
Application of |
Pennsylvania-American | Docket No.:
Water Co. pursuant to | A-2025-3052983
Sections 507, 1102, 1329 |
of the Public Utility |
Code for Approval to |
Acquire the Wastewater |
System Assets of |
Elizabeth Borough |
Municipal Authority |
|
Telephonic Public Input |
Hearings

Pages 23 - 149

Judge's Chambers
Commonwealth Keystone
Building = Plaza Level
400 North Street
Harrisburg, PA

Thursday, June 5, 2025
Commencing at 6:05 p.m.

INDEX TO EXHIBITS

Docket No. A-2025-3052983

Hearing Date: June 5, 2025

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

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ELIZABETH BOROUGH MUNICIPAL AUTHORITY

Members of the Board
Tim Guffey, Chairman
Kyle Walk, Vice Chairman
Barry Boucher, Secretary
James V. Lesniewski
Andy Miklos
Charles Smith JR

1 Locust Street
Elizabeth, PA 15037
Office: (412)-384-3686
Fax: (412)384-3144
Email: adminassist@ebmastp.com

March 11, 2025

Dear Neighbor,

I am writing to notify you that on January 28, 2025, Pennsylvania-American Water Company (Pennsylvania-American) filed the required application with the Pennsylvania Public Utility Commission (PUC) for approval to acquire the Elizabeth Borough Municipal Authority (EBMA) wastewater system.

While, the decision to sell was not an easy one, it was necessary because operating a wastewater system is becoming increasingly burdensome. EBMA has been tasked with completing a Long Term Control Plan (LTCP) that involves undertaking a construction project to expand its sewage treatment capacity. It is estimated that the project to complete the LTCP would cost over \$24,000,000. Naturally, this cost and the additional environmental compliance costs that continue to increase over time, would be passed along to our ratepayers, resulting in a large rate increase for EBMA customers.

Since voting to approve entering into an Asset Purchase Agreement (APA) with Pennsylvania-American, we have been working through many steps required to complete this transaction. One of the last steps to complete the sale is the buyer, Pennsylvania-American, going to the PUC for approval. As part of the PUC review process, Pennsylvania-American is required to send this "Notice of Proposed Wastewater Acquisition and Rate Base Addition" to all affected customers and to provide a non-binding calculation of potential future rate impacts to wastewater monthly bills as a result of the acquisition.

While the attached Notice includes a potential long-term rate increase based on a calculation approved by the PUC, it's important to know that Pennsylvania-American is not proposing any rate increase as part of the acquisition. In fact, many Elizabeth Borough residents may benefit from Pennsylvania American's low-income assistance programs that offer grant funds and bill credits to reduce monthly sewer bills. Any future wastewater rate increases would be subject to review and approval by the PUC, just like most of your other utility bills.



ELIZABETH BOROUGH MUNICIPAL AUTHORITY

In closing, EBMA has made this decision in order to improve the Elizabeth Borough community. As a result of this transaction, the Borough's tax base will initially be stabilized and thereafter, grow into the future, which will permit additional investment by the Borough into the community. We are confident that we are making a good decision and that Elizabeth Borough and Pennsylvania-American will have a bright future working together to continue to provide sewer service.

Thank you for taking the time to read my thoughts on this difficult, but positive, change for the people and businesses of Elizabeth Borough.

Sincerely

Timothy Guffey
Chairman
Elizabeth Borough Municipal Authority

E.B.M.A.
1 Locust Street
Elizabeth, PA 15037

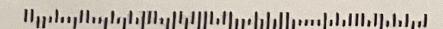
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ELIZABETH BOROUGH MUNICIPAL AUTHORITY

Members of the Board
Tim Guffey, Chairman
Kyle Walk, Vice Chairman
Barry Boucher, Secretary
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ELIZABETH BOROUGH MUNICIPAL AUTHORITY

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Sincerely

Timothy Guffey
Chairman
Elizabeth Borough Municipal Authority

E.B.M.A.
1 Locust Street
Elizabeth, PA 15037

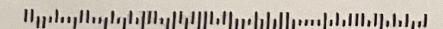
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15037-021414



NOTICE OF PROPOSED WASTEWATER ACQUISITION AND RATE BASE ADDITION (Docket No. A-2025-3052983)



Dear Customer:

On March 7, 2025, the Pennsylvania Public Utility Commission (“PUC”) conditionally accepted for filing the application of Pennsylvania-American Water Co. (“Pennsylvania-American” or “PAWC”) for approval to acquire the wastewater system assets owned and operated by Elizabeth Borough Municipal Authority (“EBMA”). EBMA serves approximately 2,200 customers in Allegheny County. Pennsylvania-American’s application also requests that the PUC authorize an addition of \$28 million to Pennsylvania-American’s rate base pursuant to 66 Pa. C.S. § 1329. A utility’s rate base is the value of property used by the utility to provide service to its customers and is one of many components used to establish customer rates.

