

BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION

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

Case Nos.:

A-2025-3058927

A-2025-3058928

A-2025-3058929

WRITTEN TESTIMONY

Intervener, International Union of Operating Engineers Local 542, Submit the Attached report as written testimony in support of its position.

Respectfully submitted,



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The Essential Utilities–American Water Merger: Implications for Consumers and Workforce

The proposed merger of Essential Utilities and American Water Works Company, Inc. has concerning implications for Pennsylvania private water workers and consumers. In Pennsylvania, the private water market has grown such that one in every three water customers are serviced by a private provider. Aqua PA and Pennsylvania American Water Company, two regional subsidiaries to the companies, are the largest private water companies in the state, serving a total of 4.1 million water and wastewater companies – approximately 19 times the customer base of the next-largest private provider in the state. This document assesses the merger’s likely implications for consumer rates, the structure of Pennsylvania’s private water market and the workforce that operates the affected systems. The analysis draws on the companies’ acquisition record, the surcharge and valuation mechanisms that govern private water pricing, and key studies on mergers with specialized workforces.

Merger Overview:

On November 26, 2025, two of the largest investor-owned water utilities, Essential Utilities, Inc. and American Water Works Company, Inc., filed a joint application with the Pennsylvania Public Utility Commission (PUC) for a change of control of Essential Utilities’ Pennsylvania operations: Aqua Pennsylvania, Inc, Aqua Pennsylvania Wastewater, Inc., and Peoples Natural Gas Company LLC.¹

Pennsylvania represents the largest customer base for both Essential Utilities (Aqua PA) and American Water (Pennsylvania American Water, PAWC). Essential Utilities and American Water Company, through their subsidiaries, serve the most customers out of all private water utility companies in the state. According to self-reporting, Aqua PA serves a total of 1.6 million customers,² and Pennsylvania American Water serves a total of 2.5 million water and wastewater customers.³ Comparatively, the two largest competitors to Aqua and American Water Company in the state, Veolia and York Water Company,⁴ serve 200,000⁵ and 214,000⁶ water and wastewater customers, respectively. The proposed merger of American Water

¹ <https://www.puc.pa.gov/pcdocs/1917185.pdf>

² <https://www.aquawater.com/about-aqua/states-we-serve/aqua-pennsylvania>

³ <https://www.prnewswire.com/news-releases/pennsylvania-american-water-invests-722-million-to-strengthen-water-and-wastewater-service-in-2025-302732821.html>

⁴ <https://www.puc.pa.gov/pcdocs/1899812.pdf>

⁵ <https://www.veolianorthamerica.com/media/press-releases/veolia-expands-financial-assistance-program-now-serves-customers-pennsylvania>

⁶ <https://www.yorkwater.com/community/about-york-water/>

Company and Essential Utilities, Inc. has meaningful implications for competition and market consolidation in Pennsylvania’s private water market.

Pennsylvania’s Private Water Market

While private water companies have operated in Pennsylvania for centuries,⁷ privatization of Pennsylvania’s water systems has accelerated since the 1990s, due to changes in policy and economic conditions that incentivized public authorities to outsource municipally operated water services. Since the 1990s, municipalities have sought privatization due to budget constraints and decreased federal funding for public water systems.⁸ At the same time, the passage of industry-lobbied legislation improved the profitability of privatization in the state, leading incumbent private water companies to expand their service area through the acquisition of smaller publicly owned water systems.

According to a testimony of Pennsylvania Public Utility Commission (PUC) Chairman, Stephen DeFrank, 22 private acquisitions of public water systems were approved by PA PUC, from 2016 to 2023.⁹ By 2022, one in three water customers in Pennsylvania received their water from a private provider.¹⁰ Of the approved PUC acquisition applications from 2016 to 2023, all but two were sold to American Water or Aqua Pennsylvania (Essential Utilities’ PA subsidiary).¹¹

The concurrent trends of consolidation and privatization in the water market raise concerns for consumers and labor market outcomes. Private water utilities increase their profitability primarily through the acquisition of additional water systems, which expand the rate base — the value of utility property on which the company is permitted to earn a regulated return. These acquisitions and the rate increases that have followed them are driven by two Pennsylvania policy mechanisms, discussed in the next section: the fair market valuation methodology established by Act 12, and Distribution System Improvement Charges. Together, these mechanisms create the incentives and the recovery vehicles that make consolidation profitable for private water companies and costly for their customers.

