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March 2, 2026

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

VIA ELECTRONIC FILING

RE: Petition for Approval of Borough of Ambler's Water Long-Term Infrastructure Improvement Plan for the Period of January 1, 2024, Through December 31, 2028; Docket No. P-2023-3041666

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition of Borough of Ambler to Withdraw Approval of its Water Long-Term Infrastructure Improvement Plan for the Period of January 1, 2024, through December 31, 2028, Recission of the Related Order Entered November 10, 2022, Waiver of the 2026 Asset Optimization Plan and for the Amendment of the Borough of Ambler's Petition for Lead Service Line Replacement Program.

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

Sincerely,

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

Adeolu A. Bakare
MCNEES WALLACE & NURICK LLC

Counsel to the Borough of Ambler

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 the Borough of Ambler

Dated this 2nd day of March, 2026, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition for Approval of Borough of Ambler's :
Water Long-Term Infrastructure Improvement : Docket No. P-2023-3041666
Plan for the Period of January 1, 2024, Through :
December 31, 2028 :**

**PETITION OF BOROUGH OF AMBLER TO WITHDRAW
APPROVAL OF ITS WATER LONG-TERM INFRASTRUCTURE
IMPROVEMENT PLAN FOR THE PERIOD OF JANUARY 1, 2024,
THROUGH DECEMBER 31, 2028, RECISSION OF THE RELATED ORDER ENTERED
NOVEMBER 10, 2022, WAIVER OF THE 2026 ASSET OPTIMIZATION PLAN AND
FOR THE AMENDMENT OF THE BOROUGH OF AMBLER'S PETITION FOR LEAD
SERVICE LINE REPLACEMENT PROGRAM**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 1.82, 5.41, 121.4(g), and 121.7(d), the Borough of Ambler ("Borough") hereby files this Petition ("Petition to Withdraw") requesting approval from the Pennsylvania Public Utility Commission ("Commission" or "PUC") to withdraw the Borough's Long-Term Infrastructure Improvement Plan ("LTIIIP"), which covers the period January 1, 2024, through December 31, 2028 and rescind the Commission's November 9, 2023, Order at Docket No. R-2023-3041666 ("LTIIIP Order"). The Borough also requests that the Commission waive the 2026 Asset Optimization Plan and amend the Borough's Petition for Lead Service Line Replacement Program, Related Tariff Changes, Modification of Long-Term Infrastructure Improvement Plan and Waiver of Termination Regulation ("Petition for LSLR"), filed on April 15, 2025, to withdraw the request for a waiver of the requirement to update the LTIIIP with the Lead Service Line Replacement ("LSLR") Plan.

The Commission approved the LTIIIP for the Borough through its LTIIIP Order. Approval of the LTIIIP was a precondition to implementing a Distribution System Improvement Charge

("DSIC"). However, the Borough has never implemented a DSIC charge and has further determined administration of a DSIC to be overly burdensome for its staff. Because the Borough has determined it will not utilize its DSIC, the LTIIIP no longer serves the purpose for which it was filed. Consequently, the Borough respectfully requests Commission approval to withdraw its LTIIIP, rescind the LTIIIP Order, waive the filing of its 2026 Annual Asset Optimization Plan ("AOP") during the pendency of this Petition, and amend the pending LSLR Plan to reflect withdrawal of the LTIIIP.

I. BACKGROUND

1. The Borough is a Pennsylvania public utility that provides water service to customers within the Borough and in Lower Gwynedd, Upper Dublin, Whitmarsh and Whitpain Townships. As a Pennsylvania municipal corporation providing water service to customers outside its municipal boundaries, the Borough is subject to the regulatory authority of the Commission.

2. On July 10, 2023, pursuant to Act 11 of 2012 ("Act 11") which amended, among other things, Chapter 13 of the Pennsylvania Public Utility Code ("Code"), 52 Pa. Code §§ 121.1 et seq., the Commission's Final Implementation Act 11 of 2012, Docket No. M-2012-2293611 entered August 2, 2012, and the Commission's Final Supplemental Implementation Act 11 of 2012, Docket No. M-2012-2293611 entered September 21, 2016, the Borough filed a Petition For Approval of Borough of Ambler's Water Long-Term Infrastructure Improvement Plan for the Period January 1, 2024, through December 31, 2028 ("LTIIIP Petition").

3. The Borough filed the LTIIIP as a precondition for implementation of a Distribution System Improvement Charge ("DSIC").

4. On November 9, 2023, the Commission entered the LTIIIP Order approving the Borough's filing.

5. The LTIIIP Order also required the Borough to include a report that details its updated unaccounted-for water and main break occurrence rates in every annual Asset Optimization Plan ("AOP") pursuant to 52 Pa. Code § 121.6.¹

II. WITHDRAWAL OF LTIIIP AND RECISSION OF LTIIIP ORDER

6. Despite receiving approvals for its LTIIIP, the Borough has not implemented a DSIC since the LTIIIP Order was issued. Rates remain as they were established in the Borough's last base rate case.²

7. While the Borough continues to undertake repairs and upgrades to its distribution system, the Borough has recently determined administration of a DSIC to be overly burdensome for its limited staff. To reduce the burden on a small municipal utility staff, and to allow the Borough to focus on using its resources to improve and maintain its system, the Borough is requesting to withdraw its LTIIIP and rescind the LTIIIP Order by means of this Petition.