PAWC periodically makes applications to the PUC for newly acquired systems which requires PAWC to send these types of notices. This notice is specific to the EBMA acquisition. PAWC is not requesting a rate increase in this acquisition proceeding. Accordingly, this acquisition will not immediately, but may in the future, affect water and/or wastewater bills of Pennsylvania-American customers, including new EBMA wastewater customers. Your current rates will not change as a result of this acquisition until the conclusion of Pennsylvania-American’s first base rate case where Pennsylvania-American requests and receives PUC approval to increase its rates. At that time, based on a preliminary analysis of the potential rate impacts, PAWC estimates that the rates of the average customer could increase. The amount of the increase will be determined in PAWC’s next base rate case and will be dependent on how the PUC chooses to apportion the increase among PAWC’s acquired and existing customers. The tables below present non-binding, estimated incremental rate effects of the proposed rate base addition on PAWC’s existing water and wastewater customers.

PAWC WATER			
Rate Class	Average Usage	Estimated Monthly Increase	Estimated Percentage Increase
Residential	3,201 gallons/month	\$0.16	0.2%
Commercial	22,094 gallons/month	\$0.84	0.2%
Industrial	685,947 gallons/month	\$17.73	0.2%

PAWC WASTEWATER			
Rate Class	Average Usage	Estimated Monthly Increase	Estimated Percentage Increase
Residential	3,201 gallons/month	\$1.21	1.1%
Commercial	22,094 gallons/month	\$5.75	1.1%
Industrial	685,947 gallons/month	\$166.30	1.1%

These amounts could change and will depend on how the PUC chooses to apportion any increase among different types of utility service, rate zones and classes of customers. For Pennsylvania-American customers in a rate zone other than Rate Zone 1, the potential rate impact could vary from the chart above.

PUC ROLE

The state agency that approves acquisitions and rates for regulated public utilities is the PUC. The PUC will review and investigate the proposed acquisition. After examining the evidence, the PUC may approve, modify or deny the acquisition and may approve, modify or deny the requested addition to rate base.

ACTIONS YOU CAN TAKE

You can support or challenge Pennsylvania-American’s request by:

1. Sending a letter to the PUC. You can tell the PUC why you support or object to the application in your letter. This information can be helpful when the PUC investigates the application. Send your letter to the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, PA 17105-3265.

2. Attending or presenting testimony at a PUC public input hearing. You can attend or be a witness at a PUC public input hearing. The PUC holds public input hearings if it opens an investigation of Pennsylvania-American’s transaction and if there is enough interest in the case. At these hearings, you can present your views in person to the PUC judge and to company

representatives. Testimony under oath becomes part of the application case record. The PUC holds these hearings in the service area of the company. For more information, call the PUC at 1-800-692-7380.

3. Filing a protest or a petition to intervene. If you want to be a party to the case, you must file a protest or a petition to intervene. You then have an opportunity to take part in all the hearings about the proposed acquisition. You can receive copies of all materials distributed by the other parties. Protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 3, 2025. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Pennsylvania-American’s counsel at:

David P. Zambito, Esq.
Cozen O’Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101

The documents filed in support of the application are available on the PUC’s website at www.puc.pa.gov, and for inspection and copying at the Office of the Secretary of the PUC between 8 a.m. and 4:30 p.m., Monday through Friday, and at Pennsylvania-American’s offices at 852 Wesley Drive, Mechanicsburg, PA 17055. The PUC docket number is A-2025-3052983. For more information, you may contact the PUC’s Bureau of Consumer Services at 1-800-692-7380.

3-1-58.04 257

AMENDMENT OF ARTICLES OF INCORPORATION
OF
ELIZABETH BOROUGH MUNICIPAL AUTHORITY

To the Secretary of the Commonwealth,
Harrisburg, Pennsylvania.

In compliance with the Municipality Authorities Act of 1945, May 2, P. L. 382, as amended, the Elizabeth Borough Municipal Authority hereby certifies:

(1) The name of the Authority is ELIZABETH BOROUGH MUNICIPAL AUTHORITY.

The location of the registered office of such Authority is Municipal Building,
Third Street,
Borough of Elizabeth, Allegheny County, Pennsylvania.

(2) The Authority was formed under the terms of Act No. 164, approved May 2, 1945, (P. L. 382) as amended. The original Articles of Incorporation were recorded in the office of the Secretary of the Commonwealth on January 12, 1950.

(3) The amendment to the Articles of Incorporation was adopted by Borough Council of the Borough of Elizabeth by Ordinance # 259, enacted the 23rd day of December, 1957, a certified copy whereof is attached hereto and made a part hereof.

