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**VIA eFiling**

November 26, 2024

Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**In re: Amended 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 related points of bulk service interconnections, and a portion of Forward Township, limited to the administration of the Industrial Pretreatment Program, in Allegheny County, Pennsylvania**

**Docket No: A-2023-3038717**

**Pennsylvania-American Water Company Responses to the  
Bureau of Technical Utility Services Deficiencies Set 1 – November 12, 2024**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the Responses of Pennsylvania-American Water Company (the "Company") to the **Bureau of Technical Utility Services Deficiencies Set 1, 66 Pa. C.S. Section 1329 Application Completeness Review Pennsylvania-American Water Company – Wastewater Division Acquisition of Elizabeth Borough Municipal Authority Wastewater System Assets at Docket No. A-2023-3038717.**

Copies are being served upon the advocates in accordance with the attached Certificate of Service and in accordance with the Commission's Final Supplemental Implementation Order entered February 28, 2019 at Docket No. M-2016-2543193.

Rosemary Chiavetta, Secretary

November 26, 2024

Page 2

Re: Pennsylvania-American Water Company Responses to the  
Bureau of Technical Utility Services Deficiencies dated November 12, 2024  
Docket No: A-2023-3038717

With this filing, the Company believes its Amended Application is complete and hopes the Commission will conditionally accept its Application. In addition, the Company respectfully requests that the Secretarial Letter conditionally accepting the Application for filing provide a due date for protests and notices of intervention, which is required on the form of notice approved by the Commission in *Application of Pennsylvania-American Water Company Pursuant to Sections 1102 and 1329 of the Public Utility Code for Approval of its Acquisition of the Water System Assets of the Steelton Borough Authority*, Docket No. A-2019-3006880 (Opinion and Order entered Oct. 3, 2019) and found at Application Appendix A-18-d.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa K. Harrold", with a stylized flourish at the end.

Teresa K. Harrold

Enclosure

cc: Certificate of Service  
Sean Donnelly, Bureau of Technical Utility Services w/Enc.  
Dan Searfoorce, Bureau of Technical Utility Services w/Enc.

66 Pa. C.S. Section 1329 Application Completeness Review  
Pennsylvania-American Water Company-Wastewater Division  
Acquisition of Elizabeth Borough Municipal Authority Wastewater System Assets  
at Docket No. A-2023-3038717

1. Checklist Item No. 11 – The Application’s Appendix A-11 included a statement that, “[...] the negotiated purchase price for the acquired assets is \$28,000,000 and the average of the appraisals of the buyer’s Utility Evaluation Expert (“UVE”) and the seller’s UVE is \$28,438,507 [...]. [Pennsylvania-American Water Company-Wastewater Division’s (PAWC-WD’s)] ratemaking rate base is based on its purchase price, which [PAWC-WD] is voluntarily reducing by approximately \$29,000 to be consistent with the Commission’s Final Supplemental Implementation Order (“FSIO”) entered July 2, 2024, at Docket No. M-2016-2543193.” 66 Pa.C.S. § 1329(c)(2) requires the ratemaking rate base to be the lesser of the purchase price negotiated by the acquiring public utility or entity and selling utility or the fair market value of the selling utility. Please amend the Application’s Appendix A-11 to state the ratemaking rate base as required by 66 Pa.C.S. § 1329(c)(2) and specify whether it is based on either the fair market value determined by the UVE valuations or the negotiated purchase price.

Response: Please see PAWC’s **Amended Appendix A-11**.

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2. Checklist Item Nos. 12 and 18.a. – Page 11.6 of the pro forma tariff supplement included in the Application’s Appendix A-12 (Pro Forma Tariff), indicated that all metered customers shall be subject to a monthly service [sic] per equivalent dwelling unit (EDU). However, the Application’s Appendix A-18-a does not include copies of the effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing these rates. Instead, the Application’s Appendix A-18-a included a statement that specified a service charge rate of \$35 per month, rather than \$35 per EDU per month. Please amend the Application’s Appendix A-18-a to include copies of Elizabeth Borough Municipal Authority’s (EBMA’s) effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing EBMA’s rates, including EMBA’s service charge rate.

Response: Please see **Appendix A-18-a**.

