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March 25, 2025

**VIA E-MAIL**

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

**RE: Application of Aqua Pennsylvania, Inc. for approval to alter the public crossing (DOT 588 600 D) by the installation of an underground 16-inch ductile iron watermain within a 24-inch steel casing where State Route 0029 (Bridge Street) crosses, below grade, one (1) track of Norfolk Southern Railway Company located in Phoenixville Borough, Chester County; Docket No. A-2024-3052595**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Notice of Withdrawal of Protest of the Borough of Phoenixville, Pennsylvania, in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a horizontal line.

Adeolu A. Bakare  
MCNEES WALLACE & NURICK LLC

c: Dennis J. Moody, P.E.  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

### VIA EMAIL

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Adeolu A. Bakare

Counsel to Borough of Phoenixville

Dated this 25<sup>th</sup> day of March, 2025, in Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania, Inc. for	)	
Approval of the alteration of the crossing	)	
(U.S.DOT – AAR 588600D) where Bridge	)	
St crosses under railroad bridge owned by	)	Docket No. A-2024-3052595
NORFOLK SOUTHERN at milepost HP	)	
0027.710 located in Phoenixville Borough	)	
in Chester County, Pennsylvania	)	

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**NOTICE OF WITHDRAWAL OF PROTEST  
OF THE BOROUGH OF PHOENIXVILLE**

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Pursuant to Section 5.94(b) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code § 5.94(b), the Borough of Phoenixville ("Borough" or "Protestant") hereby files this Notice of Withdrawal of Protest in the above-captioned proceeding. In support of this Notice, the Borough states as follows:

1. On December 18, 2024, Aqua Pennsylvania, Inc. ("Aqua") filed an Application with the Commission seeking approval to install a 16-inch ductile iron water pipe in a 24-inch steel casing in the road at the crossing of Bridge Street located at milepost HP 0027.710 in Phoenixville Borough in Chester County, Pennsylvania,

2. On January 7, 2025, the Commission's Rail Safety Division served a Notice of the Application on the Borough and other interested parties. The Notice directed any party objecting the Application to notify the Commission by January 28, 2025.

3. In accordance with this Notice, the Borough filed a Protest on January 28, 2025, in order to ensure Aqua's proposed water main installation is appropriately coordinated with its proximate highway expansion project to minimize adverse impacts on Borough residents.

4. Subsequently, Aqua invited the Borough's staff to engage in technical meetings to review the planned water main installation in conjunction with the Borough's planned highway expansion. Based on the productive meetings and information exchange between the parties, the Borough has determined that participation in the above-captioned proceeding is no longer necessary to coordinate the water main installation with the Borough's proximate highway expansion project.

**WHEREFORE**, for the reasons stated herein, the Borough respectfully withdraws its Protest in this matter.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Counsel to the Borough of Phoenixville

Dated: March 25, 2025