

**Application of Pennsylvania-American Water Company for the Acquisition of
the Wastewater Treatment Plant and Collection System Owned and Operated by
Elizabeth Borough Municipal Authority (“EBMA”)**

Docket No. A-2023-3038717

66 Pa. C.S. § 1329

Application Filing Checklist – Water/Wastewater

26. Public Hearings. Provide a verification statement that at least two in-person public hearings were scheduled and conducted prior to executing the APA, and that:
- a. The public hearings addressed the proposed acquisition, described the potential rate impacts, provided the opportunity for public comment, and were held at venues within the municipal boundaries of the Seller, or at the nearest reasonable venues, with Commission notification.

RESPONSE: a. Because the Commission’s FSIO issued July 2, 2024 at Docket No. M-2016-2543193 does not apply retroactively, this component of the application filing checklist does not apply to this transaction. Notwithstanding the foregoing, please see **Appendix A-26-a**.

**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, for approval of (1) the transfer, by :
sale, to Pennsylvania-American Water Company, of :
substantially all of the assets, properties and rights :
related to the wastewater treatment plant and collection : Docket No. A-2023-3038717
system owned and operated by the Elizabeth :
Borough Municipal Authority, (2) the rights of :
Pennsylvania-American Water Company to begin to :
offer or furnish wastewater service to the public in the :
Borough of Elizabeth, and portions of the Borough :
of Lincoln and the Townships of Elizabeth and :
Forward, in Allegheny County, Pennsylvania :

In re: Application of Pennsylvania-American Water :
Company under Section 1329 of the Pennsylvania Public :
Utility Code, 66 Pa C.S. § 1329, for approval of the use :
for ratemaking purposes of the lesser of the fair market : Docket No. A-2024-_____
value or the negotiated purchase price of the assets :
related to the wastewater treatment plant and collection :
system owned and operated by the Elizabeth :
Borough Municipal Authority :

In re: Petition of Pennsylvania-American Water :
Company, related to its acquisition of the wastewater :
treatment plant and collection system owned and :
operated by the Elizabeth Borough Municipal :
Authority, for approval under Section 1329 of the :
Pennsylvania Public Utility Code, 66 Pa. C.S. § 1329, :
to (i) collect a distribution system improvement :
charge, (ii) for book and ratemaking purposes, : Docket Nos. P-2024-_____
accrue Allowance for Funds Used During Construction :
for post-acquisition improvements not recovered :
through the distribution system improvement :
charge, (iii) for book and ratemaking purposes, defer :
depreciation related to post-acquisition improvements :
not recovered through the distribution system :
improvement charge, and (iv) include, in its next base rate :
case, a claim for transaction and closing costs :

In re: Filing by Pennsylvania-American Water Company :
under Section 507 of the Pennsylvania Public Utility :
Code, 66 Pa. C.S. § 507, of (i) the Asset Purchase :
Agreement by and between Elizabeth Borough :
Municipal Authority and Pennsylvania-American Water :
Company, and (ii) six (6) agreements with municipal : Docket Nos. U-2024-_____, et al.
corporations to be assumed by Pennsylvania-American :
Water Company upon closing of its acquisition of :
substantially all of the assets related to the wastewater :
treatment plant and collection system owned and :
operated by the Elizabeth Borough Municipal :
Authority :

VERIFICATION

This component of the application filing checklist does not apply to this transaction because the underlying asset purchase agreement was executed prior to the Commission’s Final Supplemental Implementation Order issued July 2, 2024 at Docket No. M-2016-2543193. Notwithstanding the foregoing, I, Timothy Guffy, Chairman, on behalf of Seller, Elizabeth Borough Municipal Authority (“EBMA”) in connection with the foregoing Application, hereby state the following:

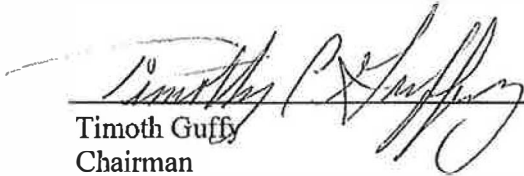
1. Notice of the EBMA public meetings identified in Paragraph 2 below was provided pursuant to the Pennsylvania Sunshine Act, 65 Pa.C.S.A. § 709 in the Mon Valley Independent on December 21, 2021, which is a news paper of general circulation within Elizabeth Borough.
2. Prior to executing the APA, EBMA held the following three public meetings to address, evaluate and approve the Transaction: June 15, 2022, August 9, 2022, and November 8, 2022.
3. At the June 15, 2022 meeting, a presentation was given explaining, among other things, the potential rate impact of a wastewater system sale and the PUC’s jurisdiction over future rate increase requests.
4. The public meetings provided an opportunity for public comment. No members of the public and only one member of the media provided comments at these meetings. No record of the comments

from the member of the media was made, so it is unclear if the comments were relevant to the Transaction.

5. The public meetings were held at venues within the municipal boundaries of the Seller.
6. The Commission was not notified regarding these public meetings, because no such notification requirement existed at the time of these meetings.

I make this verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: September 4 2024



Timoth Guffy
Chairman
Elizabeth Borough Municipal Authority