(4) The amendment to the Articles of Incorporation adopted by the Borough Council of the Borough of Elizabeth consists of amending paragraph (e) of said Articles of Incorporation to read hereafter in full as follows:

(e) The names and addresses and terms of office of the present members of the Board of said Authority are as follows:

<u>Name</u>	<u>Municipality</u>	<u>Address</u>	<u>Term</u>
R. A. Price	Elizabeth Borough	234 5th Street, Elizabeth, Pa.	1958 - 63
William R. Pancoast	Elizabeth Borough	300 Church Street, Elizabeth, Pa.	1954 - 59
Harry T. Duke	Elizabeth Borough	907 3rd Street, Elizabeth, Pa.	1955 - 60
Joseph T. Webb	Elizabeth Borough	342 Travs. Dr., Elizabeth, Pa.	1956 - 61
Thomas E. Ralston	Elizabeth Borough	283 Center Ave., Elizabeth, Pa.	1957 - 62
William Shoaf	Elizabeth Borough	Douglas Ave., Blaine Hill, Elizabeth, Pa.	1958 - 60
Lawrence King,	Elizabeth Borough	Simpson-Howell Rd., R. D. #2 Elizabeth, Pa.	1958 - 61

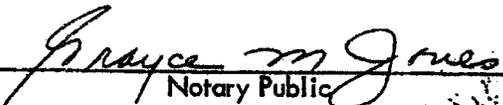
3-1-58.04 259

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

SS.

Before me, the undersigned officer, a Notary Public in and for said County and Commonwealth, personally appeared William R. Pancoast, Chairman and Charles S. Storer, Secretary of Elizabeth Borough Municipal Authority, known to me to be the persons whose names are subscribed to the foregoing Articles of Amendment, and in due form of law acknowledged the same to be the act and deed of the Elizabeth Borough Municipal Authority for the purposes therein specified, and state that the facts set forth therein are true and correct.

WITNESS my hand and seal the 23rd day of December, 1957.



Notary Public

My commission expires



ORDINANCE NO. 259

AN ORDINANCE OF THE BOROUGH OF ELIZABETH,
ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING
AN AMENDMENT TO THE ARTICLES OF INCORPORATION
OF ELIZABETH BOROUGH MUNICIPAL
AUTHORITY.

WHEREAS, the Elizabeth Borough Municipal Authority has submitted to the Borough Council of the Borough of Elizabeth a resolution amending the Articles of Incorporation of Elizabeth Borough Municipal Authority,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Elizabeth, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. The Borough of Elizabeth hereby adopts the following amendment to the Articles of Incorporation of the Elizabeth Borough Municipal Authority, which amendment shall consist of amending paragraph (e) of said Articles to read hereafter in full as follows:

(e) The names and addresses and terms of office of the present members the Board of said Authority are as follows:

<u>Name</u>	<u>Municipality</u>	<u>Address</u>	<u>Term</u>
R. A. Price	Elizabeth Borough	234 5th Street, Elizabeth, Pa.	1958 - 63
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William Shoaf	Elizabeth Borough	Douglas Ave., Blaine Hill, Elizabeth, Pa.	1958 - 60
Lawrence King	Elizabeth Borough	Simpson-Howell Rd., R. D. #2 Elizabeth, Pa.	1958 - 61

All of whom reside in and are citizens of either the Borough of Elizabeth or the Township of Elizabeth, Allegheny County, Pennsylvania.

The members of the Board of the said Authority shall be seven (7) in number, and they shall be apportioned as follows:

From the Borough of Elizabeth: five (5) members.

From the Township of Elizabeth: two (2) members.

The term of office of any member of the Board appointed to succeed any of the ~~xxxxx~~ members of the Board shall be for a term of five (5) years.

The Borough Council of the Borough of Elizabeth shall at a meeting held not later than one month prior to January 1 of each year in which a vacancy occurs, appoint as member of the Board, a citizen of the same municipality as the member whose expired term is being filled for a term of five (5) years.

Section 2. All ordinances or parts of ordinances not in accord with this ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of Elizabeth on this 23 day of December, 1957, in lawful session regularly assembled.

J. A. Turner
President of
Council

Attest:
[Signature]
Secretary

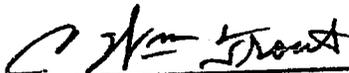
(BOROUGH SEAL)

EXAMINED AND APPROVED this 23rd day of December, 1957.

Charles L. Kilham
Burgess

3-1-58.04 26?

Approved and filed in the Department of State on the 27th day of
January A. D. 1958.


