

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:		
Office of Consumer Advocate	:		
	:		
v.	:	Docket No.	R-2016-2538660
	:		C-2016-2540738
Community Utilities of Pennsylvania Inc.	:		
Water Division	:		

---

**JOINT STIPULATION FOR ADMISSION  
OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD  
(PUBLIC VERSION)**

---

**TO THE HONORABLE ERANDA VERO:**

This Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record ("Joint Stipulation") is entered into by Community Utilities of Pennsylvania Inc. Water Division ("CUPA" or "Company"); the Bureau of Investigation & Enforcement ("I&E"); and the Office of Consumer Advocate ("OCA") (hereinafter collectively referred to as the "Joint Petitioners"), by their respective counsel, in connection with the above-captioned matter. The Joint Petitioners respectfully request that Administrative Law Judge Eranda Vero admit into the evidentiary record of this proceeding the previously distributed written testimony and exhibits prepared by CUPA's witnesses' as identified below. In support of this request, the Joint Petitioners aver and state as follows:

1. On or about April 6, 2016, CUPA filed Supplement No. 1 to Tariff Water – Pa. PUC No. 1, to become effective on June 5, 2016. This filing contained proposed changes in rates, rules, and regulations intended to unitize rates between its two existing service territories, Penn Estates Utilities, Inc. ("Penn Estates") and Utilities, Inc. – Westgate ("Westgate") and

produce \$427,817 in additional annual operating revenues based on a historic test year ending December 31, 2015, a future test year ending December 31, 2016, and fully projected future test year ending December 31, 2017.

2. On April 19, 2016, the OCA filed a Formal Complaint and Public Statement in this proceeding (C-2016-2540738). On that same day, I&E filed a Notice of Appearance. On May 23, 2016, Guillermo Barbosa filed a Formal Complaint at docket no. C-2016-2548235. On May 26, 2016, Erle Grubb filed a Formal Complaint at docket no. C-2016-2548262. On May 27, 2016, Yvette Lawson filed a Formal Complaint at docket no. C-2016-2549382. On June 6, 2016, Adrian and Diane Martenco filed a Formal Complaint at docket no. C-2016-2549995.

3. On April 19, 2016, I&E filed a Notice of Appearance in this proceeding.

4. By Order entered May 5, 2016, the Commission suspended the filing by operation of law until January 5, 2017, and instituted an investigation to determine the lawfulness, justness and reasonableness of the proposed rates, rules, and regulations.

5. On June 8, 2016, a prehearing conference was held before the Honorable Eranda Vero (“ALJ Vero”). All Parties attended the prehearing conference.

6. At the prehearing conference a litigation schedule was set based on the filing of Reply Briefs by September 22, 2016.

7. Pursuant to the litigation schedule adopted in this proceeding, the Company served the Direct Testimony of Steven M. Lubertozzi (CUPA Statement No. 1); Direct Testimony of Chuck Madison (CUPA Statement No. 2); Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Confidential); and, Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Public) on June 16, 2016.

8. During the course of this proceeding, the Company provided sworn answers to numerous sets of discovery propounded by the OCA and I&E.

9. Following the service of CUPA's direct testimony, negotiations took place among the parties seeking to achieve a full settlement of the rate case.

10. As a result of the afore-mentioned negotiations, the parties were able to agree to resolve all issues in the case, resulting in a comprehensive settlement ("Settlement").

11. The Joint Petitioners notified ALJ Vero of the Settlement, informed her that they would be submitting a Joint Petition for approval of the Settlement ("Joint Petition"), and requested that the hearings scheduled in this matter be cancelled.

12. On August 18, 2016, ALJ Vero issued an Order suspending the litigation schedule pending the filing of a Joint Petition for Settlement and supporting documents.

13. In support of the Settlement, each Joint Petitioner will submit, as an appendix to the Joint Petition, individual Statements in Support of the Settlement. If Administrative Law Judge Vero and the Commission approve the terms and conditions set forth in the Joint Petition without modification, this matter will be deemed to be fully resolved and no hearings will be held in connection with the Company's rate increase request.

14. In order to further support the Settlement, the Joint Petitioners hereby stipulate to the admission into the evidentiary record of the Direct Testimony of Steven M. Lubertozzi (CUPA Statement No. 1); Direct Testimony of Chuck Madison (CUPA Statement No. 2); Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Confidential); and, Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Public) attached thereto. For this purpose, full copies of the Direct Testimonies and Exhibits, along with an affidavit, are attached hereto for filing with the Commission.

NOW, THEREFORE, desiring to enter into this Joint Stipulation and intending to be bound hereby, the Joint Petitioners agree and stipulate to the following with respect to this proceeding:

A. That, upon the issuance of a separate Order or the inclusion of a provision in the Recommended Decision to be issued by Administrative Law Judge Eranda Vero in the above-captioned matter approving the Settlement, Direct Testimony of Steven M. Lubertozzi (CUPA Statement No. 1); Direct Testimony of Chuck Madison (CUPA Statement No. 2); Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Confidential); and, Direct Testimony of Brian Halloran (CUPA Statement No. 3 including Exhibits)(Public) attached thereto, shall be deemed to be made a part of the official evidentiary record of this proceeding and may be used for all proper and legal purposes in support of the Settlement and Joint Petition as if hearings had been conducted in this matter; and

B. By entering into this Joint Stipulation, no Joint Petitioner makes any precedential concession or admission as to the correctness or sufficiency of the law, facts, positions or assumptions upon which the other Joint Petitioners' testimony statements, exhibits or positions in this matter may be based. In addition, the Joint Petitioners agree that this Joint Stipulation may not be cited as precedent in any future proceeding, except to the extent required to implement and enforce the Joint Stipulation.

By their signatures below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients/offices.

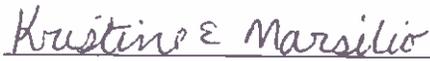
Respectfully submitted,



Thomas J. Sniscak, Esq., I.D. #33891  
William E. Lehman, Esquire, I.D. #83936  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
Phone: 717-236-1300  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[welehman@hmslegal.com](mailto:welehman@hmslegal.com)

*Counsel for  
Community Utilities of Pennsylvania Inc. Water Division*

(Dated) 9.13.16



Christine Maloni Hoover, Esquire  
Kristine E. Marsilio, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-783-5048  
[choover@paoca.org](mailto:choover@paoca.org)  
[kmarsilio@paoca.org](mailto:kmarsilio@paoca.org)

(Dated) 9/13/16



Phillip C. Kirchner, Esquire  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: 717-787-8754  
[phikirchne@pa.gov](mailto:phikirchne@pa.gov)

(Dated) 9/13/16