8. The Commission has broad authority over LTIIIPs. Act 11, specifically Section 1360(b) of the Code, provides the Commission with the authority to require a water utility to submit a new LTIIIP. 66 Pa. C.S. § 1360(b). Further, the Commission's Regulations provide that the Commission may direct a utility to "revise, update or resubmit" an LTIIIP upon a finding that the utility's approved LTIIIP is inadequate. 52 Pa. Code § 121.7(d).

9. The Commission Regulations also provide for a utility's ability to withdraw its LTIIIP filing under 52 Pa. Code § 5.94. 52 Pa. Code § 121.7(d) states:

(d) If the Commission determines during this periodic review that a utility's approved LTIIIP is no longer adequate to ensure and maintain efficient, adequate, safe, reliable and reasonable service, the Commission will direct the utility to revise, update or resubmit its LTIIIP as appropriate. If the utility elects to withdraw its LTIIIP filing under § 5.94 (relating to withdrawal of

¹ LTIIIP Order at 18-19.

² See *Pennsylvania Public Utility Commission Office of Small Business Advocate and Richard Shorin v. Borough of Ambler – Water Department*, Order, Docket No. R-2022-3031704 (November 10, 2022).

pleadings in a contested proceeding), the utility's approved DSIC mechanism will immediately terminate and the utility may not recover the expenses for the work it has performed until it files a base rate proceeding.³

10. While the Commission has made no adverse determinations about the Borough's LTIP, the Regulations indicate that a utility may elect to withdraw its filed LTIP under Sections 1.82 or 5.94 of the Commission's Regulations. 52 Pa. Code § 121.4(g) states:

If the Commission determines that the utility must file a new or revised LTIP under subsection (f), the utility may elect to withdraw its filed LTIP under § 1.82 or § 5.94 (relating to withdrawal or termination; and withdrawal of pleadings in a contested proceeding). If the utility elects to withdraw its LTIP filing, the utility is not eligible to implement its proposed DSIC mechanism or to continue its previously-approved DSIC mechanism.⁴

11. Additionally, because the Commission issued the LTIP Order approving the Borough's filed LTIP, the Borough respectfully requests that Commission rescind such order pursuant to Section 703(g) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 703(g).

12. To enable the Borough to most effectively use its resources and staffing to maintain and improve its system, and to reduce an unneeded administrative burden, the Borough respectfully requests that the Commission approve the Borough's requests to withdraw the its LTIP and to rescind the LTIP Order.

III. LIMITED WAIVER FOR 2026 ANNUAL ASSET OPTIMIZATION PLAN

13. The Commission's LTIP Order also required the Borough to submit an annual AOP pursuant to 52 Pa. Code § 121.6. Through this Petition, the Borough also respectfully requests that the Commission grant a limited waiver pursuant to 52 Pa. Code § 5.43 tolling the filing date for the 2026 AOP pending a final PUC Order addressing the Borough's Petition to Withdraw. This will

³ 52 Pa. Code § 121.6.

⁴ 52 Pa. Code § 121.4(g).

prevent the Borough from expending ratepayer resources on a filing that may no longer be required following the Commission's disposition of this Petition.

IV. AMENDMENT OF LEAD SERVICE LINE REPLACEMENT PLAN

14. On April 15, 2025, the Borough filed the Petition for LSLR as required by 52 Pa. Code §§ 65.51, et seq. In Section V of the Petition for LSLR, the Borough requested that the Commission conditionally approve the LSLR Plan subject to submission of a modified LTIP. Petition for LSLR at 22-23. The LSLR remains pending at this time, meaning the Borough has not filed the modified LTIP proposed to be filed as a compliance filing upon conditional approval of the Borough's LSLR Plan.

15. Upon withdrawal of the LTIP, the requested waiver seeking leave to file a modified LTIP as a compliance filing becomes moot. To ensure the LSLR remains consistent with this Petition, the Borough requests that the Commission amend the Petition for LSLR to withdraw the waiver requested in Section V of the LSLR and the corresponding Order Paragraph D.

V. CONCLUSION

WHEREFORE, the Borough of Ambler respectfully requests the Pennsylvania Public Utility Commission:

- (1) Approve this Petition to Withdraw the Long-Term Infrastructure Improvement Plan of the Borough of Ambler and to Rescind the Commission's November 9, 2023, LTIP Order;
- (2) Grant the requested waiver tolling the deadline for filing a 2026 AOP during the pendency of this Petition.
- (3) Approve the Borough's request that the Commission amend the Borough's April 15, 2025, Petition for LSLR to withdraw the waiver requested in Section V therein and the corresponding Ordering Paragraph D; and
- (4) Take any other action needed to effectuate this Petition to Withdraw.

Respectfully submitted,

By: _____
Adeolu A. Bakare (PA I.D. No. 208541)
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Dated: March 2, 2026

Counsel to the Borough of Ambler

VERIFICATION

I, Kyle Detweiler, as Borough Manager for the Borough of Ambler, hereby state that the facts set forth above 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).

Dated: March 2, 2026 | 4:03 PM EST

Signed by:



Kyle Detweiler
Borough Manager