

COMMONWEALTH OF PENNSYLVANIA



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October 22, 2024

**Via Electronic Filing**

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

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 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  
Docket No. A-2023-3038717

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Protest and Public Statement and signed verification of Consumer Advocate, Partrick M. Cicero, in this matter.

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

Respectfully submitted,

/s/ Christy M. Appleby  
Christy M. Appleby, Esq.  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
CAappleby@paoca.org

Enclosures

cc: Office of Administrative Law Judge (crainey@pa.gov)  
Bureau of Technical Utility Services (dsearfoorce@pa.gov; sdonnelly@pa.gov)  
Office of Special Assistants (ra-OSA@pa.gov)  
Certificate of Service

CERTIFICATE OF SERVICE

In re: Application of Pennsylvania- :  
American Water Company under Sections : Docket No. A-2023-3038717  
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 :  
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 :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Protest 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. This document was filed electronically on the Commission’s electronic filing system.

Dated this 22nd day of October, 2024.

SERVICE BY E-MAIL ONLY

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Dated: October 22, 2024

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania- :  
American Water Company under : Docket No. A-2023-3038717  
Sections 1102(a) and 1329 of the :  
Pennsylvania Public Utility Code, 66 Pa :  
C.S. § § 1102(a) and 1329, for approval :  
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Pennsylvania-American Water Company, :  
of substantially all of the assets, :  
properties and rights related to the :  
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system owned and operated by the :  
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Water Company to begin to offer or :  
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in the Borough of Elizabeth, and portions :  
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Townships of Elizabeth and Forward, in :  
Allegheny County, Pennsylvania :

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PROTEST OF THE  
OFFICE OF CONSUMER ADVOCATE

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I. INTRODUCTION

The Office of Consumer Advocate (OCA) files a Protest in this matter pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (PUC or Commission), 52 Pa. Code §§ 5.51-5.53, and Chapter 11 and Section 1329 of the Public Utility Code, 66 Pa. C.S. § 1101, *et seq.* and 66 Pa. C.S. § 1329.

Through this Application, filed on or about September 27, 2024, Pennsylvania-American Water Company (PAWC or Company) requests that the Commission: (1) approve consistent with the provisions of 66 Pa. C.S §§ 1102 and 1103, the acquisition of the wastewater system assets owned by Elizabeth Borough Municipal Authority (EBMA); (2) approve the right of

PAWC to provide wastewater service in the Borough of Elizabeth, and portions of the Borough of Lincoln, and the Townships of Elizabeth and Forward, in Allegheny County, Pennsylvania; (3) include, in its Order approving the acquisition, the ratemaking rate base of the acquired Assets as determined under Section 1329(c)(2) of the Public Utility Code; and (4) authorize PAWC to recover a distribution system improvement charge, accrue Allowance for Funds Used During Construction and defer depreciation related to/for post acquisition improvements not recovered through the distribution system improvement charge, and include, in its next base rate case, a claim for transaction and closing costs. Application ¶¶ 1-2. PAWC also requests approval of the Asset Purchase Agreement (APA) dated January 24, 2023 as well as other municipal agreements pursuant to Section 507 of the Public Utility Code, and requests that the Commission issue an Order and Certificate of Public Convenience approving and addressing the items requested in this Application. *Id.* at ¶¶ 3.

## II. SUMMARY OF OCA’S REQUESTED RELIEF

The OCA submits that PAWC’s Application should be rejected for two reasons. First, while PAWC asserts that the Company intends to engage in over twenty (20) million dollars of repairs<sup>1</sup> to the assets at issue, the EBMA’s system is not struggling under the Authority’s care and control. PAWC, in its application, attempts to obfuscate matters by stating that it has “demonstrated its ability to improve troubled municipal wastewater systems following acquisitions<sup>2</sup>” and that there will be “targeted infrastructure improvements” by a “qualified company<sup>3</sup>” (PAWC) if granted, yet fails to demonstrate that the EBMA system is, in fact, troubled or that EBMA could not itself make similar upgrades.

