



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

September 24, 2024

IN REPLY PLEASE
REFER TO OUR FILE

Docket Nos. A-2023-3039900 &
A-2024-3050135
Utility Codes 230240 &
2326243

TERESA K HARROLD ESQUIRE
PENNSYLVANIA AMERICAN WATER COMPANY
852 WESLEY DRIVE
MECHANICSBURG PA 17055
TERESA.HARROLD@AMWATER.COM

DAVID P ZAMBITO ESQUIRE
JONATHAN P NASE ESQUIRE
COZEN O CONNOR
17 NORTH SECOND STREET SUITE 1410
HARRISBURG PA 17101
DZAMBITO@COZEN.COM
JNASE@COZEN.COM

JAMES J RODGERS ESQUIRE
ELIZABETH PREATE HAVEY ESQUIRE
MARC A FELLER ESQUIRE
DILWORTH PAXON LLP
1500 MARKET STREET SUITE 3500E
PHILADELPHIA PA 19102
JROGERS@DILWORTHLAW.COM
EPREATHAVEY@DILWORTHLAW.COM
MFELLER@DILWORTHLAW.COM

RE: Joint Application of Pennsylvania-American Water Company – Wastewater Division and Towamencin Township under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 1102(a) and 1329, for the Acquisition of Towamencin Township’s Wastewater System Assets at Docket Nos. A-2023-3039900 & A-2024-3050135

Dear Attorneys:

On May 15, 2023, Pennsylvania-American Water Company – Wastewater Division (PAWC-WD) filed an application (Initial Application) with the Public Utility Commission (Commission) under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 1102(a) and 1329, for approval of the right to acquire substantially all of the wastewater system assets of Towamencin Township (Towamencin). Additionally, on May 12, 2023, Towamencin filed an application, *nunc pro tunc*, (Nunc Pro Tunc Application) to offer, furnish, render or supply wastewater service to the public in certain portions of Worcester, Lower Salford, and Franconia Townships and Lansdale Borough in Montgomery County,

Pennsylvania at Docket No. A-2023-3040661. On January 18, 2024, the Commission approved in its entirety the Amended Joint Petition for Non-Unanimous Settlement filed November 1, 2023, for the Nunc Pro Tunc Application. On February 7, 2024, the Commission issued a Certificate of Public Convenience (Towamencin CPC) to Towamencin pursuant to Section 1101 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1101, authorizing Towamencin, *nunc pro tunc*, to begin to offer, render, furnish and supply wastewater service to the public in a portion of Worchester Township, Lower Salford Township and bulk customers that interconnect to Towamencin's sewer system outside of Towamencin's geographic boundaries consistent with the revised map and written description of the requested service territory provided in the Amended Joint Petition for Non-Unanimous Settlement and admitted Stipulated Exhibits effective January 18, 2024. On April 12, 2024, PAWC-WD and Towamencin (together, the Joint Applicants) filed the above-referenced joint application (Joint Application) with the Commission that amended the Initial Application to, among other things, add Towamencin as a party. On August 13, 2024, the Commission served a Secretarial Letter that indicated, upon review of the supplemental materials provided by the Joint Applicants, it had conditionally accepted for filing the Joint Application.

On September 12, 2024, the Joint Applicants filed a letter with the Commission at the above-referenced dockets indicating that on September 11, 2024, PAWC-WD and Towamencin had mutually agreed to terminate the underlying transaction that is the subject of the Joint Application. Therefore, the Joint Applicants requested leave to withdraw the Joint Application because it had not been accepted by the Commission and do not consider this matter to be a contested proceeding. The Joint Applicants also provided a certificate of service evidencing that all parties served with the Joint Application were notified on September 12, 2024, of this request to withdraw.

The Commission notes here that the Joint Applicants' request to withdraw the Joint Application has no bearing on the matters previously addressed by the Commission at Docket No. A-2023-3040661. Towamencin, as a jurisdictional municipal corporation providing wastewater public utility service in accordance with the Towamencin CPC, shall continue to comply with all Commission regulations.

In accordance with 52 Pa. Code §1.82(a), if no party has objected to this letter petition within 10 days of service, the matter may be stricken by the Commission. To date, the Commission has not received any objections. Therefore, effective September 23, 2024, the above-referenced Joint Application is hereby withdrawn and the Commission's proceedings in this matter will now be marked closed.

Please direct any questions to Matthew T. Lamb, P.E. of the Commission's Bureau of Technical Utility Services, Water/Wastewater Section, at telephone number (717) 783-1001 or by email at mlamb@pa.gov. If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition for reconsideration from the actions of staff with the Commission within 20 days of the date this letter is served.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Patrick Cicero, Office of Consumer Advocate, ra-oca@paoca.org
Christopher Andreoli, Office of Consumer Advocate, candreoli@paoca.org
Harrison Breitman, Office of Consumer Advocate, hbreitman@paoca.org
Darryl Lawrence, Office of Consumer Advocate, dlawrence@paoca.org
NazAarah Sabree, Office of Small Business Advocate, ra-sba@pa.gov
Sharon Webb, Office of Small Business Advocate, swebb@pa.gov
Allison Kaster, PUC Bureau of Investigation & Enforcement, akaster@pa.gov