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3. Checklist Item Nos. 12 and 18 – Section 1 of the Application indicated that PAWC-WD has requested the Commission approve PAWC-WD's right to begin to offer an Industrial Pretreatment Program (IPP) service to industrial customers in Forward Township. Additionally, in the Application's Appendix A-14-a, PAWC Statement No. 2, Page 7, PAWC-WD confirmed that EBMA does not currently provide an IPP service. Checklist Item No. 12 requires PAWC-WD to provide a proposed tariff containing a rate equal to the existing rates of the seller at the time of acquisition. However, the Application and the Pro Forma Tariff include a new service, an IPP, along with PAWC-WD's existing IPP rates that do not match EBMA's current rates. Please provide responses to the following:
- a. Amend the Application's Appendix A-18-a to include copies of EBMA's effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts to begin providing IPP services and to begin billing customers at rates that are equal to PAWC-WD's existing IPP rates; or
  - b. Submit an amended Application that removes the request to provide IPP service and a revised Pro Forma Tariff that removes the applicability of IPP rates to the proposed Elizabeth District – Rate Zone XX; and
  - c. Submit any other necessary amended appendixes to reflect the removal of the request to provide IPP service, including a revised requested service territory map.

- Response:
- a. EBMA currently does not have an industrial pretreatment program regulating industrial users. Under the regulations that govern publicly owned treatment plants like EBMA [40 CFR 403.8], an industrial pretreatment program is required for plants with a total design flow greater than 5 million gallons per day ("mgd") or if the administering agency finds that such a plan is warranted in order to prevent interference with treatment processes or pass through of pollutants due to the nature or volume of the industrial influent or other circumstances. Although the EBMA treatment plant has a design flow less than 5 mgd, landfill leachate that enters the system from the Kelly Run landfill (including units that previously received and disposed of hazardous waste) has the potential to cause pass through or interference in the treatment process, which is resulting in significant landfill leachate entering its system from the Kelly Run landfill. We have been advised by EBMA that at a recent meeting with the Pennsylvania Department of Environmental Protection ("DEP"), DEP expressed concern regarding the lack of any agreement or other regulation of the landfill's leachate discharges to the system. Additionally, implementation of an industrial pretreatment program will allow for proper management of wastewater from any other industrial use that may connect to the system in the future. Under the circumstances, establishment of an IPP program is

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both reasonable and prudent. For this reason, upon acquisition, PAWC would incorporate this landfill into its existing system-wide industrial pretreatment program, which is as described in Section T of PAWC's wastewater tariff.

- b. Section 1329 of the Public Utility Code permits the acquiring utility to impose its tariff rules and regulations on newly acquired customers. Section T of PAWC's wastewater tariff describes PAWC's industrial pretreatment program. With respect to the imposition of IPP fees, which are described in Section U of PAWC's wastewater tariff, at Docket No. A-2022-3037047, the Commission approved PAWC's acquisition of the Butler Area Sewer Authority ("BASA"), which included allowing PAWC to charge its IPP fees, rather than Butler's, upon closing. The Commission's BASA decision is consistent with Section 1329 of the Public Utility Code because IPP fees are considered a miscellaneous fee/charge as opposed to a customer's base rate for wastewater service. Any determination to modify the Commission's precedent is a legal determination that must be made by the Commission rather than determined during the application completeness stage of this proceeding.
- c. Please see PAWC's responses to a. and b. above. Similarly, at Docket No. A-2021-3024681, the Commission approved PAWC's ability to include IPP customers within its service territory for purposes of imposing its IPP rules and regulations on those customers. Any determination to modify the Commission's precedent is a legal determination that must be made by the Commission rather than determined during the application completeness stage of this proceeding.

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4. Checklist Item Nos. 12 and 18.a. – The Pro Forma Tariff, Page 11.6 indicated a Special Rate Charge, whereby Forward Township would be billed a flat fee of \$37.75 per EDU per month for unmetered customers. However, the Application’s Appendix A-18-a does not include copies of the effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing this rate. Please amend the Application’s Appendix A-18-a to include copies of EBMA’s effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing EBMA’s Special Rate Charge of \$37.75 per EDU per month.

Response: After an extensive search, no resolution or ordinance was located referencing the \$37.75 per EDU per month charge, which has been in place for Forward Township for many years. EBMA will adopt a resolution reflecting the \$37.75 per EDU charge. A *pro forma* resolution is attached as TUS-04\_Attachment.