Additionally, the proposed merger may affect the private water utility workforce. The private water utility market in Pennsylvania is already highly concentrated, with four main private providers. The combined customer base of Essential Utilities and American Water Company

⁷ <https://www.yorkwater.com/community/about-york-water/#history-timeline>

⁸ <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

⁹ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

¹⁰ <https://www.thenation.com/article/environment/pennsylvania-water-privatization/>

¹¹ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

in PA would be 19 times the size of the next largest private provider in the state. Due to the skilled and specialized nature of water utility work, empirical research suggests that reduced competition in an already consolidated private market could lead to wage stagnation and a reduction in the labor force's bargaining power. This presents additional problems for labor recruitment in an industry already facing an aging workforce.

Water System Valuation

Two key Pennsylvania policies have a direct bearing on consumer impacts: Distribution Service Improvement Charges (DSIC), and Act 12. Both policies represent significant modifications to water system valuation under private ownership and operation.

Distribution Service Improvement Charges

In 1996, Pennsylvania became the first state to authorize the use of Distribution Service Improvement Charges (DSIC).¹² According to the National Association of Regulatory Utility Commissioners (NARUC), "Distribution System Improvement Charges allow for nonrevenue producing improvements to be funded through interim rate increases which are separate from formal rate case decisions."¹³ Through the use of DSICs, private water utility companies can add automatic surcharges to customer bills prior to PA PUC approval of rate base increases. The introduction of DSICs had noticeable effects on private water providers' rates in Pennsylvania. According to *In the Public Interest*, between 1997 and 2010, "automatic surcharges inflated [Essential Utilities'] base rates by between 7 and 14 percent a year."¹⁴ DSICs allow water companies to increase their rates up to 7.5% of the customer bill without PUC approval.¹⁵

Act 12: Fair Market Value

In 2016, Pennsylvania passed Act 12, amending the Public Utility Code by adding Section 1329. Historically, water systems have been valued using a cost approach, where the value of the system is equal to cost of assets minus depreciation.¹⁶ Act 12 changed the previous water system valuation method to the "fair market value" approach whereby bidders and sellers estimate the appraised value of water systems, which accounts for planned costs of improvements. This method of water system valuation motivates private companies to inflate the value of system improvements to increase the purchase price. For example, in the sale of Limerick's public water system, "Aqua's \$75.1 million bid was 63 percent greater than

¹² <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

¹³ <https://pubs.naruc.org/pub/7B2FB17C-CF7A-CAA6-CF94-7813F0C43C27>

¹⁴ <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

¹⁵ See 66 Pa. C.S. § 1358(a)(1)-(2). see *McCloskey v. Pa. PUC*, 2021 Pa. LEXIS 3071 (Pa. 2021) ("*McCloskey*")

¹⁶ <https://www.phila.gov/media/20210505154831/Combine-May-4-2021-2.pdf>

the system's depreciated cost, or book value, and \$23 million more than the next closest bid.”¹⁷

The new valuation method for private water systems affects the calculation of rate base. Rate base is “the value of property upon which a utility is permitted to earn a specified rate of return.”¹⁸ Under fair market valuation, for newly acquired systems in Pennsylvania, the accepted purchase price becomes the rate base, subject to negotiation by the Pennsylvania Public Utilities Commission.¹⁹ Using the example above, even following downward negotiation of the rate base during Limerick Township's water system acquisition, the approved rate base was \$64,373,378, still \$6,546,378 higher than the next closest bid for the system, and \$29,026,380.37 more than the system's depreciated cost.²⁰

Claimed Benefits of Merger²¹

Rate freeze

The joint applicants have stated several assurances of consumer protection under the merger. For example, the joint applicants asserted that “[t]he proposed Merger will not have any adverse impact on Aqua PA's or Peoples' rates.” Their justification for their position is that “[t]he Commission-approved rates, rules and regulations, and the terms and conditions of service in effect when the Merger closes will not change as a result of the Merger.”²²

The above statement fails to reference American Water's November 2025 application for a rate increase, filed with the Pennsylvania PUC on 11/14/2025. According to the PUC, the rate increase “would increase PAWC's total annual operating revenue for water service by approximately \$152.4 million, or 16.1%.”²³ American Water's application for a rate increase came weeks after American Water and Essential Utilities, Inc. publicly announced the merger.²⁴ American Water's rate increase application is currently being investigated by the Pennsylvania PUC.²⁵ The proposed rate, which PUC believes “may be unlawful, unjust,

