

COMMONWEALTH OF PENNSYLVANIA



DARRYL A. LAWRENCE  
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE  
555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
(800) 684-6560

 @pa\_oca  
 /pennoca  
FAX (717) 783-7152  
consumer@paoca.org  
www.oca.pa.gov

July 17, 2025

**Via Electronic Filing**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**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 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, and portions of the Borough of Lincoln, and the Townships of Elizabeth and Forward, in Allegheny County, Pennsylvania; Docket No. A-2025-3052983**

**Letter in Lieu of Reply Brief**

Dear Secretary Homsher,

Please be advised that the Office of Consumer Advocate (OCA) will not be filing a Reply Brief in the above-referenced proceeding. The OCA is a signatory of the pending Settlement before Administrative Law Judges Erin L. Gannon and Steven K. Haas, filed on or about June 27, 2025. For the reasons set forth in the OCA's Statement in Support of Settlement (Appendix G to the Joint Petition for Approval of Non-Unanimous Settlement of All Issues in the above-referenced case), the OCA believes that the Joint Applicants have proven that approval of the Settlement is in the public interest.

Particularly, and as expressed in the OCA's Statement in Support of Settlement, the Joint Petitioners (PAWC and Elizabeth Borough Municipal (EBMA)) have demonstrated that the EBMA

lacks technical fitness and ability to complete the requirements of the directives and improvements in the DEP's Long Term Control Plan. *See* OCA St. 1-SR at 6-7; PAWC St. 2-R at 2-6; EBMA St. 1-R at 2-3; Tr. 44-50, 136-143. Thus, the OCA respectfully requests that the terms and conditions of the Settlement be approved by the Pennsylvania Public Utility Commission (Commission).

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.

Respectfully Submitted,

/s/ Katie Kennedy

Katherine "Katie" Kennedy, Esq.  
Assistant Consumer Advocate  
PA Attorney I.D. # 317237

Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Counsel for:  
Darryl A. Lawrence  
Consumer Advocate

cc: Certificate of Service  
Joseph Magee, Bureau of Consumer Services ([jmagee@pa.gov](mailto:jmagee@pa.gov))  
Louise Fink Smith, Esq., Law Bureau. ([finksmith@pa.gov](mailto:finksmith@pa.gov))  
Norma Bowman, Esq., Law Bureau ([nobowman@pa.gov](mailto:nobowman@pa.gov))  
Office of Special Assistants ([ra-osa@pa.gov](mailto:ra-osa@pa.gov))

CERTIFICATE OF SERVICE

In re: Application of Pennsylvania- :  
American Water Company under Sections : Docket No. A-2025-3052983  
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 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, and portions of :  
the Borough of Lincoln, and the :  
Townships of Elizabeth and Forward, in :  
Allegheny County, Pennsylvania :

I hereby certify that I have this day served a true copy of the following documents, the Office of Consumer Advocate’s Letter in Lieu of Reply Brief, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 17th day of July 2025.

SERVICE BY E-MAIL ONLY

Michael A. Podskoch, Jr., Esq.  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
mpodskoch@pa.gov  
*Counsel for I&E*

Steven C. Gray, Esq.  
Rebecca Lyttle, Esq.  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
sgray@pa.gov  
relyttle@pa.gov  
*Counsel for OSBA*

Teresa K. Harrold, Esq.  
Corporate Counsel  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
teresa.harrold@amwater.com

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

Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
717-783-5048

Dated: July 17, 2025

David P. Zambito, Esq.  
Jonathan P. Nase, Esq.  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
dzambito@cozen.com  
jnase@cozen.com  
*Counsel for PAWC*

Joseph R. Dalfonso, Esq.  
Gary J. Matta, Esq.  
Dodaro, Dalfonso, Matta & Cambest, P.C.  
1900 Main Street, Suite 207  
Canonsburg, PA 15317  
jdalfonso@ddmclaw.com  
gmatta@ddmclaw.com  
*Counsel for EBMA*

/s/ Christy M. Appleby  
Christy M. Appleby, Esq.  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 85824  
Email: CAppleby@paoca.org

Katie Kennedy, Esq.  
Assistant Consumer Advocate  
PA Attorney I.D. # 317237  
Email: KKennedy@paoca.org  
Email: OCAEBMA1329@paoca.org

*Counsel for:*  
Darryl A. Lawrence  
Consumer Advocate