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5. Checklist Item Nos. 12 and 18.a. – The Pro Forma Tariff, Page 11.6 specified that certain proposed rates will be charged per EDU. Also, the Application’s Appendix A-14-a, PAWC St. No. 3, Exhibit SDG-2 included an EDU allocation schedule for EBMA that indicated that for non-residential buildings, the number of EDUs is determined for each billing period by dividing water usage for the billing period by 260 gallons per day. However, the Application’s Appendix A-18-a does not include copies of the effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing EBMA’s EDU allocation schedules, including schedules that would allow for an EDU allocation of less than one where water usage for the billing period is less than 260 gallons per day. For example, the Application’s Appendix A-18-b included a copy of Resolution No. 04/2018 that identified that for a certain rate for non-residential users, there shall be a minimum EDU allocation of one EDU per use unit/division/dwelling. Please amend the Application’s Appendix A-18-a to include copies of EBMA’s effective ordinances, resolutions, tariffs, agreements, permits, and/or contracts establishing EBMA’s EDU allocation schedules, and amend PAWC St. No. 3, Exhibit SDG-2 as necessary to reflect EBMA’s EDU allocation schedules for non-residential buildings, including PAWC-WD’s EDU allocation rates and rules (e.g., minimum EDU allocations, applicable significant figures and rounding for fractional EDU allocations, etc.).

Response: Please refer to TUS-05\_Attachment, page 2, for Elizabeth Borough Resolution No. 03-10, which clarifies the non-residential EDU calculation. Please also refer to the attached Amended Exhibit SDG-2, which reflects the additional language clarified in TUS-05\_Attachment.

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6. Checklist Item No. 15.a. – The Application’s Appendix A-15-a included a copy of the Engineering Assessment Study (EBMA Engineering Assessment) for the Physical Assets of the Elizabeth Borough Municipal Authority dated February 2024, revised July 2024. Section 4.2, Pump Station, of the EBMA Engineering Assessment indicated that a second 30-inch diameter force main (30-inch Force Main) was installed from the EBMA pump station (EBMA PS) to the EBMA wastewater treatment plant (EBMA WWTP) for use once the EBMA WWTP pumping capacity is increased, but that it is not in service at this time. However, the ownership of the 30-inch Force Main is unclear. Also, the EBMA Engineering Assessment, Appendix E, Account 360.20 included a 30-inch diameter force main installed in 2022 in EBMA PS used and useful assets, and PAWC-WD’s response included in Appendix A-15-a indicated that the EBMA Engineering Assessment contains no utility plant that is being held for future use. Please submit a revised EBMA Engineering Assessment that identifies the ownership of the 30-inch Force Main and that separately identifies used and useful utility plant, and any utility plant held for future use.

Response: The 30-inch diameter force main is owned by EBMA and will be purchased by PAWC as part of the acquisition. It is not in service currently and is reserved for future use when the remaining components of the Long-Term Control Plan are in place. A revised EBMA Engineering Assessment is attached as **Amended Appendix A-15-a** and separately identifies this asset as utility plant held for future use.

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7. Checklist Item Nos. 1 and A.16.a.-f. – The Application’s Appendix A-01 included a transmittal letter with a caption and statement that the filing is pursuant to 66 Pa.C.S. § 1329. The caption indicated that PAWC-WD is requesting approval 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. Additionally, the Pro Forma Tariff, Page 9 identified portions of Elizabeth Township, Forward Township, and Lincoln Borough as part of PAWC-WD’s authorized service territory. However, in the Application’s Appendix A-14-a, PAWC Statement No. 2, Pages 4-5, PAWC-WD indicated that service to these municipalities is provided under bulk service agreements and that the sewer collection and conveyance systems in Elizabeth Township, Forward Township, and Lincoln Borough are owned by those respective municipalities and not part of this transaction. Further, the Application’s Appendix A-16-a-f depicted these points of connection for bulk service as being within the municipal boundaries of Elizabeth Borough and does not appear to depict areas outside of Elizabeth Borough’s municipal boundaries as being part of the requested service territory. As such, the Application’s Appendix A-01, the Application’s caption, the Pro Forma Tariff, and/or the Application’s Appendix A-16-a-f do not accurately reflect the service territory required for PAWC-WD to provide wastewater service. Please revise the Application’s Appendix A-01, the Application’s caption, the Pro Forma Tariff, and/or the Application’s Appendix A-16-a-f to identify the municipalities encompassing the service territory required for PAWC-WD to provide wastewater service.

Response: Please see PAWC’s revised documents, which are attached as follows:

- **Amended Appendix A-1**
- **Amended Appendix A-12**
- **Amended Appendix A-16-a through f**
- **Amended Application**

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8. Checklist Item No. 20.b – The Application’s Appendix A-20-b included a copy of National Pollutant Discharge Elimination System (NPDES) Permit No. PA0028436. However, the NPDES permit provided expired August 8, 2007. Please provide a copy of EBMA’s current NPDES permit.