¹⁷ <https://chesterwater.com/a-pa-law-sets-off-a-feeding-frenzy-for-public-water-systems-will-customers-pay-the-cost/>

¹⁸ <https://www.nasuca.org/wp-content/uploads/2025/02/Rate-Base-Overview-Slide-Deck-NASUCA-Feb-2025-2025.02.24-v2.0.pdf>

¹⁹ <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

²⁰ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

²¹ <https://www.puc.pa.gov/pdocs/1904170.pdf>

²² <https://www.puc.pa.gov/pdocs/1904170.pdf>

²³ <https://www.puc.pa.gov/pdocs/1904829.pdf>

²⁴ <https://www.essential.co/node/28781/html>

²⁵ <https://www.puc.pa.gov/press-release/2025/puc-to-investigate-pa-american-water-s-rate-increase-request-for-water-and-wastewater-service-12-4-2025>

unreasonable, and contrary to public interest,”²⁶ may have been affected by plans of the merger.

Further, the claim that rates cannot increase because Commission-approved rates will not change fails to consider the alternative means of increasing rates that are available to private companies, such as Distribution Service Improvement Charges.²⁷ Automatic surcharges may still increase up to 7.5% of the customer bill, absent approval of the PUC. Therefore, while Aqua Pennsylvania and American Water Company have stated that their rates will not increase due to the merger, once merged, charges to customers may still increase through unregulated automatic surcharges.

Future Rates

While Aqua PA claims that their rates will not be adversely affected, the historical pattern suggests that rate increases follow from mergers. As previously explained, acquisitions affect the growth of base rates. Since the passage of Act 12, private companies have been able to bid at high rates for water systems. Private companies can pass off the costs associated with pricey acquisitions to consumers through higher rates.²⁸

Aqua Pennsylvania and American Water Company have increased their market power and consumer base in Pennsylvania’s water utility market, while also continuing to increase their rates. The pattern of rate increases seen in Aqua PA and PAWC water and wastewater systems contradicts their claims of affordability, which have justified consolidation efforts. Notably, 18 of the 20 American Water and Aqua PA wastewater and water system acquisitions reviewed during the 2023 Testimony of PUC Chairman DeFrank had at least one rate increase from 2016 to 2023. The average yearly rate increase for these systems was 23%. The cumulative average rate increase for these systems from 2016 to 2023 was 95.11%, with one system’s rates increasing as much as 166.60% over a four-year period.²⁹

Scale Efficiencies

The joint applicants made additional claims that “the Merger will enable them to achieve efficiencies in the future, the benefit of which will accrue to Aqua PA and Peoples and ultimately flow to customers in future rate cases.”

While scale efficiencies are often invoked in discussions of privatization and market consolidation in the water utility industry, review of Aqua PA and American Water’s systems

²⁶ <https://www.puc.pa.gov/pcdocs/1904829.pdf>

²⁷ <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

²⁸ <https://inthepublicinterest.org/wp-content/uploads/2024/07/0624-Water-Report.f2.pdf>

²⁹ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

in practice contradicts this claim. Larger water systems do not always lead to lower rates for customers. This can be seen through the York City Sewer System, which was sold to Pennsylvania American Water Company in July of 2021.³⁰ At the time of Stephen DeFrank's 2023 testimony, the York City Sewer System was the largest public system acquired by a private company following the passage of Act 12. The system serviced 13,747 customers, the most customers out of all the water and wastewater systems reviewed. However, due to the high purchase price of \$235,000,000, and the approved rate base at 99% of the purchase price, the York City Sewer System had the highest rate base per customer (RBPC) of all the private systems reviewed. Following American Water's acquisition of the system, customers' bills increased 84.20%, for an average yearly increase of 42%. See *Table* (page 9-11) for data on rate increases from 2016 to 2023 resulting from the acquisition of public systems by American Water Company and Aqua Pennsylvania.³¹

According to Essential Utilities' CEO, in discussion of the merger filed with the SEC, the company's rate base growth "will be driven primarily by investment in our existing systems and supplemented by our water and wastewater system acquisition programs."³² Through merging, Essential Utilities and American Water Company—already the two dominant water utility companies in Pennsylvania—will have virtually no competition for the acquisition of public water systems in the state. The combined customer base of Essential Utilities and American Water Company in PA is 19 times the size of the next largest private provider in the state.³³ Their combined market power will allow them to increase their rate base through further acquisitions, which they can pass on to customers through high rate increases, following the initial fixed rate period. Essential Utilities and American Water leadership have claimed that the combination of the companies will benefit customers by spreading price increases across their customer base.³⁴ However, when looking at Pennsylvania American Water Company and Aqua Pennsylvania Water acquisitions, systems with the most customers had some of the highest resulting RBPC, and correspondingly high rate increases.³⁵

Labor Force Outcomes from Mergers and Acquisitions

³⁰ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

³¹ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

³² <https://www.essential.co/node/28786/html>

³³ Based on self-reported customer metrics from PA American Water, Aqua PA, and York Water Company websites, see *supra* notes 2-6.

