

100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166 Tel: 717.232.8000 • Fax: 717.237.5300 Matthew L. Garber Direct Dial: 717.237.5270 mgarber@mcneeslaw.com

December 18, 2018

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

RE: Pennsylvania Public Utility Commission v. Aqua Pennsylvania, Inc.;

Docket Nos. R-2018-3003558; C-2018-3004981

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission please find AQUA Large Users Group's ("Aqua LUG") updated Appendix A to Aqua LUG's Complaint in the above-referenced proceeding. The purpose of this amendment is to update the list of Aqua LUG members included in the Aqua LUG Complaint. Since filing the Complaint, Main Line Health, GlaxoSmithKline, and Villanova University have joined Aqua LUG. This filing therefore amends Appendix A of the Aqua LUG Complaint to include all current Aqua LUG members.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By

Matthew L. Garber

Counsel to Aqua Large Users Group

### Enclosures

c: Administrative Law Judge Angela T. Jones (via E-mail and First Class Mail)
Administrative Law Judge F. Joseph Brady (via E-mail and First Class Mail)
Certificate of Service

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission : Docket No. R-2018-3003558 Aqua Large Users Group : Docket No. C-2018-3004981

:

Aqua Pennsylvania, Inc.

V.

## **AMENDMENT TO COMPLAINT**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

- 1. On September 27, 2018, pursuant to Section 701 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 701, and Sections 5.21 and 5.22 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code §§ 5.21 & 5.22, the Aqua Large Users Group ("Aqua LUG" or "Complainant") submitted its Complaint ("Aqua LUG Complaint") against Tariff Water Pa. PUC No. 2.
- 2. On October 12, 2018, Administrative Law Judges ("ALJ") Angela T. Jones and F. Joseph Brady issued a Prehearing Order, in which Aqua LUG and other complainants and intervenors to the Aqua Pennsylvania, Inc. ("Aqua") rate proceeding docketed at No. R-2018-3003558 were deemed active participants of the Aqua rate proceeding.
- 3. Since the filing of the Aqua LUG Complaint, Main Line Health, GlaxoSmithKline, and Villanova University ("Additional Aqua LUG Members") joined Aqua LUG for the purpose of participating in this proceeding. The Additional Aqua LUG Members intend to participate in this proceeding as members of Aqua LUG.
- 4. The Additional Aqua LUG Members are institutional customers receiving water service from Aqua. Like other Aqua LUG members, the Additional Aqua LUG Members use

substantial amounts of water, and any modification to Aqua's terms of service may have a significant impact on all Aqua LUG members' cost of doing business.

- 5. Pursuant to Section 5.91 of the Commission's regulations, 52 Pa. Code § 5.91, Aqua LUG hereby submits this amendment to the Aqua LUG Complaint, modifying Appendix A of the Aqua LUG Complaint to include the Additional Aqua LUG Members as members of Aqua LUG. A copy of the amended Appendix A is attached hereto.
- 6. Aqua LUG will update Appendix A throughout the course of this proceeding, as necessary.

WHEREFORE, the Aqua Large Users Group requests that the Complaint of the Aqua Large Users Group be amended as described herein.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By

Adeolu A. Bakare (I.D. No. 208541) Charis Mincavage (I.D. No. 82039) Matthew L. Garber (I.D. No. 322855)

100 Pine Street P. O. Box 1166

Harrisburg, PA 17108-1166

Phone: (717) 232-8000 Fax: (717) 237-5300 abakare@mcneeslaw.com cmincavage@mcneeslaw.com mgarber@mcneeslaw.com

Counsel to Aqua Large Users Group

Dated: December 18, 2018

## **AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA	)
	) ss
COUNTY OF DAUPHIN	)

Matthew L. Garber, being duly sworn according to law, deposes and says that he is Counsel to the Aqua Large Users Group and, that in this capacity he is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Matthew L. Garber

SWORN TO and subscribed

before me this 18th day

of December, 2018.

Notary Public

(SEAL)

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Lisa R. Barker, Notary Public

City of Harrisburg, Dauphin County

My Commission Expires Nov. 5, 2020

## **APPENDIX A**

# MEMBERS OF AQUA LARGE USERS GROUP

Thomas Jefferson University
Main Line Health
GlaxoSmithKline
Villanova University

### CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

## VIA E-MAIL AND FIRST-CLASS MAIL

Kimberly A. Joyce, Esq.
Alexander R. Stahl, Esq.
Renee Marquis, Manager
Aqua America, Inc.
762 Lancaster Avenue
Bryn Mawr, PA 19010-3489
kajoyce@aquaamerica.com
rtmarquis@aquaamerica.com

Anthony C. DeCusatis, Esq.
Catherine G. Vasudevan, Esq.
Brooke E. McGlinn, Esq.
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
anthony.decusatis@morganlewis.com
catherine.vasudevan@morganlewis.com
brooke.mcglinn@morganlewis.com

Michael W. Hassell, Esq. Garrett P. Lent, Esq. Post & Schell 17 North Second Street, 12<sup>th</sup> Floor Harrisburg, PA 17101-1601 mhassell@postschell.com glent@postschell.com

Christine M. Hoover, Esq. Phillip D. Demanchick, Esq. Office of Consumer Advocate 555 Walnut Street Forum Place, 5<sup>th</sup> Floor Harrisburg, PA 17101-1923 <a href="mailto:choover@paoca.org">choover@paoca.org</a> pdemanchick@paoca.org

John Evans
Sharon Webb, Esq.
Erin K. Fure, Esq.
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
jorevan@pa.gov
swebb@pa.gov
efur@pa.gov

Carrie B. Wright, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
carwright@state.pa.us

David P. Zambio, Esq.
Jonathan P. Nase, Esq.
Christine Soares, Esq.
Cozen O'Connor, PC
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

Susan Simms Marsh, Esq.
Pennsylvania-American Water Company
800 West Hershey Park Drive
Hershey, PA 17033
susan.marsh@amwater.com

Certificate of Service Page 2

C.J. Zwick, Esq. Law Office of C.J. Zwick 171 Beaver Drive DuBois, PA 15801 cjz@zwick-law.com

John W. Sweet, Esq.
Patrick M. Cicero, Esq.
Elizabeth R. Marx, Esq.
Kadeem G. Morris, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net

The Links at Gettysburg Master Association c/o Coyd Vance
13 Lookout Court
Gettysburg, PA 17325

John F. Povilaitis, Esq. Buchanan Ingersoll & Rooney 409 North Second Street, Suite 500 Harrisburg, PA 17101-1357 John.Povilaitis@bipc.com

Jonathan Foster Sr., Esq. Foster Law Office 303 S. Keystone Avenue Sayre, PA 18840 jonathan.sr@fosterslawfirm.com

Matthew L. Garber

Counsel to Aqua Large Users Group

Dated this 18<sup>th</sup> day of December, 2018, at Harrisburg, Pennsylvania.