Deputy Secretary of the Commonwealth *ns*

Commonwealth of Pennsylvania



DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, In and by Section 3.2 of the Act of 1945 P. L. 382, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF AMENDMENT

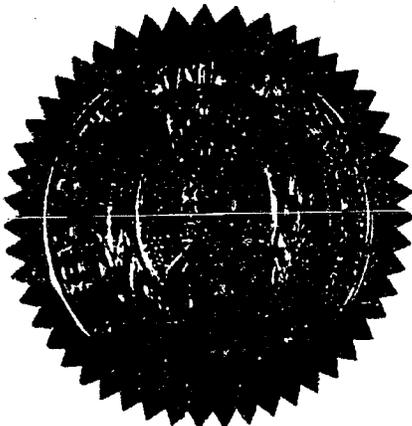
evidencing the amendment of the Articles of Incorporation of a Municipal Authority organized under or subject to the provisions of that law, and

WHEREAS, The stipulations and conditions of the law pertaining to the amendment of Articles of Incorporation have been fully complied with by

ELIZABETH BOROUGH MUNICIPAL AUTHORITY

THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth and under the authority of the Municipality Authorities Act of 1945, as amended, I DO BY THESE PRESENTS, which I have caused to be sealed with the Great Seal of the Commonwealth, alter and extend the rights and powers of the corporation named above, in accordance with the terms and provisions of the Articles of Amendment presented by it to the Department of State, with full power and authority to use and enjoy such rights and powers, subject to all the provisions and restrictions of the Municipality Authorities Act of 1945, as amended, and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 27th day of January, in the year of our Lord one thousand nine hundred and fifty-eight, and of the Commonwealth the one hundred and eighty-second.




Deputy Secretary of the Commonwealth

8-1-72 03

AMENDMENT OF ARTICLES OF INCORPORATION
OF
ELIZABETH BOROUGH MUNICIPAL AUTHORITY

To the Secretary of the Commonwealth,
Harrisburg, Pennsylvania

In compliance with the Municipality Authorities Act of 1945, May 2, P.L. 382, as amended, Elizabeth Borough Municipal Authority hereby certifies:

(1) The name of the Authority is ELIZABETH BOROUGH MUNICIPAL AUTHORITY.

The location of the registered office of such Authority is Municipal Building, Third Street, Borough of Elizabeth, Allegheny County, Pennsylvania, 15037.

(2) The Authority was formed under the terms of Act No. 164, approved May 2, 1945 (P.L. 382). The original Articles of Incorporation were approved and filed in the Department of State on the 12th day of January, A. D. 1950. An Amendment increasing the number of members of the board of the Authority was approved and filed in the Department of State on the 27th day of January, A.D. 1958.

(3) This amendment to the Articles of Incorporation was adopted by the Borough Council of the Borough of Elizabeth by Ordinance #405, enacted the 8th day of February 1972, a certified copy thereof is attached hereto and made a part hereof.

(4) This amendment to the Articles of Incorporation adopted by the Borough Council of the Borough of Elizabeth consists of the following provision in said Articles of Incorporation, as heretofore amended:

"(f) The term of existence of the Authority is increased to a date fifty (50) years from the date of approval of these Articles of Amendment."

3-7293

(5) That notice of the intention of the Authority to file said Articles of Amendment has been published in the The Daily News, a newspaper published and of general circulation in the County of Allegheny, and in the Pittsburgh Legal Journal, a legal periodical of the County of Allegheny; that said notice gives the name and location of the registered office of the Authority, the Act of Assembly under which the amendment is being filed, and a statement of the Articles of Amendment in full, and said notice states that on a day certain, to wit: the 23rd day of February 1972, which is not less than three (3) days after publication of said notice, said Articles of Amendment will be filed in the office of the Secretary of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, Elizabeth Borough Municipal Authority has caused these Articles of Amendment to be signed by its duly authorized officers and its corporate seal to be hereto affixed this 17th day of February 1972.


Chairman

Attest:


Secretary

(SEAL)

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } ss.

Before me, the undersigned officer, a Notary Public in and for said County and Commonwealth, personally appeared

William R. Pancoast Chairman, and Charles S. Storer Secretary of Elizabeth Borough Municipal Authority, known to me to be the persons whose names are subscribed to the foregoing Articles of Amendment, and in due form of law acknowledged the same to be the act and deed of Elizabeth Borough Municipal Authority for the purposes therein specified, and state that the facts set forth therein are true and correct.

WITNESS my hand and seal the 17th day of February 1972.

Forest M. Bruckner
Notary Public

My Commission expires

NOTARY PUBLIC
STATE OF PENNSYLVANIA
COMMISSION EXPIRES

(SEAL)

ORDINANCE No. 405

AN ORDINANCE OF THE BOROUGH OF ELIZABETH ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF ELIZABETH BOROUGH MUNICIPAL AUTHORITY

WHEREAS, the Elizabeth Borough Municipal Authority has submitted to the Borough Council of the Borough of Elizabeth a resolution amending the Articles of Incorporation of Elizabeth Borough Municipal Authority,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Elizabeth, and it is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough of Elizabeth hereby adopted the following amendment to the Articles of Incorporation of Elizabeth Borough Municipal Authority, which amendment shall consist of the following provision in said Articles of Incorporation, as heretofore amended:

"(f) The term of existence of the Authority is increased to a date fifty (50) years from the date of approval of these Articles of Amendment."