³⁴ <https://www.essential.co/node/28786/html>

³⁵ https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

The water utility workforce, those who maintain, repair, and replace water systems, require training that is industry specific, with specialized skills and knowledge developing on the job. According to a Brookings report, “Employed across 212 different occupations, including plumbers, electricians, and instrument technicians, water workers embody many of the skilled trades.”³⁶ The water utility workforce must also adapt their skills to keep up with system demands given the volatility of water supply and quality due to climate change, pollution and aging infrastructure.

The specialized nature of water utility work makes the threats of an aging workforce for this crucial industry even more pronounced. The median age for water occupations is above the national median, and a Brookings Institution analysis predicted that water utilities “must fill 9,200 water treatment operator jobs annually” to keep up with the retirement rate.³⁷ According to the EPA, “Currently, water utilities face challenges in recruiting, training, and retaining employees. These challenges are exacerbated with roughly one-third of the water sector workforce eligible to retire in the next 10 years.”³⁸

While there have been no comprehensive studies of the effects of water utility companies’ mergers on outcomes for workers, Prager & Schmidt (2021) evaluated wage effects from mergers in an industry with another specialized skilled workforce—the hospital industry.³⁹ Workers with skills tied to industry are seen to be negatively affected by mergers and acquisitions because of the reduction in bargaining power. As explained by Shampine et al. (2022), “In the labor context, for example, an employee who quits might know that a firm across the street is hiring. If, however, that outside firm disappears, the employee’s next best option might be inferior, worsening his or her bargaining position. This could happen in a merger if, for example, the merger eliminated an attractive alternative source of employment for some employees.”⁴⁰ Prager & Schmidt found that wage stagnation is attenuated by the effects of unionization, concluding that “high levels of unionization appear to meaningfully attenuate the estimated post-merger reductions in wage growth.”⁴¹

Prager & Schmidt (2021) found that the effects of market concentration on wage stagnation held true in mergers in the top 25% of changes in concentration. The merger of American

³⁶ <https://www.brookings.edu/articles/water-workforce/>

³⁷ <https://uswateralliance.org/wp-content/uploads/2024/02/Toward-a-Strong-and-Equitable-Water-Workforce.pdf>

³⁸ <https://www.epa.gov/sustainable-water-infrastructure/water-infrastructure-sector-workforce>

³⁹ <https://www.americanbar.org/content/dam/aba/publications/antitrust/magazine/2022/june/workers-wages-mergers.pdf>

⁴⁰ <https://www.americanbar.org/content/dam/aba/publications/antitrust/magazine/2022/june/workers-wages-mergers.pdf>

⁴¹ <https://www.americanbar.org/content/dam/aba/publications/antitrust/magazine/2022/june/workers-wages-mergers.pdf>

Water and Essential Utilities is likely to produce a significant effect on concentration due to the current consolidated nature of Pennsylvania's private water utility market. Given the highly skilled and specialized nature of water utility work, combined with the industry's aging workforce, a significant change in market concentration could negatively affect wage growth for utility workers. Any reduction in bargaining power resulting from the merger could worsen existing challenges in recruiting and replacing the aging workforce. This is particularly applicable if the merged company fails to honor existing labor relations.

