

**E-FILED**

March 26, 2026

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

**Re: Application of Pennsylvania-American Water Company under Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code, Pa C.S. §§1102(a) and 1329, for approval of: (1) the transfer, by sale, to Pennsylvanian American Water Company, of substantially all of the assets, properties rights related to the water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority and; (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of, Saltlick, Springfield, Bullskin, Connellsville, and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania/ Docket No. A-2025-3055741**

Dear Secretary Homsher:

Enclosed please find a Petition to Intervene on behalf of the Borough of Ohiopyle in the above-referenced proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions with regard to this matter, please do not hesitate to contact me.

Very truly yours,

TURTURICE & ASSOCIATES, LLC

By: 

\_\_\_\_\_  
Lane M. Turturice  
Attorney at Law

LMT/elmt

Enclosure

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-	:	Docket No. A-2025- 305574
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 water treatment and distribution	:	
system owned and operated by the	:	
Indian Creek Valley Water Authority,	:	
and (2) the rights of Pennsylvania-	:	
American Water Company to begin	:	
to offer or furnish water service to the	:	
public in all of the Borough of	:	
Ohiopyle and portions of the	:	
Townships of Saltlick, Springfield,	:	
Bullskin, Connellsville and Stewart,	:	
Fayette County and all of the	:	
Borough of Donegal and portions of	:	
the Townships of Donegal and Mount	:	
Pleasant, Westmoreland County,	:	
Pennsylvania (“Application”)	:	

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**PETITION TO INTERVENE BY BOROUGH OF OHIOPYLE**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-	:	Docket No. A-2025- 305574
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 water treatment and distribution		
system owned and operated by the		
Indian Creek Valley Water Authority,		
and (2) the rights of Pennsylvania-		
American Water Company to begin		
to offer or furnish water service to the		
public in all of the Borough of		
Ohiopyle and portions of the		
Townships of Saltlick, Springfield,		
Bullskin, Connellsville and Stewart,		
Fayette County and all of the		
Borough of Donegal and portions of		
the Townships of Donegal and Mount		
Pleasant, Westmoreland County,		
Pennsylvania (“Application”)		

**NOTICE OF ENTRY OF APPEARANCE**

Please enter the appearance of Lane M. Turturice, Esq., Solicitor for the Borough of Ohioypyle, in the above-designated matter, authorized to accept service on behalf of said participant in this matter.

Respectfully submitted,

TURTURICE & ASSOCIATES, LLC

/s/ Lane M. Turturice

Lane M. Turturice, Esq.

PA Attorney I.D. # 85088

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania-	:	Docket No. A-2025- 305574
American Water Company under	:	
Sections 1102(a) and 1329 of the	:	
Pennsylvania Public Utility Code, 66	:	
Pa C.S. §§ 1102(a) and 1329, for	:	
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to Pennsylvania-American Water		
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to offer or furnish water service to the		
public in all of the Borough of		
Ohiopyle and portions of the		
Townships of Saltlick, Springfield,		
Bullskin, Connellsville and Stewart,		
Fayette County and all of the		
Borough of Donegal and portions of		
the Townships of Donegal and Mount		
Pleasant, Westmoreland County,		
Pennsylvania (“Application”)		

**PETITION TO INTERVENE**

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (the “PUC” or “Commission”), 52 Pa. Code §§ 5.71-.75, the Borough of Ohioypyle (the “Borough”) through its

undersigned legal counsel, hereby petitions the Commission to intervene in the above-captioned proceeding. In support thereof, the Borough states as follows:

1. On or about November 3, 2025, the Pennsylvania American Water Company (the “PAWC”) filed a Petition with the Commission for approval of an application 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 water treatment and distribution system owned and operated by the Indian Creek Valley Water Authority, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of the Borough of Ohiopyle and portions of the Townships of Saltlick, Springfield, Bullskin, Connellsville and Stewart, Fayette County and all of the Borough of Donegal and portions of the Townships of Donegal and Mount Pleasant, Westmoreland County, Pennsylvania

2. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which provides in relevant part that “[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.” 52 Pa. Code § 5.72(a).

3. Section 5.72 further provides that the right or interest may be one “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.” 52 Pa. Code. § 5.72(a)(2).

4. Even though Section 5.72 speaks of the rights of a “person” to intervene, this includes entities in addition to natural born persons. See Lyft, Inc. v. Pa. Public Utility Commission, 145 A.3d 1235, 1246 (Pa. Commw. Ct. 2016) (discussing the Pittsburgh Post-Gazette's ability to intervene in a matter before the Commission).

5. Further, the Commonwealth Court recently announced that intervention in a Commission proceeding is appropriate where intervention “may be in the public interest” and that “the standard for intervention in a proceeding before the [Commission] is easily satisfied.” Allegheny Reprod. Health Ctr. v. Pa. Dep't of Human Servs., 225 A.3d 902 (Pa. Commw. Ct. 2020) (emphasis added) (internal quotations omitted).

6. The Borough, is a political subdivision and body politic of the Commonwealth of Pennsylvania properly organized and constituted pursuant to the Commonwealth of Pennsylvania Borough Code (8 P.S. § 101 et. seq.) and maintains its principal place of business at PO Box 83, Ohiopyle, Fayette County, Pennsylvania 15470.

7. Indian Creek Valley Water Authority, the (“Authority” or “ICVWA”) is a body corporate and politic organized and existing under the

Pennsylvania Municipality Authorities Act, 53 Pa. C.S. § 5601 et seq.