Section 2. All ordinances or parts of ordinances not in accord with this ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of Elizabeth on this 8th day of February 1972, in lawful session regularly assembled.

[Signature]

President of Council

ATTEST:

[Signature]

Secretary

(BOROUGH SEAL)

EXAMINED AND APPROVED THIS 8th DAY OF February 1972.

[Signature]

Mayor

C E R T I F I C A T E

I, the undersigned, the Borough Secretary of the Borough of Elizabeth, Allegheny County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said Borough which was duly enacted by the affirmative vote of a majority of all of the members of the Council of said Borough at a meeting thereof held on the *8th* day of *February* 1972, which meeting was at all times open to the public and of which due notice was given as required by law, and which Ordinance was duly recorded in Ordinance Book Volume *3* , Page *100*

I further certify that the total number of members of the Council is *7* , that the vote upon said Ordinance was called and duly recorded upon the minutes of said meeting and that the members of Council voted in the following manner:

- Lawrence L. Patton Aye
- Harvey W. Bennie Jr. Aye
- Leonard R. Bailey Aye
- John H. Smith Aye
- Anthony E. Rubino Aye
- Kenneth D. Finney Aye
- Roderick K. McNeil Aye

IN WITNESS WHEREOF I have hereunto set my hand and the Seal of the Borough of Elizabeth this *15th* day of February 1972.

[Signature]
Borough Secretary

(BOROUGH SEAL)

Approved and filed in the Department of State on the 23rd
day of February, A. D. 1972.

W. Bradford Huie

Secretary of the Commonwealth

jmw

Commonwealth of Pennsylvania



Department of State

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, In and by Section 3.2 of the Act of 1945, P. L. 382, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF AMENDMENT

evidencing the amendment of the Articles of Incorporation of a Municipal Authority organized under or subject to the provisions of that law:

AND WHEREAS, The stipulations and conditions of the Law pertaining to the amendment of Articles of Incorporation have been fully complied with by

ELIZABETH BOROUGH MUNICIPAL AUTHORITY

THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth, and under the authority of the Municipality Authorities Act of 1945, as amended, I DO BY THESE PRESENTS, which I have caused to be sealed with the Great Seal of the Commonwealth, alter and extend the rights and powers of the corporation named above, in accordance with the terms and provisions of the Articles of Amendment presented by it to the Department of State, with full power and authority to use and enjoy such rights and powers, subject to all the provisions and restrictions of the Municipality Authorities Act of 1945, as amended, and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 23rd day of February in the year of our Lord one thousand nine hundred and seventy-two and of the Commonwealth the one hundred and ninety-sixth.

E. H. Ladd

Secretary of the Commonwealth

jmw

ARTICLES OF AMENDMENT
ELIZABETH BOROUGH MUNICIPAL AUTHORITY

To: The Secretary of the Commonwealth

In compliance with the Municipal Authorities Act, 53 Pa.C.S.A. Section 5601, et. seq., as amended, the Elizabeth Borough Municipal Authority hereby amends its articles of incorporation as follows:

1. The name of the Authority is the Elizabeth Borough Municipal Authority.
2. The location of the registered office of the Authority is 1 Locust Street, Elizabeth, PA 15037.
3. The Authority was formed under the Municipal Authorities Act, in 1950.
4. The original Articles of Incorporation were approved and filed with the Secretary of the Commonwealth of Pennsylvania on January 12, 1950.
5. The amendment to the Articles of Incorporation was adopted by Resolution by the Board of the Elizabeth Borough Municipal Authority on August 23, 2012, and adopted by Resolution of the Borough of Elizabeth (the incorporating municipality) on November 27, 2012. Copies of those Resolutions are attached hereto as Exhibit "A" and made a part hereof.
6. The amendment to the Articles of Incorporation adopted by the Municipal Authority is as follows:

(f) The term of existence of the Authority is increased to a date fifty (50) years from the date of approval of these Articles of Amendment."

ATTEST

ELIZABETH BOROUGH MUNICIPAL
AUTHORITY



David Householder, Chairman



Robert Werner, Vice-Chairman

Commonwealth of Pennsylvania
ARTICLES OF AMENDMENT-MISCELLANEOUS 6 Page(s)



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PA DEPT
PA DEPT. OF STATE
FEB 27 2013

MAR 15 2013

RESOLUTION NO. 2012-4

**A RESOLUTION OF BOROUGH OF
ELIZABETH, ALLEGHENY COUNTY,
COMMONWEALTH OF PENNSYLVANIA,
ADOPTING AN AMENDMENT TO ITS ARTICLES
OF INCORPORATION, EXTENDING THE TERM OF
EXISTENCE OF THE ELIZABETH BOROUGH
MUNICIPAL AUTHORITY**

WHEREAS, Elizabeth Borough Municipal Authority, has requested that the Borough of Elizabeth authorize and adopt an Amendment to its Articles of Incorporation, extending its life fifty (50) years from the date of the filing of the Amendment;