Pennsylvania Water Utility Bill Analysis for Private Acquisitions of Water and Waste Water systems, 2016 - 2023⁴²

date filed	buyer	seller	purchase price	approved rate base	customers	RBPC	Cumulative Bill Difference (\$) ⁴³	Cumulative % Change in bill ⁴⁴	bill difference (yearly average) \$ ⁴⁵	bill difference (yearly average) % ⁴⁶
12/19/2016	APW	New Garden Township Municipal Authority	29,500,000	29,500,000	2,106	14,007.60	61.42	93.80%	8.77	13%
5/22/2017	APW	Limerick Township	75,100,000	64,373,378	5,434	11,846.41	39.27	113.80%	6.56	19%
5/25/2017	PAWC- WD	Municipal Authority of the City of McKeesport	159,000,000	158,000,000	12,780	12,363.07	65.10	130.60%	10.85	22%

⁴² Columns 1-7 sourced from *Table 1: Filed Section 1329 Application Information* and columns 8-9 sourced from *Table 2: Section 1329 Application Bill Analysis*, “Stephen DeFrank Testimony before a public hearing of the Pennsylvania House Consumer Protection, Technology & Utilities Committee”, December 12, 2023, https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

⁴³ The bill difference is the difference between the initial water utility bill for the system pre-acquisition and the most recent utility bill for the system post-acquisition at the time of testimony (December 2023). Difference in bill calculated in *Table 2: Section 1329 Application Bill Analysis*, https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

⁴⁴ Cumulative % change in bill is the percentage change in bill from date filed to date of testimony, calculated in *Table 2: Section 1329 Application Bill Analysis*, https://www.pahouse.com/files/Documents/Testimony/2023-12-11_091351_Testimony%20on%201862,%201863,%201864,%201865.pdf

⁴⁵ The yearly average bill difference takes the bill difference described in *supra note 43*, and divides it by the years of change (year of testimony (2023) – year of date filed (column 1))

⁴⁶ Bill difference (yearly average) % takes the percent change in rates given the yearly average bill increase described in *supra note 45*.

5/2/2018	APW	East Township	Bradford Township	5,000,000	5,000,000	1,248	4,006.41	30.60	44.90%	6.12	9%
6/7/2018	PAWC- WD	Sadsbury Township	Sadsbury Township	8,300,000	8,600,000	998	8,316.63	40.30	54.00%	8.06	11%
9/26/2018	PAWC- WD	Exeter Township	Exeter Township	92,000,000	93,500,000	9,015	10,205.21	71.82	166.60%	14.36	33%
1/2/2019	PAWC	Steelton Authority	Steelton Borough	20,500,000	21,750,000	2,472	8,292.88	44.23	149.20%	11.05	37%
3/13/2019	APW	Cheltenham Township	Cheltenham Township	44,558,258	50,250,000	10,219	4,360.33	23.57	68.20%	5.89	17%
7/30/2019	APW	East Township	East Norriton Township	20,750,000	21,000,000	4,966	4,178.41	27.36	77.60%	6.84	19%
12/2/2019	PAWC- WD	Kane Municipal Authority	Kane Borough	17,560,000	17,560,000	2,019	8,697.37	62.49	122.50%	15.62	31%
7/14/2020	PAWC- WD	Royersford Borough	Royersford Borough	13,000,000	13,000,000	1,620	8,024.69	22.70	75.70%	7.56	25%
10/9/2020	PAWC	Valley Township	Valley Township	7,325,000	7,325,000	1670	4,386.23	27.04	93.40%	9.01	31%
10/9/2020	PAWC- WD	Valley Township	Valley Township	13,950,000	13,950,000	3,125	4,464.00	54.14	89.10%	18.04	30%

11/24/2020	PAWC- WD	Upper Pottsgrove Township	13,750,000	13,750,000	1,600	8,593.75	41.00	63.10%	13.66	21%
7/1/2021	PAWC- WD	York City Sewer Authority	235,000,000	231,500,000	13,747	16,840.04	27.00	84.20%	13.5	42%

PAWC = Pennsylvania American Water Company; **APW** = Aqua Pennsylvania Water; **WD** = Waste Division

VERIFICATION

I, Adam Warner, am one of the principal authors of the foregoing report which I did the research for. The contents of the above report are true and accurate to the best of my knowledge, recollection, and belief.



Adam Warner

DATE: 5/20/2026

VERIFICATION

I, Annabelle Derby, am one of the principal authors of the foregoing report which I did the research for. The contents of the above report are true and accurate to the best of my knowledge, recollection, and belief.

Annabelle Derby
Annabelle Derby

DATE: May 20, 2026

CERTIFICATE OF SERVICE

I, Louis Agre, certify that I caused to be served a true and correct copy of the foregoing

International Union of Operating Engineers Local 542's submission of testimony

on all interested parties in accordance with the requirements of 52 Pa. Code §§ 1.54 by electronic mail to the individuals listed below on all interested parties in accordance with the requirements of 52 Pa. Code §§ 1.54 by electronic mail to the individuals listed below.

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