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April 28, 2026

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

VIA E-FILING

RE: In 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 system owned and operated by the East Coventry Township, and (2) the rights of Pennsylvania- American Water Company to begin to offer or furnish wastewater service to the public in the Township of East Coventry, Chester County, Pennsylvania; Docket No. A-2025-3053487

Dear Secretary Homsher:

Attached please find for filing the Petition of Pennsylvania-American Water Company ("PAWC") for Partial Reconsideration of Commission Staff Action by Secretarial Letter Dated April 8, 2026, to Conditionally Accept the Application of Pennsylvania-American Water Company for the Acquisition of the East Coventry Township Wastewater System.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a white background.

Adeolu A. Bakare
MCNEES WALLACE & NURICK LLC

Counsel to Pennsylvania-American Water Company

c: Certificate of Service

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 Pennsylvania-American Water
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Dated this 28th day of April, 2026, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In 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 system owned and operated by the East Coventry Township, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in the Township of East Coventry, Chester County, Pennsylvania

Docket No. A-2025-3053487

PETITION OF PENNSYLVANIA-AMERICAN WATER COMPANY FOR PARTIAL RECONSIDERATION OF COMMISSION STAFF ACTION BY SECRETARIAL LETTER DATED APRIL 8, 2026, TO CONDITIONALLY ACCEPT THE APPLICATION OF PENNSYLVANIA-AMERICAN WATER COMPANY FOR THE ACQUISITION OF THE EAST COVENTRY TOWNSHIP WASTEWATER SYSTEM

NOW COMES the Pennsylvania-American Water Company ("PAWC"), by and through counsel, pursuant to 52 Pa. Code § 5.44(a), to petition the Pennsylvania Public Utility Commission ("PUC" or "Commission") to reconsider, in part, the Bureau of Technical Utility Services' ("TUS") staff decision issued by Secretarial Letter dated April 8, 2026, in the above captioned matter. The Secretarial Letter conditionally accepts (subject to certain specified conditions) the above-captioned Application filed by PAWC on October 8, 2025, as amended (the "Application").

For the reasons set forth below, PAWC requests that the Commission amend the Secretarial Letter as requested in this Petition for Reconsideration of Staff Action ("Petition") and, thereafter, reissue the Secretarial Letter with the third condition for final acceptance of the Application removed. In support thereof, PAWC states as follows:

I. PROCEDURAL HISTORY

1. On October 8, 2025, PAWC filed the Application requesting, *inter alia*, that the Commission approve, pursuant to Sections 1102(a) and 1329 of the Pennsylvania Public Utility Code,¹ (1) the transfer, by sale, to Pennsylvania-American Water Company, of substantially all of the assets, properties and rights related to the wastewater system owned and operated by East Coventry Township ("East Coventry"), and (2) the rights of PAWC to begin to offer or furnish wastewater service to the public in East Coventry.

2. On November 12, 2025, TUS issued the first set of questions to PAWC as part of its application completeness review. PAWC responded to most of the questions, revised certain portions of its application on November 26, 2025, and requested an extension until December 12, 2025, to respond to two questions.²

3. On or around December 12, 2025, PAWC subsequently answered the outstanding questions and alerted the Commission that recent developments required PAWC to file an amended Application.³ The most significant development was East Coventry voting to adopt a 2026 rate increase for its customers, so PAWC needed to revise its rates calculations and proposed tariff pages.

4. On December 31, 2025, the Commission issued a Secretarial Letter stating that the Application remained incomplete and advising that PAWC should either request an extension of time or withdraw the Application to avoid a rejection of the Application.

5. On January 12, 2026, PAWC filed an amended Application.

¹ 66 Pa C.S. §§ 1102(a) and 1329.

² In a letter dated December 1, 2025, the Commission granted the deadline extension request for question Nos. 4 and 16.

³ PAWC explained these developments to TUS in a phone call around the same time.

