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CORPORATE SUCCESSOR LIABILITY DECLARATION AND FORMAL OBJECTION

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION (PUC)

IN RE: Joint Application of *American Water Works Company, Inc.* and *Essential Utilities, Inc.*
DOCKET NOS: A-2025-3058927, A-2025-3058928, A-2025-3058929
AGAINST: *Aqua Pennsylvania, Inc.* (as Corporate Successor by Absorption of the Territory and Obligations of Rutherford Heights Water Supply Company).

TO THE HONORABLE BOARD OF COMMISSIONERS:

The undersigned, acting in the legal capacity of holder and legitimate creditor of the **Five Per Cent First Mortgage Gold Bond** issued on May 1, 1911, by the foundational corporation ***Rutherford Heights Water Supply Company***, respectfully submits before this Commission the official **Corporate Lineage and Structural Succession** that directly binds said unredeemed mortgage liability to the current applicant, *Aqua Pennsylvania, Inc.*:

I. CORPORATE LINEAGE AND CHAIN OF TITLE (1911 – 2026)

1. **May 1, 1911 – Origin of the Primary Lien:** The ***Rutherford Heights Water Supply Company*** legally issues the Gold Bond secured by a First Mortgage encumbering all of its properties, rights of way, water infrastructure, and regulatory franchises.
2. **December 28, 1925 – Legal Reorganization:** Following a foreclosure sale of the assets and franchises of Rutherford Heights, the purchasers formally reorganize the corporation under the name ***Harrisburg Suburban Water Company***.

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3. **February 16, 1926 – Public Service Commission Approval:** The predecessor of this Commission formally approves the reorganization. From this date forward, *Harrisburg Suburban Water Company*assumes exclusive operational control of the Rutherford water territory, carrying forward all real encumbrances attached to the infrastructure.

4. **Absorption and Consolidation by Aqua Pennsylvania, Inc.:** Through systematic utility acquisitions in the Harrisburg metropolitan area, ***Aqua Pennsylvania, Inc.*** (previously known in its corporate expansion tree as *Philadelphia Suburban Water Company*) acquired and integrated into its commercial network all assets, rights-of-way, distribution rights, and plants originally belonging to *Harrisburg Suburban Water Company* (and consequently, *Rutherford Heights*).

5. **Structure of the Current Applicant:** *Aqua Pennsylvania, Inc.* operates today as a direct subsidiary of the public utility holding company ***Essential Utilities, Inc.*** (formerly *Aqua America, Inc.*), which is currently a joint applicant in the massive merger transaction pending before this PUC.

II. LEGAL ARGUMENT: THE LIEN FOLLOWS THE ASSET (*SUCCESSOR LIABILITY*)

The joint corporate applicants attempt to dismiss this financial obligation by citing the historical age of the debt or through corporate restructuring defenses. However, under Pennsylvania corporate and property law, the following irrefutable principles apply:

- **Franchise Successor Liability:** When *Aqua Pennsylvania, Inc.* took control of the physical assets and the regulated monopoly of water supply in the historical territories of *Rutherford Heights*, the economic benefit of exploiting the service became inextricably linked to the financial burdens that originally funded the construction of that very network.
- **Absence of Accounting Redemption:** Because there is no official record of payment, discharge, or cancellation regarding the first mortgage of the bond (which originally matured on May 1, 1941), the lien remains an active cloud upon the rights-of-way and utility infrastructure that currently enrich *Essential Utilities, Inc.*. A change in corporate names does not dissolve a real debt attached to the land and the public franchise.

III. FORMAL RELIEF REQUESTED

Therefore, the Petitioner formally requests that the PUC enter an Order to:

1. **Compel** *Aqua Pennsylvania, Inc.* and its parent company *Essential Utilities, Inc.* to submit a historical audit report verifying the legal satisfaction or discharge of the secured obligations of *Rutherford Heights Water Supply Company*.

2. **Condition** any final approval of the Certificate of Public Convenience in this joint merger proceeding upon the applicants settling or depositing in escrow the adjusted value of the 1911 gold bond in favor of its legitimate holder.

Respectfully Luis Francisco's

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