**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission (water) : R-2019-3008947

Office of Consumer Advocate : C-2019-3009591

:

v. :

:

Community Utilities of Pennsylvania, Inc. (water) :

and

Pennsylvania Public Utility Commission :

(wastewater) : R-2019-3008948

Office of Consumer Advocate : C-2019-3009592

:

v. :

:

Community Utilities of Pennsylvania, Inc. :

(wastewater) :

**PREHEARING ORDER No. 3**

**Admitting Late Filed Exhibits**

On April 1, 2019, Community Utilities of Pennsylvania Inc. (CUPA), filed Supplement No. 5 to Tariff Water–Pa. P.U.C. No. 1 to become effective June 1, 2019. The subject tariff supplement would increase CUPA’s total annual operating revenues for water service by approximately $362,019, or 26.34%.

Also on April 1, 2019, Community Utilities of Pennsylvania Inc. – Wastewater Division (CUPA-WD), filed Supplement No. 3 to Tariff Wastewater–Pa. P.U.C. No. 1 to become effective June 1, 2019. The subject tariff supplement would increase CUPA-WD’s total annual operating revenues for wastewater service by approximately $378,770, or 20.8%.

On May 1, 2019, the Office of Consumer Advocate (OCA) filed formal Complaints, Public Statements, Verifications, and Notices of Appearance on behalf of Christine Hoover, Esq. The Complaints were docketed at C-2019-3009591 and C-2019-3009592.

By Orders entered May 9, 2019, the Pennsylvania Public Utility Commission (Commission) instituted an investigation into the lawfulness, justness, and reasonableness of rates, rules, and regulations contained in CUPA’s proposed Supplement No. 5 to Tariff Water–Pa. P.U.C. No. 1 and CUPA-WD’s proposed Supplement No. 3 to Tariff Wastewater–Pa. P.U.C. No. 1. Pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S.A. § 1308(d), both Tariffs were suspended by operation of law until January 1, 2020, unless permitted by Commission Order to become effective at an earlier date. In addition, the Commission ordered that the investigation include consideration of the lawfulness, justness and reasonableness of the existing rates, rules, and regulations of CUPA and CUPA-WD. The matter was assigned to the Office of Administrative Law Judge for the prompt scheduling of hearings culminating in the issuance of a Recommended Decision.

In accordance with the Commission’s May 9, 2019 Order, the matter was assigned to Administrative Law Judge F. Joseph Brady.

On May 14, 2019, and May 15, 2019 a Notice and Prehearing Conference Order were issued, respectively, scheduling an initial prehearing conference for Tuesday, May 28, 2019 at 10:00 a.m.

On May 24, 2019, Prehearing Memoranda were filed by CUPA, the OCA, and the Bureau of Investigation and Enforcement (BIE).

A dual location Prehearing Conference was held on May 24, 2019. Counsel for CUPA, the OCA, and the BIE participated.

On May 28, 2019, Allison C. Kaster, Esquire, filed a Notice of Appearance on behalf of the BIE.

On June 4, 2019, Prehearing Order No. 2 was issued memorializing the matters decided and agreed upon by the parties attending the May 24, 2019 Prehearing Conference.

On July 15, 2019, Public Input Hearings were held at the Penn Estates Community Center in East Stroudsburg, PA at 1:00 p.m. and the Hanover Township Community Center in Bethlehem, PA at 6:00 p.m.

During the Penn Estates Public Input Hearing, the record was held open for the admission of documents related to the testimony of four consumers, subject to any objections of the Company. (See e.g. Tr. at 45-46). On July 22, 2019, Mr. Demanchick provided and requested the admission into the record of the following documents:

1. **Krupinski Exhibit No. 1** – As discussed by Ms. Krupinksi, the Company performed several tests of the water quality at her tap. (Tr. at 41). The attached exhibit is a copy of the test results performed on August 8, 2018. Also attached to this exhibit is a copy of the Annual Water Quality Report for 2017.
2. **Nevil Exhibit No. 1** – As discussed by Ms. Nevil and other consumers during the public input hearing, the Company issued a water conservation notice asking consumers to conserve water and check for water leaks in the area. (Tr. at 62). The attached exhibit is an e-mail from the Company indicating that the water conservation notice was lifted as of July 15, 2019.
3. **Holloway Exhibit No. 1** – As discussed by Ms. Holloway, she received a letter from the Company indicating there was an elevated risk of disease-causing organisms in the water. (Tr. at 70). The attached exhibit is that letter from the Company.
4. **Holloway Exhibit No. 2 (Redacted)** – Ms. Holloway also stated that the Company was assessing late fees on her water bills on numerous occasions, even though she had paid on time. (Tr. at 69-70). The attached exhibit includes several months of water bills, as well as the checks to pay that bill, and the corresponding late fee.
5. **Bruno Exhibit No. 1** – Ms. Bruno indicated in her testimony that she received a water quality report from the Company stating that the Arsenic level of the water was elevated. (Tr. at 79). Attached is the Annual Water Quality Report for 2018 that Ms. Bruno referenced. This exhibit includes identifying marks made by the consumer.

On July 25, 2019, Counsel for CUPA and the BIE indicated that they did not have any objections to the admission of the forgoing documents. Accordingly, they shall be admitted.

THERERFORE,

IT IS ORDERED:

That the Exhibits identified as: Krupinski Exhibit No. 1; Nevil Exhibit No. 1; Holloway Exhibit No. 1; Holloway Exhibit No. 2 (Redacted); and Bruno Exhibit No. 1 are hereby admitted into the record.

Date: August 1, 2019 /s/

F. Joseph Brady

Administrative Law Judge

**Pa.P.U.C. v. Community Utilities of PA**

**Docket Nos. R-2019-3008947, -3008948**

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