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File #: 209067

March 14, 2025

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of Aqua Pennsylvania Wastewater, Inc. For Approval of its Third Long-Term Infrastructure Improvement Plan
Docket No. P-2024-3052037**

Dear Secretary Chiavetta:

Enclosed, on behalf of Aqua Pennsylvania Wastewater, Inc. (“Aqua PA”), is information being supplied to the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Technical Utility Services (“TUS”) in response to TUS Set II Data Requests regarding the above-captioned proceeding.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: Ken Shaffer (*via email; w/attachment*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a Participant).

VIA E-MAIL

Christy Appleby, Esquire
Katherine Kennedy, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
Cappleby@paoca.org
kkennedy@paoca.org

Dated: March 14, 2025



Megan E. Rulli

PETITION OF AQUA PENNSYLVANIA WASTEWATER, INC.

DOCKET NO. P-2024-3052037

BUREAU OF TECHNICAL UTILITY SERVICES

SET II DATA REQUESTS

TUS-II-1 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 LTIP 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.¹ 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.² The Commission also determined that the best course of action was to maintain the status quo of the existing East Whiteland rates.³ 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 LTIP 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 LTIP, pursuant to 52 Pa. Code § 121.4.

¹ 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.

² *Id.*, page 136.

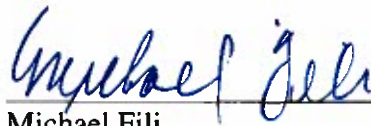
³ *Id.*, page 140.

RESPONSE

APW will file its updated Third LTIP within 30 days of this data request, by March 31, 2025.

VERIFICATION

I, Michael Fili, Vice President, Capital Planning, Design, & Construction of Aqua Pennsylvania Wastewater, Inc., hereby state that the facts set forth in Aqua Pennsylvania Wastewater, Inc.'s responses to the Bureau of Technical Utility Services TUS Data Request 2 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).



Michael Fili
Vice President, Capital Planning, Design, &
Construction
Aqua Pennsylvania Wastewater, Inc.

Dated: March 14, 2025