

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Emily I. DeVoe and Ann Quimby, Presiding

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	A-2025-3058927 A-2025-3058928 A-2025-3058929
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PROPOSED ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of the Petition of the County of Delaware, the County of Montgomery and East Whiteland Township (collectively, the “Objecting Municipal Intervenors”) to mark the Principal Brief of the Objecting Municipal Intervenors as *nunc pro tunc* filed on September 22, 2026 (the “Petition”), and any opposition thereto, it is hereby **ORDERED** and **DECREED** that said Petition is **GRANTED** and Objecting Municipal Intervenors’ Principal Brief is treated as filed on September 22, 2026.

BY THE COURT:

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Honorable Emily I. DeVoe and Ann Quimby, Presiding

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

A-2025-3058927
A-2025-3058928
A-2025-3058929

**PETITION OF THE COUNTY OF DELAWARE, THE COUNTY OF MONTGOMERY,
AND EAST WHITELAND TOWNSHIP TO MARK PRINCIPAL BRIEF OF
INTERVENORS FILED *NUNC PRO TUNC***

Intervenors the County of Delaware, the County of Montgomery and East Whiteland Township (collectively, the “Objecting Municipal Intervenors”) respectfully submit this Petition to mark their Principal Brief as *nunc pro tunc* filed on September 22, 2026, and in support thereof aver as follows:

1. On or about August 28, 2026, American Water Works Company, Inc. (“American Water”), Essential Utilities, Inc., f/k/a Aqua America, Inc. (“Essential”), Aqua Pennsylvania, Inc. (“Aqua PA”), Aqua Pennsylvania Wastewater, Inc. (“Aqua PA Wastewater”), Peoples Natural Gas Company LLC (“Peoples”), and Alpha Merger Sub, Inc. (collectively, the “Joint Applicants”), notified the Honorable Emily I. DeVoe and the Honorable Ann Quimby that they had reached a non-unanimous settlement agreement (the “Settlement”) with the Bureau of Investigation and

Enforcement (“I&E”), the Office of Consumer Advocate (“OCA”), and the Office of Small Business Advocate (“OSBA”).

2. The Joint Petitioners submitted their a joint petition for approval of the Settlement on September 15, 2026.

3. On September 22, 2026 at approximately 3:30 pm, the Objecting Municipal Intervenors timely served Judges DeVoe and Quimby and all parties to this proceeding with their Principal Brief in opposition to the Settlement (“Principal Brief”). *See* September 22, 2026 email, attached as Exhibit “1.”

4. On September 22, 2026 at approximately 3:32 pm, the Objecting Municipal Intervenors submitted a filing with the Commission that included a Certificate of Service evidencing that their Principal Brief had been served upon all parties, but which inadvertently did not include the Principal Brief. *See* September 22, 2026 Certificate of Service Filing Confirmation, attached as Exhibit “2.”

5. As a result, on September 23, 2026, Objecting Municipal Intervenors filed a copy of their Principal Brief and accompanying exhibits with the Commission. *See* September 23, 2026 Principal Brief Filing Confirmation, attached as Exhibit “3.”

6. Objecting Municipal Intervenors now respectfully seek to have the filing date of the Principal Brief marked *nunc pro tunc* as filed as of September 22, 2026, the date of (a) timely service upon Judges DeVoe and Quimby and all parties and (b) the Objecting Municipal Intervenors’ filing submission which inadvertently omitted the Principal Brief itself.

7. 52 Pa. Code § 1.1 et seq. governs the rules of administrative practice and procedure before the Commission.

8. 52 Pa. Code § 1.2(a) states that the Commission’s procedural rules in Title 52 shall be “liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.”

9. In addition, the Commission’s regulations state that the “Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedures which does not affect the substantive rights of the parties.” *Id.*

10. Moreover, 52 Pa. Code § 1.2(c) similarly provides that the “Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party.”

11. As all parties and Judges DeVoe and Quimby were in possession of Objecting Municipal Intervenors’ Principal Brief at that time and prior to any deadline for said filing, no party has been prejudiced by the later filing of the Principal Brief with the Commission, nor would any party be prejudiced by the *nunc pro tunc* marking of the Principal Brief as filed on September 22, 2026.

12. Consequently, no party’s substantive rights have been affected in connection with the filing of Objecting Municipal Intervenors’ Principal Brief, nor would any substantive rights be affected by the relief Objecting Municipal Intervenors seek herein.