6. On February 5, 2026, TUS issued a second set of questions to PAWC in furtherance of the application completeness review.

7. On February 19, 2026, PAWC responded to TUS's second set of questions. PAWC's responses relayed that PAWC believes several issues raised by TUS are outside the scope of the application completeness review phase described in the Commission's various implementation orders at Docket No. M-2016-2543193.

8. On April 8, 2026, the Commission issued a Secretarial Letter conditionally accepting the Application as amended, and directing PAWC to further amend the Application as follows ("Conditional Acceptance Letter"):

- a. (1) *Checklist Item No. 15.a. – Plant in Service. Provide an inventory of the used and useful plant assets to be transferred.* Revise the Application's Amended Appendix A-15 to include an updated Engineering Assessment with an inventory of the used and useful plant assets to be transferred which incorporates the gravity sewer mains, laterals, and other appurtenances within the Coventry Chase Development that are used to provide wastewater service to customers billed by East Coventry Township for the same service as described in the Application.
- b. (2) *Checklist Item No. 22.a. – Other requirements. Demonstrate compliance with the following: For wastewater system acquisitions, demonstrate compliance with the DEP-approved Act 537 Official Sewage Facilities Plans for the affected municipalities (including the extent of the requested service territory).* Revise the Application's

Appendix A-22-b to include a copy of the DEP-approved East Coventry Township Act 537 Official Sewage Facilities Plan Special Study for the proposed Parker Ford sewage facilities planning area (Parker Ford Area) along with a copy of the DEP approval letter of the same inclusive of any conditions; and

- c. (3) *Checklist Item No. 22.a. – Other requirements. Demonstrate compliance with the following: For wastewater system acquisitions, demonstrate compliance with the DEP-approved Act 537 Official Sewage Facilities Plans for the affected municipalities (including the extent of the requested service territory).* Revise the Application's Appendix A-22-b to include a copy of the DEP-approved East Coventry Township Act 537 Official Sewage Facilities Plan Special Study that addresses the Application's proposal of East Coventry Township providing wastewater conveyance and treatment bulk service to PAWC-WD via East Coventry Township's ownership of the one-foot section of sanitary sewer pipe as described in the Application along with a copy of the DEP approval letter of the same inclusive of any conditions.

II. SUMMARY OF ARGUMENT

9. Initially, PAWC appreciates that TUS accepted several of the explanations offered in PAWC's response to the second set of TUS data requests and did not condition application acceptance on those bases. PAWC is able to satisfy condition nos. 1 and 2 in the Conditional Acceptance Letter without significant additional delay or difficulty. However, the third condition

in the Conditional Acceptance Letter ("Condition No. 3") exceeds the scope of TUS's completeness review. PAWC files this Petition solely with respect to Condition No. 3.

10. The scope of TUS' authority to review Section 1329 applications is discussed extensively in the Commission's orders at Docket No. M-2016-2543193 ("Act 12 Orders"). The Commission explains:

The Commission would clarify here that [TUS] does not review the veracity or substantive quality of information that an applicant may submit to fulfill the threshold requirements of the Application Checklist. [TUS] is to evaluate only whether the Application Checklist is complete and responsive to the data requested. It shall not refuse to perfect an application on the basis that the Bureau is dissatisfied with the quality of items submitted in response, or whether additional information may later be required.⁴

11. In the Commission's most recent Final Supplemental Implementation Order at Docket No. M-2016-2543193, the Commission further noted:

Acceptance of an application is not dependent upon the content of the responses to these new Checklist Items, but will only note whether the Checklist Items have been completed. As stated in the 2019 FSIO, the Bureau of Technical Utility Services (TUS) does not review the veracity or substantive quality of information that applicants submit to fulfill the Application Filing Checklist; it evaluates whether the Application Filing Checklist is complete.⁵

12. Condition No. 3 exceeds the scope of TUS' completeness review of Section 1329 Applications for the following reasons, which are discussed in more detail below:

⁴ *Implementation of Section 1329 of the Public Utility Code - Tentative Supplemental Implementation Order*, Docket No. M-2016-2543193 (Order entered September 20, 2018) at 15. The subsequent Final Supplemental Implementation Order "did not alter [the Commission's] expectations regarding TUS's reviewing responsibilities of the Application filing." *Application of Aqua Pennsylvania Wastewater, Inc., pursuant to Sections 507, 1103, and 1329 of the Public Utility Code for Approval of its Acquisition of the Wastewater System Assets of the Delaware County Regional Water Quality Control Authority*, Docket No. A-2019-3015173 (Opinion and Order entered Aug. 27, 2020) at fn. 6.

⁵ *Valuation of Acquired Municipal Water and Wastewater Systems – Act 12 of 2016 Implementation*, Docket No. M-2016-2543193 (Opinion and Order entered July 2, 2024) ("2024 FSIO") at 53.

- a. PAWC fully satisfied Checklist Item No. 22.a. in its Application. PAWC's verified Application states that this transaction complies with all DEP-approved Act 537 plans. Requiring PAWC to complete a new Act 537 special study is wholly outside the scope of the application completeness review phase described in the Commission's Act 12 Orders.
- b. Condition No. 3 requires PAWC to prepare an Act 537 special study based on the possibility that East Coventry will retain ownership of a one-foot section of sewage pipe post-closing, which is a situation described in the *Pro Forma* Allocation Agreement attached to the Application. As part of the Application, PAWC offers two alternative contractual arrangements for this transaction, only one of which involves the *Pro Forma* Allocation Agreement. The *Pro Forma* Allocation Agreement is a PUC-jurisdictional contract between a public utility and a municipality that is considered invalid until approved by the Commission pursuant to Section 507 of the Public Utility Code ("Code"). Unless and until the Commission approves the *Pro Forma* Allocation Agreement and the *Pro Forma* Allocation Agreement is the ultimate contractual framework pursued by PAWC and East Coventry, it is an unreasonable use of PAWC's and DEP's time and resources to prepare and evaluate an Act 537 special study related to the *Pro Forma* Allocation Agreement.

Accordingly, to give effect to its Act 12 Orders and consistent with Section 507 of the Code, the Commission must modify the Secretarial Letter to rescind Condition No. 3.

III. ARGUMENT

13. Condition No. 3 of the Conditional Acceptance Letter extends far beyond the scope of confirming completeness for Applicable Checklist items. The condition purports to relate to Checklist Item No. 22.a. of the Commission's 66 Pa.C.S. § 1329 Application Filing Checklist, which directs the applicant "to demonstrate compliance with the DEP-approved Act 537 Plans for the affected municipalities (including the extent of the requested service territory)."⁶

14. PAWC's Application already fully satisfies Checklist Item No. 22.a. Act 537 is a Pennsylvania state law requiring municipalities to develop comprehensive plans to manage existing and future sewage disposal and seek approval of such plans from DEP.⁷ Appendix A-22-a of PAWC's Application states as follows:

PAWC's proposed acquisition of the East Coventry's system is consistent with the contents of the DEP-approved Act 537 Plans for the affected municipalities and the municipally adopted Act 537 Plan for East Coventry to include the Act 537 Plan Special Study for the Parker Ford area. PAWC is proposing no changes to the requested service territory from that which is currently being served by East Coventry and the Parker Ford service area. PAWC will continue to operate the East Coventry system as a sewer system providing service directly to portions of East Coventry Township, exactly as laid out in the DEP-approved Act 537 Plans to include the Act 537 Special Study for the Parker Ford Area. Copies of the plans are provided in **Appendix A-22-b**.

PAWC's response in Appendix A-22-a satisfies Checklist Item 22.a. by explaining that the Application is consistent with East Coventry's DEP-approved Act 537 plans, which were also provided as part of the Application.⁸ That should be the end of TUS' review of this Application Checklist item. Requiring PAWC to complete a new Act 537 special study is wholly outside the

⁶ 2024 FSIO, Appendix A.

