**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :

 :

 v. : R-2017-2595853

 :

Pennsylvania American Water Company :

 :

 :

The Pennsylvania Office of Consumer :

Advocate :

 v. : C-2017-2603058

 :

Pennsylvania American Water Company :

 :

 :

The Pennsylvania Office of Small :

Business Advocate :

 :

 v. : C-2017-2603512

 :

Pennsylvania American Water Company :

**ORDER GRANTING PETITION TO INTERVENE**

**OF AK STEEL CORPORATION**

 On April 28, 2017, Pennsylvania-American Water Company (Water and Wastewater), Utility Codes 212285 and 230073, filed Original Tariff Water-Pa. P.U.C. No. 5 and Original Tariff Wastewater-Pa. P.U.C. No. 16 to become effective June 27, 2017. The subject tariffs will increase Pennsylvania-American Water Company’s (hereinafter PAWC) total annual operating revenues by approximately $107.9 million, or 16.4%, above the level of pro forma revenues for the fully projected future test year ending December 31, 2018.

 On May 8, 2017, the Office of Consumer Advocate filed a Formal Complaint at Docket No. C-2017-2603058. The Office of Small Business Advocate filed a Formal Complaint docketed at C-2017-2603512 on May 10, 2017. Other formal complaints were also filed. Pursuant to Public Utility Code 66 Pa. C.S. § 1308(d), the filing was suspended by operation of law until January 27, 2018.

 On May 25, 2017, a prehearing conference was held at the Commission’s Harrisburg, Pennsylvania, office. A litigation schedule was established, and other matters were agreed to by the parties. An Order issued June 14, 2017 confirmed the litigation schedule and those matters resolved at the prehearing conference.

 On June 1, 2017, AK Steel Corporation (AK Steel) filed both a Notice of Appearance and a Petition to Intervene.

DISCUSSION

 The Commission's Rules of Practice and Procedure permit petitions to intervene. 52 Pa. Code §§ 5.71-5.76 The provision at 52 Pa. Code § 5.72 governs which persons or entities are eligible to intervene in a proceeding and states as follows:

**§ 5.72. Eligibility to intervene.**

(a) *Persons*. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An 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.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

(b) *Commonwealth*. The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to paragraphs (1)-(3).

 Allowance of intervention is a matter within the discretion of the Commission. *City of Pittsburgh v. Pennsylvania Pub. Util. Comm'n,* 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pennsylvania Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth. 1972).

 In its Petition, AK Steel states that it is the largest industrial customer on PAWC’s system, and that the rates paid by AK Steel for water service will be significantly affected if the Commission approves the requested rate increase. Thus, AK Steel maintains that it has a direct and substantial interest in the Commission’s determination in this matter. AK

Steel states that its interest cannot adequately be represented by any other party to this proceeding. Petition at ¶ 5; p. 2.

 AK Steel requests that service be made on:

David F. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255

Fax: 513.421.2764

Email: dhoehm@BKLlawfirm.com

The Commission’s regulation at 52 Pa. Code § 5.66(a) states:

A party may file an answer to a petition to intervene within 20 days of service, and in default thereof, may be deemed to have waived objection to the granting of the petition. Answers shall be served upon all other parties.

 No party to this proceeding has filed an objection to the requested intervention.

 AK Steel’s interests in these proceedings are of such a nature that intervention is necessary and appropriate under 52 Pa. Code § 5.72(2). In its Petition, AK Steel accepts the record as it stands and the agreements and resolution of issues made at the prehearing conference of May 24, 2017.

CONCLUSIONS OF LAW

 1. The Commission has jurisdiction over the parties to these proceedings. 66 Pa. C.S. §§ 1102, 1103.

 2. Allowance of intervention is a matter within the discretion of the Commission. *City of Pittsburgh v. Pennsylvania Pub. Util. Comm'n*, 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pennsylvania Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth. 1972).

 3. The Petition to Intervene of AK Steel Corporation in the above-captioned matters sets forth sufficient grounds for intervention in this proceeding. 52 Pa. Code

§ 5.72**(**a)(2).

ORDER

 THEREFORE,

 IT IS ORDERED:

 1. That the Petition to Intervene filed by AK Steel Corporation in the above-captioned matters is granted.

Date: July 24, 2017 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Dennis J. Buckley