Response: The copy of NPDES Permit No. PA0028436 that expired August 8, 2007, is the current permit. EBMA has been operating under this expired permit which has been administratively extended by PADEP in accordance with 25 Pa. Code § 92a.7(b) and (c).

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9. Checklist Item No. 20.b – The Application’s Appendix A-20-b included a copy of General Permit Acknowledgement Notification (GP Notification) dated February 8, 2023, that indicated a list of conditions to the Pennsylvania State Programmatic General Permit-6 (PASPGP-6) was enclosed with the permit acknowledgment. Specifically, the GP Notification indicated the enclosed list of conditions must be followed for purposes of the PASPGP-6, Enclosure 1. However, a copy of Enclosure 1 that details the permit conditions was not provided. Please provide a revised Application Appendix A-20-b that includes a copy of the referenced enclosure.

Response: **Appendix A-20-b** has been revised to include the PASPGP-6, Enclosure 1. See **Amended Appendix A-20-b**.

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10. Checklist Item No. 25 – The Fallen Timber Run Watershed Area Interceptor Sewer Project Agreement (Fallen Timber Agreement), provided as Appendix A-25.2 of the Application’s Appendix A-25, is missing Page 9.

Response: Please see PAWC’s response to TUS-11 below.

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11. Checklist Item No. 25 - Also, Appendix A-25 included asterisks for several agreements that indicated that, “Although some of the attached agreements have missing pages and/or attachments, PAWC has confirmed with EBMA that no more complete version of these agreements exists.” However, the Commission’s Final Implementation Order entered October 27, 2016, at Docket No. M-2016-2543193, Page 39 indicated that, “if any of the information requested in the Checklist is unavailable after a reasonable search or simply does not exist, the applicant is expected to include with its application a verified statement to that affect.” Please provide an amended Appendix A-25 that includes either of the following:
- a. Complete executed copies of all municipal and affiliate contracts to be assumed by PAWC as part of the acquisition; or
  - b. Complete pro forma copies of all municipal and affiliate contracts to be assumed by PAWC as part of the acquisition, and a statement that complete executed copies of specified contracts are unavailable after a reasonable search or do not exist.

Response: PAWC representatives met with representatives from the Commission’s Bureau of Technical Utility Services on November 19, 2024 and confirmed that if PAWC provides the verification referenced in the question above, PAWC does not need to produce complete or *pro forma* contracts as requested under subparts a. and b. of this question. Accordingly, please see TUS-11\_Attachment for this verification.

RESOLUTION NO. \_\_\_\_-2024

**A RESOLUTION OF ELIZABETH BOROUGH  
MUNICIPAL AUTHORITY, ALLEGHENY  
COUNTY, COMMONWEALTH OF  
PENNSYLVANIA, AFFIRMING THE RATE  
STRUCTURE SET FORTH WITHIN RESOLUTION  
NO. 02-2021, SPECIFICALLY A \$37.75 FLAT RATE  
WELL CUSTOMER EDU FEE TO FORWARD  
TOWNSHIP**

**WHEREAS**, pursuant to Elizabeth Borough Municipal Authority's ("Authority") Rate Structure Resolution, No. 02-2021, the Elizabeth Borough Municipal Authority adjusted its minimum monthly charges to account for increases in billing from its providers and for increases in operation costs; and

**WHEREAS**, the Board of Directors for the Authority in Resolution No. 02-2021 set forth a usage rate of \$35.00 per EDU commencing with the billing cycle beginning in January 2022; and

**WHEREAS**, the flat rate well water customers residing in Forward Township has historically been charged an additional \$2.75 in addition to the usage rate set forth by the Authority; and

**WHEREAS**, the Board of Directors wishes to codify the existence of the \$2.75 well water customer flat rate fee for Forward Township; and

**WHEREAS**, Forward Township has historically paid the additional \$2.75 for at least three flat well water customers; and

**WHEREAS**, the Authority, wishes to ratify the fee associated with the Forward Township flat rate well water customers of \$37.75.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the Elizabeth Borough Municipal Authority that:

**SECTION I.** The base rate usage fee for Forward Township flat rate well water customers is hereby ratified to be \$37.75.