WHEREAS, the Elizabeth Borough Municipal Authority has approved by resolution the extension of the term of the Authority and further wishes to approve and ratify the amendment to the Authority's Articles of Incorporation in connection therewith to indicate the extension of the Authority's term of existence fifty (50) years from the date of approval of the Articles of Amendment, a copy of which has been provided to Council of the Borough of Elizabeth;

AND NOW THEREFORE, The Borough of Elizabeth hereby adopts the following amendment to the Articles of Incorporation of the Elizabeth Borough Municipal Authority, which amendment shall consist of the following provision in said Articles of Incorporation:

"(f) The term of existence of the Authority is increased to a date fifty (50) years from the date of approval of these Articles of Amendment"

All ordinances, resolutions, parts of ordinances or resolutions not in accord with this resolution are hereby repealed insofar as they conflict with this resolution.

RESOLVED this 27 day of November, 2012.

TALLY OF VOTES: 5 Yeas 0 Nays



By President of Council

Attest:



Secretary
(Borough Seal)

EXAMINED AND APPROVED THIS 27 day of November, 2012.

David G. Householder

Mayor

RESOLUTION NO. 09-12

**A RESOLUTION OF ELIZABETH BOROUGH
MUNICIPAL AUTHORITY, ALLEGHENY COUNTY,
COMMONWEALTH OF PENNSYLVANIA, SETTING
FORTH AN AMENDMENT TO ITS ARTICLES OF
INCORPORATION, EXTENDING THE TERM OF
EXISTENCE OF THE ELIZABETH BOROUGH
MUNICIPAL AUTHORITY AND DIRECTING THAT
IT BE SUBMITTED TO THE BOROUGH OF
ELIZABETH FOR ADOPTION**

WHEREAS, Elizabeth Borough Municipal Authority wishes to authorize and adopt an Amendment to its Articles of Incorporation, extending its life fifty (50) years from the date of the filing of the Amendment;

AND NOW THEREFORE, the Elizabeth Borough Municipal Authority hereby approves the following amendment to the Articles of Incorporation of the Elizabeth Borough Municipal Authority, which amendment shall consist of the following provision in said Articles of Incorporation:

"(f) The term of existence of the Authority is increased to a date fifty (50) years from the date of approval of these Articles of Amendment"

Said provision shall be added to the Articles of Incorporation.

A draft copy of the Articles of Amendment to be filed are attached hereto for reference.

The Elizabeth Borough Municipal Authority further directs that this Resolution be submitted to the Borough of Elizabeth for Adoption.

All ordinances, resolutions, parts of ordinances or resolutions not in accord with this resolution are hereby repealed insofar as they conflict with this resolution.

RESOLVED this 23 day of August, 2012.

TALLY OF VOTES: 6 Yeas 0 Nays

Attest:


Secretary
(Authority Seal)



TRIB TOTAL MEDIA LEGAL ADVERTISING

Proof of Publication of Notice in The Daily News

Under the Act of July 9, 1976, P.L. 877, No. 160

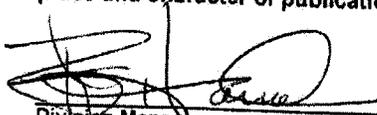
Commonwealth of Pennsylvania

County of Allegheny) SS:

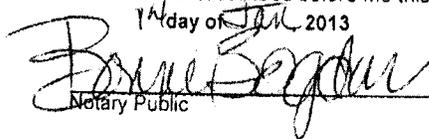
ROBERT HAMMOND, Division Manager of the Trib Total Media, Inc., a Corporation of the Commonwealth of Pennsylvania with places of business in Greensburg, Westmoreland County, Pennsylvania and Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the **Daily News** is a daily newspaper circulated in Allegheny & Westmoreland Counties, Pennsylvania, and elsewhere, published in the City of McKeesport, Allegheny County, Pennsylvania, established July 1, 1884, and issued every day, except Sunday, since that date. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said newspapers on the following dates,

viz: LEGAL# 5472917, RE: OFFICIAL NOTICE The Elizabeth Borough Municipal Authority, on 01/12/13

Affiant further deposes that she/ he is an officer duly Authorized by the Trib Total Media, Inc., Publisher of The Daily News, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.


Division Manager
Trib Total Media, Inc.