 Administrative Law Judge

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Benjamin J. Myers

 Administrative Law Judge

**R-2017-2595853 – Pennsylvania Public Utiltiy Commission v Pennsylvania American Water Company**

***Revised 6/30/17***

ANTHONY C DECUSATIS ESQUIRE

BROOK E MCGLINN ESQUIRE

MORGAN LEWIS AND BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103

**215-963-5234**

***Accepts e-Service***

SUSAN SIMMS MARSH ESQUIRE

PENNSYLVANIA AMERICAN WATER CO

800 HERSHEY PARK DRIVE

HERSHEY PA 17033

**717.531.3208**

***Accepts e-Service***

CHRISTINE M HOOVER ESQUIRE

OFFICE OF CONSUMER ADVOCATE

5TH FLOOR FORUM PLACE

555 WALNUT STREET

HARRISBURG PA 17101

**717-783-5048**

**C-2017-2603058**

***Accepts e-Service***

ELIZABETH ROSE TRISCARI ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

300 NORTH SECOND STREET SUITE 202

HARRISBURG PA 17101

**717.783.2525**

**C-2017-2603512**

GINA L MILLER ESQUIRE

PA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

400 NORTH STREET

HARRISBURG PA 17120

**717-783-8754**

***Accepts e-Service***

ADEOLU A BAKARE ESQUIRE

MCNEES WALLACE & NURICK LLC

PO BOX 1166

HARRISBURG PA 17108-1166

**717.232.8000**

***Accepts e-Service***

**C-2016-2606016**

*(For PAWLUG)*

DAVID F BOEHM ESQUIRE

BOEHM KURTZ & LOWRY

36 E SEVENTH STREET SUITE 1510

CINCINNATI OH 45202

**513.421.2255**

***Accepts e-Service***

(*FOR AK STEEL CORP)*

DAVID P ZAMBITO ESQUIRE

COZEN O’CONNOR

17 N SECOND STREET SUITE 1410

HARRISBURG PA 17101

**717.703.5892**

***Accepts e-Service***

*(FOR PAWC)*

NOEL NETEL

4167 BROOK CT

TOBYHANNA PA 18466-3051

**C-2017-2601550**

***Accepts e-Service***

BARBARA MCDADE

863 NORTH STREET

LUZERNE PA 18709

**C-2017-2603050**

THERESA SYLVESTER

1418 ELIZABETH STREET

SCRANTON PA 18504

**C-2017-2603078**

DOLORES LANDIS

2615 DOGWOOD LANE

EAST NORRITON PA 19401-1720

**C-2017-2603587**

JOHN HOOKS

437 EAST WINTER AVENUE

NEW CASTLE PA 16105

**C-2017-2603669**

CASEY HOGAN

337 EAST CHESTNUT STREET

COATESVILLE PA 19320

**484-557-4612**

**C-2017-2604355**

S STOCKTON ALLOWAY

755 MAIN STREET

PARKESBURG PA 19365

**C-2017-2604423**

FRED WESNER

PO BOX 61

5 WALNUT STREET

MCEWENSVILLE PA 17749

**C-2017-2604854**

MICHAEL SAVILLE

1126 WYOMING AVENUE

EXETER PA 18643-1918

**C-2017-2604937**

THOMAS YENCHICK

45 SECOND AVENUE

ROYERSFORD PA 19468

**C-2017-2605826**

***Accepts e-Service***

PAUL J WALASKI

65 DEPOT STREET

FOREST CITY PA 18421

**C-2017-2607003**

GAIL PURDY

612 CAMPBELL STREET

SCRANTON PA 18505

**C-2017-2607376**

RONALD RUSSO

1172 AUDUBON DRIVE

SOUTH ABINGTON TOWNSHIP PA 18411

**C-2017-2607392**

STEPHEN R SCHWARZ

9756 LELAND TERRACE

TOBYHANNA PA 18466

**C-2017-2607408**

BARRY FENICLE

405 BENYOU LANE

NEW CUMBERLAND PA 17070

**C-2017-2607439**

MARGARET L O’LEARY

79 VICTORIA STREET

WASHINGTON PA 15301-4348

**C-2017-2607455**

DELORES FERRARO

1447 ELIZABETH STREET

SCRANTON PA 18504

**C-2017-2608009**

HOFMANN INDUSTRIES INC

3145 SHILLINGTON ROAD

SINKING SPRING PA 19608

PHILIP J EDWARDS ESQUIRE

ROLAND STOCK PC

627 N FOURTH STREET

READING PA 19608

*(For Hofmann Industries Inc)*

**C-2017-2608461**

NANCY BRUCE HARRIS

1410 ROSTRON DRIVE

PITTSBURGH PA 15241

**C-2017-2608964**

VIRGINIA H COZZI

2214 SCARBOROUGH WAY

BUSHKILL PA 18324

**C-2017-2608986**

RAYMOND SAUNDERS

5132 OAKLEY COURT

BUSHKILL PA 18324

**C-2017-2609614**

REMEDIOS E LEYNES

4167 JUDGE STREET APT 60

ELMHURST NY 11373

**C-2017-2609712**

ALICE PIPER

2211 EXETER COURT

BUSHKILL PA 18324

**C-2017-2609820**

ALFRED KUMP

129 REGENT STREET

BUSHKILL PA 18324

**C-2017-2609834**

PHILIP CODELKA

5224 SCENERY DRIVE

PITTSBURGH PA 15236-2333

**C-2016-2610380**

ANGEL L PARDELLAS

304 MANCHESTER DRIVE

BUSHKILL PA 18324

**C-2017-2610358**

RONALD J SERAFIN

1016 MORGAN DRIVE

WILKES-BARRE PA 18705-3828

**C-2017-2611289**

LINDA WADDINGTON-TULLY

ROBERT TULLY

PO BOX 573

BUSHKILL PA 18324

**C-2017-2611329**

DAVID DULEBOHN

24 LAURELWOOD DRIVE

LAFLIN PA 18702-7216

**C-2017-2611486**

***Accepts e-Service***

SHANNON BROWN ESQUIRE

406 HIGHLAND AVENUE

CLARKS SUMMIT PA 18411

**C-2017-2611572**

***Accepts e-Service***

MARIA SALVE

217 EAST FOURTH STREET

BRIDGEPORT PA 19405

**C-2017-2611604**

***Accepts e-Service***

MICHAEL C POPE

8607 SPRUCE MILL DRIVE

YARDLEY PA 19067

**C-2017-2611968**