**SECTION II.** EDUs shall continue to be evaluated based upon the Authority's resolutions and policies.

**SECTION III.** All other resolutions or sections of resolutions inconsistent with this Resolution are hereby repealed.

**RESOLVED** this 10<sup>th</sup> day of December 2024.

Attest:

ELIZABETH BOROUGH  
MUNICIPAL AUTHORITY

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RESOLUTION NO. 03-10

**A RESOLUTION OF ELIZABETH BOROUGH  
MUNICIPAL AUTHORITY, ALLEGHENY COUNTY,  
COMMONWEALTH OF PENNSYLVANIA,  
PROVIDING A COMPREHENSIVE RATE  
RESOLUTION.**

WHEREAS, Elizabeth Borough Municipal Authority wishes to enact a comprehensive rate resolution;

BE IT ENACTED by the Board of the Elizabeth Borough Municipal Authority (EBMA) as follows:

All owners of property connected with the sewers and sewage system as owned or leased by EBMA, Allegheny County, Pennsylvania and all of the owners of property who may hereafter connect with and use the same shall pay sewer rentals or charges, payable monthly or quarterly, at the Board's discretion, as hereinafter provided, for the use of such sewage facilities based upon the following schedule of rates:

**SECTION 1. RESIDENTIAL CONNECTIONS:**

**WATER CONSUMPTION RATE PER MONTH**

First 9,000 gallons allowance/EDU per month	\$13.00 Fixed Minimum Usage/EDU per month
All consumption thereafter	\$3.95 per 1,000 gallons (after minimum is met)

**SECTION 2. MULTIPLE RESIDENTIAL CONNECTIONS**

The monthly sewer rental charge for multiple dwellings shall be arrived at by taking the number of units within the building and multiplying said number by thirteen (\$13.00) dollars. This shall constitute the minimum quarterly sewer rental charge for said building. If the consumption of said building exceeds the minimum consumption rate (allowing minimum gallonage for each dwelling unit) then the additional consumption charges will be added to the above mentioned minimum quarterly rate as computed by the consumption rates now in effect.

(The minimum use charge is 6,000 gallons per equivalent dwelling unit (EDU) per quarter for multiple unit connections.)

First 9,000 gallons allowance/EDU per month	\$13.00 Fixed Minimum Usage/EDU per month
All consumption thereafter	\$3.95 per 1,000 gallons (after minimum is met)

SECTION 3. SEPARATE STRUCTURES WITH SANITARY DRAINS.

Any structure not attached to the main structure that has its own sanitary drain must obtain its own tap in permit, its own lines and generate its own bill for service.

SECTION 4. NON-RESIDENTIAL/COMMERCIAL CONNECTIONS

For service accounts other than single family and/or multiple dwelling unit accounts, the following minimum charges shall be applied:

First 9,000 gallons allowance/EDU	\$13.00 Fixed Minimum Usage/EDU per month (\$39.00 per EDU per quarter)
All consumption thereafter	\$3.95 per 1,000 gallons (after minimum is met)

For equivalent dwelling unit (EDU) for non-residential buildings, EDU's shall be determined according to standards set forth in the Pennsylvania Code, Title 25, Chapter 73.13 (Sewage Flows) (a copy attached herewith for reference). For the basis of calculation, EDU's shall be calculated as 260 gallons per day/equivalent dwelling unit (260 GPD/EDU).

**If it is determined that the Table in the above code does not specifically apply, then there shall be MINIMUM of one (1) EDU per division/dwelling/use unit in a in a non-residential/commercial use building.**

**The EDU Calculation may be reevaluated by the Authority and if needed, the EDU number will be increased as needed. There can never be a reduction below the one EDU minimum.**

Or

In the case of existing facilities the average of twelve (12) consecutive months of metered water service may be used for calculation, if requested by the customer or the Authority.

The EDU basis may be re-evaluated bi-annually (i.e., at two (2) year intervals) at the discretion of the Authority or at the request of the customer. When any customer requests a re-evaluation of his/her EDUs, pursuant to this section, any changes in EDUs shall be prospective, not retroactive, and any changes in EDUs based on the request of the customer shall not result in any refunds to the customer based on a decrease in EDU.

SECTION 5. To effectively and efficiently maintain and operate the sanitary collection, conveyance and treatment system, it may be desirable to adjust the preceding rate structure from time to time either upward or downward (i.e., increase or decrease). Therefore the Authority Board, may, by formal action, adjust rates according to the following:

Minimum Use Allowance - Residential

Adjust minimum use allowance upward or downward in 1,000 gallon increments, but not more than (1) 1,000 gallon increment within a twelve (12) month period.