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<sup>1</sup> PAWC Exhibit DJH-2.

<sup>2</sup> PAWC St. 2, 22.

<sup>3</sup> EBMA St. 1,

PAWC's Application should also be rejected because, while PAWC asserts as a purported benefit that this acquisition supports and promotes regionalization<sup>4</sup>, PAWC does not own the surrounding systems, nor has applied to acquire, the systems that would be necessary to accomplish regionalization, including, but not limited to, assets in Glassport Borough. While the OCA does not take the position that regionalization requires contiguous systems, PAWC must show something more than the so-called efficiencies associated with being purchased by a large system. Here, it is apparent that absent further acquisitions, PAWC is unable to connect to "PAWC's state-of-the-art McKeesport Wastewater Treatment Plant<sup>5</sup>" that is upriver as of this filing and/or in the near future. Thus, PAWC is seeking to acquire an island of service in Elizabeth Township.

Thus, the Office of Consumer Advocate respectfully requests that the Commission not accept PAWC's Application at this time due to the issues raised in this Protest and the need for additional information. Finally, if PAWC's Application is accepted, the OCA requests that the Commission investigate and hold full hearings, including a telephonic or virtual public input hearing for PAWC and EBMA customers held approximately three to four weeks after the Commission issues a Secretarial Letter indicating final acceptance of the Application.

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<sup>4</sup> PAWC St. 2, 14.

<sup>5</sup> *Id.*

### III. PROTEST

EBMA Witness Timothy Guffey testifies that EBMA operates a 1.2 million gallons per day (“MGD”) wastewater facility that provides service to a total of approximately 2,200 customers in Elizabeth Borough, Forward Township, Elizabeth Township and Lincoln Borough. The System’s Service Area spans approximately 0.4 square miles. Forward Township, Elizabeth Township and Lincoln Borough, are all bulk customers of the Authority and own separate sanitary sewer systems that transport sewage for treatment to the Authority. Sewage enters the WWTP by way of either the Wiley Pump Station force main or the Authority’s newly constructed Pump Station force main. The Wiley Pump Station is owned and operated by Elizabeth Township. EBMA’s Statement Nos. 1, 2.

The OCA files this Protest in order to aver that PAWCs Application should be rejected, but if it is not, to ensure that the application is approved only if (1) it is found to be in the public interest; (2) it provides substantial, affirmative benefits to the public, and (3) it is in accordance with the Public Utility Code and applicable Commission rules and regulations. Specifically, the OCA avers as follows:

1. The Protestant is Patrick M. Cicero, Consumer Advocate, 555 Walnut Street, 5<sup>th</sup> Floor, Forum Place, Harrisburg, PA 17101-1923. Protestant’s attorneys for the purpose of receiving service of all documents in this proceeding are Christy Appleby, Senior Assistant Consumer Advocate and Katie Kennedy, Assistant Consumer Advocate.

2. The OCA is authorized by law to represent the interests of utility ratepayers in all proceedings before the Commission. 71 P.S. §§ 309-1, *et seq.* This Protest is filed by the OCA to ensure that the interests of PAWC’s existing and acquired customers are protected.

3. In reaching a determination on the merits of this application, the Commission is required to give “due consideration to the interest of consumers.” 71 P.S. §§ 309-5(2).

4. Section 1102 of the Public Utility Code requires that the Commission issue a Certificate of Public Convenience as a legal prerequisite to an entity offering service, abandoning service and certain property transfers by public utilities or their affiliated interests. 66 Pa. C.S. §1102(a)(1)-(3).

