

**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, accrue Allowance for Funds : Docket Nos. P-2024-\_\_\_\_\_  
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

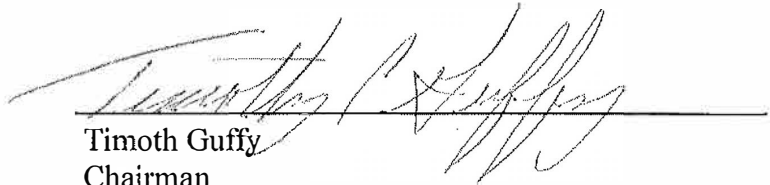
I, Timothy Guffey, Chairman, on behalf of Seller, Elizabeth Borough Municipal Authority  
("EBMA") in connection with the foregoing Application, hereby state the following:

1. At its November 8, 2022 Board meeting, EBMA approved the Asset Purchase Agreement that is the subject of this proceeding.
2. The only formal record of this approval is included in the Regular Meeting Minutes for the November 8, 2022 Board meeting, which is attached to the Application as part of Appendix J.
3. No other formal written resolution or motion is required to give effect to EBMA's approval of the Asset Purchase Agreement.

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

Date: \_\_\_\_\_

9-25-24



Timothy Guffey  
Chairman  
Elizabeth Borough Municipal Authority

**Regular Meeting Minutes**  
**Elizabeth Borough Municipal Authority**  
**Tuesday November 8, 2022**

**Call to order: 2:25 pm**

**Roll call:** Mr. Walk, Mr. Lesniewski (By phone), Mr. B. Boucher, Mr. Guffey, Mr. Miklos, Mr. Hillman, Mr. Dalfonso, Mr. Matta

**Absent-** Mr. Barnett, Mr. Smith, Mr. W. Boucher

Mr. Guffey makes the motion to accept previous minutes submitted. Second by Mr. Miklos. All in favor. Motion carries.

**Public comment-** John Rectenwald. Reporter from Mon Valley Independent

**Operation manager report-** None

**Financial Report-** See Attached

Mr. Miklos makes the motion to pay the bills as well as approve financial report. Second by Mr. B. Boucher. All in favor. Motion carries.

**Engineer Report- Written**

Item 1- Pump station

Zoom meeting set up for this Thursday to discuss pump station punch list

Item 2- Grant Programs

CDBG YR 48- Application was submitted and was funded in amount of \$69,225.00 for estimated construction cost of \$106,500.00. Design drawings, specifications and permitting underway for project. GP-11 permits needed for each site and are being prepared.

Kyle signed permit application today.

LSA Statewide Grant- LSA grant application submitted 3/15/2022 for system wide manhole rehabilitation. Waiting for project selection which is planned for November 2022

Item 3- 2022 consulting Engineer report

Its advice and recommendations as to the proper maintenance, repair, and operation of the Sewer System during the next fiscal year, its estimate for said fiscal year of the amounts of money that will be required to be expended for current expenses and its estimate of the gross revenues of the Sewer System for said fiscal year.

A form of budget, prepared on a quarterly basis for the next fiscal year which shall reflect the recommendations made in said report

Its advice and recommendation as to the Capital Additions and extraordinary repairs and maintenance that should be made during the next fiscal year and its estimate of the amount of money necessary for such purposes

Its recommendations as to any necessary or advisable revision of rates and charges and Its findings whether the properties of the Sewer System have been maintained in good repair, working order and sound operating condition and its estimate of the amount, if any, required to place such properties in such condition and the details of such expenditures and the approximate time required, therefore.

Senate is working with the Authority to obtain the required report data and information.

**Item 4- Act 537 Plan & Industrial Pretreatment Program**

Work remains on the alternatives and the draft report and will be updated once pretreatment requirements from Kelly Run Landfill are resolved.

Senate received list from Authority identifying nonresidential customers. Kelly Run Landfill was identified as meeting the flow criteria at this time. The landfill was sent a questionnaire on 8/10/2022. A response was received on 10/5/2022 and Senate is reviewing data.

168 Cemetery Street (Daniel Sobieralski Metal Finishing) was mailed a questionnaire on 09/27/22 and has 60 days to respond.

Other customers may fall under program pending further review of requirements and potential sources of qualifying contaminants.

**Item 5- Engineering Assessment Report**

PAWC has scheduled a kickoff teleconference for 10/12/2022.

**Item 6- General Engineering Services**

Spoke with Carl Fekula regarding inlets on 3rd St and Walker/Center St. He is trying to work in schedule. E

Mr. B. Boucher makes the motion to approve Engineer report. Second by Mr. Miklos. All in favor. Motion carries

**Solicitor Report- Written**

Mr. Miklos makes the motion to accept Solicitor report. Second by Mr. Guffey. All in favor. Motion carries

**Old Business- None**

**New Business**

Mr. Miklos makes the motion to go into executive session to discuss possible litigation. Second by Mr. Guffey. All in favor. Motion carries. ENTERED EXECUTIVE SESSION AT 2:35 PM. BACK FROM EXECUTIVE SESSION AT 3:15 PM

Mr. B Boucher makes the motion to approve winter moratorium 2023. Second by Mr. Guffey. All in favor. Motion carries.

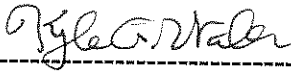
Mr. Miklos makes the motion to approve asset sale agreement upon Solicitor final review. Second by Mr. B. Boucher. Roll call Vote: Mr. Lesniewski-yes, Mr. Miklos-Yes, Mr. B. Boucher- Yes, Mr. Guffey- yes, Mr. Walk- No. Majority favors. Motion carries.

Table employees raise for next month's meeting.

Mr. Miklos makes the motion to Adjourn at 3:20 pm.

**NEXT MEETING TO BE HELD ON TUESDAY DECEMBER 13, 2022 AT 2:00 PM**

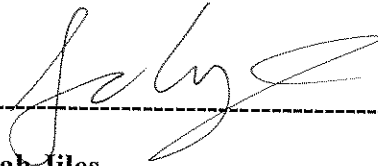
Prepared by:



Mr. Kyle Walk

Chairman

Elizabeth Borough Municipal Authority



Sarah Jiles

Secretary

Elizabeth Borough Municipal Authority