⁷ 25 Pa. Code § 71.11.

⁸ PAWC's Application was verified subject to penalty of perjury. *See* Appendix A-2 of the Application. Accordingly, there is no reason for TUS to question the accuracy of PAWC's response in Appendix A-22-a.

scope of TUS' delegated application completeness review authority under the Commission's Act 12 Orders.

15. Under the Act 12 Orders, the Commission explained that TUS should only evaluate whether a Section 1329 application is complete. TUS should not review the "veracity or substantive quality of information that applicants submit to fulfill the Application Filing Checklist."⁹ During TUS' application completeness review, TUS should not review the content of the application, "but will only note whether the Checklist Items have been completed."¹⁰ The Commission further explained that TUS "shall not refuse to perfect an application on the basis that the Bureau is dissatisfied with the quality of items submitted in response, or whether additional information may later be required."¹¹

16. Condition No. 3 of the Conditional Acceptance Letter conflicts with this Commission precedent.¹² As part of TUS' application completeness review, TUS may not refuse to provide final acceptance of the Application because it has an opinion on additional special studies that should be conducted or when such special studies should be filed. Any substantive concerns related to those items are reserved for the litigation phase of this proceeding after PAWC's Application is fully accepted by the Commission.

17. Even if TUS were permitted to conduct a substantive review of Act 537 plans as part of its application completeness review phase (which it is not under Commission precedent), it would be unreasonable for the Commission to require inclusion of this Act 537 special study as part of a Section 1329 application. No Act 537 special study requirement exists under DEP

⁹ 2024 FSIO at 53.

¹⁰ *Id.*

¹¹ *Implementation of Section 1329 of the Public Utility Code - Tentative Supplemental Implementation Order*, Docket No. M-2016-2543193 (Order entered September 20, 2018) at 15.

¹² *See* Conditional Acceptance Letter, pp. 2-3.

regulations to complete an Act 537 special study based on East Coventry's possible retained ownership of a one-foot section of sewer pipe within the East Coventry wastewater system.¹³ DEP has not asked PAWC to complete a special study related to this one-foot section of pipe scenario.

18. The only potentially relevant Act 537 special study TUS could be referring to is a change of ownership Act 537 special study, which PAWC conducts prior to completing most wastewater system acquisitions. However, TUS mandating completion of a change of ownership Act 537 special study prior to accepting PAWC's Section 1329 application would be a significant (and unreasonable) departure from all prior acquisition proceedings. Since Act 12 was enacted, PAWC has acquired 10 wastewater systems pursuant to Section 1329. In each instance where a change of ownership Act 537 special study was completed, the special study was prepared by PAWC during the pendency of the PUC acquisition proceeding with DEP approval not occurring until shortly before closing of the transaction.¹⁴

19. Checklist Item No. 22.a. specifically only requires that the applicant demonstrate compliance with "DEP-approved" Act 537 Plans. PAWC's future Act 537 special study related to the details of its change of ownership has not even been prepared yet, so it certainly is not a "DEP-approved" Act 537 plan that needs to accompany an initial Section 1329 application or that should prevent the Commission's final acceptance of the Application. Moreover, it is not a reasonable interpretation of the Commission's Act 12 Orders to conclude that a change of ownership Act 537 special study, which is not even necessary if the Commission does not approve the transaction,

¹³ East Coventry's potential retention of one-foot of pipe post-closing would have no impact on the operation of the system or its customers.

¹⁴ PAWC reviewed all of its prior 1329 applications and compiled a list of the dates on which the PUC accepted the applications and the dates on which DEP published notice in the Pennsylvania Bulletin or notified PAWC of its approval of the Act 537 special study addressing the change in ownership. In every case, the DEP-approved Act 537 Special Study reflecting the change in ownership followed the PUC Secretarial Letter perfecting the 1329 application. *See* Appendix A of this Petition.

must be completed and approved by DEP in advance of the Commission's acceptance of a Section 1329 application. This change in Section 1329 application requirements would create absurd and impractical results. Condition No. 3 essentially requires DEP to approve an Act 537 special study, which updates municipal plans, to identify PAWC as the owner of the municipal system prior to PAWC's acquisition application even being considered by the PUC.