Sworn to and subscribed before me this
14 day of Jan 2013


Notary Public

Commonwealth of Pennsylvania
Legals

OFFICIAL NOTICE

The Elizabeth Borough Municipal Authority, 1 Locust Street, Elizabeth, PA 15037, intends to file an Amendment to its articles of incorporation pursuant to Section 5605 of the Municipal Authorities Act, as amended, with the Commonwealth no sooner than January 17, 2013. This amendment extends the life of the Authority fifty (50) years from the date of the approval of the Articles of Amendment.
5472917(1/12/2013)

Statement of Advertising Costs

THOMAS SHANNON BARRY & ASSOCIATES
1103 EAST CARSON STREET
PGH, PA 15203

To Trib Total Media, Inc.		
For Publishing the notice or advertisement attached hereto on the above stated dates	\$	85.00
Probating Same	\$	
Total	\$	85.00

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Bonnie Bogdan, Notary Public
Liberty Boro, Allegheny County
My Commission Expires Jan. 28, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Publisher's Receipt for Advertising Costs

The Trib Total Media, Inc., publisher of The Daily News, a newspaper of general circulation, hereby acknowledges a receipt of the aforesaid advertising and publication costs, and certifies the same have been fully paid.

Trib Total Media Inc., Publisher
of The Daily News, a Newspaper.

By _____

Proof of Publication of Notice in Pittsburgh Legal Journal

Official Notice

The Elizabeth Borough Municipal Authority, 1 Locust Street, Elizabeth, PA 15037, intends to file an Amendment to its articles of incorporation, pursuant to Section 5605 of the Municipal Authorities Act, as amended, with the Commonwealth no sooner than February 19, 2013. This amendment extends the life of the Authority fifty (50) years from the date of the approval of the Articles of Amendment.

13-01100 Feb 14, 2013

Commonwealth of Pennsylvania }
County of Allegheny, } SS:

Before me, the undersigned notary public, this day, personally appeared Amy Pennell to me known, who being duly sworn according to law, deposes and says the following:

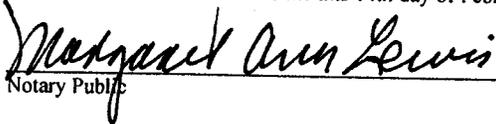
I am an agent of the Pittsburgh Legal Journal. The Pittsburgh Legal Journal is the duly designated legal newspaper for Allegheny County, Pennsylvania and was established on April 23, 1853. It is published at 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Allegheny County, Pennsylvania; and a copy of the printed notice appearing to the right is exactly the same as is printed or published in the issue or issues of said legal newspaper on the following date or dates:

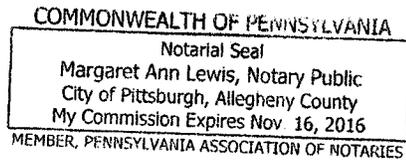
February 14, 2013

That affiant further states that she is the designated agent of the Allegheny County Bar Association, the owner of said legal newspaper, that she is not interested in the subject matter of the aforesaid notice or advertising, and that all the allegations of the aforesaid statement as to time, place, and character of publication are true.


Signature of Affiant

Subscribed and sworn to before me this 14th day of February, 2013


Notary Public



Amy R. Schrempf
Thomas Shannon Barry & Associates
1103 E. Carson St.
Pittsburgh, PA 15203

Statement of Advertising Cost

For publishing the notice or advertisement on the above stated dates.....\$75.05
Proof fees.....\$1.00
Total\$76.05

Pittsburgh Legal Journal
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Phone 412-261-6255

TO: ALJ Erin Gannon, ALJ Steve Haas
FROM: Joseph DeChicchis
RE: A-2025-3052983

The assets of the EBMA should not be sold, and the EBMA should not be dissolved

As recently as 2012, both the Elizabeth Borough Municipal Authority (EBMA) and the Borough of Elizabeth resolved to continue operating the EBMA's Sewage System for another 50 years, thus implicitly affirming, in accord with 53 Pa.C.S. §5601–§5622, that the EBMA has “a public interest” and is “self-sustaining”. Since there is no demonstrably significant change since 2012, and in light of the public's general satisfaction with the EBMA, I must ask that the PUC not permit the sale proposed by the APA under consideration for a number of reasons, including the following.

(1) Since early 2023 (if not earlier), the EBMA has been considering this Asset Purchase Agreement (APA), but the rate-payers of this Sewage System (not to mention the general public) has only been given notice of this very recently. It is improper that the EBMA's Board did not earlier inform its customer base of the APA's ramifications and solicit commentary from the rate-payers and general public. The attorney for the Pennsylvania American Water Company (PAWC), on 12 May, proposed 5 June as the date for a public input hearing, and requested that “the public input hearing be held telephonically rather than in person”; which is clearly designed to shield the PAWC and its attorneys from facing public questioning at an in-person forum. I do not understand why the PUC Commissioners agreed to have this telephone hearing on such short notice, with no requirement for effective public advertising. The rate-payers received neither USPS mail nor e-mail about this public input hearing. It is ludicrous that the PAWC posted a Facebook message in feigned compliance of the Administrative Law Judges' instruction “that Pennsylvania-American will publish notice of the date, time and registration instructions for the public input hearing as soon as possible and for two consecutive weeks”, without even posting this on the website used to pay PAWC bills.

