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**PETITION TO INTERVENE  
OF THE EAST DUNKARD WATER AUTHORITY**

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Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, the East Dunkard Water Authority by and through its counsel, Lane M. Turturice, Esq. of the law firm of Turturice & Associates, LLC, hereby petitions the Pennsylvania Public Utility Commission (“Commission”) to intervene in the above-captioned proceeding. In support thereof, the EDWA states as follows:

1. Pennsylvania-American Water Company (“PAWC” or the “Company”) and the East Dunkard Water Authority (“EDWA”) have entered into an Asset Purchase Agreement whereby PAWC shall acquire the water system assets (the “System”) currently owned by EDWA.

2. PAWC has filed the necessary Application with the PUC for the right to begin to offer, render, furnish or supply water service in the areas served by the System, as well as any other approvals or certificates necessary to carry out the transaction that will transfer all water assets from EDWA to PAWC.

3. By way of background, on October 30, 2023, PAWC and the Pennsylvania Department of Environmental Protection (“DEP” or the “Department”) filed a Joint Application at Docket No. P-2023-3043950 (“PUC Receivership Proceeding”), requesting an *Ex Parte* Emergency Order in Regard to

Receivership of EDWA.

4. On October 30, 2023, Chairman Stephen M. DeFrank issued an *Ex Parte* Emergency Order authorizing PAWC to serve as Receiver for EDWA. This Order was ratified by the Pennsylvania Public Utility Commission (“Commission”) in a Ratification Order entered on November 20, 2023.

5. In addition, PAWC was appointed as Receiver of EDWA by the Commonwealth Court of Pennsylvania (“Commonwealth Court”) by Order dated February 8, 2024, at Docket Nos. 557 M.D. 2022 and 490 N.D. 2023 (consolidated) (“Commonwealth Court Receivership Proceeding”).

6. On April 8, 2024, PAWC filed a 60-day Initial Status Report at Docket No. P-2023-3043950, followed by quarterly status reports on July 5, 2024 and October 2, 2024. These status reports were also filed concurrently with the Commonwealth Court and DEP.

7. On June 21, 2024, PAWC filed the application pending at the above docket number requesting, *inter alia*, Commission approval of its acquisition of substantially all the assets, properties and rights of EDWA owned and used in connection with its water system (“System”) and the right to offer, render, furnish and supply water service in the areas served by EDWA, including Dunkard Township and portions of Cumberland, Greene, Monongahela, Perry and Whitely Townships, all in Greene County, Pennsylvania.

8. PAWC filed an amended application on July 2, 2024. The application,

as amended, is referred to herein as the “Application.”

9. On June 28, 2024, Rebecca Lyttle, Esq., entered her Notice of Appearance on behalf of the OSBA.

10. On July 10, 2024, attorney Lyttle filed a Protest and Notice of Intervention on behalf of the OSBA. On July 15, 2024, attorney Lyttle filed an Amended Protest.

11. On July 22, 2024, the OCA filed its Notice of Intervention. The OCA is represented in this matter by Melanie J. El Atieh, Esq. and Christine Maloni Hoover, Esq.

12. The EDWA now files this Petition to Intervene, which EDWA believes is unopposed.

13. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

14. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

15. Even though Section 5.72 speaks of the rights of a “person” to intervene,

the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members ...as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” Energy Cons. Council of Pa. v. Pa.

P.U. C., 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing Tripps Park v. Pa. P.U. C., 415 A.2d 967 (Pa. Commw. 1980); Parents United for Better Schools v. School District of Phila., 646 A.2d 689 (Pa. Commw. 1994)).

16. The EDWA is a duly incorporated Authority, organized and operating pursuant to the Commonwealth of Pennsylvania Municipal Authorities Act that has entered into an Asset Purchase Agreement with PAWC to sell the assets of the Authority.

17. EDWA and the customers that it services therefore has a significant interest in the outcome of PAWC’s Application which is pending in this matter.

18. EDWA is located in Greene County, Pennsylvania and has an address c/o of the law firm of Turturice & Associates, LLC, 70 E. Wheeling Street, Washington, PA 15301.

19. EDWA has standing to intervene because the Authority and the customers it services have or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding. See Energy Cons. Council of Pa., 995 A.2d at 476.

20. EDWA is represented in this proceeding by:

Turturice & Associates, LLC  
Lane M. Turturice, Esq. (PA I.D. #85088)  
70 E. Wheeling Street  
Washington, PA 15301  
724-470-9640 (phone)  
724-470-9639 (facsimile)  
[Lane@lmtlawyer.com](mailto:Lane@lmtlawyer.com)

21. EDWA consents to the service of documents by electronic mail to lane@lmtlawyer.com, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, EDWA respectfully requests that the Commission enter an order granting EDWA full status as an intervener in this proceeding with active party status.

Respectfully submitted:

TURTURICE & ASSOCIATES, LLC

By: 

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LANE M. TURTURICE, ESQUIRE  
Attorney for EDWA  
70 East Wheeling Street  
Washington, PA 15301  
(724) 470-9640  
PA I.D. #85088



**ORDER APPROVING INTERVENTION OF**  
**EAST DUNKARD WATER AUTHORITY**

On December 2, 2024, the East Dunkard Water Authority filed a Petition to Intervene, the in the above-captioned proceedings. As this request is reasonable, it will be granted.

THEREFORE, IT IS ORDERED:

1. That the Petition to Intervene, filed on December 3, 2024, is APPROVED; and
2. The EDWA is hereby granted status as a full party in the above captioned matter.

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

\_\_\_\_\_  
Eranda Vero  
Administrative Law Judge