5. The Code further requires that a certificate shall only be granted upon a finding that the granting of such certificate is “necessary or proper for the service, accommodation, convenience or safety of the public.” 66 Pa. C.S. § 1103(a). *See City of York v. Pa. PUC*, 295 A.2d 825, 828 (Pa. 1973); *see also Popowsky v. Pa. PUC*, 937 A.2d 1040 (Pa. 2007). Moreover, the proposed transaction must “affirmatively promote the service, accommodation, convenience, or safety of the public in some substantial way.” *City of York* at 828. To satisfy this standard, any proposed benefits must differ substantially “from the benefits already being provided by the existing system operator,” and must be specific to the transaction itself, and not merely “arise as a result of the acquiring utility’s fitness.” *Cicero v. Pa. P.U.C.*, 300 A.3d 1106, 1119 (Pa. Cmwlth. Ct. 2023) *petitions for allowance of appeal accepted at* Nos. 568 MAL 2023 (*Cicero*), 569 MAL 2023 (*East Whiteland Township*), 570 MAL 2023 (*Aqua Pennsylvania*) (all filed Oct. 26, 2023).

6. Section 1103 explicitly allows the Commission to impose conditions upon the issuance of a Certificate of Public Convenience. 66 Pa. C.S. § 1103(a) (“The Commission, in granting such a certificate, may impose such conditions as it may deem to be just and reasonable”). The OCA submits that if the Commission grants this application, it must do so only with imposition of conditions in order to ensure that the public interest standard is met.

7. An increase in rates involves a substantial property right and ratepayers are entitled to notice and opportunity to be heard regarding a Commission administrative proceeding in which a decision is made regarding rates under the 14<sup>th</sup> Amendment of the United States

Constitution (U.S. Const. amend. XIV, § 1), 52 Pa. Code Section 53.45(b)(1-4) and the order entered in *McCloskey v. Pa. P.U.C.*, 195 A.3d 1055 (Pa. Cmwlth. 2018), as well as the Commission’s Final Supplemental Implementation Order entered on February 8, 2019 at Docket No. M-2016-2543193.

8. Section 1329 of the Public Utility Code, *inter alia*, enables an acquiring public utility and a selling public utility to elect to use fair market valuation to determine whether the fair market value or the purchase price, whichever is less, will be reflected in rate base. 66 Pa. C.S. § 1329(c)(2). This provision is an alternative to the use of original cost, less depreciation for ratemaking purposes, when a public utility acquires municipal water and wastewater assets. PAWC proposes to pay \$28 million for the EBMA wastewater system per the Asset Purchase Agreement of January 24, 2023. Application ¶11. The original cost of the assets, as determined by the Engineers Report by Gannett Fleming Valuation and Rate Consultants, LLC (Gannett Fleming) is approximately \$19 million, and the original cost less depreciation is approximately over \$16 million ( $\$19,220,013 - \$2,599,035 = \$16,620,978$ ). EBMA St. No. 2, 18.

9. PAWC’s Utility Valuation Expert (UVE) appraisal conducted by Weinert Appraisal and Depreciation Services, LLC (“WADS Consultants”) indicated a fair market value of \$28,741,014. PAWC St. No. 4, 3. The EBMA UVE appraisal conducted by Gannett Fleming indicated a fair market value of \$28,136,195<sup>6</sup>. EBMA St. No. 2, 12. The average of the fair market value appraisals of the buyer’s UVE and the seller’s UVE is \$ \$28,438,507. Appendix A-11. The valuation experts were paid a total of \$48,200 to date, with \$31,000 to date for Gannett Fleming and \$17,200 for WADS Consulting for the appraisals. EMBA St. No. 2 and PAWC St. No. 4. PAWC estimates that it will incur transaction and closing costs of \$1.1 million dollars, which it intends to include in its next rate base. Application, Appendix A-10.

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<sup>6</sup> PAWC alleges that EBMA’s value is missing remediation costs. Please see Appendix A-4.1, 26.

10. PAWC intends to implement EBMA's sanitary wastewater rates and adopt the EBMA's existing rates at closing. PAWC anticipates moving the acquired system's rates into a PAWC-consolidated rate zone at a future rate proceeding. Appendix A-04.1.

11. PAWC's current wastewater tariff also includes the Distribution System Improvement Charge ("DSIC"). PAWC's Application requests that this charge be applied to System customers, subject to inclusion in PAWC's wastewater Long Term Infrastructure Improvement Plan (LTIIIP). Appendix A-4.1, 8.