20. In addition, PAWC's last Section 1329 application in the Elizabeth Borough Municipal Authority ("EBMA") proceeding included very similar facts involving retention of a portion of sewer assets by the Seller and final Commission acceptance of the application was not delayed because of it.¹⁵ In that case, PAWC excluded a portion of a screen unit, consisting of eight-feet of pipe, from the sale to be retained by EBMA.¹⁶ This retained asset did not trigger a demand for an Act 537 special study during the application review phase and the issue of the retained asset was appropriately addressed as a substantive issue on the record before the Administrative Law Judge ("ALJ").¹⁷ The Commission eventually approved the transaction on October 9, 2025 and DEP published notice of its approval of the Act 537 special study addressing the change of ownership on November 1, 2025.¹⁸

21. Condition No. 3 also runs afoul of Section 507 of the Code, which states that all contracts between utilities and municipal entities are invalid unless they are approved by the

¹⁵ In the EBMA case, the Seller retained a screen including eight feet of sewer pipe just before entering the treatment works. In this East Coventry case, East Coventry may ultimately retain one foot of sewer pipe just before entering the treatment works.

¹⁶ *Application of Pennsylvania-American Water Company*, PA PUC Docket No. A-2025-3052983, Recommended Decision (August 22, 2025), at 87; *see also Application of Pennsylvania-American Water Company*, PA PUC Docket No. A-2025-3052983, Final Order (October 9, 2025), at 7; *see also Application of Pennsylvania-American Water Company*, PA PUC Docket No. A-2025-3052983, Asset Purchase Agreement, Appendix A.24.a.1, Schedule 1.4(a) (January 24, 2023).

¹⁷ *Application of Pennsylvania-American Water Company*, PA PUC Docket No. A-2025-3052983, Recommended Decision (August 22, 2025), at 87.

¹⁸ *Pennsylvania Bulletin*, 55 Pa.B. 7611 (November 1, 2025); *see also Application of Pennsylvania-American Water Company*, PA PUC Docket No. A-2025-3052983, Final Order (October 9, 2025).

Commission.¹⁹ In the Application, PAWC is proposing two potential contractual frameworks for wastewater treatment and seeking approval of both: a) a *pro forma* Conveyance and Allocation Agreement by and between PAWC and East Coventry ("*Pro Forma* Allocation Agreement") in which East Coventry would retain ownership of the one-foot section of pipe referenced in Condition No. 3, and b) assignment of an agreement between North Coventry Township, North Coventry Township Municipal Authority ("NCMA") and East Coventry ("NCMA Agreement"), which would not require East Coventry to retain ownership of the one-foot section of pipe.²⁰ In the litigated phase of this proceeding, PAWC will demonstrate that the Commission should approve both agreements under Section 507 of the Code and provide PAWC with the optionality to execute one or the other agreement at closing.

22. PAWC should not be forced to prepare a change of ownership Act 537 special study for a contractual framework that has not yet been approved by the Commission and is therefore currently invalid under Section 507 of the Code. Unless and until the Commission approves the *Pro Forma* Allocation Agreement, it is entirely unreasonable to require PAWC to prepare and file a hypothetical Act 537 special study related to the one-foot of pipe retained by East Coventry under the *Pro Forma* Allocation Agreement, and to force DEP to spend the time and resources associated with reviewing such a special study (which DEP has not even requested). The *Pro Forma* Allocation Agreement is only one of two potential contractual frameworks for wastewater treatment for which PAWC is seeking approval in the Application. If instead PAWC, East Coventry, and NCMA ultimately move forward under an assigned NCMA Agreement, East

¹⁹ 66 Pa.C.S. § 507.