WHEREFORE, Intervenors the County of Delaware, the County of Montgomery and East Whiteland Township respectfully request that the Pennsylvania Public Utility grant the instant Petition and mark the Principal Brief of Objecting Municipal Intervenors as *nunc pro tunc* filed on September 22, 2026.

Respectfully submitted,

/s/ Matthew Olesh

Matthew S. Olesh, Esquire (PA I.D. 206553)

Thomas Wyatt, Esquire (PA I.D. 89342)

James Pringle, Esquire (PA I.D. 331236)

OBERMAYER REBMANN

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James.Pringle@obermayer.com

*Counsel for County of Delaware, East Whiteland
Township, and Montgomery County*

Dated: September 28, 2026

CERTIFICATE OF SERVICE

I, Matthew Olesh, Esq., hereby certify that I have served a true and correct copy of the foregoing Petition upon all parties to this proceeding in accordance with the requirements of 52 Pa. Code §§ 1.54 (relating to service by a party) via electronic mail.

Dated: September 28, 2026

/s/ Matthew Olesh
Matthew Olesh, Esquire

EXHIBIT 1

Pringle, James

From: Pringle, James
Sent: Tuesday, September 22, 2026 3:30 PM
To: 'Laura Edinger'; DeVoe, Emily; Quimby, Ann; caeberly@pa.gov; ken.kulak@morganlewis.com; mark.lazaroff@morganlewis.com; catherine.vasudevan@morganlewis.com; brooke.mcglinn@morganlewis.com; astahl@aquaamerica.com; kajoyce@essential.co; meagan.moore@peoples-gas.com; akanagy@postschell.com; glent; hwilburn; egrecu@postschell.com; sgranger@pa.gov; sgray; hbreitman; jcheskis; jlonghurst; CZook@paoca.org; PAWCAquaExternal@paoca.org; samuel.pasquarelli@sgkpc.com; Wyatt, Thomas; Olesh, Matthew; Selmasska, Matthew; kkent@clarkhill.com; jjesiolowski@clarkhill.com; mike@murphymaddren.com; mbc@curtinheefner.com; apg@curtinheefner.com; adn@curtinheefner.com; sean@skilkennylaw.com; alex@skilkennylaw.com; louagrelaw@gmail.com; tmartini@clarkhill.com
Cc: PULP
Subject: Main Brief of the County of Montgomery, County of Delaware, and Eastland Township - Docket Nos. A-2025-3058927; 28, & 29
Attachments: PUC - Main Brief of Delco, MontCo, East Whiteland Township.pdf

Good afternoon,

Attached please find the Main Brief in Opposition submitted on behalf of the County of Montgomery, County of Delaware, and East Whiteland Township. Included herewith is a cover letter and certificate of service.

If you have any issues accessing this file, please let me know.

Best regards,



James “Jay” Pringle

Associate

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1500 Market Street | Suite 3400

Philadelphia, PA 19102-2101

215.665.3209 tel | 215.665.3165 fax

james.pringle@obermayer.com | www.obermayer.com

EXHIBIT 2

Pringle, James

From: eFile@pa.gov
Sent: Wednesday, September 23, 2026 2:42 PM
To: Pringle, James
Cc: Richardson, Mackenzie
Subject: E-file Confirmation for 3187865

Importance: High

WARNING: This email originated from an external sender. Exercise caution before clicking links or opening attachments. When in doubt, contact the IT department.

Dear James G. PRingle,

Your eFiling has been successfully filed on Wed Sep 23 12:04:15 EDT 2026.
You may view this Filing at

[Main Brief - Municipal Intervenors](#) and the Case details are: {Bp8CaseID=3058927, DocketNumber=A-2025-3058927}

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Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

EXHIBIT 3

Pringle, James

From: eFile@pa.gov
Sent: Thursday, September 24, 2026 2:06 PM
To: Pringle, James
Cc: Richardson, Mackenzie
Subject: E-file Confirmation for 3187661

Importance: High

WARNING: This email originated from an external sender. Exercise caution before clicking links or opening attachments. When in doubt, contact the IT department.

Dear James G. PRingle,

Your eFiling has been successfully filed on Tue Sep 22 15:31:47 EDT 2026.

You may view this Filing at

[COS to Main Brief - Delaware County, Montgomery County & East Whiteland Twp](#) and the Case details are: {Bp8CaseID=3058927, DocketNumber=A-2025-3058927}{Bp8CaseID=3058928, DocketNumber=A-2025-3058928}{Bp8CaseID=3058929, DocketNumber=A-2025-3058929}

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Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*