

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

**Valuation of Acquired Municipal Water &  
Wastewater Systems – Act 12 of 2016  
Implementation**

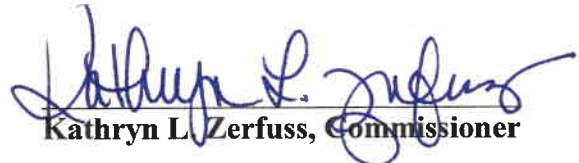
**Public Meeting held February 1, 2024  
Agenda No. 3045922-CMR  
Docket No. M-2016-2543193**

**STATEMENT OF COMMISSIONER KATHRYN L. ZERFUSS**

I take this opportunity to emphasize that the Commission is taking the concerns raised by all parties related to water acquisitions under Section 1329 of the Public Utility Code very seriously. We are evaluating all of our options to address these concerns, but I note that the confines of the statute limit our authority to make changes. That said, I think that the revisions proposed today to our existing process are a positive step forward and I want to express my support – especially for any enhanced, meaningful public engagement.

Even with these proposed revisions, I want to highlight my position that this Commission must carefully evaluate each of these cases and determine whether the acquiring public utility has established its burden of proof under applicable balancing test. This has been outlined in recent caselaw. Significantly, in *Cicero v. Pa. PUC*, 2023 WL 5302323 (Pa. Cmwlth. 2023) (*Cicero*), the Commonwealth Court upheld prior precedent that the substantial affirmative public benefits of a proposed acquisition must outweigh the acknowledged harms resulting from the acquisition. It is incumbent on this Commission to apply the current caselaw.

**DATE: February 1, 2024**

  
**Kathryn L. Zerfuss, Commissioner**