

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of American Water	:	
Works Company, Inc., Essential Utilities,	:	
Inc., Aqua Pennsylvania, Inc., Aqua	:	
Pennsylvania Wastewater, Inc., Peoples	:	A-2025-3058927
Natural Gas Company LLC and Alpha	:	A-2025-3058928
Merger Sub, Inc. for a Certificate of	:	A-2025-3058929
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	:	

**INTERIM ORDER
CLOSING THE RECORD AND GRANTING THE PETITION OF THE COUNTY OF
DELAWARE, COUNTY OF MONTGOMERY, AND EAST WHITELAND TOWNSHIP
TO MARK PRINCIPAL BRIEF FILED NUNC PRO TUNC**

Note: Please refer to the Commission’s docket for a complete list of all filings, parties, and events.

An evidentiary hearing was held in the above-captioned matter on August 4, 2026. The following parties were present and represented by counsel: American Water Works Company, Inc., Alpha Merger Sub, Inc., Essential Utilities, Inc., Aqua Pennsylvania, Inc., Aqua Pennsylvania Wastewater, Inc., Peoples Natural Gas, LLC. (collectively, Joint Applicants); the Bureau of Investigation and Enforcement (BIE); the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA); and the City of Butler, City of Delaware, Whiteland Township, Manchester Township, Spring Garden Township, West Manchester Township, and York Township. The following parties were not

present: East Norriton Township, the Chester Water Authority, Upland Borough, Township of Lower Makefield, and the International Union of Operating Engineers, Local 542.

On August 25, 2026, the presiding Administrative Law Judges (ALJs) issued an Interim Order providing instructions for briefs.

On August 25, 2026, counsel for the Joint Applicants contacted the ALJs via email and indicated the Joint Applicants reached a Non-Unanimous Settlement with OCA and BIE. Counsel further indicated CAUSE-PA, East Norriton Township, and Local 612 did not oppose the settlement and other parties were in the process of confirming their position regarding the settlement. Counsel noted Chester Water Authority was the only party that had confirmed it would oppose the settlement.

On August 27, 2026, counsel for the Joint Applicants provided additional information via email, and indicated that Manchester Township, North York Borough, Spring Garden Township, West Manchester Township, and York Township would be joining the settlement.

On August 28, 2026, the ALJs issued an Interim Order providing updated instructions for briefs. The Interim Order indicated the Joint Petition for Non-Unanimous Settlement and Statements in Support were due September 15, 2026, Main Briefs were due September 22, 2026, and Reply Briefs were due September 29, 2026.

On September 15, 2026, a Joint Petition for Non-Unanimous Settlement was filed.

On September 15, 2026, CAUSE PA filed a letter of non-opposition to the Joint Petition for Settlement.

On September 22, 2026, letters indicating parties were not filing Main Briefs were filed by OSBA, BIE, OCA, and CAUSE-PA.

On September 22, 2026, Joint Applicants and the Chester Water Authority filed Main Briefs.

On September 22, 2026, Delaware County, Montgomery County and East Whiteland Township (Objecting Intervenor) filed a Certificate of Service for their Main Brief (and emailed a copy of their Main Brief to the parties and ALJs.)

On September 23, 2026 Objecting Intervenor filed their Main Brief with the Secretary of the Commission.

On September 23, 2026, Manchester Township, North York Borough, Spring Garden Township, West Manchester Township and York Township (York Intervenor) filed a Statement of Partial Joinder to Joint Applicants' Proposed Non-Unanimous Settlement Agreement.

On September 28, 2026, Objecting Intervenor filed a Petition to Mark Principal Brief of Intervenor Filed *Nunc Pro Tunc*. Objecting Intervenor reported their Main Brief was inadvertently not filed with the Commission timely. Instead, only the Certificate of Service indicating that the Main Brief had been served on all parties was filed on the September 22, 2026 due date. Objecting Intervenor indicated their Main Brief was timely served on all parties, and requested that the Main Brief be marked as *nunc pro tunc*.

On September 29, 2026, letters indicating parties would not file Reply Briefs were filed by OSBA, BIE, CAUSE-PA, and OCA.

On September 29, 2026, Reply Briefs were filed by the Objecting Intervenor and the Joint Applicants.

On September 29, 2026, Counsel for Chester Water Authority indicated to the ALJs via email that Chester Water Authority does not object to the Objecting Intervenor's Petition to Mark Principal Brief of Intervenor Filed *Nunc Pro Tunc*.

Discussion

52 Pa. Code § 1.2(c) allows a presiding officer to disregard procedural defects when doing so does not adversely affect the substantive right of any party. The filing of the Main Brief of Objecting Intervenors a day late does not delay the proceeding. There have been no assertions that there is a due process concern due to the late filing. While an error on the part of counsel is not a sufficient reason to excuse a late filing, the late filing has no apparent consequence of significance on any party. Accordingly, Objecting Intervenors' Main Brief will be marked as *nunc pro tunc* filed on September 22, 2026.

Additionally, upon a review of the hearing transcript and the evidentiary record, it appears that it is appropriate to close the evidentiary record and to issue a recommended decision in this proceeding.

THEREFORE,

IT IS ORDERED:

1. That the Main Brief of Delaware County, Montgomery County and East Whiteland Township is considered to be *nunc pro tunc* filed on September 22, 2026.
2. That the record at Docket Nos. A-2025-3058927, A-2025-3058928, and A-2025-3058929 is closed.
3. That a Recommended Decision will be entered in this proceeding.

Date: October 1, 2026

_____/s/
Emily I. DeVoe
Administrative Law Judge

_____/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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