12. Preliminarily, the OCA has identified the following areas that require further consideration by the Commission and must be resolved prior to Commission approval of this application pursuant to Chapter 11 and Section 1329 of the Public Utility Code.

a. The OCA will investigate the data and information provided in support of each valuation. Moreover, the OCA will investigate the information in addition to the valuation information provided with the Application that may be required to determine whether PAWC's proposals are reasonable.

b. The OCA will examine the proposed rates and tariffs to determine if they are just, reasonable and in accord with the Public Utility Code. In particular, PAWC is seeking to enforce a "special rate charge" for Forward Township customers, stating that "Forward Township will be billed a flat fee of \$37.75 per month, per EDU for unmetered customers." Application, Appendix A-12, 6.

**PAWC’s Proposed Effects on Authority Customers:**

Rate Class	Average Usage	Average Monthly Bill at the Authority’s Rates at Closing	Potential Average Monthly Bill	Potential Increase
Residential	3,201 gal/month	\$60.61	\$124.13	104.8%
Commercial	22,094 gal/month	\$211.75	\$433.66	104.8%

PAWC St. No. 3, 11.

- c. PAWC projects that bills for its existing water and wastewater customers would not increase as of this filing and immediately thereafter, but also outlines estimated percentage increases as follows:

**PAWC’s Wastewater Customers**

Rate Class	Average Usage gal/mo.	Estimated Monthly Increase	Estimated Percentage Increase
Residential	3,201	\$1.21	1.1%
Commercial/Public	22,094	\$5.75	1.1%
Industrial	685,947	\$166.30	1.1%

**PAWC’s Water Customers**

Rate Class	Average Usage	Estimated Monthly Increase	Estimated Percentage Increase
Residential	3,201	\$0.16	0.2%
Commercial/Public	22,094	\$0.84	0.2%
Industrial	685,947	\$17.73	0.2%

Application, Appendix A-18-d. At the time of this Protest, and without the benefit of the discovery process, the OCA is unable to verify the basis for PAWC’s calculations or the assumptions that underlie them; therefore, the OCA’s requires additional information to

determine the reasonableness of the proposed rate increase and the propriety of any further shifts, i.e. 1311 shift, revenue, etc.

13. PAWC also states that it is able to “complete the EBMA’s outstanding Long Term Control Plan (LTCP) more efficiently and proposed expansion of the Authority’s treatment capacity and the impact on rates because of this transaction and LTCP would be similar to the Authority completing the LTCP.” PAWC opines that, absent their acquisition of the system, it would cost the Authority \$15,931,168.00 to comply with their LCTP. The OCA respectfully suggests that this issue requires further investigation.

14. PAWC estimated that within five years of closing, it will invest approximately \$20.4 million in capital projects in the EBMA system. PAWC Exhibit DJH-2. At present, without the benefit of discovery, it is unclear what assumptions underlie PAWC’s notice and disclosure of any rate impact that these additional capital projects will have on EBMA rates. The impact that the costs of this acquisition, including the capital investment and proposed ratemaking rate base, will have on the rates of existing and acquired customers must be considered in assessing the benefits and detriments of the acquisition.

15. The OCA respectfully requests the ability to investigate the annual revenue that will be collected from EMBA customers and the PAWC rate base in this instant proceeding and in future base rate proceedings. Please also see PAWC Exhibit SDG-1.

A. PAWC’s Application Should Be Rejected Because EMBA has the ability and resources to provide services by and through the system.

16. “Section 1103(a), as interpreted by *City of York*, requires that the proposed transaction ‘**affirmatively promote** the service, accommodation, convenience or safety of the public **in some substantial way.**’ 295 A.2d at 828 (**emphasis added**). The financial, technical, and managerial ‘benefits’ the Commission concluded could result from this transaction relate to

and/or are not benefits that ‘**affirmatively promote** the service, accommodation, convenience, or safety of the public **in some substantial way.**’ *Id.* (quotation marks omitted) (**emphasis added**). This is because the System is **already** providing and is capable of providing the same or similar benefits without the acknowledged rate increase that will occur as a result of the acquisition. *Cicero v. Pa. PUC*, 300 A.3d 1106, 1119.