(2) As both the head of a small nonprofit corporation in Elizabeth Borough and also a residential customer in Forward Township, I can speak for rate-payers in both municipalities, and we rate-payers have not been properly informed about this APA between the Elizabeth Borough Municipal Authority (EBMA) and the Pennsylvania American Water Company (PAWC). Moreover, in its filing to the PUC, the PAWC labeled critical appendices “Confidential” in order to keep these documents from public scrutiny. There is no reason to believe that the several secret appendices filed with the PUC “under seal” should not be available for public inspection, especially because understanding these documents is necessary for evaluating the APA. In particular, the public should be able to inspect the original 1950 Articles of Incorporation for the EBMA. Moreover, the 2013 amendment extending the life of the EBMU beyond 2062 should be shown to the public and discussed in a public forum.

(3) In contradiction of the PUC filings by the PAWC and the EBMA, we rate-payers will be significantly harmed by the proposed sale. At a minimum, we will see rates at least double in the short term after the sale. However, there are other harms which are harder to put a price on. For example, the PAWC's fiduciary responsibility is to the shareholders of American Water Works Company; not to the customers served by the EBMA Sewage System. Irrigation meters, other sewer deduct meters, and other accommodations will likely be harder to implement if the Sewage System is sold to the PAWC.

(4) I have been a lifelong observer of the EBMA's Sewage System. Over the years, I have attended the EBMA's Board meetings, and I have talked with Board members and EBMA staff. Since early 2023, I have been gathering information about this proposed APA. From the proceedings of EBMA meetings, the commentary of engineers hired by the EBMA, and even the admissions of the EBMA's own board members, I have concluded that our sewage rates will increase more under the proposed PAWC ownership than under

continuing EBMA ownership. The only parties which stand to gain from the APA are the municipal governments of Elizabeth Borough and Elizabeth Township.

(5) The Sewage System is currently being run by competent engineers. If I thought that the PAWC could improve the current service, I would consider crafting an APA, but I would craft an APA which would benefit the EBMA's rate-payers. After all, it is the rate-payers whose contributions have built the assets of the EBMA, and thus the rate-payers should directly benefit from any sale of those assets. In the event of a sale, however, I would ensure that the APA contain adequate provisions to accommodate low-income rate-payers who will be charged higher rates after the sale. The PAWC's filing indicates that it is open to settlement; therefore, at a minimum, the current APA should be re-crafted under the watchful eye of the OCA, the OSBA, and key rate-paying fiduciaries.

(6) Why should \$28 (or 14, or 11) million be given to Elizabeth Borough and not to the EBMA's rate-payers? The Elizabeth Borough government has long proven itself to be fiscally irresponsible, so why should we approve giving it more money to squander? If the PAWC is to pay a premium to acquire the Sewage System, then the APA should require the creation of a trust fund to cushion the current EBMA rate-payers against future rate hikes.

(7) It seems very wrong that the Chair of the EBMA's board is also the President of the Elizabeth Borough Council. The EBMA should be responsible primarily to its rate-payers, not to any particular municipal government; especially in this case where rate-payers are located in four different municipalities. It seems that the municipalities of Elizabeth Borough and (to a lesser extent) Elizabeth Township have hijacked the governance of the EBMA to the detriment of its enslaved rate-paying customer base. It appears that the PAWC has convinced the EBMA board members to neglect their duty to the EBMA rate-payers; to instead back a scheme to secure a windfall profit for Elizabeth Borough (and to a lesser extent for Elizabeth Township).

(8) I personally know current EBMA board members, and I have known other EBMA board members over the past four decades. I also know government officials of Elizabeth Borough, Elizabeth Township, and Forward Township. In my estimation, these people have been good people working hard to make our community better. I am also familiar with the fiscal strains that Elizabeth Borough experiences, wrestling with an inadequate tax base, and trying to get money to improve its infrastructure and services. Given this background, it is not surprising that the Borough government has been hoping to net some cash from an EBMA asset sale. I understand the motivation behind this APA; but this APA is wrong, and it should not be approved.

(9) The 1950 founding document of the EBMA has yet to be produced. The subsequent amendments are not fully governing, but only pertain to the limited scope of those amendments. Given that the town of Elizabeth extends beyond the borders of the Borough of Elizabeth, and given the long history of cooperation among the people between the Youghiogheny and Monongahela rivers, I would be curious to read the original 1950 Articles of Incorporation, perhaps to discern guidance for resolving the current litigation initiated by Forward Township on behalf of its residents who pay into the EBMA Sewage System. We may presume that the filing of the original 1950 Articles of Incorporation were in compliance with the Municipalities Authorities Act of 1945, as averred by the EBMA and other parties. Further, we may presume that the 2013 Amendment to extend the existence of the EBMA for another 50 years was in compliance with the Commonwealth's requirement that the EBMA be a self-sustaining public interest. There is nothing in the PUC filings that indicate this is not the case. The EBMA has been serving its rate-payers well, and there is no reason to sell the Sewage System to a private company just so some municipal governments can get hold of some cash.