8. On June 15, 2012, the Authority and the Borough entered into an Agreement regarding a first right of refusal of the sale of certain real estate located within the Borough of Ohiopyle.

9. Pursuant to said Agreement, a first right of refusal held by the Borough encumbers two separate tracts of real estate conveyed to the Authority by the Borough, both of which remain assets of the Authority.

10. The Agreement referenced above specifically states that:

“For a period of twenty (20) years from the date of this Agreement, ICVWA agrees that should ICVWA, or ICVWA's successors, or assigns, at any time, receive an offer to purchase ICVWA's real estate described in Exhibit A attached hereto and made a part hereof ("Real Estate"), or any part of the Real Estate, and desires to accept the offer, or should ICVWA at any time make an offer to sell the Real Estate, or any part of the Real Estate, ICVWA shall give Ohiopyle ninety (90) calendar days notice in writing of the offer ("Offer Notice"). Ohiopyle shall have the first option to purchase the Real Estate or any part of the Real Estate which is the subject of the Offer Notice by giving written notice to ICVWA of its intention to purchase within the ninety (90) day period according to the terms and conditions of this Agreement ("Right of First Refusal"). In the event that the Real Estate or any part of the Real Estate set forth in the Offer Notice is not sold for any reason, the Right of First Refusal shall remain in full force and effect for any subsequent offer or offers to sell or purchase.”

11. On March 27, 2025, the Authority approved an Asset Purchase Agreement with PAWC to sell virtually all of its assets to PAWC for a stated purchase price.

12. It is widely known that the Borough desires to reacquire the

tracts of land it sold to the Authority in 2012.

13. It is believed and therefore averred that while these two tracts of land are extremely valuable to the Authority, they are even more valuable to PAWC and would be an integral part of PAWC's plans for the Authority water system, because it would be a prime access point for PAWC to draw fresh water from the Youghiogheny River to be treated and sold to the customers of the ICVWA and beyond.

14. On or about May 22, 2025, this counsel sent the Authority correspondence, with copy to PAWC's counsel to remind the Authority that the Borough expects the Authority to honor its obligations under the 2012 Agreement.

15. Despite the fact that the Authority has proposed to sell all or substantially all of its assets to PAWC, it has oddly excluded the two subject tracts of land from the Asset Purchase Agreement with PAWC.

16. Instead of selling the two tracts of land as part of the Asset Purchase, it has been proposed as part of the Asset Purchase Agreement that PAWC will lease an easement from the Authority in perpetuity over these two tracts of land.

17. It is believed and therefore averred that the Authority and PAWC are colluding with one another in bad faith to defeat the Borough's first

right of refusal over the two tracts of land.

18. Implied in every Agreement is a covenant of good faith and fair dealing.

19. To date, the Borough has never received any notice from the Authority or PAWC regarding the existence of the Asset Purchase Agreement.

20. Therefore, the Application of PAWC seeking approval of the transfer of the assets of the Authority prejudices the Borough, because it did not receive formal notice of the Asset Purchase Agreement, part of which is designed to defeat the Borough first right of refusal and therefore, this omission has deprived the Borough of appropriate due process to support its position.

21. Had it received notice, the Borough would have acted appropriately to protect itself and weigh its options as to how best to react to the Authority's liquidation of certain assets which affect the Borough.

22. Overall, the scheme devised by PAWC to accept an easement over the two tracts of land verses a sale of real estate and avoid having to deal with the Borough and the totality of the circumstances surrounding the Borough's first right of refusal over the two tracts reserved and granted to the Borough under the 2012 Agreement prejudices the Borough.

23. The PUC must be made to consider the totality of the circumstances of the effects of PAWC's scheme to deprive the Borough of all

right and interest in the two tracts of land without ever having to take legal title to the two tracts of real estate, it has prejudiced the Borough and therefore, the Borough's intervention is not only proper, it is necessary to address this situation.

24. Finally, by and through the presentation of this petition, the Borough reserves its right to seek legal or equitable relief in an appropriate forum of its choosing because it believes the PUC may not have full and complete jurisdiction over all of the issues.

25. In conclusion, the Borough is entitled as a matter of law to intervene because it will suffer immediate and irreparable harm if the PUC denies this petition to intervene.

26. The Borough has a business address at PO Box 83, Ohiopyle, PA 15423.

27. The Borough is represented in this proceeding by Turturice & Associates, LLC:

Lane M. Turturice Esq., Solicitor  
70 E. Wheeling Street  
Washington, PA 15301  
724-470-9640  
lane@lmtlawyer.com

28. The Borough consents to the service of documents by electronic mail, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, the Borough respectfully requests that the Commission enter an order granting the Borough full status as an intervener in this proceeding with active party status.

Respectfully submitted,

TURTURICE & ASSOCIATES, LLC

/s/ Lane M. Turturice

Lane M. Turturice, Esq.

PA Attorney I.D. # 85088

[lane@lmtlawyer.com](mailto:lane@lmtlawyer.com)

**VERIFICATION**

I, Jessica Kruse, on behalf of the Borough of Ohiopyle, hereby state that the facts contained in the foregoing *Petition to Intervene of the Borough of Ohiopyle* are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, 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).

Date: March 26, 2026

/s/ Jessica Kruse

## CERTIFICATE OF SERVICE

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Borough's Petition to Intervene, 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 27th day of March 2026.

### SERVICE BY E-MAIL ONLY

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Respectfully submitted,

TURTURICE & ASSOCIATES, LLC

/s/ Lane M. Turturice

Lane M. Turturice, Esq.

PA Attorney I.D. # 85088

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