²⁰ PAWC, NCMA, and East Coventry remain in discussions regarding the terms of an NCMA Agreement assignment, which is why PAWC offered two possible contractual frameworks for this system, one in which NCMA and East Coventry remain counterparties to the NCMA Agreement and one in which assignment of the NCMA Agreement from East Coventry to PAWC occurs.

Coventry's continued ownership of the one-foot section of pipe referenced in Condition No. 3 will not even occur.

23. With regard to Checklist Item 22.a., PAWC has provided sufficient documentation and explanation affirming the Application complies with the DEP-approved Act 537 plans for East Coventry. As emphasized by the Commission in its 2024 FSIO, TUS "does not review the veracity or substantive quality of information that applicants submit to fulfill the Application Filing Checklist; it evaluates whether the Application Filing Checklist is complete."²¹ PAWC has thoroughly responded to Checklist Item 22.a. and Condition No. 3 of the Conditional Acceptance Letter should be removed. Any substantive questions about the *Pro Forma* Allocation Agreement, East Coventry's potential retained ownership of one-foot of pipe, and the contents of PAWC's future change of ownership Act 537 special study should be addressed by parties during the litigated phase of this proceeding after PAWC's Application is deemed administratively complete.

IV. CONCLUSION

WHEREFORE, the Pennsylvania-American Water Company respectfully requests the Pennsylvania Public Utility Commission grant the foregoing Petition and order the following:

(1) That Condition No. 3 set forth in the Secretarial Letter dated April 8, 2026 is rescinded; and

(2) That the Secretary issue an amended Secretarial Letter which revises the prior April 8, 2026 Secretarial Letter to remove the requirement for PAWC to revise the Application's Appendix A-22-b to include a copy of the DEP-approved East Coventry Township Act 537 Official Sewage Facilities Plan Special Study that addresses the Application's proposal of East Coventry Township providing wastewater conveyance and treatment bulk service to PAWC-

²¹ 2024 FSIO at 53.

WD via East Coventry Township's ownership of the one-foot section of sanitary sewer pipe as described in the Application along with a copy of the DEP approval letter of the same inclusive of any conditions.

Respectfully submitted,



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Dated: April 28, 2026

Attorneys for Pennsylvania-American Water Company

Appendix A

Wastewater Acquisition	Docket No.	PUC Final Acceptance of Section 1329 Application	DEP Act 537 Plan Special Study Approval for Change of Control*	Pa. Bulletin No.
City of McKeesport	A-2017-2606103	6/14/2017	1/6/2018	48 Pa.B. 44
Sadsbury Township	A-2018-3002437	6/19/2018	1/24/2019	Not Published
Exeter Township	A-2018-3004933	4/16/2019	7/13/2019	49 Pa.B. 3635
Borough of Kane	A-2019-3014248	2/6/2020	7/24/2020	Not Published
Royersford Borough	A-2020-3019634	11/9/2020	2/11/2022	Not Published
Valley Township	A-2020-3020178	5/18/2021	~11/2021	Not Published
City of York	A-2021-3024681	10/29/2021	5/21/2022	52 Pa.B. 2975
Upper Pottsgrove Township	A-2020-3021460	4/14/2021	5/7/2021	Not Published
Butler Area Sewer Authority	A-2022-3037047	5/23/2023	11/25/2023	53 Pa.B. 7292
Elizabeth Borough Municipal Authority	A-2025-3052983	4/28/2025	11/1/2025	55 Pa.B. 7611

*Where available, the approval date reflects the date of publication in the PA Bulletin. For unpublished approvals, the date reflects the date PAWC received notice of approval from DEP.

VERIFICATION

I, Marcus Kohl, hereby state that the facts above set forth in the attached Petition 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 made herein are made subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities.



Marcus Kohl
Senior Principal – Business Development
Pennsylvania-American Water Company

Dated: April 28, 2026