENE AND ANSWER OF EXETER TOWNSHIP**

---

**SCHNEE LEGAL SERVICES, LLC**

J. Chadwick Schnee, Esq. (PA 306907)

Schnee Legal Services, LLC

74 E. Main Street, #648

Lititz, PA 17543

(717) 400-5955

Fax: (717) 882-5271

[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)

*For Exeter Township, Proposed Intervenor*

Dated: November 28, 2023

In accordance with the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC”), 52 Pa. Code §§ 5.61-.76, Exeter Township, by and through its undersigned legal counsel, hereby petitions the PUC to intervene and files its Answer in the above-captioned proceeding, averring as follows:

1. On or about November 8, 2023, Pennsylvania-American Water Company (“PAWC”) submitted a rate filing, Supplement No. 45 to Tariff Water-PA P.U.C. No. 5, which proposes to increase water rates by approximately \$203.9 million, or approximately 20.2%, above the level of pro forma revenues for the fully projected future test year ending in June 30, 2025. (Volume I, Statement of Specific Reasons). According to the Company, if the entire rate request is approved as filed, the total bill for a residential water customer who uses approximately 3,201 gallons per month would increase from \$70.65 to \$88.24 per month, or by 24.9%. (Volume I, Notice of Proposed Water and Wastewater Rate Changes).

#### **PETITION TO INTERVENE**

2. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[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.” 52 Pa. Code § 5.72(a).

3. Section 5.72 further provides that the right or interest may be one “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.” 52 Pa. Code. § 5.72(a)(2).

4. Additionally, Section 5.72(a)(3) provides that the right or interest may be “of such nature that participation of the petition may be in the public interest.” 52 Pa. Code. § 5.72(a)(3).

5. Exeter Township, a township of the second class located within Berks County, is a “person” as defined by 1 Pa.C.S. § 1991.

6. Exeter Township has an address of 4986 DeMoss Road, Exeter, PA 19606.

7. Exeter Township is the home of over 25,000 residents, many of whom are residential customers of PAWC.

8. Approximately 17.1% of Exeter Township’s residents are at least 65 years of age.

9. Additionally, Exeter Township is itself a customer of PAWC.

10. Exeter Township has a significant interest in the impact that PAWC’s proposed rate increase will have on itself and its residents. These interests are not adequately represented by the other participants in this matter.

11. Exeter Township and its residents are located within PAWC’s service territory and will be directly affected by the outcome of this proceeding. Particularly, this proceeding will impact the price that Exeter Township and its residents pay for water and wastewater, as well as the reliability and quality of those services.

12. Exeter Township has standing to intervene because itself and its residents have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. *See Energy Conservation Council of Pennsylvania v. PUC*, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010).

13. Exeter Township is represented in this proceeding by:

J. Chadwick Schnee, Esq. (PA 306907)  
Schnee Legal Services, LLC  
74 E. Main Street, #648  
Lititz, PA 17543

(717) 400-5955  
Fax: (717) 882-5271  
[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)  
<http://www.schneelegal.com>

14. Counsel for Exeter Township consents to the service of documents by electronic mail to [chadwick@schneelegal.com](mailto:chadwick@schneelegal.com) as provided in 52 Pa. Code § 1.54(b)(3).

#### **ANSWER**

15. In its preliminary review, Exeter Township objects to the PAWC's requested water rate increase on the grounds that it will result in unjust and unreasonable rates that would impose economic hardship on itself and its residents. In light of rampant inflation in nearly every sector of the economy in the last several years and anticipated future inflation, the proposed rate increase will undoubtedly overburden an already financially-fatigued population within Exeter Township.

16. Terms, conditions, and rates for water and wastewater service are not just and reasonable if they are not appropriately designed and implemented to ensure that all consumers are able to access safe and affordable water and wastewater services, consistent with the laws and policies of the Commonwealth.

17. PAWC's rate proposal would substantially increase residential rates for residential customers. PAWC's proposals would increase a residential water bill for a typical customer using approximately 3,201 gallons per month would increase from \$70.65 to \$88.24 per month, or by 24.9%. (Volume I, Notice of Proposed Water and Wastewater Rate Changes). A steep increase in rates such as the increase proposed by PAWC will have a disproportionate harmful impact on the Township's elderly residents on fixed incomes, especially where a significant hike in water rates occurred in the prior year.

18. By information and belief, PAWC's proposal would increase the per 100 gallon water charge for residential customers in Exeter Township from \$1.6108 to \$2.1319, an increase of 32.4%. *Compare* Supplement No. 45 to Tariff Water-PA P.U.C. No. 5, Fourth Revised Page 16 (setting forth a residential usage charge per 100 gallons of \$1.7276 in Rate Zone 1), *with* Supplement No. 40 to Tariff Water-PA P.U.C. No. 5, Third Revised Page 16 (setting forth a residential usage charge per 100 gallons of \$1.6108 in Rate Zone 1)

19. By information and belief, PAWC's proposal would increase the per 100 gallon water charge for municipal customers (including Exeter Township) from \$1.6700 (for the first 16,000 gallons) to \$1.9984, an increase of nearly 19.7%. *Compare* Supplement No. 45 to Tariff Water-PA P.U.C. No. 5, Sixth Revised Page 16.1 (setting forth a municipal consumption charge per 100 gallons of \$1.9984), *with* Supplement No. 40 to Tariff Water-PA P.U.C. No. 5, Fifth Revised Page 16.1 (setting forth a municipal consumption charge of \$1.6700 per 100 gallons for the first 16,000 gallons).