17. While *Cicero* is on further appeal as of this filing, the Commonwealth Court was clear: “Holding that a transaction will result in substantial affirmative public benefits because it will provide the same services as already being provided is not a benefit.” *Id.*

18. A generous reading of PAWC’s Application states that it will provide a benefit to EMBA customers because of PAWC’s experience in managing troubled systems, without proving that EMBA is troubled or in need of assistance.

19. PAWC states that they will invest over twenty million dollars into the infrastructure of the system, yet the APA states that the system does not require repairs. *Please see Schedule 4.1 (1)(vi) of the APA.*

20. PAWC has not offered evidence to demonstrate that the municipality is incapable of continuing to operate its system without issue.

21. PAWC’s Application should be rejected, as PAWC is not providing a value added in a way that comports with the Commonwealth Court’s understanding of Section 1103(a).

B. PAWC’s Application Should be Rejected Because Acquiring EMBA’s Assets Will Create an Island of Service Rather Than Regionalize the Area.

22. The OCA submits that Aqua’s Application should be rejected because while PAWC claims that this acquisition will allow for regionalization and consolidation of wastewater services, that is simply not the case.

23. The OCA agrees that regionalization does not absolutely require contiguous

systems, but the standard requires something more than being acquired by a larger utility.

24. The “PUC encourages management practices such as the interconnection of water systems that enhance customer benefits. See, e.g., Section 69.721(a) of the PUC's regulations, 52 Pa. Code §69.721(a) (“The [PUC] believes that further consolidation of water and wastewater systems within this Commonwealth may, with appropriate management, result in greater environmental and economic benefits to customers. The regionalization of water and wastewater systems through mergers and acquisitions will allow the water industry to institute better management practices and achieve greater economies of scale.”).” *Red Lion Mun. Auth. v. Pa. PUC*, 2019 Pa. Commw. Unpub. LEXIS 590, \*22.

25. However, reasonable minds can infer that for regionalization and consolidation to provide the most benefit to customers, an acquisition should be joining a utility provider’s region or, if not, provide significant benefit resulting from the technical, legal, or financial fitness of the acquiring utility.

26. PAWC alludes to EBMA connecting to its McKeesport facility. Application, ¶ 38.

27. It is believed and therefore averred that there are municipalities and systems between EBMA and McKeesport that are not currently part of the PAWC system as of this filing, including but not limited to, Glassport Borough.

28. It is believed and therefore averred that PAWC does not own or operate resources in Glassport that would actually connect EBMA to its facility down river in McKeesport.

29. Thus, while Elizabeth Township is approximately seven miles from PAWC’s McKeesport facility, those seven miles do not offer a connection for a consolidation of wastewater services as of this writing.

30. PAWC attempts to gloss over the same by and through Statement No. 2, whereby there is a brief acknowledgment that this acquisition will lead to a “stand alone system.” PAWC

St. No. 2, 12.

31. The OCA's position is that the PUC's policy on "regionalization and consolidation" requires more than an acquisition being near in proximity to an existing facility, and that the Commission did not issue its policy regarding the same to allow for small islands of service to exist near each other without connection absent a showing of something more than acquisition by a larger utility

32. The OCA submits that Aqua's Application should be rejected because PAWC has failed to demonstrate that this acquisition, in fact, allows for regionalization and consolidation of services in the Monongahela River Valley area.

C. Without Waiver of OCA's Position that Rejection is Warranted on Multiple Bases, if PAWC's Application is Not Rejected, Additional Investigation and Conditions Are Necessary to Protect Consumers.

