

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                |
|---|---|----------------|
| Joint Application of American Water       | : |                |
| Works Company, Inc., Essential Utilities, | : |                |
| Inc., Aqua Pennsylvania, Inc., Aqua       | : |                |
| Pennsylvania Wastewater, Inc., Peoples    | : | A-2025-3058927 |
| Natural Gas Company LLC and Alpha         | : | A-2025-3058928 |
| Merger Sub, Inc. for a Certificate of     | : | A-2025-3058929 |
| Public Convenience under Sections         | : |                |
| 1102(a)(3) and 2210(c) of the Public      | : |                |
| Utility Code and All Other Necessary      | : |                |
| Approvals to Effect a Change of Control   | : |                |
| Of Aqua Pennsylvania, Inc., Aqua          | : |                |
| Pennsylvania Wastewater, Inc., and        | : |                |
| Peoples Natural Gas Company LLC           | : |                |

**INTERIM ORDER  
GRANTING PETITION TO INTERVENE BY THE COUNTY OF MONTGOMERY**

On November 26, 2025, the American Water Works Company, Inc., Essential Utilities, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., Peoples Natural Gas Company LLC and Alpha Merger Sub, Inc. (Joint Applicants) filed applications (Joint Applications) to obtain the approval of the Commission under Chapters 11 and 22 of the Public Utility Code for a change of control of Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc. (Aqua PA) and Peoples Natural Gas Company LLC (Peoples) to be affected by the merger of Essential and Merger Sub, a wholly owned subsidiary of American Water (the Merger). The Joint Applicants also requested that the Commission approve, under Chapter 21 of Code, certain new affiliated interest agreements to facilitate the sharing of resources and best practices created by the Merger between American Water and Essential Utilities. The Joint Application included written testimony and exhibits describing the Merger and the substantial affirmative public benefits it is expected to produce in Pennsylvania.

The Bureau of Investigation & Enforcement (I&E) and the Office of Small Business Advocate (OSBA) filed notices of appearance. The Office of Consumer Advocate (OCA), the Coalition

for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Chester Water Authority (CWA), and Upland Borough, Delaware County, filed protests. The County of Delaware; East Whiteland Township, Chester County; Manchester Township, York County; Spring Garden Township, York County; West Manchester Township, York County; York Township, York County; City of Butler, Butler County; East Norriton Township; the Township of Lower Makefield, Bucks County; and North York Borough, York County; and the Utility Workers Union of America, AFL-CIO, Local 612 (UWUA) filed petitions to intervene.

The Joint Applications were assigned to Administrative Law Judge (ALJ) Mary D. Long and scheduled for a Prehearing Conference on January 22, 2026. By Prehearing Conference Order dated January 7, 2026, the Parties were directed to file prehearing memoranda.

On January 20, 2026, the Parties filed their prehearing memoranda as directed. The Joint Applicants also filed Answers opposing the Petitions to Intervene of Township of Lower Makefield, the City of Butler, Manchester Township, North York Borough, Spring Garden Township, West Manchester Township, and York Township. The Joint Applicants also filed preliminary objections to the protests of Upland Borough and the CWA.

The Prehearing Conference was held as scheduled by ALJ Long. Upland Borough did not attend. No party objected to the petitions to intervene of the County of Delaware, East Whiteland Township, East Norriton Township or UWUA. These petitions to intervene were granted.

The Joint Applicants objected to the petitions to intervene of Township of Lower Makefield, the City of Butler, Manchester Township, North York Borough, Spring Garden Township, West Manchester Township, and York Township. OSBA and OCA supported the intervention of the Municipalities. These petitions to intervene were granted.

On February 5, 2026, a Judge Change – Assignment Notice was issued, indicating the Presiding ALJ had been changed from ALJ Mary D. Long to ALJs Emily I. DeVoe and Ann Quimby.

On February 18, 2026, the County of Montgomery (Montgomery) filed a Petition to Intervene (Petition) that included a Notice to Plead.

On March 3, 2026, the undersigned ALJs issued an Interim Order dismissing the Joint Applicants' Preliminary Objections to the Formal Protests of the CWA and Upland Borough Delaware County.

On March 6, 2026, Essential Utilities, Inc. (Essential) filed an Answer in response to Montgomery's Petition.

On March 9, 2026, Essential filed a Corrected Answer (Answer) in response to Montgomery's Petition.

On March 10, 2026, American Water Works Company, Inc. and Alpha Merger Sub, Inc. filed a letter with the Secretary of the Commission indicating they did not oppose Montgomery's Petition.

It is now appropriate to rule on Montgomery's Petition.

## DISCUSSION

Montgomery avers in the Petition that it is interested in the instant litigation because a significant number of its residents receive water service from Essential and/or its subsidiaries, as well as Pennsylvania-American Water Company (PAWC), and Essential's headquarters are located in the County. Montgomery further asserts it seeks to represent and protect the interests of residents and constituents by ensuring that these customers retain the same benefits and protections provided for by their current service. Montgomery indicates its participation in the instant litigation will not unduly prejudice any party. Montgomery asserts the Petition was filed after the December 29, 2025 deadline because of delays in getting the necessary authority to seek to intervene, and pursuant to representations made by the Joint Applicants during the Prehearing Conference that they would not oppose late-filed applications.

Essential avers in its Answer that Montgomery failed to allege good cause for its intervention out of time because Montgomery did not allege it was unaware of the proceeding. Essential agreed that its headquarters are located in Montgomery County and that Aqua PA and PAWC provide water service to Montgomery County residents but disagreed that these factors give rise to an interest that satisfies the minimum requirements of 52 Pa. Code 5.72(a)(2) that allow for intervention. Essential asserted they did not represent that they would not oppose *any* late-filed applications.

A petition to intervene may be brought when there is a claim of a right or interest of such a nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. 52 Pa. Code § 5.72 (a). Such circumstances exist when there is a right conferred by statute, when an interest is present that may be directly affected and is not adequately represented by existing participants when the petition may be bound by the action of the Commission in the proceeding, and when another interest of such nature that participation of the participant may be in the public interest exists. *Id.*

Here, the undersigned ALJs find that Montgomery may bring a petition to intervene in light of the circumstances. As a result, the Petition to Intervene by Montgomery County is granted.

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene of the County of Montgomery is granted.
  
2. That the County of Montgomery shall be added to the Commission's records as an active party to this litigation and shall be treated as such by the other active parties in this matter.

Date: March 19, 2026

\_\_\_\_\_/s/  
Emily I. DeVoe  
Administrative Law Judge

Date: March 19, 2026

\_\_\_\_\_/s/  
Ann Quimby  
Administrative Law Judge

**A-2025-3058927, A-2025-3058928, & A-2025-3058929 - JOINT APPLICATION OF AMERICAN WATER WORKS COMPANY, INC., ESSENTIAL UTILITIES, INC., AQUA PENNSYLVANIA, INC., AQUA PENNSYLVANIA WASTEWATER, INC., PEOPLES NATURAL GAS COMPANY LLC AND ALPHA MERGER SUB, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE UNDER SECTIONS 1102(A)(3) AND 2210(C) OF THE PUBLIC UTILITY CODE AND ALL OTHER NECESSARY APPROVALS TO EFFECT A CHANGE OF CONTROL OF AQUA PENNSYLVANIA, INC., AQUA PENNSYLVANIA WASTEWATER, INC., AND PEOPLES NATURAL GAS COMPANY LLC**

*Revised March 9, 2026*

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