Minimum Charge and Consumption Charge per 1,000 Gallons - Residential

Adjust minimum quarterly charge and/or consumption charge upward or downward, but not exceed a thirty (30) percent change in any twelve (12) month period.

Minimum Use Allowance - Commercial

Adjust minimum use allowance upward or downward in 1,000 gallon increments, as is necessary to reasonably allocate costs of said commercial accounts.

Minimum Charge and Consumption Charge per 1,000 Gallons - Commercial

Adjust minimum monthly charge and/or consumption charge upward or downward, as is necessary to reasonably allocate costs of said commercial accounts.

SECTION 6. FIXED MINIMUM USE CHARGE.

Any and all EDUs are subject to the fixed minimum use charge, notwithstanding water usage or lack thereof. This includes EDUs where there is a meter, but water is shut off to the dwelling. Minimum billings shall cease only upon severance of the tap to EBMA's service pipe. A demolition permit may be used as proof of severance of a tap. EBMA reserves the right to inspect properties to ensure severance of the tap prior to cessation of minimum billings.

SECTION 7. RESIDENTIAL DELINQUENT ACCOUNTS.

When such a residential premise has a delinquent or unpaid bill for rentals, rates and charges for sewer, sewage or treatment service, the following procedures shall apply:

Penalty shall be applied to unpaid and/or delinquent residential accounts in the amount of five percent (5%) of the unpaid balance after the balance is fifteen (15) days delinquent. Interest in the amount of .833 percent of the gross amount per month shall be applied each month that the account is delinquent.

Any and all charges related to the collection of delinquent accounts, including costs of copies and postage, water termination fees, and related attorney's fees shall be included in the amount of the bill owed.

SECTION 8. NON-RESIDENTIAL DELINQUENT ACCOUNTS.

When such a non-residential premise has a delinquent or unpaid bill for rentals, rates and charges for sewer, sewage or treatment service, the following procedures shall apply:

Penalty shall be applied to unpaid and/or delinquent residential accounts in the amount of five percent (5%) of the unpaid balance after the balance is fifteen (15) days delinquent. Interest in the amount of .833 percent of the gross amount per month shall be applied each month that the account is delinquent.

Any and all charges related to the collection of delinquent accounts, including costs of copies and postage, water termination fees, and related attorney's fees shall be included in the amount of the bill owed.

SECTION 9. All sewer charges shall be due and payable, including penalties and interest, from and after the date the sewer is available to abutting improved property for use, and shall constitute a lien, which lien may be filed in the Office of the Prothonotary, and collected in the manner provided by law for the filing and collection of Municipal Claims.

RESOLVED this 25 day of February, 2010

TALLY OF VOTES: 4 Yeas 0 Nays

Attest:

Susan Mcintosh

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 related points of bulk service :  
interconnections, and a portion of Forward Township, :  
limited to the administration of the Industrial :  
Pretreatment Program, 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 :

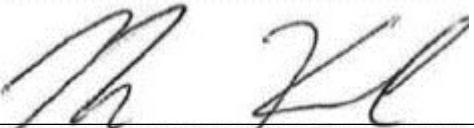
In re: Filing by Pennsylvania-American Water Company :  
under Section 507 of the Pennsylvania Public Utility :  
Code, 66 Pa. C.S. § 507, of (i) the Asset Purchase :  
Agreement by and between Elizabeth Borough :  
Municipal Authority and Pennsylvania-American Water :  
Company, and (ii) six (6) agreements 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, Marcus Kohl, Director of Business Development, Pennsylvania-American Water Company, state that after a reasonable search by PAWC and EBMA personnel, the agreements included in Appendix A-25 are the most complete version of the agreements that exist. After reasonable search, portions of these agreements that appear to be missing do not exist. All parties have been operating under the terms of the agreements provided in Appendix A-25, and therefore, the agreements are valid as is.

The facts set forth above 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).

Date: November 26, 2024

  
\_\_\_\_\_  
Marcus Kohl  
Director of Business Development  
Pennsylvania-American Water Company

**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 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 related points of bulk service interconnections, and a portion of Forward Township, limited to the administration of the Industrial Pretreatment Program, in Allegheny County, Pennsylvania

Docket No. A-2023-3038717

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 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

Docket No. A-2024-\_\_\_\_\_

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 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

Docket No. P-2024-\_\_\_\_\_



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(**VIA** electronic mail – OneDrive Link)



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***Pennsylvania-American Water Company***