



ZWICKLAW

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September 24, 2018

C.J. ZWICK, ESQ.
E-mail: cjz@zwick-law.com

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Pa. Public Utility Commission v. Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc.; Docket Nos. R-2018-3003558 and R-2018-3003561

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced proceedings, is the **Petition to Intervene** of the Treasure Lake Property Owners Association, Inc.

Copies have been served in accordance with the Certificate of Service.

If you have any questions, please do not hesitate to contact me.

With regards, I am

Very truly yours,

C.J. Zwick

CJZ/kkz

Enclosure

cc: Office of Administrative Law Judge
Per the Certificate of Service
File

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY
COMMISSION**

v.

**AQUA PENNSYLVANIA, INC. AND AQUA
PENNSYLVANIA WASTEWATER, INC.**

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**DOCKET NOS. R-2018-3003558
R-2018-3003561**

**PETITION TO INTERVENE OF
TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.71-5.74, Treasure Lake Property Owners Association, Inc. (“TLPOA” or “Association”), hereby files this Petition to Intervene in the above-captioned proceeding. In support thereof, TLPOA states as follows:

1. Petitioner is Treasure Lake Property Owners Association, Inc.
2. The names and address of the Petitioner’s counsel are:

C.J. Zwick, Esquire
Matthew R. Zwick, Esquire
Zwick & Zwick LLP
171 Beaver Drive
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DuBois, PA 15801
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TLPOA requests that the names and address of its counsel be added to all service lists maintained by the Pennsylvania Public Utility Commission (“PUC” or “Commission”) and all

other parties in this proceeding. TLPOA also requests that all documents, including documents previously filed, as well as those filed hereafter in this proceeding, be served upon its counsel.

3. TLPOA is a non-profit, non-stock Pennsylvania corporation, with a principal address of 13 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.

4. TLPOA was incorporated on May 20, 1968, as the homeowners association for the Treasure Lake Subdivision, which is an eight-thousand-acre subdivision located in Sandy Township, Clearfield County, Pennsylvania. The Treasure Lake Subdivision is comprised of both residential lots and recreational vehicle lots.

5. The members of TLPOA, and the Association itself, are customers of Aqua Pennsylvania, Inc. and Aqua Pennsylvania Wastewater, Inc. (collectively referred to as “Aqua” or “Company”); therefore, TLPOA, has a direct interest in the Commission’s disposition of the proposed Tariff Supplement.

6. On August 17, 2018, Aqua filed a general rate case with the Commission, seeking, *inter alia*, “an overall rate increase of \$71.8 million per year in total for all of its water and wastewater operations.”

7. The Company asserts that its requested rate increase, if approved by the Commission, would have the following impacts for residential customers:

- a. “the typical water bill for residential customers with a 5/8” meter using 4,080 gallons a month would increase from \$27.20 to \$43.31 per month[,]” which results in an average increase of \$16.11 per month (*i.e.*, an increase of 59.22% per month); and
- b. “the typical wastewater bill for residential customers with a 5/8” meter using 3,000 gallons a month would increase from \$40.52 to \$53.80 per month[,]”

which results in an average increase of \$13.28 per month (*i.e.*, an increase of 32.77% per month).

8. Upon review of the Tariff Supplement filed by the Company, TLPOA submits that the rates proposed therein are unjust, unreasonable and inconsistent with the Public Utility Code, sound ratemaking principles and public policy.

9. Eligibility to intervene in Commission proceedings is governed by the PUC's rule at 52 Pa. Code § 5.72. Under Section 5.72, a "right or interest" that is sufficient to warrant intervention includes: "[a]n interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding."

10. This proceeding involves important issues of concern for the Association and its members, not only because TLPOA and its members have direct and substantial interests in the outcome of the proceeding, but also because TLPOA and its members will be bound by the Commission's final ruling on these matters.

11. As a direct customer and a representative association of many other customers of Aqua whose rates will be directly impacted by the proposed rates increases, TLPOA has direct and substantial interests in this proceeding that cannot be adequately represented by any other party. TLPOA has a direct interest in the outcome of the PUC's review of these rate increase proposals, and, therefore, the Association has a right to participate as a party in this proceeding.

12. TLPOA, as a party whose members may experience significant increases in their water and wastewater rates, and who – itself – is a direct customer of the Company, should be afforded an opportunity to participate in this proceeding and be heard on any issues that may directly affect the interests of customers prospectively.

WHEREFORE, the Treasure Lake Property Owners Association, Inc., respectfully requests that the Pennsylvania Public Utility Commission grants this Petition to Intervene and provide the Association with full party status in this proceeding.

Respectfully submitted,

ZWICK & ZWICK LLP

Dated: 9-24-18

By 


C.J. Zwick, Esquire
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*Counsel for Treasure Lake Property Owners
Association, Inc.*

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CLEARFIELD)

C.J. Zwick, Esquire, being duly sworn according to law, deposes and says that he is counsel to Treasure Lake Property Owners Association, Inc. and that in this capacity he is authorized to and does make this affidavit for it, and that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of his knowledge, information and belief.



C.J. Zwick, Esquire

SWORN TO and subscribed
before me this 24th day of
September, 2018.



Notary Public

(SEAL)

Commonwealth of Pennsylvania - Notary Seal
Kathleen K. Zwick, Notary Public
Clearfield County
My commission expires May 22, 2022
Commission number 1283840
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that, this 24th day of September, 2018, I have served copies of the **PETITION TO INTERVENE**, of Treasure Lake Property Owners Association, Inc., on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC AND FIRST-CLASS MAIL

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VIA FIRST-CLASS MAIL ONLY

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Respectfully submitted,

ZWICK & ZWICK LLP

By 

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