20. With respect to Exeter Township residents, an increase the Township's municipal water rate serves as a "double-whammy" for its residents, many of whom are elderly, as the Township derives tax revenue from residents and may have to increase its mileage in order to accommodate PAWC's latest proposed increase.

21. Continued delivery of safe, affordable water and wastewater service is of critical importance to the safety, welfare, and economic stability of all Pennsylvanians – particularly the elderly population with limited financial means. PAWC's general rate increase could will have a disparate impact on households with limited economic means.

22. Exeter Township asserts that these matters, and any future modifications presented by intervening parties, must be thoroughly reviewed and investigated to ensure that all

customers are able to access safe, affordable water and wastewater services within the PAWC's service territory in Exeter Township.

**WHEREFORE**, Exeter Township respectfully asks the PUC to enter an order granting Exeter Township status as an intervenor in this proceeding.

Respectfully submitted,

SCHNEE LEGAL SERVICES, LLC

Date: November 28, 2023

By:           /s/ J. Chadwick Schnee, Esq.            
J. Chadwick Schnee, Esq. (PA 306907)  
Schnee Legal Services, LLC  
74 E. Main Street, #648  
Lititz, PA 17543  
(717) 400-5955  
Fax: (717) 882-5271  
[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)  
<http://www.schneelegal.com>  
*For Exeter Township, Proposed Intervenor*

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
:  
v. : Docket Nos. R-2022-3031672  
: R-2022-3031673  
Pennsylvania-American Water Company :

---

**CERTIFICATE OF SERVICE**

---

I hereby certify that true and correct copies of the foregoing have been served via email upon the following persons this 28<sup>th</sup> day of November, 2023:

Elizabeth Rose Triscari, Esquire Teresa K. Hanold, Esquire Erin K. Fure, Esquire Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055 <a href="mailto:Elizabth.triscari@amwater.com">Elizabth.triscari@amwater.com</a> <a href="mailto:Teresa.harrold@amwater.com">Teresa.harrold@amwater.com</a> <a href="mailto:Erin.fure@amwater.com">Erin.fure@amwater.com</a>	Elizabeth R. Marx, Esquire Lauren N. Berman, Esquire John W. Sweet, Esquire Ria M. Pereira, Esquire Pennsylvania Law Project 118 Locust Street Harrisburg, PA 17101 <a href="mailto:pulp@pautilitylawproject.org">pulp@pautilitylawproject.org</a>
Kenneth M. Kulak, Esquire Brooke E. McGlinn, Esquire Catherine Vasudevan, Esquire Mark A. Lazaroff, Esquire Morgan, Lewis & Bockius, LLP 1701 Market Street Philadelphia, PA 19103-2921 <a href="mailto:ken.kulak@morganlewis.com">ken.kulak@morganlewis.com</a> <a href="mailto:brookw.mcglinn@morganlewis.com">brookw.mcglinn@morganlewis.com</a> <a href="mailto:Catherine.vasudevan@morganlewis.com">Catherine.vasudevan@morganlewis.com</a> <a href="mailto:Mark.lazaroff@morganlewis.com">Mark.lazaroff@morganlewis.com</a>	NazAarah Sabree, Small Business Advocate Office of Small Business Advocate 555 Walnut Street 1st Floor, Forum Place Harrisburg, PA 17101-1923 <a href="mailto:Ra-sba@pa.gov">Ra-sba@pa.gov</a>

<p>Richard A. Kanaskie, Esquire  Bureau of Investigation &amp; Enforcement  Pennsylvania Public Utility Commission  Commonwealth Keystone Building  400 North Street, 2nd Floor  Harrisburg, PA 17120  <a href="mailto:rkanaskie@pa.gov">rkanaskie@pa.gov</a></p>	<p>Andrew J. Zerby, Esquire  Melanie El Atieh, Esquire  David T. Evrard, Esquire  Erin L. Gannon, Esquire  Office of Consumer Advocate  555 Walnut Street  5th Floor, Forum Place  Harrisburg, PA 17101-1923  <a href="mailto:azerby@paoca.org">azerby@paoca.org</a>  <a href="mailto:melatieh@paoca.org">melatieh@paoca.org</a>  <a href="mailto:devrard@paoca.org">devrard@paoca.org</a>  <a href="mailto:egannon@papca.org">egannon@papca.org</a></p>
<p>Joseph L. Vullo, Esquire  1460 Wyoming Avenue  Forty Fort, PA 18704  <a href="mailto:jlvullo@bvrrlaw.com">jlvullo@bvrrlaw.com</a></p>	

SCHNEE LEGAL SERVICES, LLC

Date: November 28, 2023

By:           /s/ J. Chadwick Schnee, Esq.            
J. Chadwick Schnee, Esq. (PA 306907)  
Schnee Legal Services, LLC  
74 E. Main Street, #648  
Lititz, PA 17543  
(717) 400-5955  
Fax: (717) 882-5271  
[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)  
<http://www.schneelegal.com>  
*For Exeter Township, Proposed Intervenor*