



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY, PLEASE
REFER TO OUR FILE

February 28, 2025

Docket No.: P-2024-3052037
Utility Code: 230240

MEGAN E. RULLI
POST & SCHELL ATTORNEYS AT LAW
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG, PA 17101-1601
mrulli@postschell.com

**RE: Petition of Aqua Pennsylvania Wastewater, Inc. (APW) for Approval of its
Third Long-Term Infrastructure Improvement Plan**

Dear Ms. Rulli,

On November 8, 2024, Aqua Pennsylvania Wastewater Inc. filed a Petition seeking approval of its Third Long-Term Improvement Plan (LTIIP). On January 23, 2025, via Secretarial Letter the Commission sent a data request to APW. On February 3, 2025 APW responded. To assist the Commission in conducting the review of APW's LTIIP, please respond with the information requested in Attachment 1. The 120-day LTIIP consideration period outlined in the Commission's Final Implementation Order would have ended on March 8, 2025.¹ However, in order to review the additional information requested, the Commission is hereby extending its consideration period for APW's Third LTIIP to April 30, 2025.

Please forward the information to the Secretary of the Commission within ten (10) business days from the date of this letter. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilings with the Secretary of the Commission by opening an efilings account through the Commission's website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilings system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit it to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

¹ See, Docket No. M-2012-2293611.

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

Please note that your answers must be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

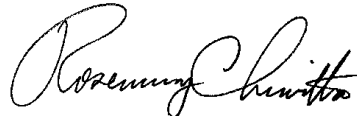
I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature _____
Title _____
Date _____

Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the review, please send a copy of your response to Ken Shaffer in the Bureau of Technical Utility Services, Reliability and Emergency Preparedness Division, via e-mail at kennshaffe@pa.gov. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Sharon Webb, LAW
Dan Searfoorce, TUS
John Van Zant, TUS
Ken Shaffer, TUS
NazAarah Sabree, OSBA, ra-sba@pa.gov
Christy M. Appleby, OCA, CAappleby@paoca.org
Katherine Kennedy, OCA, kkennedy@paoca.org

Attachment 1
TUS Data Request 2
Petition of Aqua Pennsylvania Wastewater, Inc. (APW) for Approval of its Third Long-Term
Infrastructure Improvement Plan
Docket No P-2024-3052037

Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

Reference the Petition of Aqua Pennsylvania Wastewater Inc (APW), filed on November 8, 2024, Exhibit A.

1. Reference Exhibit A

- a. In its February 2, 2025, response to TUS Data Request 1, question 1.a., APW, *inter alia*, noted that “[t]o the extent that the Commission specifically finds that the East Whiteland assets are not jurisdictional, or otherwise determines that East Whiteland customers are not subject to the DSIC, the Company will amend its LTIIIP to remove the East Whiteland projects.” Pursuant to an Opinion and Order entered on February 7, 2025, the Commission denied APW’s request to include the wastewater assets of East Whiteland Township and to apply those assets to APW’s ratemaking rate base.² The Commission further determined that the Commonwealth Court’s decision controls as to the ownership of the East Whiteland system and is binding on the Commission.³ The Commission also determined that the best course of action was to maintain the status quo of the existing East Whiteland rates.⁴ APW’s current wastewater tariff explicitly excludes East Whiteland customers from the DSIC, as does APW’s compliance tariff for its rate case at Docket Nos. R-2024-3047822, et al. Thus, the assets of the East Whiteland Township wastewater system are not jurisdictional and do not meet the definition of eligible property under 52 Pa. Code § 121.2, and East Whiteland customers are not subject to the DSIC. Therefore, APW is directed to file within 30 days an amended LTIIIP that excludes the assets and expenditures related to the repair and replacement of any infrastructure of the East Whiteland Township wastewater system. Failure to do so may result in the Commission rejecting APW’s LTIIIP, pursuant to 52 Pa. Code § 121.4.

² See, *Pennsylvania Public Utility Commission v. Aqua Pennsylvania, Inc.*, Opinion and Order, Ordering Paragraph No. 8, Order entered February 7, 2025, at Docket Nos. R-2024-3047822, et al.

³ *Id.*, page 136.

⁴ *Id.*, page 140.