

On April 1, 2026, the International Union of Operating Engineers Local 542 (Local 542) filed a Petition to Intervene Out of Time.

On May 5, 2026, Louis Agre, Esquire, counsel for Local 542, testified at a public input hearing and offered as an exhibit a ten-page report entitled “The Essential Utilities-American Water Merger: Implications for Consumers and Workforce.” The Joint Applicants objected to Mr. Agre’s testimony and the admission of the document. The Administrative Law Judge presiding over the public input hearing is not one of the presiding officers assigned to this matter and did not rule on the objections or the admissibility of the document.

On May 6, 2026, the undersigned ALJs issued an Interim Order granting Local 542’s Petition to Intervene.

On May 14, 2026, Local 542 filed a Motion to Introduce Report, attaching the document as Attachment A.

On May 20, 2026, Local 542 filed with the Commission a copy of the document, which it referred to as testimony. The May 20, 2026 filing included two signed verifications, one signed by Adan Warner and one signed by Annabelle Derby.

On May 26, 2026, the Commission issued a Further Telephonic Prehearing Conference Notice, scheduling a conference for May 29, 2026. The presiding officers emailed the parties advising the purpose of the conference was to discuss the document and its admissibility.

On May 29, 2026, a prehearing conference was convened as scheduled. Counsel was present on behalf of the following parties: Joint Applicants, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, CAUSE-PA, the Municipalities, Chester Water Authority, the Township of Lower Makefield, and Local 542.

After discussion the parties agreed to treat the document as written direct testimony. Local 542 agreed to be subject to discovery on the contents of the document and to make the individuals listed on the signed verifications available for cross-examination.

Further, the parties agreed that the Motion filed on May 14, 2026, was moot.

Finally, with regard to the testimony provided by Mr. Agre at the public input hearing, the Joint Applicants indicated this testimony may be the subject of a future motion to strike. As of the date of the May 29, 2026, conference, the transcript for the public input hearing had not yet been filed. The presiding officers explained to the parties that when the transcript was filed, they would set a deadline for the filing of any motions to strike Mr. Agre’s testimony, as well as a deadline for Local 542’s response.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Introduce Report filed by the International Union of Operating Engineers Local 542 on May 14, 2026, is dismissed as moot.

Date: May 29, 2026

/s/
Emily I. DeVoe
Administrative Law Judge

Date: May 29, 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 May 6, 2026

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