33. The OCA submits that additional information is necessary to determine if the Application proposals, and PAWC's request for acquiring three municipal rate bases are reasonable and lawful under the Public Utility Code and other applicable standards. The OCA reserves the right to raise additional issues as the case proceeds and further information is obtained from the Applicant.

34. The OCA submits that additional information is necessary to determine whether or how the transaction will substantially and affirmatively benefit PAWC's existing customers and the acquired customers.

35. The OCA submits that PAWC's Application appears to indicate that it is aware of this acquisition being "stand alone." The OCA submits that additional information regarding whether this acquisition truly promotes regionalization and consolidation must be identified, quantified, and investigated before PAWC's Application can be approved.

36. The OCA submits that additional information is necessary to determine whether

PAWC's requests for Section 507 approval of assigned contracts as enumerated in Paragraph 3 of PAWC's Application would unduly burden PAWC's existing customers.

37. The OCA submits that EBMA is not a troubled system based on the record and information submitted and more information is needed to show that the acquisition will affirmatively benefit the public in some substantial way.

38. The OCA submits that additional information is necessary to determine whether EBMA is unable to continue providing water and wastewater services to its municipal occupants.

39. The OCA requests that, if the Commission issues a Secretarial Letter indicating final acceptance of the application, a telephonic or virtual public input hearing be scheduled in this matter. The OCA also requests that a public input hearing be held no later than approximately three to four weeks after the issuance of the Secretarial Letter indicating final acceptance. Expediting the scheduling of the public input hearings with adequate notice will ensure that both the acquiring and acquired customers have a reasonable opportunity to be heard.

**WHEREFORE**, the Office of Consumer Advocate avers that PAWC's Application should be rejected. The OCA respectfully requests that the Pennsylvania Public Utility Commission reject PAWC's Application at this time due to the issues raised above and the need for additional information. Finally, if PAWC's Application is accepted, the Office of Consumer Advocate further requests that this matter be referred to the Office of Administrative Law Judge for Hearings and that the Pennsylvania Public Utility Commission investigate and hold full hearings, including a telephonic or virtual public input hearings for PAWC's and EBMA's customers held approximately three to four weeks after the Commission issues a Secretarial Letter indicating final acceptance of the Application.

Respectfully submitted,

/s/ Christy Appleby  
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Harrisburg, PA 17101-1923  
(717) 783-5048

Counsel for:  
Patrick M. Cicero  
Consumer Advocate

Dated: October 22, 2024

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

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Protest and participate in proceedings before the Commission involving the proposed acquisition by Pennsylvania-American Water Company (PAWC or Company) of Elizabeth Borough Municipal Authority (EBMA or Elizabeth); wastewater collection and treatment assets.

The objective of the Consumer Advocate in filing a Protest in this matter is to protect the interests of PAWC's current customers and the acquired EBMA customers. The Consumer Advocate will endeavor to ensure that this application is not approved unless it can be demonstrated that the acquisition affirmatively benefits the public in some substantial way. The Consumer Advocate also seeks to prevent ratepayers from paying costs that are unreasonable or unduly discriminatory, or otherwise in violation of the Public Utility Code. Finally, the Consumer Advocate will request the Public Utility Commission order all necessary and proper customer protections which are justified, reasonable, and in accordance with sound ratemaking principles.

PAWC is a regulated public utility company that furnishes wastewater service to approximately 2,300,000 customer accounts across Pennsylvania. EBMA furnishes wastewater service to approximately 683 to 2,200 active residential, commercial, and industrial customers in the Borough of Lincoln, and the Townships of Elizabeth and Forward, Allegheny County, Pennsylvania.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of Pennsylvania- :  
American Water Company under Sections :                   Docket No. A-2023-3038717  
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 :  
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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 :

VERIFICATION

I, Patrick M. Cicero, Consumer Advocate, hereby state that the facts above set forth in the Protest and Public Statement of the Office of Consumer Advocate to the Application in the captioned proceeding, are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: October 22, 2024

Signature:



\_\_\_\_\_  
Patrick M. Cicero

Address:

555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923