

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 : Docket No: A-2025-3052983
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, Allegheny County, :
Pennsylvania

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.66, YOU MAY ANSWER THE ENCLOSED PETITION TO INTERVENE WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PETITION TO INTERVENE MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR ELIABETH BOROUGH MUNICIPAL AUTHORITY.

/s/ Joseph R. Dalfonso

Joseph R. Dalfonso, Esquire (PA I.D. 311821)

Gary J. Matta, Esquire (PA I.D. 90750)

DODARO, DALFONSO,

MATTA & CAMBEST, P.C.

1900 Main Street, Suite 207

Canonsburg, PA 15317

jdalfonso@ddmclaw.com

gmatta@ddmclaw.com

Counsel for Elizabeth Borough Municipal Authority

Date: 5/5/2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PETITION TO INTERVENE

Pursuant to 52 Pa. Code §§ 5.71, 5.72 and 5.74, the Elizabeth Borough Municipal Authority (“EBMA” or “Authority”), by and through its attorneys, Dodaro, Dalfonso, Matta and Cambest, P.C., hereby files with the Pennsylvania Public Utility Commission (the “Commission”) this Petition to Intervene in the above-captioned Application of Pennsylvania-American Water Company (“PAWC”) for approval to acquire the wastewater collection and treatment system of EBMA. The Application directly affects the interests of EBMA, which are not adequately represented by an existing party. For the reasons that follow, EBMA respectfully requests that the Commission grant its Petition to Intervene, and in support thereof avers as follows:

1. EBMA is a municipal authority incorporated by the Borough of Elizabeth (“Borough”), pursuant to the Municipality Authorities Act to serve the Borough through its sewage conveyance system and treatment facility.
2. While EBMA was incorporated to provide sewage conveyance and treatment services to residents of the Borough, it also provides treatment services to the municipalities of Elizabeth Township, Forward Township and Lincoln Borough.

3. EBMA's operating address is 1 Locust Street, Elizabeth, PA 15037.
4. EBMA owns and operates a combined wastewater collection and treatment system that includes a wastewater treatment plant, collection mains, pumping station, interceptor sewers, Combined Sewer Overflow structures, manholes and stormwater inlets ("System").
5. EBMA is interested in the above-captioned matter because it is a party to the Asset Purchase Agreement ("APA") under which PAWC seeks approval to acquire the System.
6. EBMA supports the Application filed by PAWC at this docket.
7. 52 Pa. Code § 5.72 sets forth the eligibility requirements for a party to intervene and provides in part as follows:
 - (a) Persons. 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. The right or interest may be one of the following:
 - (1) A right conferred by statute of the United States or of the Commonwealth.
 - (2) An interest 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.
 - (3) Another interest of such nature that participation of the petitioner may be in the public interest.
8. EBMA seeks intervention in the proceeding for due cause shown for the following reasons:
 - (1) EBMA is a party to the APA whereby PAWC agreed to purchase EBMA's wastewater collection and treatment system, which provides sanitary wastewater collection and treatment services to the Borough of Elizabeth.
 - (2) PAWC relies on the Authority's consent of the sale of the wastewater collection and treatment system.

9. EBMA has a substantial and bona fide interest in the subject matter of this docket and its interests cannot be represented or protected adequately by other existing parties to this docket.

10. As a party to the APA, EBMA submits that its intervention is in the public interest.

11. EBMA intends to play an active role in the Commission's decision-making process and its participation herein will not unduly prejudice any party.

WHEREFORE, the Elizabeth Borough Municipal Authority respectfully requests that this Commission grant its instant Petition to Intervene in this proceeding.

Respectfully Submitted,

/s/ Joseph R. Dalfonso

Joseph R. Dalfonso, Esquire (PA I.D. 311821)

Gary J. Matta, Esquire (PA I.D. 90750)

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Canonsburg, PA 15317

jdalfonso@ddmclaw.com

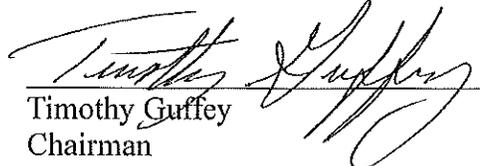
gmatta@ddmclaw.com

Counsel for Elizabeth Borough Municipal Authority

VERIFICATION

I, Timothy Guffey, the Chairman of the Board of Directors of the Elizabeth Borough Municipal Authority, hereby verify that the statements of fact made in the foregoing document are true and correct to the best of my knowledge, information and belief and I expect to be able to prove the same at a hearing held in this matter. In understand that the statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities).

Date: May 2 2025



Timothy Guffey
Chairman
Elizabeth Borough Municipal Authority

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copies of the foregoing have been served via email (unless otherwise noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
crainey@pa.gov

Christy M. Appleby, Esquire
Katie M. Kennedy, Esquire
PA Office of Consumer Advocate
Forum Place
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
cappleby@paoca.org
kkennedy@pacoa.org

Allison Kaster, Esquire
Director
Bureau of Investigation & Enforcement
400 North Street
Harrisburg, PA 17120
akaster@pa.gov

Teresa K. Harrold, Esquire
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
teresa.harrol@amwater.com

David P. Zambito, Esquire
Jonathan P. Nase, Esquire
Cozen O'Conner
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

Steven Gray, Esquire
Rebecca Lyttle, Esquire
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
relyttle@pa.gov

Maurice A. Nernberg
Maurice A. Nernberg & Associates
301 Smithfield Street
Pittsburgh, PA 15222
man@nernberg.com
dmn@nernberg.com
Counsel for Forward Township

Date: May 5, 2025

Respectfully Submitted,

/s/ Joseph R. Dalfonso

Joseph R. Dalfonso, Esquire (PA I.D. 311821)

Gary J. Matta, Esquire (PA I.D. 90750)

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